

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:

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

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

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

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

15 (A) [~~a description of the proposed services to be provided pursuant to~~
16 ~~contracts in accordance with this subdivision~~] to minimize disruption,
17 with (1) the five fiscal intermediaries that serve the most consumers in
18 the state of New York department of health rate region one; (2) the five
19 fiscal intermediaries that serve the most consumers in the state of New
20 York department of health rate region two, three and four; and (3) the
21 top ten fiscal intermediaries not included in item one or two of this
22 clause that, together with its affiliates, serve the most consumers
23 statewide; provided, however, that in each case the commissioner may, in
24 his or her discretion, elect not to offer a contract to an entity that
25 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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1 (B) [~~that the selection of contractors shall be based on criteria~~
2 ~~reasonably related to the contractors' ability to provide fiscal inter-~~
3 ~~mediary services including but not limited to: ability to appropriately~~
4 ~~serve individuals participating in the program, geographic distribution~~
5 ~~that would ensure access in rural and underserved areas, demonstrated~~
6 ~~cultural and language competencies specific to the population of consum-~~
7 ~~ers and those of the available workforce, ability to provide timely~~
8 ~~consumer assistance, experience serving individuals with disabilities,~~
9 ~~the availability of consumer peer support, and demonstrated compliance~~
10 ~~with all applicable federal and state laws and regulations, including~~
11 ~~but not limited to those relating to wages and labor] to ensure consumer
12 choice, with an additional ten fiscal intermediaries that have substan-
13 tial experience and knowledge with the consumer directed personal
14 assistance program and home care services, including providing fiscal
15 intermediaries services prior to two thousand twelve;~~

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

25 (D) to ensure geographic diversity, with up to ten additional fiscal
26 intermediaries to ensure there is at least one lead fiscal intermediary
27 headquartered in each county with a population of over two hundred thou-
28 sand

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

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

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

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

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

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