STATE OF NEW YORK

7726

2021-2022 Regular Sessions

IN ASSEMBLY

May 20, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to allowing persons applying for or receiving public assistance to be interviewed by phone or other digital means; and to amend a chapter of the laws of 2021 amending the social services law relating to allowing persons applying for or receiving public assistance to be interviewed by phone, as proposed in legislative bills numbers S.3223-A and A.5414, in relation to the effectiveness thereof

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

Section 1. Paragraphs (a) and (b) of subdivision 4 of section 132 of the social services law, as amended by a chapter of the laws of 2021 amending the social services law relating to allowing persons applying for or receiving public assistance to be interviewed by phone, as proposed in legislative bills numbers S.3223-A and A.5414, are amended to read as follows:

(a) Investigation into the cause of the condition of a head of household or of any adult applicant or recipient and the treatment which will be helpful to such person shall include a screening for alcohol and/or substance abuse using a standardized screening instrument to be developed by the office of addiction services and supports in consultation with the department. Such screening shall be performed by a social services district at the time of application and periodically thereafter but not more frequently than every six months, unless the district has reason to believe that an applicant or recipient is abusing or dependent on alcohol or drugs, in accordance with regulations promulgated by the department. Such screening may be conducted by telephone **or other digital means** at the [~~**social services district's option**~~] **request of the applicant or recipient**.

(b) When the screening process indicates that there is reason to believe that an applicant or recipient is abusing or dependent on alcohol or drugs, the social services district shall require a formal alcohol or substance abuse assessment, which may include drug testing, to be

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

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performed by an alcohol and/or substance abuse professional credentialed by the office of addiction services and supports. The assessment may be performed directly by the district or pursuant to contract with the district. Such assessment may be conducted by telephone **or other digital means** at the [~~social services district's option~~] **request of the applicant or recipient**.

§ 2. Subdivision 3 of section 134-a of the social services law, as amended by a chapter of the laws of 2021 amending the social services law relating to allowing persons applying for or receiving public assistance to be interviewed by phone, as proposed in legislative bills numbers S.3223-A and A.5414, is amended to read as follows:

3. The social services official shall require that persons applying for or receiving public assistance and care be interviewed personally at a time and in a manner provided by the regulations of the department, and **the social services official may provide the option of a phone interview or other digital means for** such interview [~~may be a phone interview~~] at the [~~social services official's option. Applicants or recipients shall be excused from such requirements to avoid hardship, as defined by regulations of the department. Hardship shall include but not be limited to circumstances including infirmity, serious illness or physical disability~~] **request of the applicant or recipient**.

§ 3. Subdivision 2 of section 349-a of the social services law, as amended by a chapter of the laws of 2021 amending the social services law relating to allowing persons applying for or receiving public assistance to be interviewed by phone, as proposed in legislative bills numbers S.3223-A and A.5414, is amended to read as follows:

2. Such inquiry shall be performed utilizing a universal screening form to be developed by the department after consultation with the office for the prevention of domestic violence and statewide domestic violence advocacy groups. Such screening may be conducted by telephone **or other digital means** at the [~~social services district's option~~] **request of the applicant or recipient**. An individual may request such screening at any time, and any individual who at any time self identifies as a victim of domestic violence shall be afforded the opportunity for such screening.

§ 4. Section 4 of a chapter of the laws of 2021 amending the social services law relating to allowing persons applying for or receiving public assistance to be interviewed by phone, as proposed in legislative bills numbers S.3223-A and A.5414, is amended to read as follows:

§ 4. This act shall take effect [~~immediately~~] **on the one hundred twentieth day after it shall have become a law. Effective immediately the office of temporary and disability assistance, in consultation with the office for the prevention of domestic violence as well as any other public or private agency, shall undertake and complete on or before such effective date such measures as may be necessary and appropriate to develop the necessary protocols with respect to telephonic screenings, assessments and applications for public assistance**.

§ 5. This act shall take effect immediately; provided however, that sections one, two and three of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2021 amending the social services law relating to allowing persons applying for or receiving public assistance to be interviewed by phone, as proposed in legislative bills numbers S.3223-A and A.5414, takes effect.