

S. 8089

A. 11370

S E N A T E - A S S E M B L Y

June 7, 2010

IN SENATE -- Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT making appropriations for the support of government; to amend chapter 20 of the laws of 2010, relating to making appropriations for the support of government; to amend chapter 46 of the laws of 2010, relating to making appropriations for the support of government; to amend chapter 47 of the laws of 2010, relating to making appropriations for the support of government; to amend chapter 75 of the laws of 2010, relating to making appropriations for the support of government; to amend chapter 80 of the laws of 2010, relating to making appropriations for the support of government; to amend chapter 90 of the laws of 2010, relating to making appropriations for the support of government; and to amend chapter 106 of the laws of 2010, relating to making appropriations for the support of government

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative intent. The legislature hereby finds and
2 declares that the enactment of these appropriations provides sufficient
3 authority to the comptroller for the purpose of making payments for the
4 purposes described herein until such time as appropriation bills submit-
5 ted by the governor pursuant to article VII of the state constitution
6 for the support of government for the state fiscal year beginning April
7 1, 2010 are enacted.

8 S 2. Section 2 of chapter 20 of the laws of 2010, relating to making
9 appropriations for the support of government, as amended by chapter 106
10 of the laws of 2010, is amended to read as follows:

11 S 2. The sum of two billion [seventy-two] TWO HUNDRED THIRTY-SIX
12 million [one] EIGHT hundred [fifty-one] TWENTY-ONE thousand dollars
13 [(\$2,072,151,000)] (\$2,236,821,000), or so much thereof as shall be

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

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sufficient to accomplish the purpose designated, is hereby appropriated and authorized to be paid as hereinafter provided, to the public officers and for the purposes specified, which amount shall be available for the state fiscal year beginning April 1, 2010.

ALL STATE DEPARTMENTS AND AGENCIES

For the purpose of making payments for personal service, including liabilities incurred prior to April 1, 2010, on the payrolls scheduled to be paid during the period April 1 through June [9] 17, 2010 to state officers and employees of the executive branch, including the governor, lieutenant governor, comptroller and attorney general; to officers and employees of the judiciary; and to officers and employees of the legislature, including payments to the members of the senate and assembly under sections 5 and 5-a of the legislative law; and payments for services performed by mentally ill or developmentally disabled persons who are employed in state-operated special employment, work-for-pay or sheltered workshop programs provided that, notwithstanding any other provision of law to the contrary, the expiration dates of the exemption from licensure requirements as set forth in section 9 of chapter 420 of the laws of 2002 and section 17-a of chapter 676 of the laws of 2002 are hereby extended until June [9] 17, 2010 [2,072,151,000] 2,236,821,000
=====

S 2-a. Section 2-a of chapter 80 of the laws of 2010, relating to making appropriations for the support of government, as amended by chapter 106 of the laws of 2010, is amended to read as follows:

S 2-a. The several amounts specified in this section, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be paid as hereinafter provided, to the respective public officers and for the several purposes specified, which amounts shall be available for the state fiscal year beginning April 1, 2010.

GENERAL STATE CHARGES

GENERAL STATE CHARGES [75,726,000] 77,726,000

General Fund / State Operations
State Purposes Account - 003

For the state's contribution to the health insurance fund. The state's share of the health insurance program dividends shall

1 be available to pay for the premiums in
2 2010-11.

3 NOTWITHSTANDING SECTION 167-A OF THE CIVIL
4 SERVICE LAW, EFFECTIVE APRIL 1, 2010 UPON
5 EXCLUSION FROM THE COVERAGE OF THE HEALTH
6 INSURANCE PLAN OF SUPPLEMENTARY MEDICAL
7 INSURANCE BENEFITS FOR WHICH AN ACTIVE OR
8 RETIRED EMPLOYEE OR A DEPENDENT COVERED BY
9 THE HEALTH INSURANCE PLAN IS OR WOULD BE
10 ELIGIBLE UNDER THE FEDERAL OLD-AGE, SURVI-
11 VORS AND DISABILITY INSURANCE PROGRAM, AN
12 AMOUNT EQUAL TO THE PREMIUM CHARGE FOR
13 SUCH SUPPLEMENTARY MEDICAL INSURANCE
14 BENEFITS FOR SUCH ACTIVE OR RETIRED
15 EMPLOYEE AND HIS OR HER DEPENDENTS, IF
16 ANY, SHALL BE PAID MONTHLY OR AT OTHER
17 INTERVALS TO SUCH ACTIVE OR RETIRED
18 EMPLOYEE FROM THE HEALTH INSURANCE FUND.
19 WHERE APPROPRIATE, SUCH AMOUNT MAY BE
20 DEDUCTED FROM CONTRIBUTIONS PAYABLE BY
21 THE EMPLOYEE OR RETIRED EMPLOYEE; OR WHERE
22 APPROPRIATE IN THE CASE OF A RETIRED
23 EMPLOYEE RECEIVING A RETIREMENT ALLOWANCE,
24 SUCH AMOUNT MAY BE INCLUDED WITH PAYMENTS
25 OF HIS OR HER RETIREMENT ALLOWANCE.

26 NOTWITHSTANDING SECTION 167-A OF THE CIVIL
27 SERVICE LAW, EFFECTIVE APRIL 1, 2010, ALL
28 STATE EMPLOYER, EMPLOYEE, RETIRED EMPLOYEE
29 AND DEPENDENT CONTRIBUTIONS TO THE HEALTH
30 INSURANCE FUND SHALL BE ADJUSTED AS NECES-
31 SARY TO COVER THE COST OF REIMBURSING
32 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY
33 INSURANCE PROGRAM PREMIUM CHARGES MADE
34 PURSUANT TO SECTION 167-A OF THE CIVIL
35 SERVICE LAW. FURTHERMORE, THIS COST SHALL
36 BE INCLUDED IN THE CALCULATION OF PREMIUM
37 OR SUBSCRIPTION CHARGES FOR HEALTH COVER-
38 AGE PROVIDED TO STATE EMPLOYEES AND
39 RETIRED STATE EMPLOYEES, PROVIDED, HOWEV-
40 ER, THE STATE SHALL REMAIN OBLIGATED TO
41 PAY NO LESS THAN ITS SHARE OF SUCH
42 INCREASED COST CONSISTENT WITH ITS SHARE
43 OF PREMIUM OR SUBSCRIPTION CHARGES
44 PROVIDED FOR BY ARTICLE 11 OF THE CIVIL
45 SERVICE LAW. AS SUCH, ALL OTHER EMPLOYER
46 CONTRIBUTIONS TO THE HEALTH INSURANCE FUND
47 SHALL BE ADJUSTED AS NECESSARY TO PROVIDE
48 FOR SUCH PAYMENTS. [48,400,000] 50,400,000
49 For the state's contribution to employee
50 benefit fund programs 27,326,000
51 -----

52 S 3. Section 3 of chapter 20 of the laws of 2010, relating to making
53 appropriations for the support of government, as amended by chapter 106
54 of the laws of 2010, is amended to read as follows:

1 S 3. The sum of [one] TWO hundred [eighty-eight] FOUR million [seven]
2 EIGHT hundred [fifty-one] SIXTY-TWO thousand dollars [(\$188,751,000)]
3 (\$204,862,000), or so much thereof as shall be sufficient to accomplish
4 the purpose designated, is hereby appropriated out of any moneys in the
5 general fund to the credit of the state purposes account not otherwise
6 appropriated for the purpose of paying to the social security contrib-
7 ution fund, the state's share, as employer, of the payroll tax for
8 payrolls scheduled to be paid during the period April 1 through June [9]
9 17, 2010, including liabilities incurred prior to April 1, 2010
10 [188,751,000] 204,862,000
11 =====

12 S 4. Section 4 of chapter 20 of the laws of 2010, relating to making
13 appropriations for the support of government, as amended by chapter 106
14 of the laws of 2010, is amended to read as follows:

15 S 4. The sum of one hundred [twenty-nine] THIRTY thousand dollars
16 [(\$129,000)] (\$130,000), or so much thereof as shall be sufficient to
17 accomplish the purpose designated, is hereby appropriated out of any
18 moneys in the general fund to the credit of the state purposes account
19 not otherwise appropriated for payments to the teachers insurance and
20 annuity association and college retirement equities fund associated with
21 individuals working in the education department, the higher education
22 services corporation, and the state university of New York construction
23 fund. Notwithstanding any other provisions of law to the contrary, the
24 comptroller is hereby authorized and directed to utilize this appropri-
25 ation for the purpose of making scheduled teachers insurance and annuity
26 association and college retirement equities fund payments
27 [129,000] 130,000
28 =====

29 S 5. Section 6 of chapter 46 of the laws of 2010, relating to making
30 appropriations for the support of government, as amended by chapter 106
31 of the laws of 2010, is amended to read as follows:

32 S 6. The several amounts specified in this section, or so much thereof
33 as shall be sufficient to accomplish the purposes designated, are hereby
34 appropriated and authorized to be paid as hereinafter provided, to the
35 respective public officers and for the several purposes specified, which
36 amounts shall be available for the state fiscal year beginning April 1,
37 2010.

38 THE JUDICIARY

39 For the payment of state operations nonpersonal service liabilities,
40 the sum of [forty-seven] FORTY-NINE million dollars [(\$47,000,000)]
41 (\$49,000,000), or so much thereof as shall be sufficient to accomplish
42 the purpose designated, is hereby appropriated to the judiciary out of
43 any moneys in the general fund to the credit of the state purposes
44 account not otherwise appropriated. The comptroller is hereby authorized
45 and directed to utilize this appropriation for the purpose of making
46 payments for nonpersonal service liabilities incurred by the judiciary
47 from April 1 through June [6] 13, 2010 [47,000,000] 49,000,000
48 =====

49 The sum of four million dollars (\$4,000,000), or so much thereof as
50 shall be sufficient to accomplish the purpose designated, is hereby
51 appropriated to the judiciary out of any moneys in the special revenue
52 funds - other / aid to localities, court facility incentive aid fund -

340 for services and expenses related to court cleaning and minor
repairs, interest aid, appellate aid and judicial institute financing
payments 4,000,000
=====

S 6. Section 5 of chapter 20 of the laws of 2010, relating to making
appropriations for the support of government, as amended by chapter 106
of the laws of 2010, is amended to read as follows:

S 5. The amount specified in this section, or so much thereof as shall
be sufficient to accomplish the purpose designated, is hereby appropri-
ated and authorized to be paid as hereinafter provided, to the public
officers and for the purposes specified, which amount shall be available
for the state fiscal year beginning April 1, 2010.

ALL STATE DEPARTMENTS AND AGENCIES

For the payment of state operations nonper-
sonal service liabilities, including the
legislature, including contracts approved
prior to, on, and after April 1, 2010 for
liabilities incurred in the ordinary
course of business, during the period
April 1 through June [6] 13, 2010, pursu-
ant to existing state law and for purposes
for which the legislature authorized the
expenditure of moneys during the 2009-2010
state fiscal year; provided, however, that
nothing contained herein shall be deemed
to limit or restrict the power or authori-
ty of state departments or agencies to
conduct their activities or operations in
accordance with existing law, and further
provided that nothing contained herein
shall be deemed to supersede, nullify or
modify the provisions of section 40 of the
state finance law prescribing when appro-
priations made for the 2009-2010 state
fiscal year shall have ceased to have
force and effect [165,000,000] 195,000,000
=====

S 7. Section 6 of chapter 20 of the laws of 2010, relating to making
appropriations for the support of government, as amended by chapter 106
of the laws of 2010, is amended to read as follows:

S 6. The several amounts specified in this section, or so much thereof
as shall be sufficient to accomplish the purposes designated, are hereby
appropriated and authorized to be paid as hereinafter provided, to the
respective public officers and for the several purposes specified, which
amounts shall be available for the state fiscal year beginning April 1,
2010.

AMERICAN RECOVERY AND REINVESTMENT ACT (CCP) 110,000,000

Federal Capital Projects Fund - 291
American Recovery and Reinvestment Act Purpose

1 The sum of seventy million dollars (\$70,000,000), or so much thereof
2 as shall be sufficient to accomplish the purpose designated, is hereby
3 appropriated for contracts approved prior to April 1, 2010 for the
4 payment by the state of the federal share of transportation related
5 capital projects liabilities funded by the American Recovery and Rein-
6 vestment Act of 2009 incurred in the ordinary course of business from
7 April 1 through June [6] 13, 2010, pursuant to existing state law and
8 for purposes for which the legislature authorized the expenditures of
9 money during the 2009-2010 fiscal year; provided, however, that nothing
10 contained herein shall be deemed to limit or restrict the power or
11 authority of state departments or agencies to conduct their activities
12 or operations in accordance with existing law, and further provided that
13 nothing contained herein shall be deemed to supersede, nullify, or modi-
14 fy the provisions of section 40 of the state finance law prescribing
15 when appropriations made for the 2009-2010 fiscal year shall have ceased
16 to have force and effect. Funds appropriated herein shall be subject to
17 all applicable reporting and accountability requirements contained in
18 such act 70,000,000
19 =====

20 The sum of forty million dollars (\$40,000,000), or so much thereof as
21 shall be sufficient to accomplish the purpose designated, is hereby
22 appropriated for contracts approved for purposes for which the legisla-
23 ture authorized the expenditures of money during the 2009-2010 fiscal
24 year. An amount up to forty million dollars (\$40,000,000) shall be
25 available for the payment by the state of the federal share of transpor-
26 tation related capital projects liabilities, funded by the American
27 Recovery and Reinvestment Act of 2009 incurred in the ordinary course of
28 business during the period from April 1 through June [6] 13, 2010 for
29 contracts approved during the period April 1 through June [6] 13, 2010,
30 provided, however, that nothing contained herein shall be deemed to
31 limit or restrict the power or authority of state departments or agen-
32 cies to conduct their activities or operations in accordance with exist-
33 ing law, and further provided that nothing contained herein shall be
34 deemed to supersede, nullify, or modify the provisions of section 40 of
35 the state finance law prescribing when appropriations made for the
36 2009-2010 fiscal year shall have ceased to have force and effect. Funds
37 appropriated herein shall be subject to all applicable reporting and
38 accountability requirements contained in such act 40,000,000
39 =====

40 S 8. Section 7 of chapter 20 of the laws of 2010, relating to making
41 appropriations for the support of government, as amended by chapter 106
42 of the laws of 2010, is amended to read as follows:

43 S 7. The several amounts specified in this section, or so much thereof
44 as shall be sufficient to accomplish the purposes designated, are hereby
45 appropriated and authorized to be paid as hereinafter provided, to the
46 respective public officers and for the several purposes specified, which
47 amounts shall be available for the state fiscal year beginning April 1,
48 2010.

49 ALL STATE DEPARTMENTS AND AGENCIES

50 The sum of thirty million dollars (\$30,000,000), or so much thereof as
51 shall be sufficient to accomplish the purpose designated, is hereby
52 appropriated for contracts approved in accordance with section 112 of

1 the state finance law for purposes for which the legislature authorized
 2 the expenditures of money during the 2009-2010 fiscal year. An amount up
 3 to thirty million dollars (\$30,000,000) shall be available for the
 4 payment of capital projects liabilities, including any contractual
 5 services liabilities of the engineering services fund, incurred to
 6 address emergency health and safety needs as certified by the director
 7 of budget during the period from April 1 through June [6] 13, 2010 for
 8 contracts approved prior to, on, or after April 1, 2010, provided,
 9 however, that nothing contained herein shall be deemed to limit or
 10 restrict the power or authority of state departments or agencies to
 11 conduct their activities or operations in accordance with existing law,
 12 and further provided that nothing contained herein shall be deemed to
 13 supersede, nullify, or modify the provisions of section 40 of the state
 14 finance law prescribing when appropriations made for the 2009-2010
 15 fiscal year shall have ceased to have force and effect 30,000,000
 16 =====

17 The sum of [seventy-five] TWO HUNDRED million dollars [(\$75,000,000)]
 18 (\$200,000,000), or so much thereof as shall be sufficient to accomplish
 19 the purpose designated, is hereby appropriated for contracts approved in
 20 accordance with section 112 of the state finance law for purposes for
 21 which the legislature authorized the expenditures of money during the
 22 2009-2010 fiscal year. An amount up to [seventy-five] TWO HUNDRED
 23 million dollars [(\$75,000,000)] (\$200,000,000) shall be available for
 24 the payment of capital projects liabilities incurred [during the period
 25 from] AFTER April 1 [through May 2], 2010 for contracts approved prior
 26 to April 1, 2010, provided, however, that nothing contained herein shall
 27 be deemed to limit or restrict the power or authority of state depart-
 28 ments or agencies to conduct their activities or operations in accord-
 29 ance with existing law, and further provided that nothing contained
 30 herein shall be deemed to supersede, nullify, or modify the provisions
 31 of section 40 of the state finance law prescribing when appropriations
 32 made for the 2009-2010 fiscal year shall have ceased to have force and
 33 effect [75,000,000] 200,000,000
 34 =====

35 S 9. Section 9 of chapter 47 of the laws of 2010, relating to making
 36 appropriations for the support of government, as amended by chapter 106
 37 of the laws of 2010, is amended to read as follows:

38 S 9. The several amounts specified in this section, or so much thereof
 39 as shall be sufficient to accomplish the purposes designated, are hereby
 40 appropriated and authorized to be paid as hereinafter provided, to the
 41 respective public officers and for the several purposes specified, which
 42 amounts shall be available for the state fiscal year beginning April 1,
 43 2010.

44 DEPARTMENT OF TRANSPORTATION

45 FEDERAL AID HIGHWAYS FEDERAL PURPOSE 100,000,000
 46 -----

47 Federal Capital Projects Fund - 291
 48 Federal Aid Highways Purpose

49 The sum of eighty million dollars (\$80,000,000), or so much thereof as
 50 shall be sufficient to accomplish the purpose designated, is hereby
 51 appropriated for contracts approved prior to April 1, 2010 for the

1 payment by the state of the federal share of transportation related
2 capital projects liabilities as provided for in the Safe, Accountable,
3 Flexible, Efficient Transportation Equity Act: A Legacy for Users and
4 any successive legislation incurred in the ordinary course of business
5 from April 1 through June [6] 13, 2010, [for projects that do not
6 contain any state funding shares, and from April 1 through May 2, for
7 projects containing state funding shares that are eligible to be funded
8 by bond proceeds, and only to the extent that bond proceeds are avail-
9 able,] pursuant to existing state law and for purposes for which the
10 legislature authorized the expenditures of money during the 2009-2010
11 fiscal year; provided, however, that nothing contained herein shall be
12 deemed to limit or restrict the power or authority of state departments
13 or agencies to conduct their activities or operations in accordance with
14 existing law, and further provided that nothing contained herein shall
15 be deemed to supersede, nullify, or modify the provisions of section 40
16 of the state finance law prescribing when appropriations made for the
17 2009-2010 fiscal year shall have ceased to have force and effect. Funds
18 appropriated herein shall not be available for the payment of liabil-
19 ities funded by the American Recovery and Reinvestment Act of 2009
20 80,000,000
21 =====

22 The sum of twenty million dollars (\$20,000,000), or so much thereof as
23 shall be sufficient to accomplish the purpose designated, is hereby
24 appropriated for contracts approved during the period from April 1
25 through June [6] 13, 2010 for the payment by the state of the federal
26 share of transportation related capital projects liabilities as provided
27 for in the Safe, Accountable, Flexible, Efficient Transportation Equity
28 Act: A Legacy for Users and any successive legislation incurred in the
29 ordinary course of business from April 1 through June [6] 13, 2010, for
30 projects that do not contain any state funding shares, or for projects
31 containing both state funding shares that are eligible to be funded by
32 bond proceeds to the extent that such bond proceeds are available and
33 federal shares funded by the American Recovery and Reinvestment Act of
34 2009, pursuant to existing state law and for purposes for which the
35 legislature authorized the expenditures of money during the 2009-2010
36 fiscal year; provided, however, that nothing contained herein shall be
37 deemed to limit or restrict the power or authority of state departments
38 or agencies to conduct their activities or operations in accordance with
39 existing law, and further provided that nothing contained herein shall
40 be deemed to supersede, nullify, or modify the provisions of section 40
41 of the state finance law prescribing when appropriations made for the
42 2009-2010 fiscal year shall have ceased to have force and effect. Funds
43 appropriated herein shall not be available for the payment of liabil-
44 ities funded by the American Recovery and Reinvestment Act of 2009
45 20,000,000
46 =====

47 NEW YORK STATE AGENCY FUND (CCP) 10,000,000
48 -----

49 Fiduciary Funds/Capital Projects
50 Highway Costs Improvement Accounts
51 Non-Federal Aided Highway Purpose

1 The sum of ten million dollars (\$10,000,000), or so much thereof as
2 shall be sufficient to accomplish the purpose designated, is hereby
3 appropriated for contracts approved prior to, on or after April 1, 2010
4 for the payment of transportation related capital projects liabilities
5 incurred by the department of transportation on behalf of entities other
6 than state departments or agencies pursuant to the highway law or trans-
7 portation law incurred in the ordinary course of business from April 1
8 through June [6] 13, 2010 10,000,000
9 =====

10 S 10. Section 9-b of chapter 90 of the laws of 2010, relating to
11 making appropriations for the support of government, as amended by chap-
12 ter 106 of the laws of 2010, is amended to read as follows:

13 S 9-b. The amount specified in this section, or so much thereof as
14 shall be sufficient to accomplish the purpose designated, is hereby
15 appropriated and authorized to be paid as hereinafter provided, to the
16 public officers and for the purpose specified, which amount shall be
17 available for the state fiscal year beginning April 1, 2010.

18 DEPARTMENT OF TRANSPORTATION

19 The sum of one million dollars (\$1,000,000), or so much thereof as
20 shall be sufficient to accomplish the purpose designated, is hereby
21 appropriated for contracts approved during the period from April 1, 2010
22 through June [6] 13, 2010, for the payment by the state of the state
23 share of transportation related capital projects liabilities incurred in
24 the ordinary course of business from April 1, 2010 through June [6] 13,
25 2010, including construction inspection, funded by the dedicated highway
26 and bridge trust fund - non-federal aided highway purpose and prepara-
27 tion of plans purpose and/or the rebuild and renew New York transpor-
28 tation bond act of 2005 - highway facilities purpose, only for the shares
29 of projects that are eligible to be funded by bond proceeds, only to the
30 extent that bond proceeds are available, and only for capital projects
31 that contain funding shares from the American Recovery and Reinvestment
32 Act of 2009, pursuant to existing state law and for purposes for which
33 the legislature authorized the expenditures of money during the
34 2009-2010 fiscal year; provided, however, that nothing contained herein
35 shall be deemed to limit or restrict the power or authority of state
36 departments or agencies to conduct their activities or operations in
37 accordance with existing law, and further provided that nothing
38 contained herein shall be deemed to supersede, nullify, or modify the
39 provisions of section 40 of the state finance law prescribing when
40 appropriations made for the 2009-2010 fiscal year shall have ceased to
41 have force and effect 1,000,000
42 =====

43 S 11. The several amounts specified in this section, or so much there-
44 of as shall be sufficient to accomplish the purposes designated, are
45 hereby appropriated and authorized to be paid as hereinafter provided,
46 to the respective public officers and for the several purposes speci-
47 fied, which amounts shall be available for the state fiscal year begin-
48 ning April 1, 2010.

OFFICE FOR THE AGING

COMMUNITY SERVICES PROGRAM 869,000

General Fund / Aid to Localities
Local Assistance Account - 001

For services and expenses related to the
congregate services initiative. No
expenditures shall be made from this
appropriation until the director of the
budget has approved a plan submitted by
the office outlining the amounts and
purposes of such expenditures and the
allocation of funds among the counties 806,000

For services and expenses of New York State-
wide Senior Action Council, Inc. for the
patients' rights hotline and advocacy
project 63,000

Program account subtotal 869,000

DEPARTMENT OF HEALTH

CENTER FOR COMMUNITY HEALTH PROGRAM 512,727,000

General Fund / Aid to Localities
Local Assistance Account - 001

State aid to municipalities for the opera-
tion of local health departments and labo-
ratories and for the provision of general
public health services pursuant to article
6 of the public health law for activities
under the jurisdiction of the commissioner
of health.

Notwithstanding any other provision of arti-
cle 6 of the public health law, a county
may obtain reimbursement pursuant to this
act, only after the county chief financial
officer certifies, in the municipal health
services plan, that county tax levies used
to fund services carried out by the county
health department have not been added to
or supplanted directly or indirectly by
any funds obtained by the county pursuant
to the Master Settlement Agreement entered
into on November 23, 1998 by the state and
leading United States tobacco product
manufacturers, except in the case of a
public health emergency, as determined by
the commissioner of health.

1 Notwithstanding annual aggregate limits for
2 bad debt and charity care allowances and
3 any other provision of law, up to
4 \$1,700,000 shall be transferred to the
5 medical assistance program general fund -
6 local assistance account for eligible
7 publicly sponsored certified home health
8 agencies that demonstrate losses from a
9 disproportionate share of bad debt and
10 charity care, pursuant to chapter 884 of
11 the laws of 1990. Within the maximum
12 limits specified herein, the department
13 shall transfer only those funds which are
14 necessary to meet the state share require-
15 ments for disproportionate share adjust-
16 ments expected to be paid for the period
17 January 1, 2010 through December 31, 2010.
18 The moneys hereby appropriated shall be
19 available for payment of financial assist-
20 ance heretofore accrued 284,763,000

21 For services and expenses to implement the
22 early intervention program act of 1992.
23 The moneys hereby appropriated shall be
24 available for payment of financial assist-
25 ance heretofore accrued or hereafter to
26 accrue. Notwithstanding the provisions of
27 any other law to the contrary, for state
28 fiscal year 2010-2011 the liability of the
29 state and the amount to be distributed or
30 otherwise expended by the state pursuant
31 to section 2557 of the public health law
32 shall be determined by first calculating
33 the amount of the expenditure or other
34 liability pursuant to such law, and then
35 reducing the amount so calculated by two
36 percent of such amount 176,800,000

37 For services and expenses of health
38 promotion initiatives. A portion of this
39 appropriation may be transferred to state
40 operations appropriations for adminis-
41 tration of this program 1,140,000

42 For services and expenses related to
43 evidenced based cancer services programs.
44 A portion of this appropriation may be
45 transferred to state operations appropri-
46 ations for administration of this program 9,006,750

47 For services and expenses related to obesity
48 and diabetes programs. A portion of this
49 appropriation may be transferred to state
50 operations appropriations for adminis-
51 tration of this program 7,205,000

52 For state grants to improve access to infer-
53 tility services, treatments, and proce-
54 dures. Funds shall be allocated from this
55 appropriation pursuant to a plan prepared

1 by the commissioner of health and approved
2 by the director of the budget 1,847,000
3 For services and expenses related to state-
4 wide health broadcasts involving local,
5 state and federal agencies. A portion of
6 this appropriation may be transferred to
7 state operations appropriations for admin-
8 istration of this program 83,500
9 For services and expenses of the comprehen-
10 sive care centers for eating disorders
11 program 250,000
12 For services and expenses of a safe mother-
13 hood initiative to prevent maternal deaths
14 in New York state. A portion of this
15 appropriation may be transferred to state
16 operations appropriations for adminis-
17 tration of this program 73,500
18 For services and expenses for statewide
19 maternal mortality reviews and the devel-
20 opment of protocols to reduce incidents of
21 death during childbirth. A portion of this
22 appropriation may be transferred to state
23 operations appropriations for adminis-
24 tration of this program 66,250
25 -----
26 Program account subtotal 481,235,000
27 -----

28 Special Revenue Funds - Other / Aid to Localities
29 HCRA Resources Fund - 061
30 Health Care Services Account

31 For services and expenses related to the
32 Indian health program. The moneys hereby
33 appropriated shall be available for
34 reimbursement to pharmacies participating
35 in such program prior to, on or after
36 April 1, for liabilities heretofore
37 accrued or hereafter to accrue 2,084,000
38 For services and expenses related to
39 evidenced based cancer services programs.
40 A portion of this appropriation may be
41 transferred to state operations appropri-
42 ations for administration of this program ... 18,417,000
43 For services and expenses of the maternity
44 and early childhood foundation 599,000
45 -----
46 Program account subtotal 21,100,000
47 -----

48 Special Revenue Funds - Other / Aid to Localities
49 HCRA Resources Fund - 061
50 Hospital Based Grants Program Account

51 For services and expenses of a lead poison-
52 ing prevention program 392,000

1 -----
2 Program account subtotal 392,000
3 -----

4 Special Revenue Funds - Federal / Aid to Localities
5 Federal USDA-Food and Nutrition Services Fund - 261
6 Federal Food and Nutrition Services Account

7 For various federal food and nutritional
8 services. The moneys hereby appropriated
9 shall be available for contracts approved
10 prior to, on, or after April 1, 2010, and
11 for the payment of financial assistance
12 heretofore accrued or hereafter to accrue ... 10,000,000
13 -----
14 Program account subtotal 10,000,000
15 -----

16 CHILD HEALTH INSURANCE PROGRAM 990,200,000
17 -----

18 Special Revenue Funds - Federal / Aid to Localities
19 Federal Health and Human Services Fund - 265
20 Children's Health Insurance Account

21 The money hereby appropriated is available
22 for payment of aid heretofore accrued or
23 hereafter accrued.
24 Notwithstanding any inconsistent provision
25 of law, rule or regulation to the contra-
26 ry, for the period April 1, 2010 through
27 March 31, 2011, for purposes of making
28 subsidy payments to approved organizations
29 under the Child Health Insurance Program,
30 the commissioner of health shall adjust
31 such payments so that the amount of each
32 such payment, as otherwise calculated
33 pursuant to subdivision 8 of section 2511
34 of the public health law, is reduced by
35 twenty-eight percent of the amount by
36 which such calculated payment exceeds the
37 statewide average subsidy payment for all
38 approved organizations in effect on April
39 1, 2010; provided, however, that such
40 statewide average subsidy payment shall be
41 calculated by the commissioner and shall
42 not reflect adjustments made pursuant to
43 this paragraph; and provided further that,
44 if this act provides sufficient additional
45 funding to support subsidy payments with-
46 out such twenty-eight percent reductions,
47 then the provisions of this appropriation
48 shall be deemed null and void as of March
49 31, 2010.
50 For services and expenses related to the
51 children's health insurance program,

1 pursuant to title XXI of the federal
2 social security act. 514,600,000
3 -----
4 Program account subtotal 514,600,000
5 -----

6 Special Revenue Funds - Other / Aid to Localities
7 HCRA Resources Fund - 061
8 Children's Health Insurance Account

9 The money hereby appropriated is available
10 for payment of aid heretofore accrued or
11 hereafter accrued.

12 Notwithstanding any inconsistent provision
13 of law, rule or regulation to the contra-
14 ry, for the period April 1, 2010 through
15 March 31, 2011, for purposes of making
16 subsidy payments to approved organizations
17 under the Child Health Insurance Program,
18 the commissioner of health shall adjust
19 such payments so that the amount of each
20 such payment, as otherwise calculated
21 pursuant to subdivision 8 of section 2511
22 of the public health law, is reduced by
23 twenty-eight percent of the amount by
24 which such calculated payment exceeds the
25 statewide average subsidy payment for all
26 approved organizations in effect on April
27 1, 2010; provided, however, that such
28 statewide average subsidy payment shall be
29 calculated by the commissioner and shall
30 not reflect adjustments made pursuant to
31 this paragraph; and provided further that,
32 if this act provides sufficient additional
33 funding to support subsidy payments with-
34 out such twenty-eight percent reductions,
35 then the provisions of this appropriation
36 shall be deemed null and void as of March
37 31, 2010.

38 For services and expenses related to the
39 children's health insurance program
40 authorized pursuant to title 1-A of arti-
41 cle 25 of the public health law 475,600,000
42 -----
43 Program account subtotal 475,600,000
44 -----

45 ELDERLY PHARMACEUTICAL INSURANCE COVERAGE PROGRAM 328,350,000
46 -----

47 Special Revenue Funds - Other / Aid to Localities
48 HCRA Resources Fund - 061
49 EPIC Premium Account

1 For services and expenses of the program for
2 elderly pharmaceutical insurance coverage,
3 including reimbursement to pharmacies
4 participating in such program. Notwith-
5 standing any inconsistent provision of
6 law, rule or regulation to the contrary,
7 for the period October 1, 2010 through
8 March 31, 2011, for a participant in the
9 program for elderly pharmaceutical insur-
10 ance coverage whose prescription drug
11 expenses are paid or reimbursable under
12 the provisions of the medicare program,
13 assistance under the program for elderly
14 pharmaceutical insurance coverage shall be
15 limited to prescription drugs covered by
16 the participant's medicare plan and to
17 drugs excluded from medicare coverage in
18 accordance with section 1860-D-2 of the
19 federal social security act, and in such
20 cases the program for elderly pharmaceu-
21 tical insurance coverage shall cover the
22 amount that is the responsibility of the
23 participant under the medicare plan bene-
24 fit, subject to the participant's cost-
25 sharing responsibility on such amount
26 under section 247 or section 248 of the
27 elder law; provided, however, that cover-
28 age under the elderly pharmaceutical
29 insurance coverage program shall be avail-
30 able only after the participant has first
31 exhausted the first two levels of appeal
32 available under Part D of title XVIII of
33 the federal social security act and the
34 appeal has been denied; and provided
35 further that during the medicare coverage
36 determination and appeal period, the
37 elderly pharmaceutical insurance coverage
38 program shall provide up to a 90 day
39 supply of the prescribed medication, or
40 such lesser supply as specified on the
41 prescription, if (i) the pharmacist noti-
42 fies the prescriber that the participant's
43 Medicare Part D plan and the elderly phar-
44 maceutical insurance coverage program have
45 denied payment for the prescribed medica-
46 tion and that if the prescriber does not
47 choose to change the prescription to a
48 drug that is covered by the participant's
49 Medicare Part D plan, a Medicare Part D
50 appeal must be pursued and (ii) the pres-
51 criber notifies the elderly pharmaceutical
52 insurance coverage program of the
53 prescriber's intent to provide necessary
54 information and cooperation in the pursuit
55 of the Medicare Part D appeal; and
56 provided further that, in instances where

the pharmacist is unable to immediately reach the prescriber, the elderly pharmaceutical insurance coverage program shall, upon the request of the pharmacist, authorize a three day emergency supply of the prescribed medication; and provided further that the elderly pharmaceutical insurance coverage program shall authorize such additional 90 day supplies of the prescribed medication, or such lesser supply as specified on the prescription, and such additional three day emergency supplies as required to ensure coverage of the prescribed medication during the pendency of the Medicare Part D appeal; provided however that, if this act appropriates sufficient additional funds to permit the elderly pharmaceutical insurance coverage program to provide coverage for prescription drugs without regard to the limitations described in this section, then the provisions of this paragraph shall not apply and shall be considered null and void as of September 30, 2010. The moneys hereby appropriated shall be available for payment of financial assistance heretofore accrued 202,550,000

Program account subtotal 202,550,000

Special Revenue Funds - Other / Aid to Localities
Miscellaneous Special Revenue Fund - 339
EPIC Premium Account

For services and expenses of the program for elderly pharmaceutical insurance coverage, including reimbursement to pharmacies participating in such program. Notwithstanding any inconsistent provision of law, rule or regulation to the contrary, for the period October 1, 2010 through March 31, 2011, for a participant in the program for elderly pharmaceutical insurance coverage whose prescription drug expenses are paid or reimbursable under the provisions of the medicare program, assistance under the program for elderly pharmaceutical insurance coverage shall be limited to prescription drugs covered by the participant's medicare plan and to drugs excluded from medicare coverage in accordance with section 1860-D-2 of the federal social security act, and in such cases the program for elderly pharmaceutical insurance coverage shall cover the

1 amount that is the responsibility of the
2 participant under the medicare plan bene-
3 fit, subject to the participant's cost-
4 sharing responsibility on such amount
5 under section 247 or section 248 of the
6 elder law; provided, however, that cover-
7 age under the elderly pharmaceutical
8 insurance coverage program shall be avail-
9 able only after the participant has first
10 exhausted the first two levels of appeal
11 available under Part D of title XVIII of
12 the federal social security act and the
13 appeal has been denied; and provided
14 further that during the medicare coverage
15 determination and appeal period, the
16 elderly pharmaceutical insurance coverage
17 program shall provide up to a 90 day
18 supply of the prescribed medication, or
19 such lesser supply as specified on the
20 prescription, if (i) the pharmacist noti-
21 fies the prescriber that the participant's
22 Medicare Part D plan and the elderly phar-
23 maceutical insurance coverage program have
24 denied payment for the prescribed medica-
25 tion and that if the prescriber does not
26 choose to change the prescription to a
27 drug that is covered by the participant's
28 Medicare Part D plan, a Medicare Part D
29 appeal must be pursued and (ii) the pres-
30 criber notifies the elderly pharmaceutical
31 insurance coverage program of the
32 prescriber's intent to provide necessary
33 information and cooperation in the pursuit
34 of the Medicare Part D appeal; and
35 provided further that, in instances where
36 the pharmacist is unable to immediately
37 reach the prescriber, the elderly pharma-
38 ceutical insurance coverage program shall,
39 upon the request of the pharmacist,
40 authorize a three day emergency supply of
41 the prescribed medication; and provided
42 further that the elderly pharmaceutical
43 insurance coverage program shall authorize
44 such additional 90 day supplies of the
45 prescribed medication, or such lesser
46 supply as specified on the prescription,
47 and such additional three day emergency
48 supplies as required to ensure coverage of
49 the prescribed medication during the
50 pendency of the Medicare Part D appeal;
51 provided however that, if this act appro-
52 priates sufficient additional funds to
53 permit the elderly pharmaceutical insur-
54 ance coverage program to provide coverage
55 for prescription drugs without regard to
56 the limitations described in this section,

then the provisions of this paragraph shall not apply and shall be considered null and void as of September 30, 2010. The moneys hereby appropriated shall be available for payment of financial assistance heretofore accrued 125,800,000

Program account subtotal 125,800,000

HEALTH CARE REFORM ACT PROGRAM 10,700,000

Special Revenue Funds - Other / Aid to Localities

HCRA Resources Fund - 061

HCRA Program Account

For services, expenses, grants and transfers necessary to implement the health care reform act program in accordance with section 2807-j, 2807-k, 2807-l, 2807-m, 2807-p, 2807-s and 2807-v of the public health law. The moneys hereby appropriated shall be available for payments heretofore accrued or hereafter to accrue. Notwithstanding any inconsistent provision of law, the moneys hereby appropriated may be increased or decreased by interchange or transfer with any appropriation of the department of health or by transfer or suballocation to any appropriation of the department of insurance, the office of mental health and the state office for the aging subject to the approval of the director of the budget, who shall file such approval with the department of audit and control and copies thereof with the chairman of the senate finance committee and the chairman of the assembly ways and means committee. With the approval of the director of the budget, up to 5 percent of this appropriation may be used for state operations purposes. At the direction of the director of the budget, funds may also be transferred directly to the general fund for the purpose of repaying a draw on the tobacco revenue guarantee fund.

For transfer to the Roswell park cancer institute to support operating costs associated with cancer research. A portion of this appropriation may be transferred to state operations appropriations 6,000,000

For transfer to the pool administrator for state grants for poison control centers. A portion of this appropriation may be transferred to state operations appropri-

1 ations. Notwithstanding any inconsistent
 2 provision of law, rule or regulation,
 3 allocations made pursuant to subparagraph
 4 (iv) of paragraph (c) of subdivision 1 of
 5 section 2807-1 of the public health law
 6 for distributions to poison control
 7 centers pursuant to subdivision 7 of
 8 section 2500-d of the public health law
 9 shall be reduced by \$2,000,000 for the
 10 period April 1, 2010 through March 31,
 11 2011; provided, however, if this act
 12 provides sufficient additional funding to
 13 support distributions to poison control
 14 centers at amounts set forth in subpara-
 15 graph (iv) of paragraph (c) of subdivision
 16 1 of section 2807-1 of the public health
 17 law, then the provisions of this section
 18 shall be null and void as of March 31,
 19 2010 2,500,000
 20 For additional state grants to improve
 21 access to infertility services, treat-
 22 ments, and procedures 2,200,000
 23 -----
 24 Program account subtotal 10,700,000
 25 -----

26 MEDICAL ASSISTANCE PROGRAM 50,080,289,000
 27 -----

28 General Fund / Aid to Localities
 29 Local Assistance Account - 001

30 For the medical assistance program, includ-
 31 ing administrative expenses, for local
 32 social services districts, and for medical
 33 care rates for authorized child care agen-
 34 cies.

35 The money hereby appropriated is to be
 36 available for payment of aid heretofore
 37 accrued or hereafter to accrue to munici-
 38 palities, and to providers of medical
 39 services pursuant to section 367-b of the
 40 social services law, and for payment of
 41 state aid to municipalities and to provid-
 42 ers of family care where payment systems
 43 through the fiscal intermediaries are not
 44 operational, and shall be available to the
 45 department net of disallowances, refunds,
 46 reimbursements, and credits.

47 Notwithstanding any inconsistent provision
 48 of law to the contrary, funds may be used
 49 by the department for outside legal
 50 assistance on issues involving the federal
 51 government, the conduct of preadmission
 52 screening and annual resident reviews
 53 required by the state's medicaid program,

1 computer matching with insurance carriers
2 to insure that medicaid is the payer of
3 last resort and activities related to the
4 management of the pharmacy benefit avail-
5 able under the medicaid program.

6 Notwithstanding any inconsistent provision
7 of law, in lieu of payments authorized by
8 the social services law, or payments of
9 federal funds otherwise due to the local
10 social services districts for programs
11 provided under the federal social security
12 act or the federal food stamp act, funds
13 herein appropriated, in amounts certified
14 by the state commissioner of temporary and
15 disability assistance or the state commis-
16 sioner of health as due from local social
17 services districts each month as their
18 share of payments made pursuant to section
19 367-b of the social services law may be
20 set aside by the state comptroller in an
21 interest-bearing account in order to
22 ensure the orderly and prompt payment of
23 providers under section 367-b of the
24 social services law pursuant to an esti-
25 mate provided by the commissioner of
26 health of each local social services
27 district's share of payments made pursuant
28 to section 367-b of the social services
29 law.

30 Notwithstanding any other provision of law,
31 the money hereby appropriated may be
32 increased or decreased by interchange,
33 with any appropriation of the department
34 of health and the office of medicaid
35 inspector general and may be increased or
36 decreased by transfer or suballocation
37 between these appropriated amounts and
38 appropriations of the office of mental
39 health, office of mental retardation and
40 developmental disabilities, the office of
41 alcoholism and substance abuse services,
42 the department of family assistance office
43 of temporary and disability assistance and
44 office of children and family services,
45 and state office for the aging with the
46 approval of the director of the budget,
47 who shall file such approval with the
48 department of audit and control and copies
49 thereof with the chairman of the senate
50 finance committee and the chairman of the
51 assembly ways and means committee.

52 Notwithstanding any inconsistent provision
53 of law to the contrary, the moneys hereby
54 appropriated may be used for payments to
55 the centers for medicaid and medicare
56 services for obligations incurred related

1 to the pharmaceutical costs of dually
2 eligible medicare/medicaid beneficiaries
3 participating in the medicare drug benefit
4 authorized by P.L. 108-173.

5 Notwithstanding any inconsistent provision
6 of law, the moneys hereby appropriated
7 shall not be used for any existing rates,
8 fees, fee schedule, or procedures which
9 may affect the cost of care and services
10 provided by personal care providers, case
11 managers, health maintenance organiza-
12 tions, out of state medical facilities
13 which provide care and services to resi-
14 dents of the state, providers of transpor-
15 tation services, that are altered,
16 amended, adjusted or otherwise changed by
17 a local social services district unless
18 previously approved by the department of
19 health and the director of the budget.

20 Notwithstanding paragraph (c) of subdivision
21 10 of section 2807-c of the public health
22 law, subdivision 2-b of section 2808 of
23 the public health law, section 21 of chap-
24 ter 1 of the laws of 1999, and any other
25 contrary provision of law, in determining
26 rates of payments by state governmental
27 agencies effective for services provided
28 on and after April 1, 2010 through March
29 31, 2011, for inpatient and outpatient
30 services provided by general hospitals,
31 for inpatient services and adult day
32 health care outpatient services provided
33 by residential health care facilities
34 pursuant to article 28 of the public
35 health law, except for residential health
36 care facilities that provide extensive
37 nursing, medical, psychological and coun-
38 seling support services to children, for
39 home health care services provided pursu-
40 ant to article 36 of the public health law
41 by certified home health agencies, long
42 term home health care programs and AIDS
43 home care programs, and for personal care
44 services provided pursuant to section
45 365-a of the social services law, the
46 commissioner of health shall apply zero
47 trend factor projections attributable to
48 the 2010 calendar year in accordance with
49 paragraph (c) of subdivision 10 of section
50 2807-c of the public health law, provided,
51 however, that such zero trend factor
52 projections for such 2010 calendar year
53 shall also be applied to rates of payment
54 for personal care services provided in
55 those local social services districts,
56 including New York city, whose rates of

1 payment for such services are established
2 by such local social services districts
3 pursuant to a rate-setting exemption
4 issued by the commissioner of health to
5 such local social services districts in
6 accordance with applicable regulations,
7 and provided further, however, that for
8 rates of payment for assisted living
9 program services provided on and after
10 April 1, 2010 through March 31, 2011,
11 trend factor projections attributable to
12 the 2010 calendar year shall be estab-
13 lished at zero percent.

14 For services and expenses of the medical
15 assistance program including hospital
16 inpatient services.

17 Notwithstanding any inconsistent provision
18 of law, rule or regulation and subject to
19 the availability of federal financial
20 participation, for the period July 1, 2010
21 through March 31, 2011, hospital inpatient
22 rate adjustments shall be made in accord-
23 ance with regulations which the commis-
24 sioner of health shall promulgate in
25 accordance with the provisions of subpara-
26 graph (v) of paragraph (b) of subdivision
27 35 of section 2807-c of the public health
28 law and which shall be effective on and
29 after July 1, 2010 that incorporate quali-
30 ty related measures pertaining to poten-
31 tially preventable readmissions. Such
32 regulations shall incorporate a risk
33 adjusted comparison of the actual and
34 expected number of potentially preventable
35 readmissions in a given hospital with
36 benchmarks established by the commissioner
37 of health, provided, however, that the
38 application of such regulations shall
39 result in an aggregate reduction in medi-
40 caid payments of no less than \$35,000,000
41 for the period July 1, 2010 through March
42 31, 2011 provided, however, that for the
43 period July 1, 2010 through March 31, 2011
44 such rate adjustments shall not reflect
45 the application of this section to behav-
46 ioral health readmissions.

47 Notwithstanding any inconsistent provision
48 of law, rule or regulation, hospital inpa-
49 tient rate adjustments made in accordance
50 with the methodology specified in subdivi-
51 sion 6 of section 2500-d of the public
52 health law shall be reduced by up to
53 \$1,000,000 for the period April 1, 2010
54 through March 31, 2011; provided, however,
55 if this act provides sufficient additional

1 funding to support such rate adjustments
2 without the aggregate reductions, then the
3 provisions of this section shall be deemed
4 null and void as of March 31, 2010 701,921,000
5 For services and expenses of the medical
6 assistance program including hospital
7 outpatient and emergency room services 329,465,000
8 For services and expenses of the medical
9 assistance program including clinic
10 services 126,704,000
11 For services and expenses of the medical
12 assistance program including nursing home
13 services.
14 Notwithstanding any inconsistent provision
15 of law or regulation to the contrary, for
16 the period April 1, 2010 through March 31,
17 2011, the commissioner of health shall not
18 be required to revise certified rates of
19 payment established pursuant to the public
20 health law prior to April 1, 2011, based
21 on consideration of rate appeals filed by
22 residential health care facilities pursu-
23 ant to section 2808 of the public health
24 law or based upon adjustments to capital
25 cost reimbursement as a result of approval
26 by the commissioner of health of an appli-
27 cation for construction under section 2802
28 of the public health law, in excess of
29 aggregate amount of \$80,000,000, provided,
30 however, that in revising such rates with-
31 in such fiscal limits the commissioner
32 shall, in prioritizing such rate appeals
33 include consideration of which facilities
34 the commissioner determines are facing
35 significant financial hardship, as well as
36 such other considerations as the commis-
37 sioner deems appropriate, and, further,
38 the commissioner is authorized to enter
39 into agreements with such facilities or
40 any other facility to resolve multiple
41 pending rate appeals based upon a negoti-
42 ated aggregate amount and may offset such
43 negotiated aggregate amounts against any
44 amounts owed by the facility to the
45 department of health, including, but not
46 limited to, amounts owed pursuant to
47 section 2807-d of the public health law,
48 provided further, however, that such rate
49 adjustment made pursuant to this section
50 remain fully subject to approval by the
51 director of the budget in accordance with
52 the provisions of subdivision 2 of section
53 2807 of the public health law. Provided,
54 however, if this act appropriates suffi-
55 cient additional funds to support process-
56 ing of residential health care facility

1 rate appeal adjustments as otherwise
2 provided for in the public health law,
3 than the provisions of this section shall
4 be deemed null and void.

5 Notwithstanding any inconsistent provision
6 of law, rule or regulation to the contra-
7 ry, for the period April 1, 2010 through
8 March 31, 2011, a "reserved bed day" is
9 defined as a day for which a governmental
10 agency pays a residential health care
11 facility to reserve a bed for a person
12 eligible for medical assistance pursuant
13 to title 11 of article 5 of the social
14 services law while he or she is temporar-
15 ily hospitalized or on leave of absence
16 from the facility; provided further that
17 for reserved bed days provided on behalf
18 of persons 21 years of age or older: (i)
19 payments for reserved bed days shall be
20 made at 95 percent of the medicaid rate
21 otherwise payable to the facility for
22 services provided on behalf of such
23 person; (ii) payment to a facility for
24 reserved bed days provided on behalf of
25 such person for temporary hospitalizations
26 may not exceed 14 days in any 12 month
27 period; and (iii) payment to a facility
28 for reserved bed days provided on behalf
29 of such person for non-hospitalization
30 leaves of absence may not exceed 10 days
31 in any 12 month period. Provided, howev-
32 er, if this act appropriates sufficient
33 additional funds to permit payment for
34 reserved bed days to be made at the full
35 medicaid rate otherwise payable to the
36 facility for services provided on behalf
37 of such person, and to not restrict
38 payments for reserved bed days to such 14
39 day and 10 day limitations, then the
40 provisions of this paragraph shall not
41 apply and shall be considered null and
42 void as of March 31, 2010.

43 Notwithstanding any inconsistent provision
44 of law, for the period April 1, 2010
45 through March 31, 2011, residential health
46 care facility medicaid rates of payment
47 shall not include reimbursement for the
48 cost of prescription drugs. Such
49 reimbursement shall be in accordance with
50 otherwise applicable provisions of section
51 367-a of the social services law 1,684,083,000

52 For services and expenses of the medical
53 assistance program including other long
54 term care services.

55 Notwithstanding any inconsistent provision
56 of law, rule or regulation to the contra-

ry, for the period April 1, 2010 through March 31, 2011, for purposes of operating the long term care assessment center demonstration program pursuant to section 367-w of the social services law, the department of health shall designate one or more long-term care assessment centers to be established in and together serve an entire county within the city of New York and shall designate a long term care assessment center to be established in another region consisting of one or more contiguous counties elsewhere in the state. Provided, however, if this act appropriates sufficient additional funds to support operation of the long term care assessment center demonstration program through one assessment center in a county within the city of New York, then the provisions of this appropriation shall be deemed null and void.

Notwithstanding any inconsistent provision of law, rule or regulation to the contrary, for the period April 1, 2010 through March 31, 2011, continued provision of long term home health care program, AIDS home care program or certified home health agency services paid for by government funds shall be based upon a comprehensive assessment of the medical, social and environmental needs of the recipient of the services which shall be performed at least every 180 days by the provider of a long term home health care program, AIDS home care program or the certified home health agency providing services for the patient and the local department of social services; provided, however, if this act appropriates sufficient additional funds to require that such assessments be performed no less frequently than once every 120 days, then the provisions of this paragraph shall not apply and shall be considered null and void as of March 31, 2010 1,865,765,000

For services and expenses of the medical assistance program including managed care services 2,000,066,000

For services and expenses of the medical assistance program including pharmacy services.

Notwithstanding any law, rule or regulation to the contrary, for the period April 1, 2010 through March 31, 2011, the commissioner of health shall provide five days public notice on the department's website

1 of any recommendations developed by the
2 pharmacy and therapeutics committee
3 regarding the preferred drug program;
4 provided however that, if this act appro-
5 priates sufficient additional funds to
6 permit the commissioner to provide thirty
7 days public notice on the department's
8 website of any such recommendations, the
9 provisions of this paragraph shall not
10 apply and shall be considered null and
11 void as of March 31, 2010 78,950,000

12 For services and expenses of the medical
13 assistance program including transporta-
14 tion services.

15 Notwithstanding any inconsistent provision
16 of law, rule or regulation to the contra-
17 ry, for the period April 1, 2010 through
18 March 31, 2011, the commissioner of health
19 is authorized to assume responsibility
20 from a local social services official for
21 the provision and reimbursement of Medi-
22 caid transportation costs under section
23 365-h of the social services law. Such
24 services, whether managed by the local
25 social services official or the commis-
26 sioner of health, shall be provided in a
27 safe, timely, and reliable manner by
28 providers that comply with state and local
29 regulatory requirements, and shall meet
30 consumer satisfaction criteria approved by
31 the commissioner of health. If the commis-
32 sioner elects to assume such responsibil-
33 ity, the commissioner shall notify the
34 local social services official in writing
35 as to the election, the date upon which
36 the election shall be effective and such
37 information as to transition of responsi-
38 bilities as the commissioner deems
39 prudent. The commissioner is authorized
40 to contract with a transportation manager
41 or managers to manage transportation
42 services in any local social services
43 district. Any transportation manager or
44 managers selected by the commissioner to
45 manage transportation services shall have
46 proven experience in coordinating trans-
47 portation services in a geographic and
48 demographic area similar to the area in
49 New York state within which the contractor
50 would manage the provision of such
51 services. Such a contract or contracts may
52 include responsibility for: review,
53 approval and processing of transportation
54 orders; management of the appropriate
55 level of transportation based on docu-
56 mented patient medical need; and develop-

ment of new technologies leading to efficient transportation services. If the commissioner elects to assume such responsibility from a local social services district, the commissioner shall examine and, if appropriate, adopt quality assurance measures that may include, but are not limited to, global positioning tracking system reporting requirements and service verification mechanisms. Any and all reimbursement rates developed by transportation managers under this paragraph shall be subject to the review and approval of the commissioner. Notwithstanding any inconsistent provision of sections 112 and 163 of the state finance law, or section 142 of the economic development law, or any other law, the commissioner is authorized to enter into a contract or contracts without a competitive bid or request for proposal process, provided, however, that the department shall post on its website, for a period of no less than 30 days: (i) a description of the proposed services to be provided pursuant to the contract or contracts; (ii) the criteria for selection of a contractor or contractors; (iii) the period of time during which a prospective contractor may seek selection, which shall be no less than 30 days after such information is first posted on the website; (iv) and the manner by which a prospective contractor may seek such selection, which may include submission by electronic means; and provided, further, that all reasonable and responsive submissions that are received from prospective contractors in a timely fashion shall be reviewed by the commissioner; and provided, further, that the commissioner shall select such contractor or contractors that, in his or her discretion, are best suited to serve the purposes of this appropriation. Provided, however, if this act appropriates sufficient additional funds to permit local social services officials to maintain responsibility for management of Medicaid transportation services without assumption of such responsibility by the commissioner of health, then the provisions of this paragraph shall not apply and shall be considered null and void as of March 31, 2010 90,000,000

For services and expenses of the medical

1 assistance program including dental
2 services 81,005,000
3 For services and expenses of the medical
4 assistance program including non-institu-
5 tional and other spending.
6 Notwithstanding any inconsistent provision
7 of law, rule or regulation to the contra-
8 ry, for the period April 1, 2010 through
9 March 31, 2011: (i) any utilization
10 controls on occupational therapy or phys-
11 ical therapy services under the Medicaid
12 program, including, but not limited to,
13 prior approval of services, utilization
14 thresholds or other limitations imposed on
15 such therapy services in relation to a
16 chronic condition in clinics certified
17 under article 28 of the public health law
18 or article 16 of the mental hygiene law
19 shall be developed by the department of
20 health in concurrence with the office of
21 mental retardation and developmental disa-
22 bilities; (ii) such utilization controls
23 shall be in accord with nationally recog-
24 nized professional standards and, in the
25 event that nationally recognized standards
26 do not exist, such thresholds shall be
27 based upon reasonably recognized profes-
28 sional standards of those with a specific
29 expertise in treating individuals served
30 by clinics certified under article 28 of
31 the public health law or article 16 of the
32 mental hygiene law; and (iii) prior
33 approval by the department of health of a
34 physical therapy evaluation or an occupa-
35 tional therapy evaluation by a qualified
36 practitioner practicing within the scope
37 of such practitioner's licensure shall not
38 be required; provided that the department
39 of health may require prior approval for
40 treatment as recommended by such an evalu-
41 ation and, in the event that prior
42 approval is required, and the department
43 of health fails to make a determination
44 within eight days of presentation of a
45 treatment request for physical or occupa-
46 tional therapy services, the department of
47 health shall automatically approve four
48 therapy visits; and provided, further,
49 that if, upon completion of such four
50 therapy visits, the department has not yet
51 rendered a determination on the request
52 for physical or occupational therapy
53 services, the department shall automat-
54 ically approve an additional four therapy
55 visits and that such subsequent automatic
56 approval shall be issued in the same

1 manner until such time as the department
2 issues a determination, but in no event
3 shall such approvals exceed the number of
4 services or the period of time recommended
5 by the evaluation; and provided further
6 that, in the case of any denial of a prior
7 approval request for physical therapy or
8 occupational therapy, the department of
9 health shall provide a reasonable opportunity
10 for the qualified practitioner to
11 provide his or her assessment of the beneficiary's
12 physical and functional status as documented in a
13 treatment plan with reasonable and obtainable goals;
14 and provided further that, if the qualified
15 practitioner provides documentation that is in
16 accord with reasonably recognized professional
17 standards, the recommended treatment plan shall
18 be final, and the prior approval request shall
19 be approved. Provided, however, if this act
20 appropriates sufficient additional funds to permit
21 payment under the Medicaid program for
22 occupational therapy and physical therapy
23 without the utilization control and prior
24 approval features described in this appropriation,
25 then the provisions of this paragraph shall not
26 apply and shall be considered null and void as of
27 March 31, 2010.

28
29
30
31 Notwithstanding any inconsistent provision
32 of law, rule or regulation to the contrary,
33 for the period April 1, 2010 through March 31,
34 2011, moneys paid by an applicant or recipient
35 of supplemental security income benefits under
36 section 209 of the social services law or of
37 medical assistance under section 366 of such
38 law, to a funeral firm, funeral director,
39 undertaker, cemetery, or any other person, firm
40 or corporation, under or in connection with
41 an agreement, or any option to enter into an
42 agreement, for the sale of merchandise to be
43 used in connection with a funeral or burial,
44 or for the furnishing of personal services of
45 a funeral director or undertaker, wherein the
46 merchandise is not to be actually physically
47 delivered or the personal services are not to
48 be rendered until the occurrence of the death
49 of the person for whose funeral or burial such
50 merchandise or services are to be furnished,
51 shall be placed into an irrevocable trust if
52 the person for whose funeral or burial such
53 merchandise or services are to be furnished is
54 a family

1 member of such applicant and recipient.
2 Under the terms of such an irrevocable
3 trust, such applicant or recipient (and
4 after the death of such applicant or
5 recipient, the family member) shall have
6 the right to select any funeral firm,
7 funeral director, undertaker, cemetery or
8 any other person, firm or corporation to
9 whom such payment is made and to change
10 such selection any time to any type of
11 funeral or any funeral firm, funeral
12 director, cemetery or any other person,
13 firm or corporation to whom such payment
14 is made, located in the state of New York
15 or any other state. Any funds remaining in
16 such an irrevocable trust after the
17 payment of all funeral expenses must be
18 paid over to the social services official
19 responsible for arranging for burials
20 under section 141 of the social services
21 law in the local government subdivision
22 where the decedent resided. Any such
23 agreement, and any promotional literature
24 prepared by a funeral firm, funeral direc-
25 tor, undertaker, cemetery, or any other
26 person, firm or corporation for prear-
27 ranged funeral and burial services must
28 contain language disclosing the irrev-
29 ocable nature of burial trusts established
30 for a family member by an applicant or
31 recipient of supplemental security income
32 benefits or medical assistance. Provided,
33 however, if this act appropriates suffi-
34 cient additional funds to permit such
35 agreements purchased for family members by
36 applicants or recipients of supplemental
37 security income benefits or medical
38 assistance to be revocable, then the
39 provisions of this paragraph shall not
40 apply and shall be considered null and
41 void as of March 31, 2010 590,143,000

42 Notwithstanding any inconsistent provision
43 of law, subject to the approval of the
44 director of the budget, up to the amount
45 appropriated herein, together with any
46 available federal matching funds, may be
47 transferred to the general fund - state
48 purposes account for services and expenses
49 related to utilization review activities
50 including but not limited to utilization
51 management for radiology and transporta-
52 tion management services 10,500,000

53 Notwithstanding any inconsistent provision
54 of law, subject to the approval of the
55 director of the budget, up to the amount
56 appropriated herein, together with any

1 available federal matching funds, may be
2 transferred to the general fund - state
3 purposes account for services and expenses
4 related to required criminal background
5 checks for non-licensed long-term care
6 employees including employees of nursing
7 homes, certified home health agencies,
8 long term home health care providers, AIDS
9 home care providers, and licensed home
10 care service agencies 11,705,000

11 Notwithstanding any inconsistent provision
12 of section 112 or 163 of the state finance
13 law or any other contrary provision of the
14 state finance law or any other contrary
15 provision of law, the commissioner of
16 health may, without a competitive bid or
17 request for proposal process, enter into
18 contracts with one or more certified
19 public accounting firms for the purpose of
20 conducting audits of disproportionate
21 share hospital payments made by the state
22 of New York to general hospitals and for
23 the purpose of conducting audits of hospi-
24 tal cost reports as submitted to the state
25 of New York in accordance with article 28
26 of the public health law. Notwithstanding
27 any inconsistent provisions of law,
28 subject to the approval of the director of
29 the budget, up to the amount appropriated
30 herein, together with any available feder-
31 al matching funds, may be transferred to
32 the general fund - state purposes account 2,300,000

33 Notwithstanding any inconsistent provision
34 of law, subject to the approval of the
35 director of the budget, moneys appropri-
36 ated herein may be transferred to the
37 general fund, state purposes account for
38 services and expenses related to the inde-
39 pendent audit of the internal controls of
40 the school and preschool supportive health
41 services programs as required by the New
42 York state school supportive health
43 services program compliance agreement with
44 the centers for medicare and medicaid
45 services.
46 Notwithstanding any inconsistent provision
47 of law, subject to the approval of the
48 director of the budget, the amount appro-
49 priated herein may be increased or
50 decreased by interchange with any appro-
51 priation of the department of health 400,000

52 For services and expenses of the medical
53 assistance program including medical
54 services provided at state facilities
55 operated by the office of mental health,

1 the office of mental retardation and
2 developmental disabilities and the office
3 of alcoholism and substance abuse
4 services 3,550,000,000

5 -----
6 Program account subtotal 11,123,007,000
7 -----

8 Special Revenue Funds - Federal / Aid to Localities
9 Federal Health and Human Services Fund - 265
10 Medicaid Direct Account

11 For services and expenses for the medical
12 assistance program, including administra-
13 tive expenses for local social services
14 districts, pursuant to title XIX of the
15 federal social security act or its succes-
16 sor program.

17 The moneys hereby appropriated are to be
18 available for payment of aid heretofore
19 accrued or hereafter to accrue to munici-
20 palities, and to providers of medical
21 services pursuant to section 367-b of the
22 social services law, and for payment of
23 state aid to municipalities and to provid-
24 ers of family care where payment systems
25 through the fiscal intermediaries are not
26 operational, shall be available to the
27 department net of disallowances, refunds,
28 reimbursements, and credits.

29 Notwithstanding any other provision of law,
30 the money hereby appropriated may be
31 increased or decreased by interchange,
32 with any appropriation of the department
33 of health and the office of medicaid
34 inspector general and may be increased or
35 decreased by transfer or suballocation
36 between these appropriated amounts and
37 appropriations of the office of mental
38 health, office of mental retardation and
39 developmental disabilities, the office of
40 alcoholism and substance abuse services,
41 the department of family assistance office
42 of temporary and disability assistance,
43 office of children and family services,
44 and state office for the aging with the
45 approval of the director of the budget,
46 who shall file such approval with the
47 department of audit and control and copies
48 thereof with the chairman of the senate
49 finance committee and the chairman of the
50 assembly ways and means committee.

51 Notwithstanding any inconsistent provision
52 of law, in lieu of payments authorized by
53 the social services law, or payments of
54 federal funds otherwise due to the local

1 social services districts for programs
2 provided under the federal social security
3 act or the federal food stamp act, funds
4 herein appropriated, in amounts certified
5 by the state commissioner of temporary and
6 disability assistance or the state commis-
7 sioner of health as due from local social
8 services districts each month as their
9 share of payments made pursuant to section
10 367-b of the social services law may be
11 set aside by the state comptroller in an
12 interest-bearing account in order to
13 ensure the orderly and prompt payment of
14 providers under section 367-b of the
15 social services law pursuant to an esti-
16 mate provided by the commissioner of
17 health of each local social services
18 district's share of payments made pursuant
19 to section 367-b of the social services
20 law.

21 Notwithstanding paragraph (c) of subdivision
22 10 of section 2807-c of the public health
23 law, subdivision 2-b of section 2808 of
24 the public health law, section 21 of chap-
25 ter 1 of the laws of 1999, and any other
26 contrary provision of law, in determining
27 rates of payments by state governmental
28 agencies effective for services provided
29 on and after April 1, 2010 through March
30 31, 2011, for inpatient and outpatient
31 services provided by general hospitals,
32 for inpatient services and adult day
33 health care outpatient services provided
34 by residential health care facilities
35 pursuant to article 28 of the public
36 health law, except for residential health
37 care facilities that provide extensive
38 nursing, medical, psychological and coun-
39 seling support services to children, for
40 home health care services provided pursu-
41 ant to article 36 of the public health law
42 by certified home health agencies, long
43 term home health care programs and AIDS
44 home care programs, and for personal care
45 services provided pursuant to section
46 365-a of the social services law, the
47 commissioner of health shall apply zero
48 trend factor projections attributable to
49 the 2010 calendar year in accordance with
50 paragraph (c) of subdivision 10 of section
51 2807-c of the public health law, provided,
52 however, that such zero trend factor
53 projections for such 2010 calendar year
54 shall also be applied to rates of payment
55 for personal care services provided in
56 those local social services districts,

1 including New York city, whose rates of
2 payment for such services are established
3 by such local social services districts
4 pursuant to a rate-setting exemption
5 issued by the commissioner of health to
6 such local social services districts in
7 accordance with applicable regulations,
8 and provided further, however, that for
9 rates of payment for assisted living
10 program services provided on and after
11 April 1, 2010 through March 31, 2011,
12 trend factor projections attributable to
13 the 2010 calendar year shall be estab-
14 lished at zero percent.

15 For services and expenses of the medical
16 assistance program including hospital
17 inpatient services.

18 Notwithstanding any inconsistent provision
19 of law, rule or regulation and subject to
20 the availability of federal financial
21 participation, for the period July 1, 2010
22 through March 31, 2011, hospital inpatient
23 rate adjustments shall be made in accord-
24 ance with regulations which the commis-
25 sioner of health shall promulgate in
26 accordance with the provisions of subpara-
27 graph (v) of paragraph (b) of subdivision
28 35 of section 2807-c of the public health
29 law and which shall be effective on and
30 after July 1, 2010 that incorporate quali-
31 ty related measures pertaining to poten-
32 tially preventable readmissions. Such
33 regulations shall incorporate a risk
34 adjusted comparison of the actual and
35 expected number of potentially preventable
36 readmissions in a given hospital with
37 benchmarks established by the commissioner
38 of health, provided, however, that the
39 application of such regulations shall
40 result in an aggregate reduction in medi-
41 caid payments of no less than \$35,000,000
42 for the period July 1, 2010 through March
43 31, 2011, provided, however, that for the
44 period July 1, 2010 through March 31, 2011
45 such rate adjustments shall not reflect
46 the application of this section to behav-
47 ioral health readmissions.

48 Notwithstanding any inconsistent provision
49 of law, rule or regulation, hospital inpa-
50 tient rate adjustments made in accordance
51 with the methodology specified in subdivi-
52 sion 6 of section 2500-d of the public
53 health law shall be reduced by up to
54 \$1,000,000 for the period April 1, 2010
55 through March 31, 2011; provided, however,
56 if this act provides sufficient additional

1 funding to support such rate adjustments
2 without the aggregate reductions, then the
3 provisions of this section shall be deemed
4 null and void as of March 31, 2010 4,435,794,000
5 For services and expenses of the medical
6 assistance program including hospital
7 outpatient and emergency room services 982,403,000
8 For services and expenses of the medical
9 assistance program including clinic
10 services 928,570,000
11 For services and expenses of the medical
12 assistance program including nursing home
13 services.
14 Notwithstanding any inconsistent provision
15 of law or regulation to the contrary, for
16 the period April 1, 2010 through March 31,
17 2011, the commissioner of health shall not
18 be required to revise certified rates of
19 payment established pursuant to the public
20 health law prior to April 1, 2011, based
21 on consideration of rate appeals filed by
22 residential health care facilities pursu-
23 ant to section 2808 of the public health
24 law or based upon adjustments to capital
25 cost reimbursement as a result of approval
26 by the commissioner of health of an appli-
27 cation for construction under section 2802
28 of the public health law, in excess of
29 aggregate amount of \$80,000,000, provided,
30 however, that in revising such rates with-
31 in such fiscal limits the commissioner
32 shall, in prioritizing such rate appeals
33 include consideration of which facilities
34 the commissioner determines are facing
35 significant financial hardship, as well as
36 such other considerations as the commis-
37 sioner deems appropriate, and, further,
38 the commissioner is authorized to enter
39 into agreements with such facilities or
40 any other facility to resolve multiple
41 pending rate appeals based upon a negoti-
42 ated aggregate amount and may offset such
43 negotiated aggregate amounts against any
44 amounts owed by the facility to the
45 department of health, including, but not
46 limited to, amounts owed pursuant to
47 section 2807-d of the public health law,
48 provided further, however, that such rate
49 adjustment made pursuant to this section
50 remain fully subject to approval by the
51 director of the budget in accordance with
52 the provisions of subdivision 2 of section
53 2807 of the public health law. Provided,
54 however, if this act appropriates suffi-
55 cient additional funds to support process-
56 ing of residential health care facility

1 rate appeal adjustments as otherwise
2 provided for in the public health law,
3 than the provisions of this section shall
4 be deemed null and void.

5 Notwithstanding any inconsistent provision
6 of law, rule or regulation to the contra-
7 ry, for the period April 1, 2010 through
8 March 31, 2011, a "reserved bed day" is
9 defined as a day for which a governmental
10 agency pays a residential health care
11 facility to reserve a bed for a person
12 eligible for medical assistance pursuant
13 to title 11 of article 5 of the social
14 services law while he or she is temporar-
15 ily hospitalized or on leave of absence
16 from the facility; provided further that
17 for reserved bed days provided on behalf
18 of persons 21 years of age or older: (i)
19 payments for reserved bed days shall be
20 made at 95 percent of the medicaid rate
21 otherwise payable to the facility for
22 services provided on behalf of such
23 person; (ii) payment to a facility for
24 reserved bed days provided on behalf of
25 such person for temporary hospitalizations
26 may not exceed 14 days in any 12 month
27 period; and (iii) payment to a facility
28 for reserved bed days provided on behalf
29 of such person for non-hospitalization
30 leaves of absence may not exceed 10 days
31 in any 12 month period. Provided, howev-
32 er, if this act appropriates sufficient
33 additional funds to permit payment for
34 reserved bed days to be made at the full
35 medicaid rate otherwise payable to the
36 facility for services provided on behalf
37 of such person, and to not restrict
38 payments for reserved bed days to such 14
39 day and 10 day limitations, then the
40 provisions of this paragraph shall not
41 apply and shall be considered null and
42 void as of March 31, 2010.

43 Notwithstanding any inconsistent provision
44 of law, for the period April 1, 2010
45 through March 31, 2011, residential health
46 care facility medicaid rates of payment
47 shall not include reimbursement for the
48 cost of prescription drugs. Such
49 reimbursement shall be in accordance with
50 otherwise applicable provisions of section
51 367-a of the social services law 3,796,384,000

52 For services and expenses of the medical
53 assistance program including other long
54 term care services.

55 Notwithstanding any inconsistent provision
56 of law, rule or regulation to the contra-

ry, for the period April 1, 2010 through March 31, 2011, for purposes of operating the long term care assessment center demonstration program pursuant to section 367-w of the social services law, the department of health shall designate one or more long-term care assessment centers to be established in and together serve an entire county within the city of New York and shall designate a long term care assessment center to be established in another region consisting of one or more contiguous counties elsewhere in the state. Provided, however, if this act appropriates sufficient additional funds to support operation of the long term care assessment center demonstration program through one assessment center in a county within the city of New York, then the provisions of this appropriation shall be deemed null and void.

Notwithstanding any inconsistent provision of law, rule or regulation to the contrary, for the period April 1, 2010 through March 31, 2011, continued provision of long term home health care program, AIDS home care program or certified home health agency services paid for by government funds shall be based upon a comprehensive assessment of the medical, social and environmental needs of the recipient of the services which shall be performed at least every 180 days by the provider of a long term home health care program, AIDS home care program or the certified home health agency providing services for the patient and the local department of social services; provided, however, if this act appropriates sufficient additional funds to require that such assessments be performed no less frequently than once every 120 days, then the provisions of this paragraph shall not apply and shall be considered null and void as of March 31, 2010 3,248,511,000

For services and expenses of the medical assistance program including managed care services 4,806,689,000

For services and expenses of the medical assistance program including pharmacy services.

Notwithstanding any law, rule or regulation to the contrary, for the period April 1, 2010 through March 31, 2011, the commissioner of health shall provide five days public notice on the department's website

1 of any recommendations developed by the
2 pharmacy and therapeutics committee
3 regarding the preferred drug program;
4 provided however that, if this act appro-
5 priates sufficient additional funds to
6 permit the commissioner to provide thirty
7 days public notice on the department's
8 website of any such recommendations, the
9 provisions of this paragraph shall not
10 apply and shall be considered null and
11 void as of March 31, 2010 2,525,100,000

12 For services and expenses of the medical
13 assistance program including transporta-
14 tion services.

15 Notwithstanding any inconsistent provision
16 of law, rule or regulation to the contra-
17 ry, for the period April 1, 2010 through
18 March 31, 2011, the commissioner of health
19 is authorized to assume responsibility
20 from a local social services official for
21 the provision and reimbursement of Medi-
22 caid transportation costs under section
23 365-h of the social services law. Such
24 services, whether managed by the local
25 social services official or the commis-
26 sioner of health, shall be provided in a
27 safe, timely, and reliable manner by
28 providers that comply with state and local
29 regulatory requirements, and shall meet
30 consumer satisfaction criteria approved by
31 the commissioner of health. If the commis-
32 sioner elects to assume such responsibil-
33 ity, the commissioner shall notify the
34 local social services official in writing
35 as to the election, the date upon which
36 the election shall be effective and such
37 information as to transition of responsi-
38 bilities as the commissioner deems
39 prudent. The commissioner is authorized
40 to contract with a transportation manager
41 or managers to manage transportation
42 services in any local social services
43 district. Any transportation manager or
44 managers selected by the commissioner to
45 manage transportation services shall have
46 proven experience in coordinating trans-
47 portation services in a geographic and
48 demographic area similar to the area in
49 New York state within which the contractor
50 would manage the provision of such
51 services. Such a contract or contracts may
52 include, responsibility for: review,
53 approval and processing of transportation
54 orders; management of the appropriate
55 level of transportation based on docu-
56 mented patient medical need; and develop-

1 ment of new technologies leading to effi-
2 cient transportation services. If the
3 commissioner elects to assume such respon-
4 sibility from a local social services
5 district the commissioner shall examine
6 and, if appropriate, adopt quality assur-
7 ance measures that may include, but are
8 not limited to, global positioning track-
9 ing system reporting requirements and
10 service verification mechanisms. Any and
11 all reimbursement rates developed by
12 transportation managers under this para-
13 graph shall be subject to the review and
14 approval of the commissioner. Notwith-
15 standing any inconsistent provision of
16 sections 112 and 163 of the state finance
17 law, or section 142 of the economic devel-
18 opment law, or any other law, the commis-
19 sioner is authorized to enter into a
20 contract or contracts without a compet-
21 itive bid or request for proposal process,
22 provided, however, that the department
23 shall post on its website, for a period of
24 no less than 30 days: (i) a description
25 of the proposed services to be provided
26 pursuant to the contract or contracts;
27 (ii) the criteria for selection of a
28 contractor or contractors; (iii) the peri-
29 od of time during which a prospective
30 contractor may seek selection, which shall
31 be no less than 30 days after such infor-
32 mation is first posted on the website;
33 (iv) and the manner by which a prospective
34 contractor may seek such selection, which
35 may include submission by electronic
36 means; and provided, further, that all
37 reasonable and responsive submissions that
38 are received from prospective contractors
39 in a timely fashion shall be reviewed by
40 the commissioner; and provided, further,
41 that the commissioner shall select such
42 contractor or contractors that, in his or
43 her discretion, are best suited to serve
44 the purposes of this appropriation.
45 Provided, however, if this act appropri-
46 ates sufficient additional funds to permit
47 local social services officials to main-
48 tain responsibility for management of
49 Medicaid transportation services without
50 assumption of such responsibility by the
51 commissioner of health, then the
52 provisions of this paragraph shall not
53 apply and shall be considered null and
54 void as of March 31, 2010 223,287,000
55 For services and expenses of the medical

1 assistance program including dental
2 services 150,987,000

3 For services and expenses of the medical
4 assistance program including noninstitu-
5 tional and other spending.

6 Notwithstanding any inconsistent provision
7 of law, rule or regulation to the contra-
8 ry, for the period April 1, 2010 through
9 March 31, 2011: (i) any utilization
10 controls on occupational therapy or phys-
11 ical therapy services under the Medicaid
12 program, including, but not limited to,
13 prior approval of services, utilization
14 thresholds or other limitations imposed on
15 such therapy services in relation to a
16 chronic condition in clinics certified
17 under article 28 of the public health law
18 or article 16 of the mental hygiene law
19 shall be developed by the department of
20 health in concurrence with the office of
21 mental retardation and developmental disa-
22 bilities; (ii) such utilization controls
23 shall be in accord with nationally recog-
24 nized professional standards and, in the
25 event that nationally recognized standards
26 do not exist, such thresholds shall be
27 based upon reasonably recognized profes-
28 sional standards of those with a specific
29 expertise in treating individuals served
30 by clinics certified under article 28 of
31 the public health law or article 16 of the
32 mental hygiene law; and (iii) prior
33 approval by the department of health of a
34 physical therapy evaluation or an occupa-
35 tional therapy evaluation by a qualified
36 practitioner practicing within the scope
37 of such practitioner's licensure shall not
38 be required; provided that the department
39 of health may require prior approval for
40 treatment as recommended by such an evalu-
41 ation and, in the event that prior
42 approval is required, and the department
43 of health fails to make a determination
44 within eight days of presentation of a
45 treatment request for physical or occupa-
46 tional therapy services, the department of
47 health shall automatically approve four
48 therapy visits; and provided, further,
49 that if, upon completion of such four
50 therapy visits, the department has not yet
51 rendered a determination on the request
52 for physical or occupational therapy
53 services, the department shall automat-
54 ically approve an additional four therapy
55 visits and that such subsequent automatic
56 approval shall be issued in the same

1 manner until such time as the department
2 issues a determination, but in no event
3 shall such approvals exceed the number of
4 services or the period of time recommended
5 by the evaluation; and provided further
6 that, in the case of any denial of a prior
7 approval request for physical therapy or
8 occupational therapy, the department of
9 health shall provide a reasonable opportunity
10 for the qualified practitioner to
11 provide his or her assessment of the beneficiary's
12 physical and functional status as documented in a
13 treatment plan with reasonable and obtainable goals;
14 and provided further that, if the qualified
15 practitioner provides documentation that is in
16 accord with reasonably recognized professional
17 standards, the recommended treatment plan shall
18 be final, and the prior approval request shall
19 be approved. Provided, however, if this act
20 appropriates sufficient additional funds to permit
21 payment under the Medicaid program for
22 occupational therapy and physical therapy
23 without the utilization control and prior
24 approval features described in this appropriation,
25 then the provisions of this paragraph shall not
26 apply and shall be considered null and void as of
27 March 31, 2010.

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31 Notwithstanding any inconsistent provision
32 of law, rule or regulation to the contrary,
33 for the period April 1, 2010 through March 31,
34 2011, moneys paid by an applicant or recipient
35 of supplemental security income benefits under
36 section 209 of the social services law or of
37 medical assistance under section 366 of such
38 law, to a funeral firm, funeral director,
39 undertaker, cemetery, or any other person, firm
40 or corporation, under or in connection with
41 an agreement, or any option to enter into an
42 agreement, for the sale of merchandise to be
43 used in connection with a funeral or burial,
44 or for the furnishing of personal services of a
45 funeral director or undertaker, wherein the
46 merchandise is not to be actually physically
47 delivered or the personal services are not to be
48 rendered until the occurrence of the death of
49 the person for whose funeral or burial such
50 merchandise or services are to be furnished,
51 shall be placed into an irrevocable trust if
52 the person for whose funeral or burial such
53 merchandise or services are to be furnished is
54 a family

1 member of such applicant and recipient.
2 Under the terms of such an irrevocable
3 trust, such applicant or recipient (and
4 after the death of such applicant or
5 recipient, the family member) shall have
6 the right to select any funeral firm,
7 funeral director, undertaker, cemetery or
8 any other person, firm or corporation to
9 whom such payment is made and to change
10 such selection any time to any type of
11 funeral or any funeral firm, funeral
12 director, cemetery or any other person,
13 firm or corporation to whom such payment
14 is made, located in the state of New York
15 or any other state. Any funds remaining in
16 such an irrevocable trust after the
17 payment of all funeral expenses must be
18 paid over to the social services official
19 responsible for arranging for burials
20 under section 141 of the social services
21 law in the local government subdivision
22 where the decedent resided. Any such
23 agreement, and any promotional literature
24 prepared by a funeral firm, funeral direc-
25 tor, undertaker, cemetery, or any other
26 person, firm or corporation for prear-
27 ranged funeral and burial services must
28 contain language disclosing the irrev-
29 ocable nature of burial trusts established
30 for a family member by an applicant or
31 recipient of supplemental security income
32 benefits or medical assistance. Provided,
33 however, if this act appropriates suffi-
34 cient additional funds to permit such
35 agreements purchased for family members by
36 applicants or recipients of supplemental
37 security income benefits or medical
38 assistance to be revocable, then the
39 provisions of this paragraph shall not
40 apply and shall be considered null and
41 void as of March 31, 2010 4,300,376,000

42 Notwithstanding any inconsistent provision
43 of section 112 or 163 of the state finance
44 law or any other contrary provision of the
45 state finance law or any other contrary
46 provision of law, the commissioner of
47 health may, without a competitive bid or
48 request for proposal process, enter into
49 contracts with one or more certified
50 public accounting firms for the purpose of
51 conducting audits of disproportionate
52 share hospital payments made by the state
53 of New York to general hospitals and for
54 the purpose of conducting audits of hospi-
55 tal cost reports as submitted to the state
56 of New York in accordance with article 28

1 of the public health law. Notwithstanding
2 any inconsistent provisions of law,
3 subject to the approval of the director of
4 the budget, up to the amount appropriated
5 herein 2,300,000
6 For services and expenses of the medical
7 assistance program including medical
8 services provided at state facilities
9 operated by the office of mental health,
10 the office of mental retardation and
11 developmental disabilities and the office
12 of alcoholism and substance abuse
13 services 3,550,000,000
14 For services and expenses of the medical
15 assistance program including hospital
16 inpatient, hospital outpatient and emer-
17 gency room, clinic, nursing home, other
18 long term care, managed care, pharmacy,
19 transportation, dental, non-institutional
20 and other spending, medical services
21 provided at state facilities operated by
22 the office of mental health, the office of
23 mental retardation and developmental disa-
24 bilities and the office of alcoholism and
25 substance abuse services and for any other
26 medical assistance services resulting from
27 an increase in the federal medical assist-
28 ance percentage pursuant to the American
29 Recovery and Reinvestment Act. Funds
30 appropriated herein shall be subject to
31 all applicable reporting and accountabil-
32 ity requirements contained in such act ... 5,667,000,000
33 -----
34 Program account subtotal 34,617,401,000
35 -----

36 Special Revenue Funds - Other / Aid to Localities
37 HCRA Resources Fund - 061
38 Medical Assistance Account

39 For the purpose of making payments, the
40 money hereby appropriated is available for
41 payment of aid heretofore accrued or here-
42 after accrued, to providers of medical
43 care pursuant to section 367-b of the
44 social services law, and for payment of
45 state aid to municipalities and the feder-
46 al government where payment systems
47 through fiscal intermediaries are not
48 operational, to reimburse such providers
49 for costs attributable to the provision of
50 care to patients eligible for medical
51 assistance.
52 For services and expenses related to the
53 medical assistance program 130,100,000
54 For services and expenses of the medical

1 assistance program related to the treat-
2 ment of breast and cervical cancer 2,100,000
3 For services and expenses of the medical
4 assistance program related to primary care
5 case management. All or a portion of this
6 appropriation may be transferred to state
7 operations appropriations 2,000,000
8 For services and expenses of the medical
9 assistance program related to disabled
10 persons 23,500,000
11 For services and expenses of the medical
12 assistance program related to physician
13 services 85,200,000
14 For services and expenses of the medical
15 assistance program related, but not limit-
16 ed to, pharmacy, inpatient, and nursing
17 home services 1,475,081,000
18 For services and expenses of the medical
19 assistance program related to the city of
20 New York 124,700,000
21 For services and expenses of the medical
22 assistance program related to providing
23 distributions for supplemental medical
24 insurance for medicare part B premiums,
25 physician services, outpatient services,
26 medical equipment, supplies and other
27 health services 68,000,000
28 For services and expenses of the medical
29 assistance program related to the family
30 health plus program 590,900,000
31 For services and expenses of the medical
32 assistance program related to providing
33 financial assistance to residential health
34 care facilities 15,000,000
35 For services and expenses of the medical
36 assistance program related to free-stand-
37 ing diagnostic and treatment center rate
38 increases for recruitment and retention of
39 health care workers 900,000
40 For services and expenses of the medical
41 assistance program related to supporting
42 workforce recruitment and retention of
43 personal care services or any worker with
44 direct patient care responsibility for
45 local social service districts which
46 include a city with a population of over
47 one million persons 136,000,000
48 For services and expenses of the medical
49 assistance program related to supporting
50 workforce recruitment and retention of
51 personal care services for local social
52 service districts that do not include a
53 city with a population of over one million
54 persons 11,200,000
55 For services and expenses of the medical
56 assistance program related to supporting

1 rate increases for certified home health
2 agencies, long term home health care
3 programs, AIDS home care programs, hospice
4 programs, managed long term care plans and
5 approved managed long term care operating
6 demonstrations for recruitment and
7 retention of health care workers 50,000,000

8 -----
9 Program account subtotal 2,714,681,000
10 -----

11 Special Revenue Funds - Other / Aid to Localities
12 HCRA Resources Fund - 061
13 Indigent Care Account

14 For the purpose of making payments to
15 providers of medical care pursuant to
16 section 367-b of the social services law,
17 and for payment of state aid to munici-
18 palities where payment systems through
19 fiscal intermediaries are not operational,
20 to reimburse such providers for costs
21 attributable to the provision of care to
22 patients eligible for medical assistance.
23 Payments from this appropriation to gener-
24 al hospitals related to indigent care
25 pursuant to article 28 of the public
26 health law respectively, when combined
27 with federal funds for services and
28 expenses for the medical assistance
29 program pursuant to title XIX of the
30 federal social security act or its succes-
31 sor program, shall equal the amount of the
32 funds received related to health care
33 reform act allowances and surcharges
34 pursuant to article 28 of the public
35 health law and deposited to this account
36 less any such amounts withheld pursuant to
37 subdivision 21 of section 2807-c of the
38 public health law.

39 Notwithstanding any contrary provision of
40 law and subject to the availability of
41 federal financial participation, for the
42 period July 1, 2010 through December 31,
43 2010, distributions pursuant to sections
44 2807-k and 2807-w of the public health law
45 shall reflect an aggregate reduction of
46 sixty-nine million four hundred thousand
47 dollars, based on the proportions of each
48 hospital's indigent care allocations to
49 the total allocations of all hospitals'
50 indigent care allocations prior to appli-
51 cation of this reduction, provided, howev-
52 er, that such reductions shall not be
53 applied to distributions to major public
54 hospitals, including major public hospi-

1 tals operated by public benefit corpo-
2 rations, and shall also not be applied to
3 distributions made pursuant to subpara-
4 graphs (ii), (iii) or (iv) of paragraph
5 (b) of subdivision 5-b of section 2807-k
6 of the public health law, and provided
7 further, however, that payments made
8 pursuant to this section shall not be
9 included as gross revenue for purposes
10 under paragraph (d) of subdivision 18 of
11 section 2807-c of the public health law
12 and, further, shall not be included as
13 gross receipts for purposes under para-
14 graph (a) of subdivision 3 of section
15 2807-d of the public health law. Provided,
16 however, if this act appropriates suffi-
17 cient additional funding to support indi-
18 gent care payments to general hospitals as
19 otherwise provided for in sections 2807-k
20 and 2807-w of the public health law then
21 the provisions of this section shall be
22 deemed null and void as of June 30, 2010.

23 Notwithstanding any inconsistent provision
24 of subdivision 35 of section 2807-c of the
25 public health law or any other contrary
26 provision of law and subject to the avail-
27 ability of federal financial partic-
28 ipation, for the period July 1, 2010
29 through March 31, 2011 the commissioner
30 shall make additional inpatient hospital
31 payments up to the aggregate upper payment
32 limit for inpatient hospital services
33 after all other medical assistance
34 payments, but not to exceed two hundred
35 thirty-five million five hundred thousand
36 dollars for the period July 1, 2010
37 through March 31, 2011 to general hospi-
38 tals, other than major public general
39 hospitals, providing emergency room
40 services and including safety net hospi-
41 tals, which shall, for the purpose of this
42 paragraph, be defined as having either: a
43 Medicaid share of total inpatient hospital
44 discharges of at least thirty-five
45 percent, including both fee-for-service
46 and managed care discharges for acute and
47 exempt services; or a Medicaid share of
48 total discharges of at least thirty
49 percent, including both fee-for-service
50 and managed care discharges for acute and
51 exempt services, and also providing
52 obstetrical services. Eligibility to
53 receive such additional payments shall be
54 based on data from the period two years
55 prior to the rate year, as reported on the
56 institutional cost report submitted to the

1 department of health as of October 1 of
2 the prior rate year. Such payments shall
3 be made as medical assistance payments for
4 fee-for-service inpatient hospital
5 services pursuant to title 11 of article 5
6 of the social services law for patients
7 eligible for federal financial partic-
8 ipation under title XIX of the federal
9 social security act and in accordance with
10 the following:

- 11 (1) Thirty percent of such payments shall be
12 allocated to safety net hospitals based on
13 each eligible hospital's proportionate
14 share of all eligible safety net hospi-
15 tals' Medicaid discharges for inpatient
16 hospital services, including both Medicaid
17 fee-for-service and managed care
18 discharges for acute and exempt services,
19 based on data from the period two years
20 prior to the rate year, as reported on the
21 institutional cost report submitted to the
22 department of health as of October 1 of
23 the prior rate year;
- 24 (2) Seventy percent of such payments shall
25 be allocated to eligible general hospitals
26 based on each such hospital's propor-
27 tionate share of all eligible hospitals'
28 Medicaid discharges for inpatient hospital
29 services, including both Medicaid fee-for-
30 service and managed care discharges for
31 acute and exempt services, based on data
32 from the period two years prior to the
33 rate year, as reported on the institu-
34 tional cost report submitted to the
35 department of health as of October 1 of
36 the prior rate year;
- 37 (3) No eligible general hospital's annual
38 payment amount pursuant to this appropri-
39 ation shall exceed the lower of the sum of
40 the annual amounts due that hospital
41 pursuant to sections 2807-k and 2807-w of
42 the public health law; or the hospital's
43 facility specific projected dispropor-
44 tionate share hospital payment ceiling
45 established pursuant to federal law,
46 provided, however, that payment amounts to
47 eligible hospitals pursuant to subdivi-
48 sions (1) and (2) of this appropriation in
49 excess of the lower of such sum or payment
50 ceiling shall be reallocated to eligible
51 hospitals that do not have excess payment
52 amounts. Such reallocations shall be
53 proportional to each such hospital's
54 aggregate payment amount pursuant to
55 subdivisions (1) and (2) of this appropri-

1 ation to the total of all payment amounts
2 for such eligible hospitals;

3 (4) Subject to the availability of federal
4 financial participation and in conformance
5 with all applicable federal statutes and
6 regulations, payments made pursuant to
7 this appropriation shall be made as upper
8 payment limit payments and, further, such
9 payments shall be made as aggregate month-
10 ly payments to eligible general hospitals
11 and provided further, however, that
12 payments made pursuant to this subdivision
13 shall not in any event be available for
14 periods after the last day of the calendar
15 year during which enhanced federal medi-
16 caid assistance percentages (FMAP)
17 payments to general hospitals in the state
18 of New York pursuant to section five thou-
19 sand one of the federal American Recovery
20 and Reinvestment Act of 2009, or pursuant
21 to an otherwise applicable federal law,
22 cease to be available, provided, however,
23 that the department will in conjunction
24 with hospital representatives review the
25 impact associated with the expiration of
26 such funding availability no later than
27 sixty days prior to such expiration;

28 (5) In the event that the commissioner of
29 health determines that federal financial
30 participation will not be available for
31 aggregate payments made in accordance with
32 subdivision (4) of this appropriation,
33 payments pursuant to this appropriation
34 shall be included as rate add-ons to
35 medical assistance inpatient rates of
36 payment established pursuant to subdivi-
37 sion 35 of section 2807-c of the public
38 health law based on data from the period
39 two years prior to the rate year, as
40 reported on the institutional cost report
41 submitted to the department of health as
42 of October 1 of the prior rate year,
43 provided, however, that if such payments
44 are made as rate add-ons, the commissioner
45 of health shall establish a procedure to
46 reconcile payment amounts to reflect
47 changes in medical assistance utilization
48 from the period two years prior to the
49 rate year and the actual rate year based
50 on data as reported on each hospital's
51 annual institutional cost report for the
52 respective rate year, as submitted to the
53 department of health as of October 1 of
54 the year following the rate year;

55 (6) Notwithstanding any other law, rule or
56 regulation to the contrary, projections of

each general hospital's disproportionate share limitations as computed by the commissioner of health pursuant to applicable regulations shall be adjusted to reflect any additional revenue received or anticipated to be received by each such general hospital pursuant to this appropriation;

(7) For each hospital receiving payments pursuant to subdivisions (1) through (5) of this appropriation, the commissioner of health shall reduce the sum of any amounts paid pursuant to sections 2807-k and 2807-w of the public health law, as computed based on projected facility specific disproportionate share hospital ceilings, by an amount equal to the lower of such sum or each such hospital's payments pursuant to subdivisions (1) through (5) of this appropriation, provided, however, that any additional aggregate reductions enacted in a chapter of the laws of 2010 to the aggregate amounts payable pursuant to sections 2807-k and 2807-w of the public health law shall be applied subsequent to the adjustments otherwise provided for in this subdivision;

(8) Provided, however, if this act appropriates sufficient additional funding to support indigent care payments to general hospitals as otherwise provided for in sections 2807-k and 2807-w of the public health law then the provisions of this appropriation shall be deemed null and void as of June 30, 2010

875,400,000

Program account subtotal 875,400,000

Special Revenue Funds - Other / Aid to Localities
Miscellaneous Special Revenue Fund - 339
Medical Assistance Account

For the purpose of making payments to providers of medical care pursuant to section 367-b of the social services law, and for payment of state aid to municipalities and the federal government where payment systems through fiscal intermediaries are not operational, to reimburse such providers for costs attributable to the provision of care to patients eligible for medical assistance.

1 For services and expenses of the medical
2 assistance program including nursing home,
3 personal care, certified home health agen-
4 cy, long term home health care program and
5 hospital services 749,800,000
6 -----
7 Program account subtotal 749,800,000
8 -----

9 S 12. The amount specified in this section, or so much thereof as
10 shall be sufficient to accomplish the purpose designated, is hereby
11 appropriated and authorized to be paid as hereinafter provided, to the
12 public officers and for the purpose specified, which amount shall be
13 available for the state fiscal year beginning April 1, 2010.

14 DEPARTMENT OF LABOR

15 UNEMPLOYMENT INSURANCE BENEFIT PROGRAM 195,000,000
16 -----
17 Enterprise Funds / State Operations
18 Unemployment Insurance Benefit Fund - 481

19 For payment of unemployment insurance bene-
20 fits pursuant to article 18 of the labor
21 law or as authorized by the Federal
22 government through the disaster unemploy-
23 ment assistance program 195,000,000
24 -----

25 S 13. Section 12 of chapter 106 of the laws of 2010, relating to
26 making appropriations for the support of government, is amended to read
27 as follows:

28 S 12. The amount specified in this section, or so much thereof as
29 shall be sufficient to accomplish the purpose designated, is hereby
30 appropriated and authorized to be paid as hereinafter provided, to the
31 public officers and for the purpose specified, which amount shall be
32 available for the state fiscal year beginning April 1, 2010.

33 DEPARTMENT OF ENVIRONMENTAL CONSERVATION

34 Federal Capital Projects Fund
35 Water Resources Purpose

36 The sum of five million six thousand dollars (\$5,006,000), or so much
37 thereof as shall be sufficient to accomplish the purpose designated, is
38 hereby appropriated for contracts approved for purposes for which the
39 legislature authorized the expenditures of money during the 2009-2010
40 fiscal year. An amount up to five million six thousand dollars
41 (\$5,006,000) shall be available for the payment by the state of federal
42 capitalization grants for the water pollution control revolving fund, as
43 funded by the American Recovery and Reinvestment Act of 2009 incurred in
44 the ordinary course of business [during the period from] AFTER April 1
45 [through June 6], 2010 for contracts approved [during the period from]
46 ON OR AFTER April 1 [through June 6], 2010, provided, however, that
47 nothing contained herein shall be deemed to limit or restrict the power
48 or authority of state departments or agencies to conduct their activ-

ities or operations in accordance with existing law, and further provided that nothing contained herein shall be deemed to supersede, nullify, or modify the provisions of section 40 of the state finance law prescribing when appropriations made for the 2009-2010 fiscal year shall have ceased to have force and effect. Funds appropriated herein shall be subject to all applicable reporting and accountability requirements contained in such act 5,006,000
=====

S 14. The several amounts specified in this section, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be paid as hereinafter provided, to the respective public officers and for the several purposes specified, which amounts shall be available for the state fiscal year beginning April 1, 2010.

DEPARTMENT OF MENTAL HYGIENE

OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

COMMUNITY SERVICES PROGRAM 34,200,000

General Fund / Aid to Localities
Local Assistance Account - 001

For services and expenses related to the
provision of individual support services 2,000,000
For services and expenses related to the
provision of family support services to
the developmentally disabled 5,200,000

Program account subtotal 7,200,000

Special Revenue Funds - Other / Aid to Localities
Miscellaneous Special Revenue Fund - 339
Mental Hygiene Patient Income Account

For services and expenses related to the
provision of residential services to the
developmentally disabled 2,000,000

Program account subtotal 2,000,000

Special Revenue Funds - Other / Aid to Localities
Miscellaneous Special Revenue Fund - 339
OMRDD - Provider of Service Account

For services and expenses related to mental
retardation and developmental disabilities
services associated with the New York
state options for people through services
(NYS-OPTS) initiative, in accordance with

1 a programmatic and fiscal plan to be
2 approved by the director of the budget.
3 Notwithstanding any provision of law to the
4 contrary, the director of the budget is
5 authorized to make suballocations from
6 this appropriation to the department of
7 health medical assistance program.
8 Notwithstanding any other provision of law,
9 the money hereby appropriated may be
10 transferred to state operations and/or any
11 appropriation of the office of mental
12 retardation and developmental disabili-
13 ties, with the approval of the director of
14 the budget who shall file such approval
15 with the department of audit and control
16 and copies thereof with the chairman of
17 the senate finance committee and the
18 chairman of the assembly ways and means
19 committee.
20 Notwithstanding any provision of law to the
21 contrary, the moneys hereby appropriated,
22 or so much thereof as may be necessary,
23 are to be available for the purposes here-
24 in specified for obligations heretofore
25 accrued or hereafter to accrue 25,000,000
26 -----
27 Program account subtotal 25,000,000
28 -----

29 S 15. The amount specified in this section, or so much thereof as
30 shall be sufficient to accomplish the purpose designated, is hereby
31 appropriated and authorized to be paid as hereinafter provided, to the
32 public officers and for the purpose specified, which amount shall be
33 available for the state fiscal year beginning April 1, 2010.

34 EDUCATION DEPARTMENT

35 ELEMENTARY, MIDDLE, SECONDARY AND CONTINUING EDUCATION
36 PROGRAM 491,300,000
37 -----

38 General Fund / Aid to Localities
39 Local Assistance Account - 001

40 The sum of four hundred ninety-one million three hundred thousand
41 dollars (\$491,300,000), or so much thereof as shall be sufficient to
42 accomplish the purpose designated, is hereby appropriated to the state
43 education department out of any moneys in the general fund to the credit
44 of the local assistance account not otherwise appropriated. The comp-
45 troller is hereby authorized and directed to utilize this appropriation
46 for the purpose of making mandated payments for the state fiscal year
47 beginning April 1, 2010 for the 2009-2010 school year for general
48 support for public schools, pursuant to section 3609-b of the education
49 law. Notwithstanding any other provision of law to the contrary, in the
50 event the director of the budget determines that there are insufficient
51 state funds to make all payments calculated by the commissioner of

education pursuant to section 3609-b of the education law, the commissioner shall make payments on a prorated basis amongst all school districts scheduled to receive an unpaid balance of a payment pursuant to such provisions based on a plan approved by the director of the budget. Notwithstanding any provision of law to the contrary, all moneys paid pursuant to section 3609-b of the education law shall be due and payable on or before June 30, 2010 within amounts appropriated therefor

.....	491,300,000
	=====

S 16. The amount specified in this section, or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated and authorized to be paid as hereinafter provided, to the respective public officers and for the purpose specified, which amount shall be available for the state fiscal year beginning April 1, 2010.

DEPARTMENT OF AGRICULTURE AND MARKETS

AGRICULTURAL BUSINESS SERVICES PROGRAM	1,631,000

General Fund / Aid to Localities
Local Assistance Account - 001

The sum of one million six hundred thirty-one thousand dollars (\$1,631,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated for a contract approved for purposes for which the legislature authorized the expenditures of money during the 2009-2010 fiscal year. An amount up to one million six hundred thirty-one thousand dollars shall be available for payment to the New York federation of growers and processors agribusiness child development program for liabilities incurred in the ordinary course of business during the period from April 1 through June 30, 2010 for a contract approved during the period April 1 through June 30, 2010

.....	1,631,000

Program account subtotal	1,631,000

S 17. No expenditure may be made from any appropriation in this act, until a certificate of approval has been issued by the director of the budget and a copy of such certificate shall have been filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee provided, however, that any expenditures from any appropriation in this act made by the legislature or judiciary shall not require such certificate.

S 18. All expenditures and disbursements made against the appropriations in this act shall, upon final action by the legislature on appro-

1 priation bills submitted by the governor pursuant to article VII of the
2 state constitution for the support of government for the state fiscal
3 year beginning April 1, 2010, be transferred by the comptroller as
4 expenditures and disbursements to such appropriations for all state
5 departments, agencies, the legislature and the judiciary, as applicable,
6 in amounts equal to the amounts charged against the appropriations in
7 this act for each such department, agency, the legislature and the judi-
8 ciary.

9 S 19. Severability clause. If any clause, sentence, paragraph, subdi-
10 vision, section or part of this act shall be adjudged by any court of
11 competent jurisdiction to be invalid, such judgment shall not affect,
12 impair, or invalidate the remainder thereof, but shall be confined in
13 its operation to the clause, sentence, paragraph, subdivision, section
14 or part thereof directly involved in the controversy in which such judg-
15 ment shall have been rendered. It is hereby declared to be the intent of
16 the legislature that this act would have been enacted even if such
17 invalid provisions had not been included herein.

18 S 20. This act shall take effect immediately and shall be deemed to
19 have been in full force and effect on and after April 1, 2010; provided,
20 however, that upon the transfer of expenditures and disbursements by the
21 comptroller as provided in section eighteen of this act, the appropri-
22 ations made by this act and subject to such section shall be deemed
23 repealed.