

STATE OF NEW YORK

6433

2021-2022 Regular Sessions

IN SENATE

April 28, 2021

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, in relation to creating a veterans' clearinghouse for purposes of identifying veterans eligible for benefits

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

1 Section 1. The executive law is amended by adding a new section 355-a
2 to read as follows:

3 § 355-a. Veterans' clearinghouse. 1. The division is hereby directed
4 to create and maintain a centralized database, to be known as the veter-
5 ans' clearinghouse, which shall collect information relating to the
6 identification of veterans residing in the state and the state or federal
7 benefits received or available to veterans so identified.

8 2. The division shall enter into a memorandum of understanding with
9 the United States department of veterans' affairs that allows for the
10 sharing of information relating to the identification of veterans resid-
11 ing in the state who are receiving or eligible for federal veterans'
12 benefits.

13 3. All departments, divisions, bureaus, boards, commissions and agen-
14 cies of the state and political subdivisions thereof, which provide
15 assistance or other benefits to individuals, when the provision of such
16 assistance or benefits is related to the recipient's veteran status or
17 military experiences, shall request that such assisted persons provide
18 information with regard to their veteran status and military experiences
19 and shall report such information to the division for inclusion in the
20 veterans' clearinghouse. Such information sharing shall be for the
21 purposes of allowing the division to (a) examine whether any such veter-
22 ans are eligible for federal or state benefits, and (b) formulate poli-
23 cies that assist such veterans in obtaining such benefits. Individuals

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

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1 identifying themselves as veterans shall be advised that the division
2 and local veterans' service agencies established pursuant to section
3 three hundred fifty-seven of this article provide assistance to veterans
4 regarding benefits under federal and state law.

5 4. The departments, divisions, bureaus, boards, commissions and agen-
6 cies of the state and political subdivisions thereof, which are required
7 to report information to the division for inclusion in the veterans'
8 clearinghouse pursuant to subdivision three of this section, shall
9 submit such a report on a quarterly basis in a form and manner to be
10 determined by the state director.

11 5. The departments, divisions, bureaus, boards, commissions and agen-
12 cies of the state and political subdivisions thereof, which are required
13 to report information to the division for inclusion in the veterans'
14 clearinghouse pursuant to subdivision three of this section, shall
15 include, but shall not be limited to, those departments, divisions,
16 bureaus, boards, commissions and agencies of the state and political
17 subdivisions thereof, which are subject to the requirements of section
18 three hundred fifty-four-a of this article, and:

19 (a) the division of military and naval affairs;

20 (b) local assessor units, which shall be required to report informa-
21 tion regarding owners of real property who are recipients of the real
22 property tax exemption provided by section four hundred fifty-eight or
23 four hundred fifty-eight-a of the real property tax law;

24 (c) the higher education services corporation, which shall be required
25 to report information regarding the identity of any recipients of the
26 veterans' tuition award provided by section six hundred sixty-nine-a of
27 the education law;

28 (d) the board of visitors of each state veterans' home, which shall be
29 required to report information regarding the identity of residents of
30 each home admitted pursuant to section twenty-six hundred thirty-two of
31 the public health law; and

32 (e) county and city veterans' service agencies.

33 6. Information regarding veterans' status and military service
34 provided by assisted persons solely to implement this section shall be
35 protected as personal confidential information under article six-A of
36 the public officers law against disclosure of confidential material, and
37 used only to assist in the diagnosis, treatment, assessment and handling
38 of the veteran's problems within the agency requesting such information
39 and in referring the veteran to the division for information and assist-
40 ance with regard to benefits and entitlements under federal and state
41 law.

42 7. The division shall collect and maintain information concerning such
43 veterans in accordance with law and the federal Health Insurance Porta-
44 bility and Accountability Act of 1996 (P.L. 104-191) (HIPAA), as amended
45 from time to time, or regulations adopted thereunder.

46 8. The state director shall promulgate rules and regulations to
47 provide for the implementation of the provisions of this section.

48 § 2. Section 354-a of the executive law, as amended by section 8 of
49 part AA of chapter 56 of the laws of 2019, is amended to read as
50 follows:

51 § 354-a. Information on status of veterans receiving assistance.
52 Departments, divisions, bureaus, boards, commissions and agencies of the
53 state and political subdivisions thereof, which provide assistance,
54 treatment, counseling, care, supervision or custody in service areas
55 involving health, mental health, family services, criminal justice or
56 employment, including but not limited to the office of [~~alcoholism and~~

1 ~~substance abuse services~~] addiction services and supports, office of
2 mental health, office of probation and correctional alternatives, office
3 of children and family services, office of temporary and disability
4 assistance, department of health, department of labor, local workforce
5 investment boards, office for people with developmental disabilities,
6 and department of corrections and community supervision, shall request
7 assisted persons to provide information with regard to their veteran
8 status and military experiences. Individuals identifying themselves as
9 veterans shall be advised that the division of veterans' services and
10 local veterans' service agencies established pursuant to section three
11 hundred fifty-seven of this article provide assistance to veterans
12 regarding benefits under federal and state law. Information regarding
13 veterans status and military service provided by assisted persons solely
14 to implement this section shall be protected as personal confidential
15 information under article six-A of the public officers law against
16 disclosure of confidential material, and used only to assist in the
17 diagnosis, treatment, assessment and handling of the veteran's problems
18 within the agency requesting such information and in referring the
19 veteran to the division of veterans' services for information and
20 assistance with regard to benefits and entitlements under federal and
21 state law. Information provided to the division pursuant to this
22 section shall be included in the veterans' clearinghouse established
23 pursuant to section three hundred fifty-five-a of this article.

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