

STATE OF NEW YORK

10473

IN ASSEMBLY

May 29, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Rajkumar) --
read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to the consumer
directed personal assistance program

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

1 Section 1. Subdivision 3 of section 365-f of the social services law,
2 as amended by section 9 of part QQ of chapter 56 of the laws of 2020, is
3 amended to read as follows:
4 3. Division of responsibilities. Eligible individuals who elect to
5 participate in the program assume the responsibility for services under
6 such program as mutually agreed to by the eligible individual and
7 provider and as documented in the eligible individual's record, includ-
8 ing, but not limited to, recruiting, hiring and supervising their
9 personal assistants. For the purposes of this section, personal assist-
10 ant shall mean an adult who has obtained an individual unique identifier
11 from the state by or before a date determined by the commissioner of
12 health in consultation with the Medicaid inspector general, and provides
13 services under this section to the eligible individual under the eligi-
14 ble individual's instruction, supervision and direction or under the
15 instruction, supervision and direction of the eligible individual's
16 designated representative, provided that [~~a person legally responsible
17 for an eligible individual's care and support,~~] an eligible individual's
18 spouse or designated representative may not be the personal assistant
19 for the eligible individual; however, a personal assistant may include
20 an eligible individual's parent, adult child, in-law relative or any
21 other adult relative of the eligible individual, provided, however, that
22 the program determines that the services provided by such relative are
23 consistent with an individual's plan of care and that the aggregate cost
24 for such services does not exceed the aggregate costs for equivalent
25 services provided by a non-relative personal assistant. Any personal
26 information submitted to obtain such unique identifier shall be main-
27 tained as confidential pursuant to article six-A of the public officers
28 law ("New York state privacy protection law"). Such individuals shall be

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

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1 assisted as appropriate with service coverage, supervision, advocacy and
2 management. Providers shall not be liable for fulfillment of responsi-
3 bilities agreed to be undertaken by the eligible individual. This subdi-
4 vision, however, shall not diminish the participating provider's liabil-
5 ity for failure to exercise reasonable care in properly carrying out its
6 responsibilities under this program, which shall include monitoring such
7 individual's continuing ability to fulfill those responsibilities docu-
8 mented in [~~his or her~~] their records. Failure of the individual to carry
9 out [~~his or her~~] their agreed to responsibilities may be considered in
10 determining such individual's continued appropriateness for the program.
11 § 2. This act shall take effect immediately.