

STATE OF NEW YORK

8759

IN SENATE

April 12, 2022

Introduced by Sen. MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities

AN ACT in relation to requiring the commissioner of the office for people with developmental disabilities to work with an independent firm to allow such firm to conduct a study on the number of New York state residents in need of disability services and the office for people with developmental disabilities' eligibility criteria and determinations following diagnostic evaluations by a licensed professional and distribution of services

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

- 1 Section 1. 1. The commissioner of the office for people with develop-
2 mental disabilities shall work with an independent firm to allow such
3 firm to conduct a comprehensive study analyzing the office for people
4 with developmental disabilities, the number of New York state residents
5 in need of disability services and the effectiveness of using the adap-
6 tive behavior assessment system to determine eligibility for services
7 and submit a report to the speaker of the assembly, the minority leader
8 of the assembly, the temporary president of the senate, the minority
9 leader of the senate and the governor's office of employee relations,
10 and make publicly available on the office's website no later than one
11 year after the effective date of this section.
- 12 2. (a) Such report shall include, but not be limited to:
- 13 (i) the number of persons with a developmental disability in New York
14 state who qualified for services through the office for people with
15 developmental disabilities within the last five years;
- 16 (ii) the number of persons with a developmental disability who have
17 applied for services and were deemed ineligible through the office for
18 people with developmental disabilities within the last five years;
- 19 (iii) the number of persons with a developmental disability for whom
20 the adaptive behavior assessment system determined their eligibility for
21 services within the last five years;
- 22 (iv) the number of persons with a developmental disability for whom
23 the adaptive behavior assessment system determined their ineligibility

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

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1 for services from the office for people with developmental disabilities
2 due to scoring above the threshold of eligibility within the last five
3 years and who completed the office for people with developmental disabilities' appeal process after being deemed ineligible;

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5 (v) the number of persons with a developmental disability who appealed
6 their ineligibility determination and ultimately received services from
7 the office for people with developmental disabilities;

8 (vi) an analysis of eligibility requirements, services determination
9 process, and any other processes deemed necessary for review within the
10 scope of such report; and

11 (vii) recommendations based on the findings from the report as to
12 whether the state can take additional action to ensure those in need of
13 services provided by the office for people with developmental disabilities
14 are deemed eligible.

15 (b) The independent firm shall separate their findings in such report
16 regionally to assist in targeting the areas that are most underserved.

17 3. For the purposes of this section, the independent firm may conduct
18 such study in conjunction with any other department, division, board,
19 bureau, commission, agency, or public authority of the state deemed
20 necessary. To the maximum extent feasible, the commissioner of the
21 office for people with developmental disabilities shall be authorized to
22 request, receive, and utilize such resources and data of any other
23 department, division, board, bureau, commission, agency, or public
24 authority of the state as he or she may reasonably request to properly
25 carry out his or her powers and duties pursuant to this section.

26 4. The commissioner of the office for people with developmental disabilities
27 shall promulgate rules and regulations as may be necessary to
28 effectuate the provisions of this section.

29 § 2. This act shall take effect immediately.