STATE OF NEW YORK

1153

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

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:

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

§ 33.29 Independent intellectual and developmental disability ombudsman program.

(a) There is hereby established the office of the independent intellectual and developmental disability ombudsman program that will be operated or selected by the office for people with developmental disabilities for the purpose of assisting individuals with an intellectual or developmental disability to ensure that they receive coverage from managed care organizations that is appropriate in meeting their individual service needs.

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

(c) Notwithstanding sections one hundred twelve and one hundred sixty-three of the state finance law and section one hundred forty-two of the economic development law, or any other inconsistent provision of law, funds available for expenditure pursuant to this section for the 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.

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

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