

# STATE OF NEW YORK

9567--A

## IN ASSEMBLY

March 16, 2022

Introduced by M. of A. BUTTENSCHON, EPSTEIN -- read once and referred to the Committee on People with Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to establishing the independent 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 33.28 to read as follows:

3 § 33.28 Independent developmental disability ombudsman program.

4 (a) There is hereby established by the office for people with develop-  
5 mental disabilities the independent developmental disability ombudsman  
6 program for the purpose of assisting individuals with developmental  
7 disabilities to ensure their access to services and preservation of  
8 their rights.

9 (b) Such ombudsman program shall have the following duties, including,  
10 but not limited to:

11 1. establishing a service delivery structure based in New York state  
12 that includes a toll-free telephone hotline, an interactive website, and  
13 availability of in-person, telephone and email access to ombudsman  
14 program staff or volunteers;

15 2. identifying, investigating, referring and resolving complaints made  
16 by, or on behalf of, individuals relative to their access to services  
17 provided by the office for people with developmental disabilities or the  
18 care coordination provided by health homes serving individuals with  
19 developmental disabilities or services provided by other providers;

20 3. providing assistance for navigating and completing processes, such  
21 as paperwork and documentation, to access services provided by the  
22 office for people with developmental disabilities or the care coordi-  
23 nation provided by health homes serving individuals with developmental  
24 disabilities to individuals or services provided by other providers,  
25 and/or anyone seeking assistance on their behalf;

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

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1 4. assisting individuals in filing and preparing appeals, and repres-  
2 enting individuals in appeals and hearings concerning adverse benefit  
3 determinations regarding services provided by the office for people with  
4 developmental disabilities or health homes serving individuals with  
5 developmental disabilities to individuals or services provided by other  
6 providers;

7 5. collecting, tracking, and quantifying problems and inquiries  
8 encountered by individuals; and

9 6. educating individuals on their rights and responsibilities with  
10 respect to access to services provided by the office for people with  
11 developmental disabilities and care coordination provided by health  
12 homes serving individuals with developmental disabilities or services  
13 provided by other providers.

14 (c) Notices and materials provided to individuals by the office for  
15 people with developmental disabilities, providers of services, and the  
16 health homes serving individuals with developmental disabilities shall  
17 include the name, phone number and website address of the independent  
18 developmental disability ombudsman program established by the office for  
19 people with developmental disabilities pursuant to this section.

20 (d) Funds available for expenditure pursuant to this section for the  
21 establishment of an independent developmental disability ombudsman  
22 program may be allocated and distributed by the commissioner of the  
23 office for people with developmental disabilities, subject to the  
24 approval of the director of the budget, but only after the commissioner  
25 of the office for people with developmental disabilities holds a request  
26 for proposal process for the establishment of an independent develop-  
27 mental disability ombudsman program. Only domestic not-for-profit corpo-  
28 rations shall be eligible to submit proposals for such program. Entities  
29 that currently receive funding from the office for people with develop-  
30 mental disabilities to provide services to people with developmental  
31 disabilities, or to operate care coordination organizations, or that  
32 bill the Medicaid program for medical or healthcare services, shall be  
33 excluded from consideration. The commissioner of the office for people  
34 with developmental disabilities shall consider all competitive proposals  
35 submitted through such request for proposal process and shall determine  
36 which proposal submitted is appropriate for the establishment of an  
37 independent developmental disability ombudsman program. In making such  
38 determination, applicants who demonstrate experience providing advocacy  
39 or assistance to people with developmental disabilities, experience  
40 operating a call center, or experience tracking and reporting on case  
41 activities while protecting individual confidentiality shall receive  
42 deference for the award.

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