

# STATE OF NEW YORK

1586

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

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

AN ACT to amend the mental hygiene law, in relation to the establishment  
of the independent intellectual and developmental disability ombudsman  
program

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

1 Section 1. The mental hygiene law is amended by adding a new section  
2 33.29 to read as follows:

3 § 33.29 Independent intellectual and developmental disability ombudsman  
4 program.

5 (a) There is hereby established the office of the independent intel-  
6 lectual and developmental disability ombudsman program that will be  
7 operated or selected by the office for people with developmental disa-  
8 bilities for the purpose of assisting individuals with an intellectual  
9 or developmental disability to ensure that they receive coverage from  
10 managed care organizations that is appropriate in meeting their individ-  
11 ual service needs.

12 (b) Such ombudsman will identify, investigate, refer and resolve  
13 complaints that are made by, or on behalf of, consumers relative to  
14 coverage under a managed care organization and access to initial and  
15 continuing intellectual and developmental disability services and  
16 supports; and accept, investigate, refer and help to resolve complaints  
17 that are made by or on behalf of consumers or by providers relative to  
18 network adequacy for access to intellectual and developmental disability  
19 services and supports.

20 (c) Notwithstanding sections one hundred twelve and one hundred  
21 sixty-three of the state finance law and section one hundred forty-two  
22 of the economic development law, or any other inconsistent provision of  
23 law, funds available for expenditure pursuant to this section for the  
24 establishment of an ombudsman program for intellectual and developmental

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

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1 disability, may be allocated and distributed by the commissioner of the  
2 office for people with developmental disabilities, subject to the  
3 approval of the director of the budget, but only after the commissioner  
4 of the office for people with development disabilities holds a request  
5 for proposal process for the establishment of an ombudsman program for  
6 intellectual and developmental disability. The commissioner of the  
7 office for people with developmental disabilities shall consider all  
8 competitive proposals submitted through such request for proposal proc-  
9 ess and shall determine, based on his or her discretion, which proposal  
10 submitted is most competitive for the establishment of an ombudsman  
11 program for intellectual and development disability.

12 § 2. This act shall take effect on the one hundred eightieth day after  
13 it shall have become a law.