



New York State Assembly

Carl E. Heastie, Speaker

ANNUAL REPORT 2015

A dark blue silhouette of a city skyline, including various skyscrapers and buildings, positioned behind the large white text of the title.

Committee on
**Oversight, Analysis and
Investigation**

Ellen Jaffee, Chair



ELLEN C. JAFFEE
Assemblymember 97th

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on Oversight, Analysis
and Investigation
COMMITTEES
Environmental Conservation
Children and Families
Health
Higher Education
Economic Development, Job Creation,
Commerce and Industry
Mental Health
Steering Committee

December 15, 2015

The Honorable Carl E. Heastie
Speaker of the Assembly
Legislative Office Building, Room 932
Albany, New York 12248

Dear Speaker Heastie:

It is with pleasure that I present you with the 2015 Annual Report of the Assembly Standing Committee on Oversight, Analysis and Investigation. Contained within are summaries of the Committee's initiatives and activities during the 2015 legislative session, as well as an outlook for 2016.

Rigorous oversight is crucial to an efficient and responsible government. An important role of the Oversight, Analysis and Investigation Committee is to analyze the implementation of the law and investigate whether State agencies are acting effectively, efficiently, and in compliance with legislative intent.

As a former educator, I know firsthand how critical early childhood development and education is. In 2015, the Committee initiated the examination of several issues impacting children, including ways to improve the implementation of the Early Intervention Program (EI) and reviewing state policies to ensure families are receiving adequate child care. The Committee was also concerned with ensuring that clinical laboratories operating outside of the state but doing business for in-state purposes are operating at the same standards required of those laboratories in New York.

I have been honored to chair this Committee as it endeavors to strengthen the accountability and efficiency of government in New York State and help to ensure all New Yorkers are being well served by government.

I would like to thank you, your staff, and the Committee members for their continued support and guidance. I look forward to continuing the work of the Committee during the upcoming 2016 legislative session.

Sincerely,

Ellen Jaffee
Chair, Assembly Committee on Oversight, Analysis and Investigation

2015 ANNUAL REPORT

OF THE NEW YORK STATE ASSEMBLY

STANDING COMMITTEE ON OVERSIGHT, ANALYSIS AND INVESTIGATION

Ellen Jaffee
Chair

COMMITTEE MEMBERS

William Magnarelli
Annette Robinson
Fred Thiele, Jr.
Michael Kearns
Michael Montesano
Peter Lawrence

TABLE OF CONTENTS

LEGISLATIVE OVERSIGHT1

COMMITTEE INITIATIVES3

ROUNDTABLES5

OUTLOOK FOR 20166

LEGISLATIVE OVERSIGHT

The Role of Legislative Oversight

Every year, the Legislature and Governor enact hundreds of new laws. Legislative oversight enables policymakers to examine how those laws are implemented and ensure that the intent of the Legislature is being followed.

Article III of the State Constitution provides the New York State Legislature with the authority to conduct oversight activities. The Constitution permits the Legislature to appoint committees to investigate matters relating to the property and affairs of government and the state. The Constitution also empowers the Legislature to modify existing roles and assign new functions and powers to Executive departments.

Several laws and rules reinforce the Legislature's authority to perform oversight. For example, the Legislative Law and Civil Rights Law provide legislative committees with the authority to require the appearance of witnesses at hearings, and the State Finance Law requires the enactment of legislative appropriations before any state monies are spent.

The Assembly's oversight role was strengthened when its rules were amended to provide standing committees more ability to focus on oversight. Specifically, Assembly Rule IV, §1(d) was revised to require every standing committee to "devote substantial efforts to the oversight and analysis of activities, including but not limited to the implementation and administration of programs, departments, agencies, divisions, authorities, boards, commissions, public benefit corporations and other entities within its jurisdiction." Also, Rule IV, §4(b) was amended in 2005 to provide that standing committees conduct at least one public hearing after adoption of the state budget. "The purpose of such public hearing shall include, but not be limited to, the impact, if any, of the state budget on the implementation and administration of the programs within such entities' jurisdiction."

Activities of the Committee on Oversight, Analysis and Investigation help shed light on governmental and non-governmental actions and promote integrity and efficiency in the administration of laws. The role of the Committee helps to identify whether programs operate as intended and if state funds are effectively spent. Oversight is the foundation for making sound policy decisions.

The Function of the Oversight, Analysis and Investigation Committee

The Oversight, Analysis and Investigation Committee contributes a number of important roles in furthering the Assembly's oversight activities. The Committee:

- **Reviews implementation and effectiveness of laws and programs**

The Committee is charged with reviewing the implementation and effectiveness of laws and programs to ensure compliance by governmental agencies. Through its work with other standing committees and lawmakers, and its own investigative activities, the Committee seeks to determine whether programs operate as intended and whether program funds are spent effectively and efficiently.

- **Conducts program and budget reviews**

The Committee conducts targeted program and budget reviews, both jointly with other Committees and individually, pursuant to recommendations of the Speaker, the Committee Chair, individual members, other governmental sources, or the public. Projects can be short-term or in-depth, and may involve financial and

historical data collection, field investigations, on-site state agency visits, and public hearings and roundtables.

- **Helps to create a climate for change**

The outcome of investigations, hearings, and other oversight activities are often compiled in reports or memoranda and distributed publicly to help create a climate for change. Recommendations may be incorporated into the lawmaking process through the budget, legislation, or administrative recommendations to the Executive.

- **Acts as a resource to other Assembly standing committees**

The Committee directs much of its attention to research and data collection. The Committee acts as a resource to other Assembly standing committees, lawmakers, and staff by providing assistance and guidance during program reviews. Additionally, each member is provided with a copy of the Committee's "A Guide to Legislative Oversight," which explains how effective oversight reviews are conducted and sets forth the Assembly's authority to perform oversight activities.

COMMITTEE INITIATIVES

New York State Early Intervention Program

The Early Intervention Program (EI), which is implemented by the Department of Health (DOH), offers a variety of services to infants and toddlers with disabilities or developmental delays. The Committee appreciates how vital early childhood development and education is and wants to ensure that EI is functioning in a manner that results in the best possible delivery of services to the children of this state.

A.7554 (Jaffee) would provide the legislature and public with additional information in order to assess the efficiency, cost effectiveness, quality and access to services of EI. This bill would require the commissioner of health to collect and report additional information, including data related to the number and type of EI services, provider claims, and how long children are waiting for services to commence. This bill passed both Houses but was vetoed by the Governor (Veto Memo 270 of 2015). Despite not being signed into law, the Chair is committed to being a strong advocate for the need to have enhanced EI data reported and available for public inspection.

In 2013, the state required DOH to transition to using third-party "fiscal agents" in the collection of payments for EI services. The fiscal agent routes claims from EI service providers to private insurance and Medicaid payers. The Committee, in collaboration with the Committee on Health, hosted a roundtable discussion amongst stakeholders in order to learn how the fiscal agent system is operating; what improvements service providers have experienced since the transition and what administrative, technical, or other obstacles remain; and whether the fiscal agent system is proving to be a wise investment of state funds that improves the rate of commercial insurance reimbursements and ultimately improves services to the children served by EI. The Committee recognizes that the system of claims reimbursement should ensure that EI service providers are paid in a timely fashion and not burdened by administrative duties related to insurance regulations.

Focusing on Quality Child Care

Oversight, Analysis and Investigation Committee Chairperson Jaffee has for many years had a keen interest in making sure every family has access to quality, affordable childcare. A bill sponsored by the Assemblymember in in 2014, A.1077-A, was included in the fiscal year 2014-2015 final budget. This legislation established uniform rules for determining a family's eligibility for child care assistance when a teenager in the household who was not responsible for the care of a child was earning income.

In February, 2015, Chairperson Jaffee was named to the Assembly's Child Care Workgroup. This workgroup has focused on examining measures that will ensure affordable, quality child care for the hardworking families throughout the state. The Committee is working with this Assembly workgroup, and other relevant committees, to find a way to guarantee working families have access to affordable, quality child care.

A.775-A (Jaffee) would expand access to child care for working families. This bill would provide that parents and caretakers who are eligible for a child care subsidy would receive a subsidy when care is necessary to enable them to sleep eight hours because they work a late shift and have a child who is not yet in school. This bill passed the Assembly.

Upholding the Integrity of Clinical Laboratories

The Committee is committed to safeguarding the integrity of all clinical laboratory work, especially that of laboratories located outside of New York that are licensed by the state and performing work for in-state purposes. **A.1202 (Jaffee)** would require out-of-state laboratories licensed and regulated by New York State, that test specimens from New York State residents, to demonstrate that they meet standards which are substantially similar to the New York State Education Department's educational requirements for in-state laboratories. This bill passed both Houses but was vetoed by the Governor (Veto Memo 247 of 2015). Despite not being signed into law, the Chair is steadfast in her belief that all laboratories performing analysis for in-state purposes need to be operating at the high professional standards of those laboratories in New York State, and will continue to advocate for such changes to law.

ROUNDTABLES

Roundtable on the Early Intervention Program and Its Fiscal Agent System – October 1, 2015

The Oversight, Analysis and Investigation Committee and the Health Committee hosted a roundtable discussion to gather insight as to the experiences and challenges of the Early Intervention Program's fiscal agent system. Representatives of the fiscal agent, EI providers and provider associations, county and New York City health officials, and other stakeholders came to the table to share their perspectives and recommendations about the program and the fiscal agent system. This was a very productive roundtable that will help the Committees prioritize policy initiatives for EI going forward, including finding ways to relieve the administrative burden placed on providers as a result of the fiscal agent system, and considering if a raise in reimbursement rates is warranted at this time.

Assembly Child Care Workgroup Roundtables

Chairperson Jaffee was honored to have been appointed to the Assembly's Child Care Workgroup. The Workgroup hosted several roundtables in October, 2015, including:

- **Interplay between Child Daycare and Pre-kindergarten Programs** – October 6, 2015. This roundtable explored the impact pre-kindergarten has on the childcare industry and the families who utilize various childcare models in light of the continued expansion of pre-kindergarten programs across the state.
- **Federal Reauthorization of the Child Care and Development Block Grant** – October 19, 2015. This roundtable examined the impacts to New York State with the 2014 federal reauthorization of the Child Care and Development Block Grant and the policy changes that came with it. The roundtable highlighted the fact that there are many positive changes that will be realized with this reauthorization, but that serious fiscal burden will be placed on the state, which could jeopardize child care subsidies for low income families.
- **Establishing a Market Rate Adequate to Cover the Cost of Care and Providing Access for Low-Income Families** – October 27, 2015. In order to ensure equal access to childcare, a biennial childcare market rate survey is conducted and submitted to the Administration for Children and Families to establish the appropriate reimbursement rate for childcare subsidies. This roundtable examined the impact that the recent lowering of the market rate has had on child care providers, including creating further financial uncertainty for an already underfunded group of providers.

OUTLOOK FOR 2016

The Oversight, Analysis, and Investigation Committee will continue to examine and take an active role in the issues it explored in 2015, including monitoring the effectiveness and efficiency of the Early Intervention Program, fighting for quality and affordable child care, and ensuring the integrity of all clinical laboratories.

In addition, the Committee will focus on ways to ensure the safety and security of our state's most vulnerable people, particularly disabled children and adults, and will take steps to see that the Minority and Women-Owned Business Enterprises program is achieving a high level of meaningful participation by minority and women-owned businesses on state contracts.

The Committee will also advocate for the convening of a comprehensive study on the cost of childcare across the state. In addition, the Committee is interested in looking at the possibility of implementing a statewide system of childcare to replace the current county by county approach.

The Committee plans to examine the implementation and effectiveness of several pieces of legislation previously signed in to law to determine if the intentions of the Legislature and spirit of the bills are being followed. These measures include: a requirement that the Department of Labor provide guidance to local workforce investment boards and staff to improve services and training for women and men (Chapter 284 of the Laws of 2012); a requirement that hospitals offer a seven day starter pack of HIV post-exposure prophylaxis treatment for victims of sexual assault (Chapter 39 of the Laws of 2012); and a requirement that the Office Alcoholism and Substance Abuse Services develop educational material for health care providers related to screening for alcoholism and chemical dependency in women (Chapter 265 of the Laws of 2011).

The Committee will also continue to strive to be informed of and engaged in the multitude of issues facing the Legislature in 2016.