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 maintain a community residence opportunities waitlist

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

Section 1. The mental hygiene law is amended by adding a new section 16.15 to read as follows:

§ 16.15 Community residence opportunities waitlist and placement report.

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

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

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

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

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

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

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

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