

1 to be distributed or otherwise expended by
 2 the state pursuant to section 186-f of the
 3 tax law shall be determined by first
 4 calculating the amount of the expenditure
 5 or other liability pursuant to such law,
 6 and then reducing the amount so calculated
 7 by 12.5 percent of such amount
 8 4,650,000
 9 For expenses of local wireless public safety
 10 answering points associated with eligible
 11 wireless 911 service costs, including but
 12 not limited to financing and acquisition
 13 costs. Notwithstanding any other provision
 14 of law to the contrary, for state fiscal
 15 year 2010-2011 the liability of the state
 16 and the amount to be distributed or other-
 17 wise expended by the state pursuant to
 18 section 186-f of the tax law shall be
 19 determined by first calculating the amount
 20 of the expenditure or other liability
 21 pursuant to such law, and then reducing
 22 the amount so calculated by 12.5 percent
 23 of such amount 4,650,000
 24 -----
 25 Program account subtotal 9,300,000
 26 -----

27 S 2. Section 1 of chapter 54 of the laws of 2010, enacting the health
 28 and mental hygiene budget, is amended by repealing the items hereinbelow
 29 set forth in brackets and by adding to such section the other items
 30 underscored in this section.

31 HEALTH AND MENTAL HYGIENE BUDGET
 32 OFFICE FOR THE AGING
 33 STATE OPERATIONS AND AID TO LOCALITIES 2010-11

34 COMMUNITY SERVICES PROGRAM [225,259,000] 228,259,000
 35 -----

36 Special Revenue Funds - Federal / Aid to Localities
 37 Federal Health and Human Services Fund - 265

38 For programs provided under the titles of
 39 the federal older Americans act and other
 40 health and human services programs.
 41 Title III-b social services 26,000,000
 42 Title III-c nutrition programs, including a
 43 suballocation to the department of health
 44 for nutrition program activities
 45 41,000,000
 46 Title III-e caregivers 12,000,000
 47 Health and human services programs
 48 [7,000,000] 8,000,000
 49 Nutrition services incentive program
 50 16,000,000
 51 For purposes of Congregate Nutritional

1 Services funded by the American recovery
 2 and reinvestment act of 2009. Funds appro-
 3 priated herein shall be subject to all
 4 applicable reporting and accountability
 5 requirements contained in such act
 6 2,350,000
 7 For purposes of Home-Delivered Nutritional
 8 Services funded by the American recovery
 9 and reinvestment act of 2009. Funds appro-
 10 priated herein shall be subject to all
 11 applicable reporting and accountability
 12 requirements contained in such act
 13 1,135,000
 14 -----
 15 Program fund subtotal [105,485,000] 106,485,000
 16 -----

17 Special Revenue Funds - Federal / Aid to Localities
 18 Federal Operating Grants Fund - 290
 19 Senior Community Service Employment Account

20 For the senior community service employment
 21 program provided under title V of the
 22 federal older Americans act .. [7,000,000] 9,000,000
 23 For the senior community service employment
 24 program provided under title V of the
 25 federal older Americans act funded by the
 26 American recovery and reinvestment act of
 27 2009. Funds appropriated herein shall be
 28 subject to all applicable reporting and
 29 accountability requirements contained in
 30 such act 900,000
 31 -----
 32 Program account subtotal ... [7,900,000] 9,900,000
 33 -----

34 Total new appropriations for state operations and aid to
 35 localities [239,609,400] 242,609,400
 36 =====

37 S 3. Section 1 of chapter 55 of the laws of 2010, enacting the trans-
 38 portation, economic development and environmental conservation budget,
 39 is amended by repealing the items hereinbelow set forth in brackets and
 40 by adding to such section the other items underscored in this seciton.

41 TRANSPORTATION, ECONONMIC DEVELOPMENT AND ENVIRONMENTAL CONSERVATION
 42 BUDGET
 43 DIVISION OF TAX APPEALS
 44 STATE OPERATIONS AND AID TO LOCALITIES 2010-11

45 ADMINISTRATION PROGRAM [3,053,000] 3,154,000
 46 -----

47 General Fund / State Operations
 48 State Purposes Account - 003

PERSONAL SERVICE

Personal service--regular	[2,676,000]	2,777,000
Temporary service	10,000	

Amount available for personal service		
.....	[2,686,000]	2,787,000

NONPERSONAL SERVICE

Supplies and materials	27,100
Travel	19,700
Contractual services	257,000
Equipment	63,200

Amount available for nonper-	
sonal service	367,000

Total new appropriations for state operations and aid to		
localities	[3,053,000]	3,154,000
		=====

S 4. Section 11 of chapter 108 of the laws of 2010, making appropriations for the support of government, is amended by repealing the items herein below set forth in brackets and by adding to such section the other items underscored in this section.

DEPARTMENT OF HEALTH

CENTER FOR COMMUNITY HEALTH PROGRAM	[512,727,000]	518,977,000

General Fund / Aid to Localities
Local Assistance Account - 001

State aid to municipalities for the operation of local health departments and laboratories and for the provision of general public health services pursuant to article 6 of the public health law for activities under the jurisdiction of the commissioner of health.

Notwithstanding any other provision of article 6 of the public health law, a county may obtain reimbursement pursuant to this act, only after the county chief financial officer certifies, in the municipal health services plan, that county tax levies used to fund services carried out by the county health department have not been added to or supplanted directly or indirectly by any funds obtained by the county pursuant to the Master Settlement Agreement entered into on November 23, 1998 by the state and

1 leading United States tobacco product
 2 manufacturers, except in the case of a
 3 public health emergency, as determined by
 4 the commissioner of health.
 5 Notwithstanding annual aggregate limits for
 6 bad debt and charity care allowances and
 7 any other provision of law, up to
 8 \$1,700,000 shall be transferred to the
 9 medical assistance program general fund -
 10 local assistance account for eligible
 11 publicly sponsored certified home health
 12 agencies that demonstrate losses from a
 13 disproportionate share of bad debt and
 14 charity care, pursuant to chapter 884 of
 15 the laws of 1990. Within the maximum
 16 limits specified herein, the department
 17 shall transfer only those funds which are
 18 necessary to meet the state share require-
 19 ments for disproportionate share adjust-
 20 ments expected to be paid for the period
 21 January 1, 2010 through December 31, 2010.
 22 The moneys hereby appropriated shall be
 23 available for payment of financial assist-
 24 ance heretofore accrued [284,763,000] 291,013,000
 25 -----
 26 Program account subtotal
 27 [481,235,000] 487,485,000
 28 -----
 29 ELDERLY PHARMACEUTICAL INSURANCE COVERAGE
 30 PROGRAM [328,350,000] 380,350,000
 31 -----
 32 Special Revenue Funds - Other / Aid to Localities
 33 Miscellaneous Special Revenue Fund - 339
 34 EPIC Premium Account
 35 For services and expenses of the program for
 36 elderly pharmaceutical insurance coverage,
 37 including reimbursement to pharmacies
 38 participating in such program. Notwith-
 39 standing any inconsistent provision of
 40 law, rule or regulation to the contrary,
 41 for the period October 1, 2010 through
 42 March 31, 2011, for a participant in the
 43 program for elderly pharmaceutical insur-
 44 ance coverage whose prescription drug
 45 expenses are paid or reimbursable under
 46 the provisions of the medicare program,
 47 assistance under the program for elderly
 48 pharmaceutical insurance coverage shall be
 49 limited to prescription drugs covered by
 50 the participant's medicare plan and to
 51 drugs excluded from medicare coverage in
 52 accordance with section 1860-D-2 of the
 53 federal social security act, and in such

1 cases the program for elderly pharmaceu-
2 tical insurance coverage shall cover the
3 amount that is the responsibility of the
4 participant under the medicare plan bene-
5 fit, subject to the participant's cost-
6 sharing responsibility on such amount
7 under section 247 or section 248 of the
8 elder law; provided, however, that cover-
9 age under the elderly pharmaceutical
10 insurance coverage program shall be avail-
11 able only after the participant has first
12 exhausted the first two levels of appeal
13 available under Part D of title XVIII of
14 the federal social security act and the
15 appeal has been denied; and provided
16 further that during the medicare coverage
17 determination and appeal period, the
18 elderly pharmaceutical insurance coverage
19 program shall provide up to a 90 day
20 supply of the prescribed medication, or
21 such lesser supply as specified on the
22 prescription, if (i) the pharmacist noti-
23 fies the prescriber that the participant's
24 Medicare Part D plan and the elderly phar-
25 maceutical insurance coverage program have
26 denied payment for the prescribed medica-
27 tion and that if the prescriber does not
28 choose to change the prescription to a
29 drug that is covered by the participant's
30 Medicare Part D plan, a Medicare Part D
31 appeal must be pursued and (ii) the pres-
32 criber notifies the elderly pharmaceutical
33 insurance coverage program of the
34 prescriber's intent to provide necessary
35 information and cooperation in the pursuit
36 of the Medicare Part D appeal; and
37 provided further that, in instances where
38 the pharmacist is unable to immediately
39 reach the prescriber, the elderly pharma-
40 ceutical insurance coverage program shall,
41 upon the request of the pharmacist,
42 authorize a three day emergency supply of
43 the prescribed medication; and provided
44 further that the elderly pharmaceutical
45 insurance coverage program shall authorize
46 such additional 90 day supplies of the
47 prescribed medication, or such lesser
48 supply as specified on the prescription,
49 and such additional three day emergency
50 supplies as required to ensure coverage of
51 the prescribed medication during the
52 pendency of the Medicare Part D appeal;
53 provided however that, if this act appro-
54 priates sufficient additional funds to
55 permit the elderly pharmaceutical insur-
56 ance coverage program to provide coverage

1 for prescription drugs without regard to
2 the limitations described in this section,
3 then the provisions of this paragraph
4 shall not apply and shall be considered
5 null and void as of September 30, 2010.
6 The moneys hereby appropriated shall be
7 available for payment of financial assist-
8 ance heretofore accrued [125,800,000] 177,800,000
9 -----
10 Program account subtotal
11 [125,800,000] 177,800,000
12 -----

13 S 5. This act shall take effect immediately and shall be deemed to
14 have been in full force and effect on and after April 1, 2010.