STATE OF NEW YORK

7954

2025-2026 Regular Sessions

IN SENATE

May 14, 2025

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law, in relation to fiscal intermediaries under the consumer directed personal assistance program; and to repeal certain provisions of such law relating thereto

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

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

(i) "Statewide fiscal intermediary" means an entity that provides fiscal intermediary services and has a contract for providing such services with the department of health [~~and is selected through the procurement process described in paragraph (b) of this subdivision~~].

(i-a) "Fiscal intermediary" shall mean:

(A) an entity that provides fiscal intermediary services and has a contract for providing such services with the department of health;

(B) 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 as of January first, two thousand twenty-four, or earlier; and

(C) at the discretion of the commissioner, an entity that has been selected as a subcontractor under this section as of April first, two thousand twenty-five. Fiscal intermediaries shall have the same status as the selected statewide fiscal intermediary. Fiscal intermediaries shall be required to provide fiscal intermediary services with cultural and linguistic competency specific to the population of consumers and those of the available workforce, and shall comply with the requirements for registration as a fiscal intermediary set forth in subdivision four-

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

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a-one of this section. Fiscal intermediaries are intended to provide consumer choice of fiscal intermediary services, and are permitted to expand their services into areas of the state lacking choice, with the approval of the department. Such approval shall be considered through an expedited process.

(ii-a) The commissioner shall require any managed care plans, managed long-term care plans, local social [~~service~~] services districts, and other appropriate long-term service programs offering consumer directed personal assistance services to contract with the statewide fiscal intermediary and the fiscal intermediaries set forth in [~~subparagraph~~] subparagraphs (i) and (i-a) of this paragraph to provide all fiscal intermediary services to consumers.

§ 2. Subparagraphs (ii-b) and (ii-c) of paragraph (a) and paragraphs (b) and (c) of subdivision 4-a of section 365-f of the social services law are REPEALED.

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

4-a-1. (a) Fiscal intermediary registration. Except for the statewide fiscal intermediary and [~~its subcontractors, as of April first, two thousand twenty-five~~] a fiscal intermediary as defined in subparagraph (i-a) of paragraph (a) of subdivision four-a of this section, no entity shall provide, directly or through contract, fiscal intermediary services. [~~All subcontractors of the statewide fiscal intermediary, shall register with the department within thirty days of being selected as a subcontractor.~~]

(b) [~~In selecting its subcontractors, the statewide fiscal intermediary shall consider demonstrated compliance with all applicable federal and state laws and regulations, including but not limited to, marketing and labor practices, cost reporting, and electronic visit verification requirements.~~] Fiscal intermediaries may contract directly with managed care plans, managed long-term care plans, local social services districts, and other appropriate long-term service programs offering consumer directed personal assistance services to provide fiscal intermediary services to consumers.

§ 4. This act shall take effect immediately.