STATE OF NEW YORK

80

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

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

AN ACT to amend the mental hygiene law, in relation to establishing a credentialing pilot program for direct support professionals

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 13.44 to read as follows:

§ 13.44 Direct support professional credential pilot program.

(a) Within the amounts appropriated, the office shall implement a professional credentialing pilot program to assist and enhance the field of direct care support.

(b) The pilot program participants shall be selected by the commissioner, in consultation with the regional offices under his or her jurisdiction and the regional centers for workforce transformation. Such pilot program participants shall include individuals employed by state-operated facilities under the auspices of the office and not-for-profit providers licensed and/or certified by the office. Pilot program participants shall be geographically disbursed throughout the state, and as determined by the commissioner, in regions of the state with the greatest need.

(c) (1) When implementing the pilot program, the office shall focus on assisting individuals in the field of direct support by advancing initiatives that: (i) promote direct support work as a career, with a focus on creating opportunities for career advancement within the profession, (ii) further professionalize the field by developing advanced skills and competencies, (iii) promote the health, safety and well-being of the people being served, and (iv) enhance workforce recruitment and retention efforts, with a focus on direct support professional positions.

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

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(2) Such initiatives shall include but not be limited to:

(i) a credentialing and education program for direct support professionals which shall utilize best practices including but not limited to New York state direct support professional competencies, certification programs offered by institutions of higher learning, and direct support professional credentialing and education initiatives in other states; and

(ii) a comprehensive training program which may include on-line training, mentorships, and support group components. To develop the training program, the pilot may utilize national direct support professional competency programs or credentialing standards and trainings.

(d) (1) There is hereby established within the office an advisory council for direct support professional credentialing, which shall advise, oversee and assist with the implementation of the pilot program established pursuant to this section.

(2) (i) The council shall consist of the commissioner or his or her designee, who shall chair the council and twenty-one additional members. Seven members shall be appointed upon the recommendation of the commissioner, seven members shall be appointed upon the recommendation of the temporary president of the senate and seven members shall be appointed upon the recommendation of the speaker of the assembly. (ii) The composition of the council shall be as follows:

(A) five individuals from the direct support professional credential technical report advisory group, at least two of whom shall be not-for-profit providers of services;

(B) five individuals from the direct support professional credential technical report advisory group project staff identified by the commissioner, at least one of whom is from an institute of higher learning;

(C) six individuals from the office's regional center for workforce transformation; each individual shall represent one of the six regions covered by the regional center for workforce transformation;

(D) four direct support professionals, of whom two shall be credentialed direct support professionals; and

(E) a self-advocate or a representative of a self-advocacy association for individuals with intellectual or developmental disabilities.

(3) Members of the taskforce shall serve without compensation, but may be reimbursed for actual costs incurred for participation on such taskforce.

(4) The council shall meet at least four times in each full calendar year or at the request of the chair or commissioner.

(5) The council may establish committees as it deems necessary to particular subjects of importance related to the implementation of the pilot program.

(6) The council may consider any matter relating to initiatives advanced as part of the pilot program and shall advise and provide recommendations to the office on any such matter, including, but not limited to:

(i) ensuring the program is person-centered, accessible, applicable and relevant for people and families who reside in the state of New York; and

(ii) providing recommendations and assistance to the office to: (A) seek approval from the federal centers for Medicare and Medicaid services for the statewide credentialing program to be included in the state's 1115 demonstration waiver, as approved by the commissioner; (B) collaborate with managed care organizations to ensure the statewide credentialing program is incorporated into managed care contracts for

long term services and supports; and (C) develop the report required pursuant to subdivision (e) of this section.

(e) The office in consultation with the participants of the pilot program and the advisory council established pursuant to this section, shall issue a report no later than November fifteenth, two thousand twenty-four to the governor, the temporary president of the senate, the speaker of the assembly, the assembly chair of the committee on mental health, and the senate chair of the committee on mental health and developmental disabilities, detailing the progress of the pilot program, all relevant data and information taking into consideration any privacy concerns or confidential restrictions to share such information, and recommendations which shall include but not be limited to:

(1) rate of recruitment and retention for direct support professionals of providers participating in the pilot program compared to the rate for non-participating providers;

(2) number of direct support professionals credentialed;

(3) enhancement of quality supports and services to individuals with developmental disabilities;

(4) correlation between how wage increases for credentialed individuals demonstrates commitment to the profession, leadership qualities, retention in the field, improved supports and services, and family and individual satisfaction;

(5) identified barriers to meeting the pilot programs goals and objectives and recommendations on how to eliminate such barriers; and

(6) any recommendation related to achieving a successful implementation of a statewide credentialing program including but not limited to continuing and/or expanding the operation of the credentialing pilot program or additional investment of resources required by the state.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.