STATE OF NEW YORK

6221--A

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law and the public health law, in relation to ensuring that the state implements certain federal conflict of interest requirements in a manner that ensures limited disruption of certain services

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

Section 1. Paragraph d of subdivision 6-a of section 366 of the social services law, as amended by chapter 627 of the laws of 2004, is amended to read as follows:

d. **(i)** The commissioner of health shall contract with not-for-profit agencies around the state that have experience with providing community based services to individuals with disabilities, hereinafter referred to as regional resource development specialists, who shall be responsible for initial contact with the prospective waiver participant, for assuring the waiver candidates have choice in selecting a service coordinator and other providers, and for assessing applicants including decisions for eligibility for participation in the waiver, which contain the original service plan and all subsequent revised service plans. Regional resource development specialists shall be responsible for approving service plans and the department of health shall provide technical assistance and oversight.

(ii) Prior to taking any step to implement the requirements of subparagraph (vi) of paragraph (1) of subsection (c) of section 441.301 of title 42 of the code of federal regulations as such provisions relate to the nursing home transition and diversion waiver program authorized under section 1915(c) of the federal social security act, the commissioner of the department of health shall:

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

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(1) Survey all participating waiver providers, including voluntary providers, to identify levels of preparedness to implement such requirements; and

(2) Report by January first, two thousand twenty-four, to the governor and the chairs of the assembly and senate committees on health on the ability of the provider system to continue to meet the requirements of this paragraph related to consumer choice for service coordination.

(iii) All final plans for the transition and conversion of services related to federal conflict of interest activities shall be suspended pending the review and approval of the recommendations contained within the report required under clause two of subparagraph (ii) of this paragraph.

§ 2. Section 2743 of the public health law is amended by adding a new subdivision 4 to read as follows:

4. (a) Prior to taking any step to implement the requirements of subparagraph (vi) of paragraph (1) of subsection (c) of section 441.301 of title 42 of the code of federal regulations as such provisions relate to the traumatic brain injury waiver program authorized under section 1915(c) of the federal social security act, the commissioner shall:

(i) Survey all participating waiver providers, including voluntary providers, to identify levels of preparedness to implement such requirements; and

(ii) Report by January first, two thousand twenty-four, to the governor and the chairs of the assembly and senate committees on health on the ability of the provider system to continue to ensure consumer choice for service coordination.

(b) All final plans for the transition and conversion of services related to federal conflict of interest activities shall be suspended pending the review and approval of the recommendations contained within the report required under subparagraph (ii) of paragraph (a) of this subdivision.

§ 3. This act shall take effect immediately.