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I N A S S E M B L Y

April 16, 2013

Introduced by M. of A. WEISENBERG, GUNTHER, MILLER, GABRYSZAK, KEARNS, ROSENTHAL, ABINANTI, MAISEL, BROOK-KRASNY, KELLNER, THIELE, HEVESI, WEPRIN, CUSICK, STECK, SWEENEY, SKOUFIS, LUPARDO, LAVINE, ZEBROWSKI, MOSLEY, COOK, ENGLEBRIGHT, DINOWITZ, SCARBOROUGH, COLTON, MILLMAN, CAHILL, LIFTON, BENEDETTO, JAFFEE, SCHIMEL, TITONE, GIBSON, BRAUNSTEIN, ROBERTS, RODRIGUEZ, BARRETT, OTIS, SANTABARBARA, ROBINSON, PERRY, GOTTFRIED, HIKIND, BRONSON, ESPINAL, BARRON, RUSSELL, GALEF, CAMARA, ROSA, GANTT, HOOPER, MAGEE, RAMOS, WEINSTEIN, DenDEKKER, FARRELL, STEVENSON, O'DONNELL, HEASTIE, CYMBROWITZ, GOLDFEDER, KAVANAGH, ORTIZ, ROZIC, GLICK, KOLB, MORELLE -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, AUBRY, BARCLAY, BLANKENBUSH, BORELLI, BOYLAND, BRENNAN, BRINDISI, BUCHWALD, BUTLER, CERETTO, CLARK, CORWIN, CRESPO, CROUCH, CURRAN, DIPIETRO, DUPREY, FAHY, FINCH, FITZPATRICK, FRIEND, GARBARINO, GIGLIO, GJONAJ, GOODELL, GRAF, HAWLEY, HENNESSEY, JACOBS, JOHNS, JORDAN, KATZ, KIM, LALOR, LENTOL, P. LOPEZ, LUPINACCI, MAGNARELLI, MALLIOTAKIS, MARKEY, MAYER, McDONALD, McDONOUGH, McKEVITT, McLAUGHLIN, MONTESANO, MOYA, NOJAY, NOLAN, OAKS, PALMESANO, PAULIN, PEOPLES-STOKES, PRETLOW, QUART, RA, RABBITT, RAIA, REILICH, RIVERA, RYAN, SALADINO, SCHIMMINGER, SEPULVEDA, SIMANOWITZ, SIMOTAS, SKARTADOS, SOLAGES, STEC, STIRPE, TEDISCO, TENNEY, TITUS, WALTER, WRIGHT -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT making an appropriation to the office for people with developmental disabilities for the purpose of providing additional services and expenses for community programs for people with developmental disabilities

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

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

LBD10185-11-3

1 Section 1. The sum of ninety million dollars (\$90,000,000), or so much
2 thereof as may be necessary, is hereby appropriated to the office for
3 people with developmental disabilities out of any moneys in the state
4 treasury in the general fund, not otherwise appropriated, and made imme-
5 diately available, for the purposes of this act:

6 The amount of such monies necessary shall be determined by the commis-
7 sioner of developmental disabilities and director of the budget and
8 shall consider recommendations developed by the workgroup appointed
9 pursuant to chapter 53 of the laws of 2013. The workgroup shall develop
10 its recommendation upon evaluating the extent to which the savings plan
11 it developed pursuant to budget language included in chapter 53 of the
12 laws of 2013 maintains rates of payment for Medicaid services at levels
13 no less than those in effect on March 31, 2013 and reimbursement levels
14 for any other OPWDD funded programs and services in effect on March 31,
15 2013. However to the extent that any additional federal funds or other
16 funds are made available for this purpose those funds may be used to
17 offset the requirement to use the full ninety million dollars. To the
18 extent that the savings falls short of the amount expected to be
19 achieved from recommendations of the workgroup process completed in
20 April 2013, no later than March 31, 2014 the director of the budget
21 shall deposit sufficient funds to make up for such shortfall to the
22 credit of the general fund. The commissioner of developmental disabili-
23 ties and director of the budget may also take into account greater effi-
24 ciencies which do not diminish or impair services or the quality of care
25 as reflected in the recommendations of the workgroup.

26 Ninety million dollars (\$90,000,000) or such amount as determined
27 pursuant to this act shall be made available to the office for people
28 with developmental disabilities immediately for the purpose of providing
29 additional services and expenses for community programs for people with
30 developmental disabilities pursuant to article 41 of the mental hygiene
31 law, and/or chapter 620 of the laws of 1974, chapter 660 of the laws of
32 1977, chapter 412 of the laws of 1981, chapter 27 of the laws of 1987,
33 chapter 729 of the laws of 1989, chapter 329 of the laws of 1993 and any
34 other provisions of the mental hygiene law.

35 Notwithstanding any inconsistent provision of law, the appropriation
36 shall be net of refunds, rebates, reimbursements, and credits.

37 Notwithstanding any inconsistent provision of law, the director of the
38 budget is authorized to make sub-allocations from this appropriation up
39 to \$90,000,000 to the department of health medical assistance program
40 for the state share of additional medical assistance services expenses
41 incurred by the department of health for the provision of medical
42 assistance to people with developmental disabilities.

43 Notwithstanding any other provision of law, advances and reimbursement
44 made pursuant to subdivision (d) of section 41.15 and section 41.18 of
45 the mental hygiene law shall be allocated pursuant to a plan and in a
46 manner prescribed by the commissioner of developmental disabilities and
47 approved by the director of the budget. No expenditure shall be made
48 from this appropriation until a certificate of allocation has been
49 approved by the director of the budget and copies thereof filed with the
50 state comptroller, and the chairs of the senate finance and assembly
51 ways and means committees. The moneys hereby appropriated are available
52 to reimburse or advance localities and voluntary non-profit agencies for
53 expenditures made during local fiscal periods commencing January 1,
54 2013, April 1, 2013 or July 1, 2013, and for advances for the 3 month
55 period beginning January 1, 2014.

1 Such moneys shall be payable on the audit and warrant of the comp-
2 troller on vouchers certified or approved by the commissioner of devel-
3 opmental disabilities in the manner prescribed by law.
4 S 2. This act shall take effect immediately.