§ 33.27 Independent substance use disorder and mental health ombudsman.

(a) There is hereby established the office of the independent substance use disorder and mental health ombudsman program that will be operated or selected by the office of addiction services and supports, in consultation with the office of mental health for the purpose of assisting individuals with a substance use disorder and/or mental illness to ensure that they receive appropriate health insurance coverage. The office of addiction services and supports in consultation with the office of mental health shall provide annual outreach services to other state and local entities, including but not limited to the division of veterans' services, the office for people with developmental disabilities, the office of children and family services, the department of corrections, or providers contracted by such agencies to provide assistance to the impacted populations to make them aware of the independent substance use disorder and mental health ombudsman program and the assistance they provide.

(b) Such ombudsman will identify, investigate, refer and resolve complaints that are made by, or on behalf of, consumers relative to health insurance coverage and access to initial and continuing substance use disorder care and mental health care; accept, investigate, refer and help to resolve complaints that are made by treatment providers relative to health insurance coverage of and reimbursement for initial or continuing substance use disorder and mental health care; accept, investigate, refer and help to resolve complaints that are made by or on behalf of consumers or by providers relative to network adequacy for access to and continuing substance use disorder and mental health care. By October thirty-first annually, the ombudsman must submit an annual report summarizing the work of the program and make recommendations to address systemic issues identified during the previous year. Such annual report shall be submitted to the governor, the temporary president of the senate, the speaker of the assembly and the relevant legislative committee chairs.

(c) Notwithstanding sections one hundred twelve and one hundred sixty-three of the state finance law and section one hundred forty-two of the economic development law, or any other inconsistent provision of law, funds available for expenditure pursuant to this section for the establishment of an ombudsman for substance use disorder and mental

health insurance coverage, may be allocated and distributed by the commissioner of the office of addiction services and supports, subject to the approval of the director of the budget, without a competitive bid or request for proposal process for the establishment of an ombudsman for substance use disorder and mental health insurance coverage. Provided, however, that such allocation or distribution must be based on objective criteria and an allocation methodology that is approved by the director of the budget.