

STATE OF NEW YORK

6960--A

2023-2024 Regular Sessions

IN SENATE

May 16, 2023

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law and the public health law, in relation to ensuring that the state implements certain federal conflict of interest requirements in a manner that ensures limited disruption of certain services

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

1 Section 1. Paragraph d of subdivision 6-a of section 366 of the social
2 services law, as amended by chapter 627 of the laws of 2004, is amended
3 to read as follows:

4 d. (i) The commissioner of health shall contract with not-for-profit
5 agencies around the state that have experience with providing community
6 based services to individuals with disabilities, hereinafter referred to
7 as regional resource development specialists, who shall be responsible
8 for initial contact with the prospective waiver participant, for assuring
9 the waiver candidates have choice in selecting a service coordinator
10 and other providers, and for assessing applicants including decisions
11 for eligibility for participation in the waiver, which contain the
12 original service plan and all subsequent revised service plans.
13 Regional resource development specialists shall be responsible for
14 approving service plans and the department of health shall provide technical
15 assistance and oversight.

16 (ii) Prior to taking any step to implement the requirements of subparagraph (vi) of paragraph (1) of subsection (c) of section 441.301 of title 42 of the code of federal regulations as such provisions relate to the nursing home transition and diversion waiver program authorized
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD10489-05-3

1 under section 1915(c) of the federal social security act, the commis-
2 sioner of the department of health shall:

3 (1) Survey all participating waiver providers, including voluntary
4 providers, to identify levels of preparedness to implement such require-
5 ments; and

6 (2) Report by July first, two thousand twenty-four, to the governor
7 and the chairs of the assembly and senate committees on health on the
8 ability of the provider system to continue to meet the requirements of
9 this paragraph related to consumer choice for service coordination.

10 (iii) All final plans for the transition and conversion of services
11 related to federal conflict of interest activities shall be suspended
12 pending the review and approval of the recommendations contained within
13 the report required under clause two of subparagraph (ii) of this para-
14 graph.

15 § 2. Section 2743 of the public health law is amended by adding a new
16 subdivision 4 to read as follows:

17 4. (a) Prior to taking any step to implement the requirements of
18 subparagraph (vi) of paragraph (1) of subsection (c) of section 441.301
19 of title 42 of the code of federal regulations as such provisions relate
20 to the traumatic brain injury waiver program authorized under section
21 1915(c) of the federal social security act, the commissioner shall:

22 (i) Survey all participating waiver providers, including voluntary
23 providers, to identify levels of preparedness to implement such require-
24 ments; and

25 (ii) Report by July first, two thousand twenty-four, to the governor
26 and the chairs of the assembly and senate committees on health on the
27 ability of the provider system to continue to ensure consumer choice for
28 service coordination.

29 (b) All final plans for the transition and conversion of services
30 related to federal conflict of interest activities shall be suspended
31 pending the review and approval of the recommendations contained within
32 the report required under subparagraph (ii) of paragraph (a) of this
33 subdivision.

34 § 3. This act shall take effect immediately.