

# STATE OF NEW YORK

886

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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

AN ACT to amend the social services law and the public health law, in relation to adverse determination notices to Medicaid recipients

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

1 Section 1. Subdivision 9 of section 364-j of the social services law,  
2 as amended by a chapter of the laws of 2020 amending the social  
3 services law and the public health law relating to adverse determination  
4 notices to Medicaid recipients, as proposed in legislative bills numbers  
5 S.7241 and A.9538, is amended to read as follows:

6 9. Managed care providers shall inform participants of such provider's  
7 grievance procedure and utilization review procedures under section  
8 forty-four hundred eight-a and article forty-nine of the public health  
9 law. A managed care provider or local social services district, as  
10 appropriate, shall provide notice to participants of their respective  
11 rights to a fair hearing and aid continuing in accordance with applica-  
12 ble state and federal law. Managed care providers shall provide [~~writ-~~  
13 ~~ten~~] notice of the name, address, phone number and website of the  
14 department of health designated independent consumer assistance program  
15 and the independent substance use disorder and mental health ombudsman  
16 established by section 33.27 of the mental hygiene law [~~on-all~~] within  
17 notices of adverse [~~determinations,~~] grievances and appeals determi-  
18 nations.

19 § 2. Paragraph (b) of subdivision 2 and subdivision 7 of section  
20 4408-a of the public health law, as amended by a chapter of the laws of  
21 2020 amending the social services law and the public health law relat-  
22 ing to adverse determination notices to Medicaid recipients, as proposed  
23 in legislative bills numbers S.7241 and A.9538, are amended to read as  
24 follows:

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

LBD07169-01-1

1 (b) The notice to an enrollee describing the grievance process shall  
2 explain: (i) the process for filing a grievance with the organization;  
3 (ii) the timeframes within which a grievance determination must be made;  
4 (iii) the right of an enrollee to designate a representative to file a  
5 grievance on behalf of the enrollee; and (iv) notice of the name,  
6 address, phone number and website of the department designated consumer  
7 assistance program and the independent substance use disorder and mental  
8 health ombudsman established by section 33.27 of the mental hygiene law  
9 [~~on all~~] within notices of adverse [~~determinations,~~] grievances and  
10 appeals determinations.

11 7. The notice of a determination shall include: (i) the detailed  
12 reasons for the determination; (ii) in cases where the determination has  
13 a clinical basis, the clinical rationale for the determination; (iii)  
14 the procedures for the filing of an appeal of the determination, includ-  
15 ing a form for the filing of such an appeal; and (iv) notice of the  
16 name, address, phone number and website of the department designated  
17 consumer assistance program and the independent substance use disorder  
18 and mental health ombudsman established by section 33.27 of the mental  
19 hygiene law [~~on all~~] within notices of adverse [~~determinations,~~] griev-  
20 ances and appeals determinations.

21 § 3. This act shall take effect on the same date and in the same  
22 manner as a chapter of the laws of 2020 amending the social services  
23 law and the public health law relating to adverse determination notices  
24 to Medicaid recipients, as proposed in legislative bills numbers S.7241  
25 and A.9538, takes effect; provided, however, the amendments to subdivi-  
26 sion 9 of section 364-j of the social services law made by  
27 section one of this act shall not affect the repeal of such section, and  
28 shall be deemed repealed therewith.