*** § 367-d. Personal care need determination.** The commissioner shall annually determine the statewide need for personal care services for all recipients except for those receiving personal care services pursuant to section three hundred sixty-seven-c of this article and for those recipients who are receiving personal care services and residing in family care homes or community residences as defined in subdivision twenty-eight-a of section 1.03 of the mental hygiene law certified by the office of mental health and the office of mental retardation and developmental disabilities. In determining such need the commissioner shall consider such factors as the population characteristics, poverty levels, the availability of informal support and other health care resources, related demographic data, and such other factors the commissioner deems pertinent for this purpose. The need for personal care services, as used in this section, shall be expressed in hourly units of service and the total number of personal care service units established pursuant to this section shall be allocated to each social services district on the same basis as the statewide need is determined. Such allocations shall be in effect for the period April first through March thirty-first of the following year and shall be made available to each social services district prior to April first of each year, except that during calendar year nineteen hundred eighty-three, such allocations shall be made available within thirty days after enactment of this section but no earlier than April first. Within thirty days of receipt of a written request to the department made by a local social services commissioner the department shall provide all documentation used as the basis for determining aggregate statewide as well as their individual district allocations determined pursuant to this section.

* NB Expired March 31, 1985