STATE OF NEW YORK

6720

2021-2022 Regular Sessions

IN ASSEMBLY

March 26, 2021

Introduced by M. of A. D. ROSENTHAL -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to the requirements fiscal intermediaries shall meet before contracting with the state

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

Section 1. Paragraph (b) of subdivision 4-a of section 365-f of the social services law, as amended by section 4 of part G of chapter 57 of the laws of 2019, is amended to read as follows:

(b) Notwithstanding any inconsistent provision of section one hundred sixty-three of the state finance law, or section one hundred forty-two of the economic development law the commissioner shall enter into contracts under this subdivision with eligible contractors [~~that submit an offer for a contract, provided, however, that~~] as follows:

(i) [~~the department shall post on its website~~] with a fiscal intermediary that was selected by the commissioner as part of request for offers #20039 - New York State Fiscal Intermediaries for the Consumer Directed Personal Assistance Program; and

(ii) with the following fiscal intermediaries, if such fiscal intermediaries have responded to the request for offers #20039:

(A) [~~a description of the proposed services to be provided pursuant to contracts in accordance with this subdivision~~] to minimize disruption, with (1) the five fiscal intermediaries that serve the most consumers in the state of New York department of health rate region one; (2) the five fiscal intermediaries that serve the most consumers in the state of New York department of health rate region two, three and four; and (3) the top ten fiscal intermediaries not included in item one or two of this clause that, together with its affiliates, serve the most consumers statewide; provided, however, that in each case the commissioner may, in his or her discretion, elect not to offer a contract to an entity that scored in the bottom fiftieth percentile of applicants;

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

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(B) [~~that the selection of contractors shall be based on criteria reasonably related to the contractors' ability to provide fiscal intermediary services including but not limited to: ability to appropriately serve individuals participating in the program, geographic distribution that would ensure access in rural and underserved areas, demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce, ability to provide timely consumer assistance, experience serving individuals with disabilities, the availability of consumer peer support, and demonstrated compliance with all applicable federal and state laws and regulations, including but not limited to those relating to wages and labor~~] to ensure consumer choice, with an additional ten fiscal intermediaries that have substantial experience and knowledge with the consumer directed personal assistance program and home care services, including providing fiscal intermediaries services prior to two thousand twelve;

(C) [~~the manner by which prospective contractors may seek such selection, which may include submission by electronic means~~] to serve special populations, with (1) an additional ten fiscal intermediaries that have experience serving disabled or other high needs populations or cultural competence in serving certain racial and ethnic populations; and (2) with ten fiscal intermediaries that are not-for-profit entities or minority or women-owned businesses or entities, particularly those serving populations that are in traditionally underserved communities; and

(D) to ensure geographic diversity, with up to ten additional fiscal intermediaries to ensure there is at least one lead fiscal intermediary headquartered in each county with a population of over two hundred thousand

[~~(ii) all reasonable and responsive offers that are received from prospective contractors in timely fashion shall be reviewed by the commissioner;~~

~~(iii) the commissioner shall award such contracts to the contractors that best meet the criteria for selection and are best suited to serve the purposes of this section and the needs of consumers;~~

~~(iv) all entities providing fiscal intermediary services on or before April first, two thousand nineteen, shall submit an offer for a contract under this section within sixty days after the commissioner publishes the initial offer on the department's website. Such entities shall be deemed authorized to provide such services unless: (A) the entity fails to submit an offer for a contract under this section within the sixty days; or (B) the entity's offer for a contract under this section is denied;~~

~~(v) all decisions made and approaches taken pursuant to this paragraph shall be documented in a procurement record as defined in section one hundred sixty-three of the state finance law; and~~

~~(vi) the commissioner is authorized to reoffer contracts under the same terms of this subdivision, if determined necessary by the commissioner~~].

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 1, 2021.