

# STATE OF NEW YORK

10608

## IN ASSEMBLY

March 13, 2026

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to subcontracted facilitators of the statewide fiscal intermediary

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

1 Section 1. Subparagraphs (ii-b) and (ii-c) of paragraph (a) of subdivision 4-a of section 365-f of the social services law, as added by  
2 section 1 of part HH of chapter 57 of the laws of 2024, are amended and  
3 a new subparagraph (ii-d) is added to read as follows:

4 (ii-b) (A) For the purposes of this section, "subcontracted facilitators" are community-based organizations who provide delegated fiscal intermediary services that assist consumers to enroll with the statewide fiscal intermediary and also provide ongoing customer service and assistance with their responsibility as joint employers. Subcontracted facilitators shall provide disability and culturally competent support to consumers who rely on the program to live independently.

5 (B) For purposes of this section, "delegated fiscal intermediary services" are defined as fiscal intermediary services as set forth in subparagraph (ii) of this subdivision that the statewide fiscal intermediary includes in a subcontract with any subcontracted facilitator and which shall include services designed to meet the needs of consumers of the program, including, but not limited to, assisting consumers with navigation of the program by providing individual consumer assistance and support as needed, consumer peer support, and education and training to consumers on their duties under the program.

6 (C) The statewide fiscal intermediary shall subcontract to facilitate the delivery of delegated fiscal intermediary services to ~~an~~ any entity that is a service center for independent living under section one thousand one hundred twenty-one of the education law that has been providing fiscal intermediary services since January first, two thousand twenty-four or earlier. The statewide fiscal intermediary shall further subcontract to facilitate the delivery of fiscal intermediary services with at least one entity per rate setting region that has a proven

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

LBD15018-03-6

1 record of delivering services to individuals with disabilities and the  
2 senior population, and has been providing fiscal intermediary services  
3 since January first, two thousand twelve; provided that such [~~subcon-~~  
4 ~~tractor~~] subcontracted facilitator shall be required to provide any  
5 delegated fiscal intermediary services with cultural and linguistic  
6 competency specific to the population of consumers and those of the  
7 available workforce, and shall comply with the requirements for regis-  
8 tration as a fiscal intermediary set forth in subdivision four-a-one of  
9 this section. [~~For purposes of this section, "delegated fiscal interme-~~  
10 ~~diary services" are defined as fiscal intermediary services as set forth~~  
11 ~~in subparagraph (ii) of paragraph (a) of this subdivision that the~~  
12 ~~statewide fiscal intermediary includes in a subcontract and which shall~~  
13 ~~include services designed to meet the needs of consumers of the program,~~  
14 ~~which may include assisting consumers with navigation of the program by~~  
15 ~~providing individual consumer assistance and support as needed, consumer~~  
16 ~~peer support, and education and training to consumers on their duties~~  
17 ~~under the program.~~]

18 (D) Subcontracted facilitators shall execute teaming agreements with  
19 the statewide fiscal intermediary, and shall submit capacity plans for  
20 the provision of services to the statewide fiscal intermediary upon  
21 being subcontracted and every three years thereafter.

22 (E) Consumers shall be made aware of their right to request these  
23 services, and what these services entail. The statewide fiscal interme-  
24 diary shall at least quarterly inform consumers about the availability  
25 of such facilitation services and the location and contact information  
26 of subcontracted facilitators serving their local area for consumers to  
27 select from.

28 (F) All consumers will be assigned a facilitator of their choosing.  
29 If a consumer is at risk of losing facilitation services due to a change  
30 in program eligibility or another administrative issue, the consumer  
31 shall remain with their chosen facilitator unless the consumer chooses  
32 another facilitator. Consumers shall not be assigned to a facilitator by  
33 the statewide fiscal intermediary without their express direction to do  
34 so. If a consumer prefers to, or must, change facilitators for any  
35 reason, the statewide fiscal intermediary shall assist the consumer by  
36 providing a list of other facilitators that serve the consumer's county  
37 or service region.

38 (G) The statewide fiscal intermediary shall maintain a complete,  
39 up-to-date, publicly available listing of all subcontracted facilita-  
40 tors, which it shall prominently publish on its website. Further, the  
41 statewide fiscal intermediary shall organize this listing according to  
42 state geographical region, and indicate designation as an independent  
43 living center and relevant cultural or linguistic competence, to assist  
44 consumers in the selection of a local, culturally and linguistically  
45 competent subcontracted facilitator.

46 (ii-c) (A) The statewide fiscal intermediary shall be responsible for  
47 payment to [~~subcontractors~~] subcontracted facilitators for delegated  
48 fiscal intermediary services. The payment shall not require a certif-  
49 ication by the commissioner if payments are reasonably related to the  
50 costs of efficient delivery of such services.

51 (B) The statewide fiscal intermediary shall fully comply with all  
52 executed subcontract financial obligations, capacity plan commitments,  
53 and teaming agreements. For every month the statewide fiscal interme-  
54 diary is in non-compliance with this clause, the statewide fiscal inter-  
55 mediary shall provide direct payment to each subcontracted facilitator

1 in an amount equivalent to the referral rate agreed to multiplied by the  
2 number of referrals not served by such subcontractor.

3 (ii-d) The statewide fiscal intermediary shall not perform subcon-  
4 tracted fiscal intermediary services and shall remain entirely separate  
5 from any subcontracted facilitators. The statewide fiscal intermediary  
6 shall not create or acquire additional corporate structures or subsid-  
7 aries which would provide such facilitation services. Only qualified  
8 entities subcontracted under clause (C) of subparagraph (ii-b) of this  
9 paragraph shall be remitted to be facilitators.

10 § 2. Subdivision 4-a-1 of section 365-f of the social services law, as  
11 added by section 3 of part HH of chapter 57 of the laws of 2024, is  
12 amended to read as follows:

13 4-a-1. (a) Fiscal intermediary registration. Except for the statewide  
14 fiscal intermediary and its [~~subcontractors~~] subcontracted facilitators,  
15 as of April first, two thousand twenty-five, no entity shall provide,  
16 directly or through contract, fiscal intermediary services. All [~~subcon-~~  
17 ~~tractors of the statewide fiscal intermediary,~~] subcontracted facilita-  
18 tors shall register with the department within thirty days of being  
19 selected as a [~~subcontractor~~] subcontracted facilitator.

20 (b) In selecting its [~~subcontractors~~] subcontracted facilitators, the  
21 statewide fiscal intermediary shall consider demonstrated compliance  
22 with all applicable federal and state laws and regulations, including  
23 but not limited to, marketing and labor practices, cost reporting, and  
24 electronic visit verification requirements.

25 § 3. This act shall take effect immediately.