S T A T E O F N E W Y O R K

6704

2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. P. RIVERA, SCHROEDER -- read once and referred to the Committee on Mental Health, Mental Retardation and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to the sources of revenue to community mental health support and workforce reinvestment funds; and to amend chapter 62 of the laws of 2003, amending the mental hygiene law relating to the community mental health support and workforce reinvestment program and the membership of subcommittees for mental health of community services boards, in relation to eliminating the expiration of and making permanent certain provisions thereof

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

Section 1. Subdivision (e) of section 41.55 of the mental hygiene law, as amended by section 1 of part N1 of chapter 63 of the laws of 2003, is amended to read as follows:

(e) The amount of community mental health support and workforce reinvestment funds for the office of mental health shall be determined in the annual budget and shall include the amount of actual state operations general fund appropriation reductions, including personal service savings and other than personal service savings directly attributed to each child and adult non-geriatric inpatient bed closure. For the purposes of this section a bed shall be considered to be closed upon the elimination of funding for such beds in the executive budget. The appropriation reductions as a result of inpatient bed closures shall be no less than seventy thousand dollars per bed on a full annual basis, as annually recommended by the commissioner, subject to the approval of the director of the budget, in the executive budget request prior to the fiscal year for which the executive budget is being submitted. The commissioner shall report to the governor, the temporary president of the senate and the speaker of the assembly no later than October first, two thousand three, and annually thereafter, with an explanation of the

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

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methodologies used to calculate the per bed closure savings. The methodologies shall be developed by the commissioner and the director of the budget. In no event shall the full annual value of community mental health support and workforce reinvestment programs attributable to beds closed as a result of net inpatient census decline exceed the twelve month value of the office of mental health state operations general fund reductions resulting from such census decline. Such reinvestment amount shall be made available in the same proportion by which the office of mental health's state operations general fund appropriations are reduced each year as a result of child and adult non-geriatric inpatient bed closures due to census decline.

THE AMOUNT OF COMMUNITY MENTAL HEALTH SUPPORT AND WORKFORCE REINVESTMENT FUNDS ANNUALLY APPROPRIATED TO THE OFFICE OF MENTAL HEALTH IN THE EXECUTIVE BUDGET SHALL ALSO INCLUDE ALL STATE SHARE SAVINGS RESULTING FROM INCREASES IN MEDICAID FUNDING FOR MENTAL HEALTH PROGRAMS AND SERVICES PREVIOUSLY ENTIRELY STATE FUNDED AND FROM INCREASED COMPREHENSIVE OUTPATIENT PROGRAM RATES ESTABLISHED PURSUANT TO STATE RULES AND REGULATIONS.

S 2. Section 7 of part R2 of chapter 62 of the laws of 2003, amending the mental hygiene law relating to the community mental health support and workforce reinvestment program and the membership of subcommittees for mental health of community services boards, as amended by section 1 of part E of chapter 58 of the laws of 2004, is amended to read as follows:

S 7. This act shall take effect immediately [and shall expire March 31, 2010 when upon such date the provisions of this act shall be deemed repealed].

S 3. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.