

# STATE OF NEW YORK

7728

2019-2020 Regular Sessions

## IN ASSEMBLY

May 17, 2019

Introduced by M. of A. BUTTENSCHON, GUNTHER -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to the establishment of the independent intellectual and developmental disability ombudsman program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The mental hygiene law is amended by adding a new section  
2 33.29 to read as follows:

3 § 33.29 Independent intellectual and developmental disability ombudsman  
4 program.

5 (a) There is hereby established the office of the independent intel-  
6 lectual and developmental disability ombudsman program that will be  
7 operated or selected by the office for people with developmental disa-  
8 bilities for the purpose of assisting individuals with an intellectual  
9 or developmental disability to ensure that they receive coverage from  
10 managed care organizations that is appropriate in meeting their individ-  
11 ual service needs.

12 (b) Such ombudsman will identify, investigate, refer and resolve  
13 complaints that are made by, or on behalf of, consumers relative to  
14 coverage under a managed care organization and access to initial and  
15 continuing intellectual and developmental disability services and  
16 supports; and accept, investigate, refer and help to resolve complaints  
17 that are made by or on behalf of consumers or by providers relative to  
18 network adequacy for access to intellectual and developmental disability  
19 services and supports.

20 (c) Notwithstanding sections one hundred twelve and one hundred  
21 sixty-three of the state finance law and section one hundred forty-two  
22 of the economic development law, or any other inconsistent provision of  
23 law, funds available for expenditure pursuant to this section for the  
24 establishment of an ombudsman program for intellectual and developmental

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD11224-01-9

1 disability, may be allocated and distributed by the commissioner of the  
2 office for people with developmental disabilities, subject to the  
3 approval of the director of the budget, without a competitive bid or  
4 request for proposal process for the establishment of an ombudsman  
5 program for intellectual and developmental disability. Provided, howev-  
6 er, that such allocation or distribution must be based on objective  
7 criteria and an allocation methodology that is approved by the director  
8 of the budget.

9 § 2. This act shall take effect on the one hundred eightieth day after  
10 it shall have become a law.