STATE OF NEW YORK

9457

IN ASSEMBLY

March 7, 2022

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

AN ACT to amend the social services law, in relation to the process for the selection of fiscal intermediary services contractors for the consumer directed personal assistance program; to repeal paragraphs (b-2) and (b-3) of subdivision 4-a of section 365-f of the social services law relating to certain surveys and to the award of contracts; and providing for the repeal of certain provisions upon the expiration thereof

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

Section 1. Paragraph (b-1) of subdivision 4-a of section 365-f of the social services law, as added by section 2 of part LL of chapter 57 of the laws of 2021, is amended to read as follows:

(b-1) Following the initial selection of contractors pursuant to this subdivision the commissioner is instructed to [~~survey for information relating to the additional selection criteria under this paragraph and paragraph (b-2) of this subdivision, in writing in a manner determined by the commissioner, from~~] **enter into a contract with** all applicants that were qualified by the commissioner as meeting minimum requirements of the procurement process described in paragraph (b) of this subdivision including those that were not awarded contracts under that process**,** **provided that**:

(i) [~~whether the applicant is formed as a charitable corporation under article two of the not-for-profit corporation law or authorized as a foreign corporation under article thirteen of the not-for-profit corporation law;~~

~~(ii) was the applicant performing administrative services as a fiscal intermediary prior to January first, two thousand twelve and has it continuously provided such services for eligible individuals pursuant to this section since that date;~~

~~(iii) the address the applicant listed as its primary mailing address on its most recently filed state corporate tax return or its Federal Return of Organization Exempt From Income Tax form (form 990);~~

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

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~~(iv) whether the applicant is currently authorized, funded, approved or certified to deliver state plan or home and community-based waiver supports and services to individuals with intellectual and developmental disabilities by the office for people with developmental disabilities;~~

~~(v) whether the applicant has historically provided fiscal intermediary administrative services to racial and ethnic minority residents or new Americans, as defined in section ninety-four-b of the executive law, in such consumers' primary language, as evidenced by information and materials provided to consumers in the consumers' primary language or languages; and~~

~~(vi) whether the applicant is verified as a minority or woman-owned business enterprise pursuant to section three hundred fourteen of the executive law~~] **the applicant was performing administrative services as a fiscal intermediary in a city with a population of more than one million and was serving two hundred or more consumers as of March thirty-first, two thousand twenty; or**

(ii) the applicant was performing administrative services as a fiscal intermediary in another area of the state and was serving fifty or more consumers as of March thirty-first, two thousand twenty.

§ 2. Paragraphs (b-2) and (b-3) of subdivision 4-a of section 365-f of the social services law are REPEALED.

§ 3. This act shall take effect immediately; provided, however, that the amendments to paragraph (b-1) of subdivision 4-a of section 365-f of the social services law made by section one of this act shall expire and be deemed repealed 5 years after such effective date.