

4777--B

2013-2014 Regular Sessions

I N S E N A T E

April 23, 2013

Introduced by Sens. GOLDEN, ADDABBO, BRESLIN, FUSCHILLO, GRIFFO, HANNON, KENNEDY, LARKIN, MAZIARZ, NOZZOLIO, O'MARA, RANZENHOFER, TKACZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. This act shall be known and may be cited as the "People
2 with Developmental Disabilities Restoration and Reinvestment Act of
3 2013".
4 S 2. The sum of ninety million dollars (\$90,000,000), or so much ther-
5 eof as may be necessary, is hereby appropriated to the office for people
6 with developmental disabilities out of any moneys in the state treasury
7 in the general fund, not otherwise appropriated, and made immediately
8 available, for the purposes of this act:
9 The amount of such monies necessary shall be determined by the commis-
10 sioner of developmental disabilities and director of the budget and
11 shall be based on a recommendation developed by the workgroup appointed
12 pursuant to chapter 53 of the laws of 2013. The workgroup shall develop
13 its recommendation upon evaluating the extent to which the savings plan
14 it developed pursuant to budget language included in chapter 53 of the
15 laws of 2013 maintains rates of payment for Medicaid services at levels
16 no less than those in effect on March 31, 2013 and reimbursement levels
17 for any other OPWDD funded programs and services in effect on March 31,
18 2013. However to the extent that any additional federal funds or other

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

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1 funds are made available for this purpose those funds may be used to
2 offset the requirement to use the full ninety million dollars. To the
3 extent that funding falls short of the amount necessary to fulfill the
4 proposes of this act, no later than December 31, 2013 the director of
5 the budget shall deposit sufficient funds to make up for such shortfall
6 to the credit of the general fund. The commissioner of developmental
7 disabilities and director of the budget may also take into account
8 greater efficiencies which do not diminish or impair services or the
9 quality of care as reflected in the recommendations of the workgroup.

10 Ninety million dollars (\$90,000,000) or such amount as determined
11 pursuant to this act shall be made available to the office for people
12 with developmental disabilities immediately for the purpose of providing
13 additional services and expenses for community programs for people with
14 developmental disabilities pursuant to article 41 of the mental hygiene
15 law, and/or chapter 620 of the laws of 1974, chapter 660 of the laws of
16 1977, chapter 412 of the laws of 1981, chapter 27 of the laws of 1987,
17 chapter 729 of the laws of 1989, chapter 329 of the laws of 1993 and any
18 other provisions of the mental hygiene law.

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

21 Notwithstanding any inconsistent provision of law, the director of the
22 budget is authorized to make sub-allocations from this appropriation up
23 to \$90,000,000 to the department of health medical assistance program
24 for the state share of additional medical assistance services expenses
25 incurred by the department of health for the provision of medical
26 assistance to people with developmental disabilities.

27 Notwithstanding any other provision of law, advances and reimbursement
28 made pursuant to subdivision (d) of section 41.15 and section 41.18 of
29 the mental hygiene law shall be allocated pursuant to a plan and in a
30 manner prescribed by the commissioner of developmental disabilities and
31 approved by the director of the budget. No expenditure shall be made
32 from this appropriation until a certificate of allocation has been
33 approved by the director of the budget and copies thereof filed with the
34 state comptroller, and the chairs of the senate finance and assembly
35 ways and means committees. The moneys hereby appropriated are available
36 to reimburse or advance localities and voluntary non-profit agencies for
37 expenditures made during local fiscal periods commencing January 1,
38 2013, April 1, 2013 or July 1, 2013, and for advances for the 3 month
39 period beginning January 1, 2014.

40 Such moneys shall be payable on the audit and warrant of the comp-
41 troller on vouchers certified or approved by the commissioner of devel-
42 opmental disabilities in the manner prescribed by law.

43 S 3. This act shall take effect immediately.