

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

2214--A

2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- recommitted to the Committee on Alcoholism and Drug Abuse in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 GRANTEES 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

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

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1 SERVICES, AND ASSOCIATED LOCAL GOVERNMENTAL UNIT ADMINISTRATIVE EXPENSES
2 SUCH AS APPROVED NET OPERATING COST, FEE-FOR-SERVICE REIMBURSEMENT, OR
3 OTHER FINANCIAL MECHANISMS DESIGNED TO ACHIEVE INCREASED QUALITY AND
4 COST EFFECTIVENESS.

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

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

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

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

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

43 S 2. This act shall take effect immediately and shall expire and be
44 deemed repealed March 31, 2017.