

New York State 2023 Budget Provisions and New Laws Related to Developmental Disabilities

- **Provide Virtual Meeting Flexibilities for Public Bodies Serving Individuals with Disabilities** – Changed the Open Meetings Law (Public Officers Law § 103) to allow people with disabilities on councils and other public groups to participate remotely, if they cannot participate in person because of their disability. Their participation will still count towards quorum so the council can vote on motions. This provision will expire on July 1, 2024.
- **55-b Candidate Expansion.** Changed Civil Service Law §55-b to increase the number of 55-b non-competitive class positions in State government available to workers with a physical or mental disability from 1200 to 1700.
- **Expands the Medicaid Buy-in for Working People with Disabilities.** Allowed the Department of Health (DOH) to submit a waiver request to the Federal Government to expand the Medicaid buy-in program for working people with disabilities by:
 - Removing the age limit.
 - Increasing the amount of money a person with a disability can earn and still remain eligible.
 - Changing the ways fees are calculated.
 - Removing the income of family members and caregivers from how eligibility is calculated.

No more than 30,000 people with disabilities, who are eligible, can participate.

Non-Budget Chapters

Chapter 91 of the Laws of 2023

S.858/A.621 (Mannion/Burdick)

Chapter Amendment to Preferred Source Legislation

Changed Chapter 565 of the Laws of 2022 to make sure the law applies to items made by preferred source member agencies who serve people who are visually impaired or blind. The law started on March 3, 2022, and will end March on 5, 2025.

Chapter 106 of The Laws of 2023

S.823/A.2890 (Mannion/Simone)

Amends OPWDD Service Determination Law

Changed Chapter 806 of the Laws of 2022 about service eligibility and approvals and removes reporting requirements. The law started on June 26, 2023.

Chapter 139 of the Laws of 2023

A.1142/S.155 (Kelles/Krueger)

Requires Gender-Neutral Terminology in Laws, Rules, or Regulations

Required that gender-neutral terms such as “they,” “them,” and “theirs” be used in laws, rules, regulations, ordinances, or resolutions instead of gendered pronouns such as she, he, her, him, hers, and his. If a

law, rule, regulation, ordinance or resolution is in reference to a specific person, the language referring to that person can remain the same. The law started on June 26, 2023.

Chapter 140 of the Laws of 2023

A.1371a/S.208a (Rosenthal/Cleare)

Requires Gender-Neutral Terminology on State Websites

Required State agency websites to use gender-neutral terminology like “they,” “them,” and “theirs”. The law started on June 26, 2023.

Chapter 368 of the Laws of 2023

A.6543/S.7094 (Seawright/Mannion)

Departmental Bill #9, DDPC Program Bill

Updates DDPC Statute

Changed the Developmental Disabilities Planning Council (DDPC) statute to change the agency’s name to the Council on Developmental Disabilities, updated the statute to include “person first” language, and clarified the amount of time a member can stay on the Council. The law started on September 14, 2023.

Chapter 370 of the Laws of 2023

S.3313b/A.5879a (Skoufis/Seawright)

Changes Terminology

Changed the words "mentally retarded" and "mental retardation" to "intellectually disabled" and "intellectual disability" throughout the Consolidated Laws of New York. The law started September on 14, 2023.

Chapter 371 of the Laws of 2023

S.4041a/A.7258a

(Mayer/Benedetto)

Replaces “Handicapping Conditions” with “Disabilities”

Changed the words “handicapping conditions” to the word “disabilities” in New York Education Law. The law started September on 14, 2023.

Chapter 391 of the Laws of 2023

A.5697/S.4521 (Barrett/Brouk)

Eliminates Duplicative Justice Center Reporting

Changed the law so that a mandated reporter does not need to complete the Justice Center reporting requirement if they already know the incident has been reported or they were listed as a witness. The law started on September 18, 2023.

Chapter 521 of the Laws of 2023

A.6480/S.6482a (Burdick/Mannion)

Part-Time Employment

Changed 55B and 55C of civil service law to let a veteran with a disability or a person with a disability to have two part-time positions that equals a full-time position to help recruit more people with disabilities to apply. Made the Department of Civil Service share employment opportunities with the public, including opportunities that can be filled by people with disabilities and veterans with disabilities. The law started January on 1, 2024.

Chapter 583 of the Laws of 2023
S.2391/A.6049 (Rivera/McMahon)

Increases Medicaid Buy-In Limit for People with Disabilities

Increased the resource limit for the Medicaid Buy-In for people with disabilities who are employed to 150% of the income limit to be eligible for poverty programs. This will match the current resource limit for people who are blind or who are older. The law started on October 25, 2023.

Chapter 636 of the Laws of 2023
A.2190/S.5100 (Dinowitz/Cleare)

Authorizes remote witnessing of health care proxies

Allowed people to remotely witness the signing of a health care proxy through audio-visual technology under certain conditions. A health care proxy is a legal document that allows a trusted person (like a family member or a close friend) to make health care decisions for another person, if that person cannot make health care decisions for themselves. The law will start on November 17, 2024.

Chapter 646 of the Laws of 2023
A.7366/S.6463a (Hevesi/Mannion)

Training for CPS employees on neglect/abuse of people with DD

Required the Office for Children and Family Services (OCFS) to give training to child protective services employees so they can find abused or maltreated child with developmental disabilities. The law required OCFS to work with the Justice Center to make the training. The law will start on November 17, 2024.

Chapter 672 of the Laws of 2023
A.4504a/S.5069a (Epstein/Persaud)

Requires Person with Disability on MTA Board

Required at least one voting member of the Metropolitan Transportation Authority to be a person with a disability who uses public transportation. The law started on November 17, 2023.

Chapter 674 of the Laws of 2023
A.358/S.3225 (Bronson/Hoylman-Sigal)

Expands Agency Demographic Data Collection & Reporting

Required state agencies that directly collect data on ethnic origin to add new categories for sexual orientation and gender identity. The law will start on March 20, 2024.

Chapter 734 of the Laws of 2023
A.266a/S.3114a (Burdick/Mannion)

Agency Website Accessibility

Required the Office of Information and Technology Services to keep rules for website accessibility for State agency websites. Required a report to the Governor and Legislature by December 31, 2023, and every two years after that.

Chapter 742 of the Laws of 2023
A.4332/S.2930 (Gunther/Rivera)

Changes Do Not Resuscitate Order Rules

Explained that if a person with a developmental disability, who cannot make life supporting decision and does not have a legal surrogate or health care proxy, is placed in an Office of Mental Health (OMH) facility, the rules on life supporting decisions in OMH facilities do not apply. Rules for OPWDD facilities

should be followed. The law starts 90 days after being signed by the Governor. Singing Memo #66 says that a chapter amendment is forthcoming to make technical corrections and include MHLS notifications.

Chapter 745 of the Laws of 2023

A.6291a/S.264a

(Burdick/Stewart-Cousins)

Emergency Evacuation plans

Required the State Fire Prevention and Building Code Council make rules for emergency evacuation plans for tall buildings. The rules must have plans for evacuating people with disabilities. The rules will be implemented by January 2025.

Chapter 765 of the Laws of 2023

S.5410/A.6972 (Fernandez/Otis)

Mobile Friendly Agency Websites

Requires all state agencies to have phone friendly platforms for their websites and other resources to increase accessibility. The law will start December 22, 2024.