STATE OF NEW YORK

1153--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. BUTTENSCHON, GUNTHER -- read once and referred to the Committee on Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to the establishment of the independent intellectual and 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 33.29 to read as follows:

§ 33.29 Independent intellectual and developmental disability ombudsman program.

(a) There is hereby established the office of the independent intellectual and developmental disability ombudsman program that will be operated or selected by the office for people with developmental disabilities for the purpose of assisting individuals with an intellectual or developmental disability to ensure that they receive coverage from managed care organizations that is appropriate in meeting their individual service needs.

(b) Such ombudsman will identify, investigate, refer and resolve complaints that are made by, or on behalf of, consumers relative to coverage under a managed care organization and access to initial and continuing intellectual and developmental disability services and supports; and accept, investigate, refer and help to resolve complaints that are made by or on behalf of consumers or by providers relative to network adequacy for access to intellectual and developmental disability services and supports.

(c) Notwithstanding sections one hundred twelve and one hundred sixty-three of the state finance law and section one hundred forty-two of the economic development law, or any other inconsistent provision of law, funds available for expenditure pursuant to this section for the

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

LBD00794-03-1

establishment of an ombudsman program for intellectual and developmental disability, 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 development disabilities holds a request for proposal process for the establishment of an ombudsman program for intellectual and developmental disability. 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, based on his or her discretion, which proposal submitted is most competitive for the establishment of an ombudsman program for intellectual and development disability.

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