STATE OF NEW YORK

2890

2023-2024 Regular Sessions

IN ASSEMBLY

January 31, 2023

Introduced by M. of A. SIMONE -- read once and referred to the Committee on People with Disabilities

AN ACT to amend the mental hygiene law, in relation to requiring that applications submitted by individuals with developmental disabilities for eligibility determinations and service authorizations be processed in a timely manner

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

Section 1. Subdivision (c-1) of section 13.07 of the mental hygiene law, as added by a chapter of the laws of 2022 amending the mental hygiene law relating to requiring that applications submitted by individuals with developmental disabilities for eligibility determinations and service authorizations be processed in a timely manner, as proposed in legislative bills numbers S. 8442 and A. 9920, is amended to read as follows:

(c-1) 1. In carrying out the responsibilities identified in subdivision (c) of this section, the office shall ensure that applications for eligibility determinations and service authorizations are processed in a timely manner. [~~Specifically, except in a case where the application is not reasonably clear, omits required information, or when there is a reasonable basis supported by specific information available for review by the office that such application was submitted fraudulently, the~~] **The** office shall complete processing of the application within **a processing period of** one hundred twenty days of receipt of such application transmitted via the internet or electronic mail.

2. [~~In the case where~~] **Where** the application is not reasonably clear or [~~lacks~~] **omits** required information, **or where the office reasonably suspects fraud based on specific information available to the office,** the office shall notify the applicant in writing within thirty calendar days of the receipt of such application [~~to~~] **and** request [~~all additional~~] **the specific** information needed to process such application.

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

LBD04013-01-3

Provided, however, that the processing period shall be tolled from the date of notice to the applicant to the date of receipt of the complete application by the office.

3. Upon receipt of the information requested in paragraph two of this subdivision, the office shall complete processing of the **complete** application within [~~sixty~~] **the remaining** days **of the processing period**.

[~~4. The office shall report on a quarterly basis to the developmental disabilities advisory council, the governor, the chair of the senate disabilities committee and the chair of the assembly disabilities committee for both eligibility and service authorization applications (i) the number and type of applications received, including by geographic region and/or county and the age or age-range of applicants, (ii) the number of each type of application approved, (iii) the average timeframe for approval from receipt to final approval for each type of application, (iv) the number of each type of application pending, and (v) the number of each type of application disapproved or rejected and the grounds for such disapproval or rejection. Such report shall be posted and made available by the office on its website.~~]

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the mental hygiene law relating to requiring that applications submitted by individuals with developmental disabilities for eligibility determinations and service authorizations be processed in a timely manner, as proposed in legislative bills numbers S. 8442 and A. 9920, takes effect.