

STATE OF NEW YORK

4871

2025-2026 Regular Sessions

IN SENATE

February 13, 2025

Introduced by Sen. FAHY -- 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 the duties of the independent developmental disability ombudsperson program

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

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

4 § 33.28 Independent developmental disability [~~ombudsman~~] ombudsperson
5 program.

6 (a) There is hereby established by the office for people with develop-
7 mental disabilities the independent developmental disability [~~ombudsman~~]
8 ombudsperson program for the purpose of assisting individuals with
9 developmental disabilities to ensure access by such individuals to
10 services and to preserve their rights.

11 (b) Such [~~ombudsman~~] ombudsperson program shall have the following
12 duties, including, but not limited to:

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

17 2. identifying, investigating, referring and resolving complaints that
18 are made by, or on behalf of individuals relative to access to services
19 provided by the office for people with developmental disabilities or
20 care coordination or other providers certified and/or authorized by the
21 office to provide services to people with developmental disabilities[
22 ~~and access to initial and continuing intellectual and developmental~~
23 ~~disability services and supports];~~

24 3. providing assistance for navigating and completing processes, such
25 as paperwork and documentation, to access services provided by the

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

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1 office for people with developmental disabilities or the care coordi-
2 nation provided by health homes serving individuals with developmental
3 disabilities to individuals or services provided by other providers,
4 and/or anyone seeking assistance on their behalf;

5 4. assisting individuals in filing and preparing appeals, and repres-
6 enting individuals in appeals and hearings concerning adverse benefit
7 determinations regarding services provided by the office for people with
8 developmental disabilities or health homes serving individuals with
9 developmental disabilities to individuals or services provided by other
10 providers;

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

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

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

26 (d) Funds available for expenditure pursuant to this section for the
27 establishment of an independent developmental disability [ombudsman]
28 ombudsperson program may be allocated and distributed by the commis-
29 sioner of the office for people with developmental disabilities, subject to
30 the approval of the director of the budget, but only after the commis-
31 sioner of the office for people with developmental disabilities holds a
32 request for proposal process for the establishment of an independent
33 developmental disability [ombudsman] ombudsperson program. Only domestic
34 not-for-profit corporations shall be eligible to submit proposals for
35 such program. Entities that currently receive funding from the office
36 for people with developmental disabilities to provide services to people
37 with developmental disabilities, or to operate care coordination organ-
38 izations, or that bill the Medicaid program for medical or health care
39 services, shall be excluded from consideration. The commissioner of the
40 office for people with developmental disabilities shall consider all
41 competitive proposals submitted through such request for proposal proc-
42 ess and shall determine which proposal submitted is appropriate for the
43 establishment of an independent developmental disability [ombudsman]
44 ombudsperson program. In making such determination, applicants who
45 demonstrate experience providing advocacy or assistance to people with
46 developmental disabilities, experience operating a call center, or expe-
47 rience tracking and reporting on case activities while protecting indi-
48 vidual confidentiality shall receive deference for the award.

49 § 2. This act shall take effect on the one hundred eightieth day after
50 it shall have become a law and shall apply to all policies and contracts
51 issued, renewed, modified, altered or amended on and after such date.