STATE OF NEW YORK

5962

2021-2022 Regular Sessions

IN SENATE

March 24, 2021

Introduced by Sen. REICHLIN-MELNICK -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law, in relation to fiscal intermediary services under the consumer directed personal assistance program

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

Section 1. Subdivision 4-a of section 365-f of the social services law is amended by adding two new paragraphs (d) and (e) to read as follows:

(d) (i) This paragraph applies to a fiscal intermediary that is an eligible entity under paragraph (a) of this subdivision and has provided fiscal intermediary services during the coronavirus emergency declared by the governor, notwithstanding paragraph (b) of this subdivision.

(ii) The fiscal intermediary is entitled to continue to provide fiscal intermediary services under the terms applicable on January first, two thousand twenty, and shall be entitled to continue doing so under those terms through April first, two thousand twenty-two.

(iii) This paragraph shall not prevent an action taken under, and consistent with, subdivision four-b of this section.

(e) (i) The commissioner shall, within sixty days of the effective date of this paragraph, issue a new request for applications for contracts under paragraph (b) of this subdivision. Applicants shall be scored incrementally on the criteria in that paragraph, provided that the process makes sure that, to the maximum extent possible, there are fiscal intermediaries providing services to appropriately serve individuals participating in the program, with geographic distribution that ensures access in rural and underserved areas, with demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce, with ability to provide timely consumer assistance, with experience serving individuals with disabilities, with the availability of consumer peer support, and with demonstrated compliance with all applicable federal and state laws and regu-

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

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lations, including but not limited to those relating to wages and labor. Each applicant's incremental scores, and accompanying narrative explanation where applicable, shall be provided to the applicant. Applicants shall be provided a period not less than sixty days after being provided their scores to respond with evidence intended to influence a poor incremental score, or correct an error in a narrative explanation. No contract shall be denied until the commissioner has evaluated the applicant's response and any subsequent denial shall include a narrative describing the commissioner's reasoning for the denial.

(ii) This paragraph shall not interrupt the granting of contracts, the validity of those contracts, or the reoffering of contracts, through the process under paragraph (b) of this subdivision begun prior to the effective date of this paragraph.

§ 2. This act shall take effect immediately.