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

2524

2009-2010 Regular Sessions

I N A S S E M B L Y

January 20, 2009

Introduced by M. of A. BRENNAN, DINOWITZ, WEISENBERG, CLARK, ORTIZ, SCHROEDER -- Multi-Sponsored by -- M. of A. COLTON, DIAZ, GOTTFRIED, HOOPER, McENENY, MENG, PHEFFER -- 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 preventing the consideration of medical assistance as a criterion for the issuance of an operating certificate

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

Section 1. Section 31.05 of the mental hygiene law is amended by adding a new subdivision (d) to read as follows:

(D) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL NOT CONSIDER THE SOURCE OR AVAILABILITY OF STATE SHARE OF MEDICAL ASSISTANCE AS A CRITERION FOR THE ISSUANCE, EXPANSION OR RENEWAL OF AN OPERATING CERTIFICATE REQUIRED BY SECTION 31.02 OF THIS ARTICLE.

S 2. This act shall take effect immediately.

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

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