STATE OF NEW YORK

3137

2023-2024 Regular Sessions

IN SENATE

January 27, 2023

Introduced by Sen. MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities

AN ACT in relation to requiring the commissioner of the office for people with developmental disabilities to work with an independent firm to allow such firm to conduct a study on the number of New York state residents in need of disability services and the office for people with developmental disabilities' eligibility criteria and determinations following diagnostic evaluations by a licensed professional and distribution of services

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

Section 1. 1. The commissioner of the office for people with developmental disabilities shall work with an independent firm to allow such firm to conduct a comprehensive study analyzing the office for people with developmental disabilities, the number of New York state residents in need of disability services and the effectiveness of using the adaptive behavior assessment system to determine eligibility for services and submit a report to the speaker of the assembly, the minority leader of the assembly, the temporary president of the senate, the minority leader of the senate and the governor's office of employee relations, and make publicly available on the office's website no later than one year after the effective date of this section.

2. (a) Such report shall include, but not be limited to:

(i) the number of persons with a developmental disability in New York state who qualified for services through the office for people with developmental disabilities within the last five years;

(ii) the number of persons with a developmental disability who have applied for services and were deemed ineligible through the office for people with developmental disabilities within the last five years;

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

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(iii) the number of persons with a developmental disability for whom the adaptive behavior assessment system determined their eligibility for services within the last five years;

(iv) the number of persons with a developmental disability for whom the adaptive behavior assessment system determined their ineligibility for services from the office for people with developmental disabilities due to scoring above the threshold of eligibility within the last five years and who completed the office for people with developmental disabilities' appeal process after being deemed ineligible;

(v) the number of persons with a developmental disability who appealed their ineligibility determination and ultimately received services from the office for people with developmental disabilities;

(vi) an analysis of eligibility requirements, services determination process, and any other processes deemed necessary for review within the scope of such report; and

(vii) recommendations based on the findings from the report as to whether the state can take additional action to ensure those in need of services provided by the office for people with developmental disabilities are deemed eligible.

(b) The independent firm shall separate their findings in such report regionally to assist in targeting the areas that are most underserved.

3. For the purposes of this section, the independent firm may conduct such study in conjunction with any other department, division, board, bureau, commission, agency, or public authority of the state deemed necessary. To the maximum extent feasible, the commissioner of the office for people with developmental disabilities shall be authorized to request, receive, and utilize such resources and data of any other department, division, board, bureau, commission, agency, or public authority of the state as he or she may reasonably request to properly carry out his or her powers and duties pursuant to this section.

4. The commissioner of the office for people with developmental disabilities shall promulgate rules and regulations as may be necessary to effectuate the provisions of this section.

§ 2. This act shall take effect immediately.