STATE OF NEW YORK

985

2021-2022 Regular Sessions

IN ASSEMBLY

January 6, 2021

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

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:

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

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

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

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

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

7. The notice of a determination shall include: (i) the detailed reasons for the determination; (ii) in cases where the determination has a clinical basis, the clinical rationale for the determination; (iii) the procedures for the filing of an appeal of the determination, including a form for the filing of such an appeal; and (iv) notice of the name, address, phone number and website of the department designated consumer assistance program and the independent substance use disorder and mental health ombudsman established by section 33.27 of the mental hygiene law [~~on all~~] **within** notices of adverse [~~determinations,~~] grievances and appeals **determinations**.

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