

# STATE OF NEW YORK

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3137

2023-2024 Regular Sessions

## IN SENATE

January 27, 2023

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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:

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

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

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

16 (ii) the number of persons with a developmental disability who have  
17 applied for services and were deemed ineligible through the office for  
18 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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1 (iii) the number of persons with a developmental disability for whom  
2 the adaptive behavior assessment system determined their eligibility for  
3 services within the last five years;

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

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

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

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

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

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

31 4. The commissioner of the office for people with developmental disa-  
32 bilities shall promulgate rules and regulations as may be necessary to  
33 effectuate the provisions of this section.

34 § 2. This act shall take effect immediately.