

STATE OF NEW YORK

7241

IN SENATE

January 13, 2020

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law and the public health law, in relation to adverse determination notices to Medicaid recipients

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

Section 1. Subdivision 9 of section 364-j of the social services law, as amended by chapter 433 of the laws of 1997, is amended to read as follows:

9. Managed care providers shall inform participants of such provider's grievance procedure and utilization review procedures [~~required pursuant to sections forty-four hundred eight-c and~~] under article forty-nine [~~hundred~~] of the public health law. A managed care provider or local social services district, as appropriate, shall provide notice to participants of their respective rights to a fair hearing and aid continuing in accordance with applicable state and federal law. Managed care providers shall provide written notice of the name, address, phone number and website of the department of health designated independent consumer assistance program and the independent substance use disorder and mental health ombudsman established by section 33.27 of the mental hygiene law on all notices of adverse determinations, grievances and appeals.

§ 2. Paragraph (b) of subdivision 2 and subdivision 7 of section 4408-a of the public health law, as added by chapter 705 of the laws of 1996, are amended to read as follows:

(b) The notice to an enrollee describing the grievance process shall explain: (i) the process for filing a grievance with the organization; (ii) the timeframes within which a grievance determination must be made; [~~and~~] (iii) the right of an enrollee to designate a representative to file a grievance on behalf of the enrollee; and (iv) notice of the name, address, phone number and website of the department designated consumer assistance program and the independent substance use disorder and mental health ombudsman established by section 33.27 of the mental hygiene law on all notices of adverse determinations, grievances and appeals.

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

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1 7. The notice of a determination shall include: (i) the detailed
2 reasons for the determination; (ii) in cases where the determination has
3 a clinical basis, the clinical rationale for the determination; [~~and~~]
4 (iii) the procedures for the filing of an appeal of the determination,
5 including a form for the filing of such an appeal; and (iv) notice of
6 the name, address, phone number and website of the department designated
7 consumer assistance program and the independent substance use disorder
8 and mental health ombudsman established by section 33.27 of the mental
9 hygiene law on all notices of adverse determinations, grievances and
10 appeals.

11 § 3. This act shall take effect on the one hundred eightieth day after
12 it shall have become a law; provided, however, the amendments made to
13 subdivision 9 of section 364-j of the social services law made by
14 section one of this act shall not affect the repeal of such section, and
15 shall be deemed repealed therewith.