

6952

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 17, 2009

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Introduced by M. of A. ORTIZ, GREENE, FIELDS, DINOWITZ, JAFFEE, BOYLAND, DelMONTE, ESPAILLAT, ROBINSON -- Multi-Sponsored by -- M. of A. McENE- NY, MILLMAN, PEOPLES, WEISENBERG -- read once and referred to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law, in relation to establishing the community chemical dependence services expansion program and providing for the repeal of such provisions upon expiration thereof

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

1     Section 1. The mental hygiene law is amended by adding a new section  
2     22.13 to read as follows:  
3     S 22.13 COMMUNITY CHEMICAL DEPENDENCY SERVICES EXPANSION PROGRAM.  
4     (A) COMMUNITY CHEMICAL DEPENDENCE SERVICES EXPANSION FUNDS SHALL BE  
5     ANNUALLY ALLOCATED BY THE COMMISSIONER BASED UPON THE FOLLOWING CRITE-  
6     RIA:  
7     1. THE EFFICIENCY AND EFFECTIVENESS OF THE USE OF FUNDING WITHIN THE  
8     LOCAL GOVERNMENTAL UNIT FOR THE DELIVERY OF SERVICES TO PERSONS WITH  
9     SERIOUS CHEMICAL DEPENDENCY IN ORDER TO ASSURE THAT RESOURCES ARE MADE  
10    AVAILABLE TO PERSONS IN THE COMMUNITY;  
11    2. PROVISIONS THAT GRANTEEES OF SUCH FUNDS FOR THE PROVISION OF CHEMI-  
12    CAL DEPENDENCE DETOXIFICATION SERVICES SHALL HAVE A MECHANISM TO LINK  
13    ALL CLIENTS RECEIVING DETOXIFICATION SERVICES TO ONGOING TREATMENT FOR  
14    CHEMICAL DEPENDENCY IMMEDIATELY UPON THE CONCLUSION OF THEIR DETOXIFICA-  
15    TION; AND  
16    3. OTHER RELEVANT FACTORS THAT REQUIRE THE MAINTENANCE OF EXISTING  
17    CHEMICAL DEPENDENCY SERVICES AND THE DEVELOPMENT OF NEW CHEMICAL DEPEND-  
18    ENCY SERVICES.  
19    (B) AMOUNTS PROVIDED PURSUANT TO THIS SECTION SHALL ONLY BE USED TO  
20    FUND CHEMICAL DEPENDENCE TREATMENT SERVICES, INCLUDING DETOXIFICATION  
21    SERVICES, AND ASSOCIATED LOCAL GOVERNMENTAL UNIT ADMINISTRATIVE EXPENSES  
22    SUCH AS APPROVED NET OPERATING COST, FEE-FOR-SERVICE REIMBURSEMENT, OR

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

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1 OTHER FINANCIAL MECHANISMS DESIGNED TO ACHIEVE INCREASED QUALITY AND  
2 COST EFFECTIVENESS.

3 (C) FUNDS SHALL BE DISTRIBUTED PURSUANT TO THIS SECTION TO LOCAL  
4 GOVERNMENTAL UNITS IN PROPORTION TO EACH UNIT'S UNMET NEED FOR CHEMICAL  
5 DEPENDENCE TREATMENT SERVICES, AS ESTABLISHED BY THE OFFICE, EXCEPT THAT  
6 IN DISTRIBUTING SUCH FUNDS, THE COMMISSIONER SHALL CONSIDER THE EXTENT  
7 TO WHICH EACH LOCAL GOVERNMENTAL UNIT HAS MAINTAINED LOCAL CONTRIBUTIONS  
8 FOR EXPENDITURES OF CHEMICAL DEPENDENCY SERVICES MADE PURSUANT TO THIS  
9 SECTION IN ANY FISCAL YEAR AT A LEVEL EQUAL TO OR GREATER THAN THE  
10 AMOUNT EXPENDED FOR SUCH SERVICES BY SUCH LOCAL GOVERNMENTAL UNIT IN  
11 THE LAST COMPLETED FISCAL YEAR PRECEDING THAT FISCAL YEAR.

12 (D) THE COMMISSIONER IS AUTHORIZED AND EMPOWERED TO MAKE INSPECTIONS  
13 AND EXAMINE RECORDS OF A LOCAL GOVERNMENTAL UNIT RECEIVING STATE AID  
14 UNDER THIS SECTION OR A PROVIDER OF SERVICES FUNDED PURSUANT TO SUBDIVI-  
15 SION (B) OF THIS SECTION. SUCH EXAMINATION SHALL INCLUDE ALL MEDICAL,  
16 SERVICE AND FINANCIAL RECORDS, RECEIPTS, DISBURSEMENTS, CONTRACTS, LOANS  
17 AND OTHER MONEYS RELATING TO THE FINANCIAL OPERATION OF THE PROVIDER.

18 (E) THE AMOUNT OF COMMUNITY CHEMICAL DEPENDENCE SERVICES EXPANSION  
19 FUNDS FOR THE OFFICE SHALL BE DETERMINED IN THE ANNUAL BUDGET AND SHALL  
20 INCLUDE THE AMOUNT OF GENERAL FUND APPROPRIATION REDUCTIONS ATTRIBUTABLE  
21 TO REDUCTIONS IN MEDICAL ASSISTANCE EXPENDITURES FOR MEDICALLY MANAGED  
22 CHEMICAL DEPENDENCE DETOXIFICATION. SUCH REDUCTIONS SHALL BE CALCULATED  
23 BY COMPARING MEDICAL ASSISTANCE EXPENDITURES FOR MEDICALLY MANAGED CHEM-  
24 ICAL DEPENDENCY DETOXIFICATION IN THE BASE YEAR WITH THE SAME EXPENDI-  
25 TURES IN THE STATE FISCAL YEAR IMMEDIATELY PRECEDING THE BASE YEAR. FOR  
26 PURPOSES OF THIS SECTION, THE BASE YEAR SHALL BE THE STATE FISCAL YEAR  
27 IN WHICH THE EXECUTIVE BUDGET IS ISSUED. IN COMPUTING SUCH GENERAL FUND  
28 EXPENDITURES, AND IN COMPUTING THE STATE SHARE OF MEDICAL ASSISTANCE  
29 PURSUANT TO THIS SECTION, THE STATE SHARE OF MEDICAL ASSISTANCE IN  
30 EFFECT ON JANUARY FIRST, TWO THOUSAND FIVE SHALL BE USED.

31 (F) FOR PURPOSES OF THIS SECTION, THE DEFINITIONS CONTAINED IN  
32 SECTIONS 26.00 AND 41.03 OF THIS CHAPTER SHALL APPLY, EXCEPT THAT CHEMI-  
33 CAL DEPENDENCE TREATMENT SERVICES SHALL NOT INCLUDE MEDICALLY MANAGED  
34 DETOXIFICATION PROVIDED IN GENERAL HOSPITALS LICENSED PURSUANT TO ARTI-  
35 CLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW.

36 (G) NO PROVISION IN THIS SECTION SHALL CREATE OR BE DEEMED TO CREATE  
37 ANY RIGHT, INTEREST OR ENTITLEMENT TO SERVICES OR FUNDS THAT ARE THE  
38 SUBJECT OF THIS SECTION, OR TO ANY OTHER SERVICES OR FUNDS, WHETHER TO  
39 INDIVIDUALS, LOCALITIES, PROVIDERS OR OTHERS, INDIVIDUALLY OR COLLEC-  
40 TIVELY.

41 S 2. This act shall take effect immediately and shall expire and be  
42 deemed repealed March 31, 2013.