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

7812

2011-2012 Regular Sessions

I N A S S E M B L Y

May 17, 2011

Introduced by M. of A. PAULIN, CAMARA, COOK, MILLMAN, TITONE, P. RIVERA, JAFFEE -- Multi-Sponsored by -- M. of A. AUBRY, BING, COLTON, DINOWITZ, GOTTFRIED -- read once and referred to the Committee on Children and Families

AN ACT to amend the executive law, in relation to setting per diem reimbursement rates for institutional care in office of children and family services facilities; to amend part E of chapter 109 of the laws of 2010 amending the executive law relating to reimbursement for expenditures made by the office of children and family services, in relation to the expiration of the provisions of such part; and to amend part L of chapter 111 of the laws of 2010 amending the executive law and other laws relating to reimbursement for the expenditure made by the office of children and family services, in relation to the expiration of certain amendments made by the provisions of such part

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

Section 1. Subdivision 6 of section 529 of the executive law is amended by adding 2 new paragraphs (d) and (e) to read as follows:

(D) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ARTICLE, PER DIEM REIMBURSEMENT RATES FOR INSTITUTIONAL CARE PROVIDED TO YOUTH IN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITIES FOR ANY CALENDAR YEAR SHALL BE CALCULATED BY DIVIDING THE TOTAL COST OF OPERATING SUCH FACILITIES BY THE OPERATING CAPACITY OF SUCH FACILITIES AND FURTHER DIVIDING THAT TOTAL BY THREE HUNDRED SIXTY-FIVE. FOR PURPOSES OF THIS PARAGRAPH, "TOTAL COST" SHALL MEAN THE ACTUAL COST OF OPERATING SUCH FACILITIES ON A DAY-TO-DAY BASIS, INCLUDING BUT NOT LIMITED TO COSTS RELATED TO LABOR, PHYSICAL PLANT MAINTENANCE AND FOOD AND UTILITY EXPENDITURES. OFF-SITE, ADMINISTRATIVE COSTS SHALL ONLY BE INCLUDED IN TOTAL COST IF THOSE COSTS ARE DIRECTLY RELATED TO THE OPERATION OF SUCH FACILITIES. FOR PURPOSES OF THIS PARAGRAPH, "OPERATING CAPACITY" SHALL MEAN THE MAXIMUM NUMBER OF JUVENILES THAT CAN BE PLACED IN SUCH FACILITIES ON THE AVERAGE DAY

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

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DURING THE CALENDAR YEAR. OPERATING CAPACITY SHALL BE SET BASED UPON STAFFING LEVELS THAT ARE REASONABLE IN RELATION TO THE NUMBER OF JUVENILES PLACED AT EACH SUCH FACILITY. IF SUCH OFFICE SETS SEPARATE RATES TO REFLECT DIFFERENTIALS IN COST OF SPECIFIC OFFICE PROGRAMS AT PARTICULAR FACILITIES OR CATEGORIES OF FACILITIES, IT SHALL CALCULATE SUCH RATES IN ACCORDANCE WITH THIS PARAGRAPH BY REFERENCE TO THE TOTAL COST AND OPERATING CAPACITY OF EACH SUCH FACILITY OR CATEGORY OF FACILITIES.

(E) IF THE OFFICE USES INTERIM REIMBURSEMENT RATES TO BILL LOCALITIES FOR A CALENDAR YEAR AND ADJUSTS THOSE RATES AFTER THE CLOSE OF SUCH FISCAL YEAR, THE OFFICE SHALL ISSUE FINAL ADJUSTED REIMBURSEMENT RATES NO LATER THAN THE LAST DAY OF THE CALENDAR YEAR IMMEDIATELY FOLLOWING THE CALENDAR YEAR FOR WHICH REIMBURSEMENT RATES ARE ADJUSTED. IF THE OFFICE FAILS TO ADJUST RATES BY SUCH DATE, NO ADJUSTMENTS TO THE ORIGINAL REIMBURSEMENT RATE FOR THE PRIOR CALENDAR YEAR SHALL BE PERMITTED.

S 2. Section 4 of part E of chapter 109 of the laws of 2010, amending the executive law relating to reimbursement for expenditures made by the office of children and family services, is amended to read as follows:

S 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010; provided, however, that the provisions of section one of this act shall apply to all per diems established by the office of children and family services for office programs for the 2002 calendar year and thereafter; provided further, however, that the provisions of section two of this act shall apply to all outstanding reimbursements due by social services districts to the office of children and family services on or before April 1, 2010 and thereafter; and provided further that SECTIONS TWO AND THREE OF this act shall expire and be deemed repealed April 1, 2013.

S 3. Section 3 of part L of chapter 111 of the laws of 2010, amending the executive law and other laws relating to reimbursement for expenditures made by the office of children and family services, is amended to read as follows:

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010; provided, however, that the provisions of section one of this act shall apply to all per diems established by the office of children and family services for office programs for the 2002 calendar year and thereafter[; provided further, however, that the amendments to paragraph (c) of subdivision 6 of section 529 of the executive law made by section one of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith].

S 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 1, 2011.