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

6952

2009-2010 Regular Sessions

I N A S S E M B L Y

March 17, 2009

Introduced by M. of A. ORTIZ, GREENE, FIELDS, DINOWITZ, JAFFEE, BOYLAND, DelMONTE, ESPAILLAT, ROBINSON -- Multi-Sponsored by -- M. of A. McENENY, 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:

Section 1. The mental hygiene law is amended by adding a new section 22.13 to read as follows:

S 22.13 COMMUNITY CHEMICAL DEPENDENCY SERVICES EXPANSION PROGRAM.

(A) COMMUNITY CHEMICAL DEPENDENCE SERVICES EXPANSION FUNDS SHALL BE ANNUALLY ALLOCATED BY THE COMMISSIONER BASED UPON THE FOLLOWING CRITERIA:

1. THE EFFICIENCY AND EFFECTIVENESS OF THE USE OF FUNDING WITHIN THE LOCAL GOVERNMENTAL UNIT FOR THE DELIVERY OF SERVICES TO PERSONS WITH SERIOUS CHEMICAL DEPENDENCY IN ORDER TO ASSURE THAT RESOURCES ARE MADE AVAILABLE TO PERSONS IN THE COMMUNITY;

2. PROVISIONS THAT GRANTEES OF SUCH FUNDS FOR THE PROVISION OF CHEMICAL DEPENDENCE DETOXIFICATION SERVICES SHALL HAVE A MECHANISM TO LINK ALL CLIENTS RECEIVING DETOXIFICATION SERVICES TO ONGOING TREATMENT FOR CHEMICAL DEPENDENCY IMMEDIATELY UPON THE CONCLUSION OF THEIR DETOXIFICATION; AND

3. OTHER RELEVANT FACTORS THAT REQUIRE THE MAINTENANCE OF EXISTING CHEMICAL DEPENDENCY SERVICES AND THE DEVELOPMENT OF NEW CHEMICAL DEPENDENCY SERVICES.

(B) AMOUNTS PROVIDED PURSUANT TO THIS SECTION SHALL ONLY BE USED TO FUND CHEMICAL DEPENDENCE TREATMENT SERVICES, INCLUDING DETOXIFICATION SERVICES, AND ASSOCIATED LOCAL GOVERNMENTAL UNIT ADMINISTRATIVE EXPENSES 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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OTHER FINANCIAL MECHANISMS DESIGNED TO ACHIEVE INCREASED QUALITY AND COST EFFECTIVENESS.

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

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

(E) THE AMOUNT OF COMMUNITY CHEMICAL DEPENDENCE SERVICES EXPANSION FUNDS FOR THE OFFICE SHALL BE DETERMINED IN THE ANNUAL BUDGET AND SHALL INCLUDE THE AMOUNT OF GENERAL FUND APPROPRIATION REDUCTIONS ATTRIBUTABLE TO REDUCTIONS IN MEDICAL ASSISTANCE EXPENDITURES FOR MEDICALLY MANAGED CHEMICAL DEPENDENCE DETOXIFICATION. SUCH REDUCTIONS SHALL BE CALCULATED BY COMPARING MEDICAL ASSISTANCE EXPENDITURES FOR MEDICALLY MANAGED CHEMICAL DEPENDENCY DETOXIFICATION IN THE BASE YEAR WITH THE SAME EXPENDITURES IN THE STATE FISCAL YEAR IMMEDIATELY PRECEDING THE BASE YEAR. FOR PURPOSES OF THIS SECTION, THE BASE YEAR SHALL BE THE STATE FISCAL YEAR IN WHICH THE EXECUTIVE BUDGET IS ISSUED. IN COMPUTING SUCH GENERAL FUND EXPENDITURES, AND IN COMPUTING THE STATE SHARE OF MEDICAL ASSISTANCE PURSUANT TO THIS SECTION, THE STATE SHARE OF MEDICAL ASSISTANCE IN EFFECT ON JANUARY FIRST, TWO THOUSAND FIVE SHALL BE USED.

(F) FOR PURPOSES OF THIS SECTION, THE DEFINITIONS CONTAINED IN SECTIONS 26.00 AND 41.03 OF THIS CHAPTER SHALL APPLY, EXCEPT THAT CHEMICAL DEPENDENCE TREATMENT SERVICES SHALL NOT INCLUDE MEDICALLY MANAGED DETOXIFICATION PROVIDED IN GENERAL HOSPITALS LICENSED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW.

(G) NO PROVISION IN THIS SECTION SHALL CREATE OR BE DEEMED TO CREATE ANY RIGHT, INTEREST OR ENTITLEMENT TO SERVICES OR FUNDS THAT ARE THE SUBJECT OF THIS SECTION, OR TO ANY OTHER SERVICES OR FUNDS, WHETHER TO INDIVIDUALS, LOCALITIES, PROVIDERS OR OTHERS, INDIVIDUALLY OR COLLECTIVELY.

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