

# STATE OF NEW YORK

3142

2023-2024 Regular Sessions

## IN SENATE

January 27, 2023

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

AN ACT to amend the mental hygiene law, in relation to requiring the  
office for people with developmental disabilities to develop and main-  
tain a community residence opportunities waitlist

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 16.15 to read as follows:

3 § 16.15 Community residence opportunities waitlist and placement report.

4 (a) The office shall develop and maintain a community residence oppor-  
5 tunities waitlist, hereinafter referred to as the CROW, which includes  
6 the names and contact information of all individuals seeking placement  
7 in a community residence as defined in subdivision twenty-eight of  
8 section 1.03 of this chapter, who have been determined by the office to  
9 require a level of supervision provided in a community residence and  
10 have been enrolled or are eligible to be enrolled in the home and commu-  
11 nity-based services waiver for persons with developmental disabilities.  
12 Enrollment in the CROW shall be without regard to the nature, type or  
13 urgency of need of the individual seeking enrollment in the CROW. A CROW  
14 placement report containing information about individuals who are  
15 actively looking for housing and who have been determined by the office  
16 to be in need of certified residential opportunity shall be distributed  
17 at least monthly and upon request to providers of services as defined in  
18 subdivision five of section 1.03 of this chapter.

19 (b) A provider of services that has vacancies in one or more of its  
20 supervised living facilities as defined in subdivision twenty-eight-a of  
21 section 1.03 of this chapter may review the individuals listed in the  
22 CROW placement report to identify an individual which the provider deems  
23 appropriate for placement in the vacancy in its supervised living facil-  
24 ity.

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

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1 (c) If a provider identifies an individual on the CROW placement  
2 report who the provider, following a person-centered planning process,  
3 deems appropriate for placement in one of its supervised living facili-  
4 ties, the provider may accept such person for placement in the community  
5 residence facility and shall notify the office in writing of such  
6 acceptance. Such individual shall be deemed accepted and enrolled in  
7 such program for all purposes including eligibility for reimbursement  
8 for the provision of residential habilitation services under the New  
9 York state medicaid program, including under the home and community  
10 based services waiver program pursuant to subsection (c) of section one  
11 thousand nine hundred fifteen of the federal social security act and  
12 eligibility for payment or reimbursement of all other funding provided  
13 for operation of a community residence.

14 (d) (1) If the office receives an application for enrollment in the  
15 CROW, the office shall act on such application within thirty days of  
16 receipt. If an individual who has applied for enrollment in the CROW is  
17 denied enrollment, such individual may appeal such denial to the commis-  
18 sioner within thirty days of receipt of notification of such denial.

19 (2) Upon receipt of such appeal, the commissioner shall personally or  
20 by way of a hearing officer conduct a hearing within fifteen days of  
21 such a request and render a decision by thirty days after the conclusion  
22 of such hearing. A review of the decision rendered by a commissioner  
23 pursuant to this section by the individual may be had in a proceeding  
24 pursuant to article seventy-eight of the civil practice law and rules  
25 commenced within four months of the determination of the commissioner.

26 § 2. As of the effective date of this act, any individual who is then  
27 listed on any community or certified residential opportunity waitlist or  
28 the equivalent maintained by the office shall be deemed automatically to  
29 be placed on the CROW without any further action or application by the  
30 individual and without any review or approval by the office.

31 § 3. This act shall take effect April 1, 2024.