STATE OF NEW YORK

3108--A

2023-2024 Regular Sessions

IN SENATE

January 27, 2023

Introduced by Sens. MANNION, BROUK, SALAZAR, SKOUFIS, WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities -- recommitted to the Committee on Disabilities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to the duties of the independent developmental disability ombudsman program

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

Section 1. Section 33.28 of the mental hygiene law, as added by section 1 of part KK of chapter 57 of the laws of 2023, is amended to read as follows:

§ 33.28 Independent developmental disability ombudsman program.

(a) There is hereby established by the office for people with developmental disabilities the independent developmental disability ombudsman program for the purpose of assisting individuals with developmental disabilities to **ensure** access **by such individuals to** services and **to** preserve their rights.

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

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

2. identifying, investigating, referring and resolving complaints that are made by, or on behalf of individuals relative to access to services provided by the office for people with developmental disabilities or care coordination or other providers certified and/or authorized by the office to provide services to people with developmental disabilities[~~,~~

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

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~~and access to initial and continuing intellectual and developmental disability services and supports~~];

3. providing assistance for navigating and completing processes, such as paperwork and documentation, to access services provided by the office for people with developmental disabilities or the care coordination provided by health homes serving individuals with developmental disabilities to individuals or services provided by other providers, and/or anyone seeking assistance on their behalf;

4. assisting individuals in filing and preparing appeals, and representing individuals in appeals and hearings concerning adverse benefit determinations regarding services provided by the office for people with developmental disabilities or health homes serving individuals with developmental disabilities to individuals or services provided by other providers;

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

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

(c) Notices and materials provided to individuals by the office for people with developmental disabilities, providers of services, and the health homes serving individuals with developmental disabilities shall include the name, phone number and website address of the independent developmental disability ombudsman program established by the office for people with developmental disabilities pursuant to this section. [~~The phone number shall be available for forty hours every week.~~]

(d) Funds available for expenditure pursuant to this section for the establishment of an independent developmental disability ombudsman program may be allocated and distributed by the commissioner of the office for people with developmental disabilities, subject to the approval of the director of the budget, but only after the commissioner of the office for people with developmental disabilities holds a request for proposal process for the establishment of an independent developmental disability ombudsman program. Only domestic not-for-profit corporations shall be eligible to submit proposals for such program. Entities that currently receive funding from the office for people with developmental disabilities to provide services to people with developmental disabilities, or to operate care coordination organizations, or that bill the Medicaid program for medical or health care services, shall be excluded from consideration. The commissioner of the office for people with developmental disabilities shall consider all competitive proposals submitted through such request for proposal process and shall determine which proposal submitted is appropriate for the establishment of an independent developmental disability ombudsman program. In making such determination, applicants who demonstrate experience providing advocacy or assistance to people with developmental disabilities, experience operating a call center, or experience tracking and reporting on case activities while protecting individual confidentiality shall receive deference for the award.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall apply to all policies and contracts issued, renewed, modified, altered or amended on and after such date; provided, however, that if section 1 of part KK of chapter 57 of the laws of 2023 shall not have taken effect on or before such date then

this act shall take effect on the same date and in the same manner as such section of such part of such chapter of the laws of 2023, takes effect.