# 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:**

Section 1. The mental hygiene law is amended by adding a new section 33.28 to read as follows:

**§ 33.28 Independent developmental disability ombudsman program.**

**(a) There is hereby established by the office for people with developmental disabilities the independent developmental disability ombudsman program for the purpose of assisting individuals with developmental disabilities to ensure their access to services and preservation of their rights.**

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

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

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

**3. providing assistance for navigating and completing processes, such as paperwork and documentation, to access services provided by the office for people with developmental disabilities or the care coordination provided by health homes serving individuals with developmental disabilities to individuals or services provided by other providers, 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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4. assisting individuals in filing and preparing appeals, and representing individuals in appeals and hearings concerning adverse benefit determinations regarding services provided by the office for people with developmental disabilities or health homes serving individuals with developmental disabilities to individuals or services provided by other providers;

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

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

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

(d) Funds available for expenditure pursuant to this section for the establishment of an independent developmental disability ombudsman program 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, but only after the commissioner of the office for people with developmental disabilities holds a request for proposal process for the establishment of an independent developmental disability ombudsman program. Only domestic not-for-profit corporations shall be eligible to submit proposals for such program. Entities that currently receive funding from the office for people with developmental disabilities to provide services to people with developmental disabilities, or to operate care coordination organizations, or that bill the Medicaid program for medical or healthcare services, shall be excluded from consideration. The commissioner of the office for people with developmental disabilities shall consider all competitive proposals submitted through such request for proposal process and shall determine which proposal submitted is appropriate for the establishment of an independent developmental disability ombudsman program. In making such determination, applicants who demonstrate experience providing advocacy or assistance to people with developmental disabilities, experience operating a call center, or experience tracking and reporting on case activities while protecting individual confidentiality shall receive deference for the award.

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