

STATE OF NEW YORK

3108

2023-2024 Regular Sessions

IN SENATE

January 27, 2023

Introduced by Sens. MANNION, SALAZAR, SKOUFIS -- 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 establishing the independent developmental disability ombudsman program

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

1 Section 1. The mental hygiene law is amended by adding a new section
2 33.28 to read as follows:

3 § 33.28 Independent developmental disability ombudsman program.

4 (a) There is hereby established by the office for people with develop-
5 mental disabilities the independent developmental disability ombudsman
6 program for the purpose of assisting individuals with developmental
7 disabilities to ensure their access to services and preservation of
8 their rights.

9 (b) Such ombudsman program shall have the following duties, including,
10 but not limited to:

11 1. establishing a service delivery structure based in New York state
12 that includes a toll-free telephone hotline, an interactive website, and
13 availability of in-person, telephone and email access to ombudsman
14 program staff or volunteers;

15 2. identifying, investigating, referring and resolving complaints made
16 by, or on behalf of, individuals relative to their access to services
17 provided by the office for people with developmental disabilities or the
18 care coordination provided by health homes serving individuals with
19 developmental disabilities or services provided by other providers;

20 3. providing assistance for navigating and completing processes, such
21 as paperwork and documentation, to access services provided by the
22 office for people with developmental disabilities or the care coordi-
23 nation provided by health homes serving individuals with developmental

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

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1 disabilities to individuals or services provided by other providers,
2 and/or anyone seeking assistance on their behalf;

3 4. assisting individuals in filing and preparing appeals, and repres-
4 enting individuals in appeals and hearings concerning adverse benefit
5 determinations regarding services provided by the office for people with
6 developmental disabilities or health homes serving individuals with
7 developmental disabilities to individuals or services provided by other
8 providers;

9 5. collecting, tracking, and quantifying problems and inquiries
10 encountered by individuals; and

11 6. educating individuals on their rights and responsibilities with
12 respect to access to services provided by the office for people with
13 developmental disabilities and care coordination provided by health
14 homes serving individuals with developmental disabilities or services
15 provided by other providers.

16 (c) Notices and materials provided to individuals by the office for
17 people with developmental disabilities, providers of services, and the
18 health homes serving individuals with developmental disabilities shall
19 include the name, phone number and website address of the independent
20 developmental disability ombudsman program established by the office for
21 people with developmental disabilities pursuant to this section.

22 (d) Funds available for expenditure pursuant to this section for the
23 establishment of an independent developmental disability ombudsman
24 program may be allocated and distributed by the commissioner of the
25 office for people with developmental disabilities, subject to the
26 approval of the director of the budget, but only after the commissioner
27 of the office for people with developmental disabilities holds a request
28 for proposal process for the establishment of an independent develop-
29 mental disability ombudsman program. Only domestic not-for-profit corpo-
30 rations shall be eligible to submit proposals for such program. Entities
31 that currently receive funding from the office for people with develop-
32 mental disabilities to provide services to people with developmental
33 disabilities, or to operate care coordination organizations, or that
34 bill the Medicaid program for medical or healthcare services, shall be
35 excluded from consideration. The commissioner of the office for people
36 with developmental disabilities shall consider all competitive proposals
37 submitted through such request for proposal process and shall determine
38 which proposal submitted is appropriate for the establishment of an
39 independent developmental disability ombudsman program. In making such
40 determination, applicants who demonstrate experience providing advocacy
41 or assistance to people with developmental disabilities, experience
42 operating a call center, or experience tracking and reporting on case
43 activities while protecting individual confidentiality shall receive
44 deference for the award.

45 § 2. This act shall take effect on the one hundred eightieth day after
46 it shall have become a law.