

S. 6914

A. 9205

S E N A T E - A S S E M B L Y

March 29, 2014

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IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the public health law, in relation to prenatal clinical health care services; to amend the public health law, in relation to simplifying consent for HIV testing; to amend the public health law, in relation to authorization for data sharing with providers for purposes of patient linkage and retention in care; to amend the public health law, in relation to biennial reports for the control of malignant diseases; to amend the state finance law, in relation to the breast cancer research and education fund; to amend the public health law, and the state finance law, in relation to the cancer detection and education program advisory counsel; to amend the vehicle and traffic law, in relation to a distinctive "drive for the cure" license plate; to amend the tax law, in relation to the gift for prostate and testicular research and education; to amend the public health law, in relation to the capital restructuring financing program; to amend the public health law, in relation to delivery system reform incentive payments; to amend the public health law, in relation to eligible applicants for the Medicaid redesign team initiatives; to amend the state finance law, in relation to the Alzheimer's disease assistance fund; to amend the public health law, in relation to participating borrowers; to amend the elder law, in relation to program eligibility for catastrophic coverage; to amend the public health law, in relation to the primary care service corps practitioner loan repayment program; to amend the public health law, in relation to evaluating the state's health information technology infrastructure and systems; to amend the public health law, in relation to the establishment of certain free standing clinics, outpatient health care facilities and ambulatory health care centers in the county of Bronx; in relation to payments submitted by early intervention providers to certain third party payors; to amend the public health law and the insurance law, in relation to safe patient handling; to amend the public health law and

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

the social services law, in relation to review of criminal history information concerning prospective employees; to amend the public health law, in relation to the provision of contact information relating to long term care; to amend the public health law and the state finance law, in relation to the operation of the New York State donate life registry; to amend the social services law and the public health law, in relation to streamlining the application process for adult care facilities and assisted living residences; to amend the public health law, in relation to the long term home health care program; to amend the public health law, in relation to resident working audits; to amend chapter 58 of the laws of 2008 amending the elder law and other laws relating to reimbursement to particular provider pharmacies and prescription drug coverage, in relation to the effectiveness thereof; and to repeal certain provisions of the public health law and the state finance law relating thereto (Part A); to amend the New York Health Care Reform Act of 1996, in relation to extending certain provisions relating thereto; to amend the New York Health Care Reform Act of 2000, in relation to extending the effectiveness of provisions thereof; to amend the public health law, in relation to the distribution of pool allocations and graduate medical education; to amend chapter 62 of the laws of 2003 amending the general business law and other laws relating to enacting major components necessary to implement the state fiscal plan for the 2003-04 state fiscal year, in relation to the deposit of certain funds; to amend the public health law, in relation to health care initiative pool distributions; to amend the social services law, in relation to extending payment provisions for general hospitals; to amend chapter 600 of the laws of 1986 amending the public health law relating to the development of pilot reimbursement programs for ambulatory care services, in relation to the effectiveness of such chapter; to amend chapter 520 of the laws of 1978 relating to providing for a comprehensive survey of health care financing, education and illness prevention and creating councils for the conduct thereof, in relation to extending the effectiveness of portions thereof; to amend the public health law, in relation to extending access to community health care services in rural areas; to amend the public health law, in relation to rates of payment for personal care service providers; to amend the public health law, in relation to the assessment on covered lives; to amend the public health law, in relation to the comprehensive diagnostic and treatment centers indigent care program; to amend the public health law, in relation to general hospital indigent pool and general hospital inpatient reimbursement rates; to amend chapter 266 of the laws of 1986 amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, in relation to extending the applicability of certain provisions thereof; and to amend chapter 63 of the laws of 2001 amending chapter 20 of the laws of 2001 amending the military law and other laws relating to making appropriations for the support of government, in relation to extending the applicability of certain provisions thereof (Part B); to amend the social services law, in relation to eliminating prescriber prevails for brand name drugs with generic equivalents; directing the department of health to develop new methodology for pharmacy reimbursement; to amend the public health law, in relation to minimum supplemental rebates for pharmaceutical manufacturers; to amend the social services law, in relation to early refill of prescriptions; to amend the social services law, in relation to emergency and non-emergency transporta-

tion; to amend section 45-c of part A of chapter 56 of the laws of 2013, relating to the report on the transition of behavioral health services as a managed care benefit in the medical assistance program, in relation to reports on the transition of behavior health services; to amend the social services law, in relation to the integration of behavioral and physical health clinic services; to amend part A of chapter 56 of the laws of 2013 amending chapter 59 of the laws of 2011 amending the public health law and other laws relating to general hospital reimbursement for annual rates relating to the cap on local Medicaid expenditures, in relation to establishing rate protections for behavioral health essential providers and the effectiveness thereof; to amend section 1 of part H of chapter 111 of the laws of 2010, relating to increasing Medicaid payments to providers through managed care organizations and providing equivalent fees through an ambulatory patient group methodology, in relation to transfer of funds and the effectiveness thereof; to amend the social services law, in relation to spousal support for the costs of community-based long term care; to amend the social services law, in relation to fair hearings within the Fully Integrated Duals Advantage program; to amend the public health law, in relation to the establishment of a default rate for nursing homes under managed care; to amend the public health law, in relation to rates of payment for certified home health agencies and long term home health care programs; to amend social services law in relation to Community First Choice Option; to amend education law in relation to developing training curricula to educate certain home health aides; to amend public health law in relation to Development Disabilities Individual Care and Support Organization; to amend the public health law, in relation to rate setting methodologies for the ICD-10; to amend the public health law, in relation to inpatient psych base years; to amend the public health law, in relation to specialty inpatient base years; to amend the public health law, in relation to inpatient psych base years; to amend the public health law, in relation to hospital inpatient base years; to amend part H of chapter 59 of the laws of 2011, amending the public health law and other laws relating to known and projected department of health state fund medicaid expenditures, in relation to the determination of rates of payments by certain state governmental agencies; to amend the social services law and the public health law, in relation to requiring the use of an enrollment broker for counties that are mandated Medicaid managed care and managed long term care; to amend the public health law, in relation to establishing vital access pools for licensed home care service agencies; to amend the social services law, in relation to the expansion of the Medicaid managed care advisory review panel; to amend part H of chapter 59 of the laws of 2011 amending the public health law relating to general hospital inpatient reimbursement for annual rates, in relation to the across the board reduction of 2011; to amend the social services law, in relation to establishing a health homes criminal justice initiative; to amend the social services law, in relation to the transition of children in foster care to managed care; to amend the social services law and the state finance law, in relation to the establishment of a basic health plan; to amend the social services law, in relation to hospital presumptive eligibility under the affordable care act; to amend the state finance law, in relation to a basic health program trust fund and a state health innovation plan account; to amend the social services law, in relation to spending down procedures under the MAGI system of eligibility determination; to amend the

public health law, in relation to moving rate setting for child health plus to the department of health; to amend the public health law, in relation to eliminating the existing child health plus waiting period; to amend chapter 2 of the laws of 1998, amending the public health law and other laws relating to expanding the child health insurance plan, in relation to allowing for the permanent expansion of child health plus income and benefit provisions; to amend the public health law in relation to potentially preventable negative outcomes; to amend the public health law, in relation to a rural dentistry pilot program; to amend chapter 779 of the laws of 1986, amending the social services law relating to authorizing services for non-residents in adult homes, residences for adults and enriched housing programs, in relation to extending the authorization of non-resident services within adult homes; to amend part C of chapter 58 of the laws of 2008, amending the social services law and the public health law relating to adjustments of rates, in relation to extending the utilization threshold exemption; to amend chapter 19 of the laws of 1998, amending the social services law relating to limiting the method of payment for prescription drugs under the medical assistance program, in relation to extending provisions related to dispensing fees; to amend the public health law, in relation to rates of payment to residential health care facilities; to amend chapter 731 of the laws of 1993, amending the public health law and other laws relating to reimbursement, delivery and capital cost of ambulatory health care services and inpatient hospital services, in relation to the effectiveness thereof; to amend chapter 904 of the laws of 1984, amending the public health law and the social services law relating to encouraging comprehensive health services, in relation to the effectiveness thereof; providing for the repeal of certain provisions relating to the availability of funds upon expiration thereof; providing for the repeal of certain provisions relating to the availability of funds upon expiration thereof; and to repeal certain provisions of the social services law and the public health law relating thereto (Part C); to amend the education law and the public health law, in relation to the practice of pharmacy and the compounding of drugs, and establishing requirements for the registration of outsourcing facilities in New York state (Part D); to amend the mental hygiene law, in relation to establishing an integrated employment plan (Part E); directing a report by the office for people with developmental disabilities on the establishment of a direct support professional credentialing pilot program (Part F); to amend the mental hygiene law and the state finance law, in relation to community mental health support and workforce reinvestment funds; and to amend chapter 62 of the laws of 2003, amending the mental hygiene law and the state finance law relating to the community mental health support and workforce reinvestment program, the membership of subcommittees for mental health of community services boards and the duties of such subcommittees and creating the community mental health and workforce reinvestment account, in relation to extending such provisions relating thereto (Part G); to amend the insurance law, the public health law and the financial services law, in relation to establishing protections to prevent surprise medical bills including network adequacy requirements, claim submission requirements, access to out-of-network care and prohibition of excessive emergency charges (Part H); and to amend chapter 57 of the laws of 2006, relating to establishing a cost of living adjustment for designated human services

programs, in relation to forgoing such adjustment during the 2014-2015 state fiscal year (Part I)

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

1 Section 1. This act enacts into law major components of legislation  
2 which are necessary to implement the state fiscal plan for the 2014-2015  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through I. The effective date for each particular  
5 provision contained within such Part is set forth in the last section of  
6 such Part. Any provision in any section contained within a Part, includ-  
7 ing the effective date of the Part, which makes a reference to a section  
8 "of this act", when used in connection with that particular component,  
9 shall be deemed to mean and refer to the corresponding section of the  
10 Part in which it is found. Section three of this act sets forth the  
11 general effective date of this act.

12 PART A

13 Section 1. Paragraph (a) of subdivision 1 of section 602 of the public  
14 health law, as added by section 16 of part E of chapter 56 of the laws  
15 of 2013, is amended to read as follows:

16 (a) Family health, which shall include activities designed to reduce  
17 perinatal, infant and maternal mortality and morbidity and to promote  
18 the health of infants, children, adolescents, and people of childbearing  
19 age. Such activities shall include family centered perinatal services  
20 and other services appropriate to promote the birth of a healthy baby to  
21 a healthy mother, and services to assure that infants, young children,  
22 and school age children are enrolled in appropriate health insurance  
23 programs and other health benefit programs for which they are eligible,  
24 and that the parents or guardians of such children are provided with  
25 information concerning health care providers in their area that are  
26 willing and able to provide health services to such children. Provision  
27 of primary and preventive clinical health care services shall be eligi-  
28 ble for state aid for uninsured persons under the age of twenty-one,  
29 provided that the municipality makes good faith efforts to assist such  
30 persons with insurance enrollment and only until such time as enrollment  
31 becomes effective. PROVISION OF PRENATAL CLINICAL HEALTH CARE SERVICES  
32 SHALL BE ELIGIBLE FOR STATE AID FOR UNINSURED WOMEN OF ANY AGE, PROVIDED  
33 THAT THE MUNICIPALITY MAKES GOOD FAITH EFFORTS TO ASSIST SUCH WOMEN WITH  
34 INSURANCE ENROLLMENT AND ONLY UNTIL SUCH TIME AS ENROLLMENT BECOMES  
35 EFFECTIVE.

36 S 2. Subdivisions 1, 2, 2-a, 2-b, 2-c, 3 and 4 of section 2781 of the  
37 public health law, subdivisions 1, 2, 3 and 4 as amended and subdivi-  
38 sions 2-a, 2-b and 2-c as added by chapter 308 of the laws of 2010, are  
39 amended to read as follows:

40 1. Except as provided in section three thousand one hundred twenty-one  
41 of the civil practice law and rules, or unless otherwise specifically  
42 authorized or required by a state or federal law, no person shall order  
43 the performance of an HIV related test without first having received  
44 [the written or, where authorized by this subdivision, oral,] informed  
45 consent of the subject of the test who has capacity to consent or, when  
46 the subject lacks capacity to consent, of a person authorized pursuant  
47 to law to consent to health care for such individual. [When the test

1 being ordered is a rapid HIV test, such informed consent may be obtained  
2 orally and shall be documented in the subject of the test's medical  
3 record by the person ordering the performance of the test.] IN ORDER FOR  
4 THERE TO BE INFORMED CONSENT, THE PERSON ORDERING THE TEST SHALL, PRIOR  
5 TO OBTAINING INFORMED CONSENT, AT A MINIMUM ADVISE THE PROTECTED INDI-  
6 VIDUAL THAT AN HIV-RELATED TEST IS BEING PERFORMED.

7 2. [Except where subdivision one of this section permits informed  
8 consent to be obtained orally, informed consent to HIV related testing  
9 shall consist of a statement consenting to HIV related testing signed by  
10 the subject of the test who has capacity to consent or, when the subject  
11 lacks capacity to consent, by a person authorized pursuant to law to  
12 consent to health care for the subject after the subject or such other  
13 person has received the information described in subdivision three of  
14 this section.

15 2-a. Where a written consent to HIV related testing is included in a  
16 signed general consent to medical care for the subject of the test or in  
17 a signed consent to any health care service for the subject of the test,  
18 the consent form shall have a clearly marked place adjacent to the  
19 signature where the subject of the test, or, when the subject lacks  
20 capacity to consent, a person authorized pursuant to law to consent to  
21 health care for such individual, shall be given an opportunity to  
22 specifically decline in writing HIV related testing on such general  
23 consent.

24 2-b. A written or oral informed] INFORMED consent for HIV related  
25 testing pursuant to this section shall be valid for such testing until  
26 such consent is revoked [or expires by its terms]. Each time that an HIV  
27 related test is ordered pursuant to informed consent in accordance with  
28 this section, the physician or other person authorized pursuant to law  
29 to order the performance of the HIV related test, or such person's  
30 representative, shall orally notify the subject of the test or, when the  
31 subject lacks capacity to consent, a person authorized pursuant to law  
32 to consent to health care for such individual, that an HIV related test  
33 will be conducted at such time, and shall note the notification in the  
34 patient's record.

35 [2-c.] 2-A. The provisions of this section regarding [oral] informed  
36 consent [for a rapid HIV test] shall not apply to tests performed in a  
37 facility operated under the correction law. FOR TESTS CONDUCTED IN A  
38 FACILITY UNDER THE CORRECTION LAW, INDIVIDUAL CONSENT FOR HIV RELATED  
39 TESTING MUST BE IN WRITING.

40 3. [Prior to the execution of written, or obtaining and documenting  
41 oral, informed consent, a] A person ordering the performance of an HIV  
42 related test shall provide either directly or through a representative  
43 to the subject of an HIV related test or, if the subject lacks capacity  
44 to consent, to a person authorized pursuant to law to consent to health  
45 care for the subject, an explanation that:

46 (a) HIV causes AIDS and can be transmitted through sexual activities  
47 and needle-sharing, by pregnant women to their fetuses, and through  
48 breastfeeding infants;

49 (b) there is treatment for HIV that can help an individual stay heal-  
50 thy;

51 (c) individuals with HIV or AIDS can adopt safe practices to protect  
52 uninfected and infected people in their lives from becoming infected or  
53 multiply infected with HIV;

54 (d) testing is voluntary and can be done anonymously at a public test-  
55 ing center;

56 (e) the law protects the confidentiality of HIV related test results;

1 (f) the law prohibits discrimination based on an individual's HIV  
2 status and services are available to help with such consequences; and

3 (g) the law allows an individual's informed consent for HIV related  
4 testing to be valid for such testing until such consent is revoked by  
5 the subject of the HIV RELATED test [or expires by its terms].

6 Protocols shall be in place to ensure compliance with this section.

7 4. A person authorized pursuant to law to order the performance of an  
8 HIV related test shall provide directly or through a representative to  
9 the person seeking such test, an opportunity to remain anonymous [and to  
10 provide written, informed consent or authorize documentation of oral  
11 informed consent,] through use of a coded system with no linking of  
12 individual identity to the test request or results. A health care  
13 provider who is not authorized by the commissioner to provide HIV  
14 related tests on an anonymous basis shall refer a person who requests an  
15 anonymous test to a test site which does provide anonymous testing. The  
16 provisions of this subdivision shall not apply to a health care provider  
17 ordering the performance of an HIV related test on an individual  
18 proposed for insurance coverage.

19 S 3. Section 2135 of the public health law, as amended by chapter 308  
20 of the laws of 2010, is amended to read as follows:

21 S 2135. Confidentiality. All reports or information secured by the  
22 department, municipal health commissioner or district health officer  
23 under the provisions of this title shall be confidential except: (a) in  
24 so far as is necessary to carry out the provisions of this title; (b)  
25 when used in the aggregate, without patient specific identifying infor-  
26 mation, in programs approved by the commissioner for the improvement of  
27 the quality of medical care provided to persons with HIV/AIDS; [or] (c)  
28 when used within the state or local health department by public health  
29 disease programs to assess co-morbidity or completeness of reporting and  
30 to direct program needs, in which case patient specific identifying  
31 information shall not be disclosed outside the state or local health  
32 department; OR (D) WHEN USED FOR PURPOSES OF PATIENT LINKAGE AND  
33 RETENTION IN CARE, PATIENT SPECIFIC IDENTIFIED INFORMATION MAY BE SHARED  
34 BETWEEN LOCAL AND STATE HEALTH DEPARTMENTS AND HEALTH CARE PROVIDERS  
35 CURRENTLY TREATING THE PATIENT AS APPROVED BY THE COMMISSIONER.

36 S 4. Intentionally omitted.

37 S 5. Subdivision 1 of section 2411 of the public health law, as  
38 amended by chapter 219 of the laws of 1997, paragraph (e) as amended by  
39 chapter 106 of the laws of 2013, and paragraph (h) as amended by chapter  
40 638 of the laws of 2008, is amended to read as follows:

41 1. The board shall:

42 (a) Survey state agencies, boards, programs and other state govern-  
43 mental entities to assess what, if any, relevant data has been or is  
44 being collected which may be of use to researchers engaged in breast[,  
45 prostate or testicular] cancer research;

46 (b) Consistent with the survey conducted pursuant to paragraph (a) of  
47 this subdivision, compile a list of data collected by state agencies  
48 which may be of assistance to researchers engaged in breast[, prostate  
49 or testicular] cancer research as established in section twenty-four  
50 hundred twelve of this title;

51 (c) Consult with the Centers for Disease Control and Prevention, the  
52 National Institutes of Health, the Federal Agency For Health Care Policy  
53 and Research, the National Academy of Sciences and other organizations  
54 or entities which may be involved in cancer research to solicit both  
55 information regarding breast[, prostate and testicular] cancer research

1 projects that are currently being conducted and recommendations for  
2 future research projects;

3 (d) Review requests made to the commissioner for access to information  
4 pursuant to paragraph b of subdivision one of section 33-1203 and para-  
5 graph c of subdivision two of section 33-1205 of the environmental  
6 conservation law for use in human health related research projects. Such  
7 data shall only be provided to researchers engaged in human health  
8 related research. The request made by such researchers shall include a  
9 copy of the research proposal or the research protocol approved by their  
10 institution and copies of their institution's Institutional Review Board  
11 (IRB) or equivalent review board approval of such proposal or protocol.  
12 In the case of research conducted outside the auspices of an institution  
13 by a researcher previously published in a peer-reviewed scientific jour-  
14 nal, the board shall request copies of the research proposal and shall  
15 deny access to the site-specific and nine-digit zip code pesticide data  
16 if the board determines that such proposal does not follow accepted  
17 scientific practice for the design of a research project. The board  
18 shall establish guidelines to restrict the dissemination by researchers  
19 of the name, address or other information that would otherwise identify  
20 a commercial applicator or private applicator or any person who receives  
21 the services of a commercial applicator;

22 (e) Solicit, receive, and review applications from public and private  
23 agencies and organizations and qualified research institutions for  
24 grants from the breast cancer research and education fund, created  
25 pursuant to section ninety-seven-yy of the state finance law, to conduct  
26 research or educational programs which focus on the causes, prevention,  
27 screening, treatment and cure of breast cancer and may include, but are  
28 not limited to mapping of breast cancer, and basic, behavioral, clin-  
29 ical, demographic, environmental, epidemiologic and psychosocial  
30 research. The board shall make recommendations to the commissioner, and  
31 the commissioner shall, in his or her discretion, grant approval of  
32 applications for grants from those applications recommended by the  
33 board. The board shall consult with the Centers for Disease Control and  
34 Prevention, the National Institutes of Health, the Federal Agency For  
35 Health Care Policy and Research, the National Academy of Sciences,  
36 breast cancer advocacy groups, and other organizations or entities which  
37 may be involved in breast cancer research to solicit both information  
38 regarding breast cancer research projects that are currently being  
39 conducted and recommendations for future research projects. As used in  
40 this section, "qualified research institution" may include academic  
41 medical institutions, state or local government agencies, public or  
42 private organizations within this state, and any other institution  
43 approved by the department, which is conducting a breast cancer research  
44 project or educational program. If a board member submits an application  
45 for a grant from the breast cancer research and education fund, he or  
46 she shall be prohibited from reviewing and making a recommendation on  
47 the application;

48 (f) Consider, based on evolving scientific evidence, whether a corre-  
49 lation exists between pesticide use and pesticide exposure. As part of  
50 such consideration the board shall make recommendations as to methodol-  
51 ogies which may be utilized to establish such correlation;

52 (g) After two years of implementation of pesticide reporting pursuant  
53 to section 33-1205 of the environmental conservation law, the board  
54 shall compare the percentage of agricultural crop production general use  
55 pesticides being reported to the total amount of such pesticides being  
56 used in this state as estimated by Cornell University, Cornell Cooper-



1 ative Extension, the department of environmental conservation, and the  
2 Environmental Protection Agency;

3 (h) Meet at least six times in the first year, at the request of the  
4 chair and at any other time as the chair deems necessary. The board  
5 shall meet at least [four] TWO times a year AND AS NEEDED thereafter.  
6 Provided, however, that at least one such meeting a year shall be a  
7 public hearing, at which the general public may question and present  
8 information and comments to the board with respect to the operation of  
9 the health research science board, the breast cancer research and educa-  
10 tion fund[, the prostate and testicular cancer research and education  
11 fund], and pesticide reporting established pursuant to sections 33-1205  
12 and 33-1207 of the environmental conservation law. At such hearing, the  
13 commissioner of the department of environmental conservation or his or  
14 her designee shall make a report to the board with respect to the effi-  
15 ciency and utility of pesticide reporting established pursuant to  
16 sections 33-1205 and 33-1207 of the environmental conservation law.  
17 SHOULD THE EXISTING BYLAWS BE AMENDED BY THE BOARD, ANY SUCH AMENDMENTS  
18 SHALL BE CONSISTENT WITH THE REVISIONS OF THIS PARAGRAPH;

19 S 5-a. Section 2413 of the public health law, as amended by chapter  
20 219 of the laws of 1997, is amended to read as follows:

21 S 2413. Biennial report. The commissioner shall submit a report on or  
22 before January first commencing in nineteen hundred ninety-nine, and  
23 biennially thereafter, to the governor, the temporary president of the  
24 senate and the speaker of the assembly concerning the operation of the  
25 health research science board. Such report shall include recommendations  
26 from the health research science board including, but not limited to,  
27 the types of data that would be useful for breast[, prostate or testicu-  
28 lar] cancer researchers and whether private citizen use of residential  
29 pesticides should be added to the reporting requirements. The report  
30 shall also include a summary of research requests granted or denied. In  
31 addition, such report shall include an evaluation by the commissioner,  
32 the commissioner of the department of environmental conservation and the  
33 health research science board of the basis, efficiency and scientific  
34 utility of the information derived from pesticide reporting pursuant to  
35 sections 33-1205 and 33-1207 of the environmental conservation law and  
36 recommend whether such system should be modified or continued. The  
37 report shall include a summary of the comments and recommendations  
38 presented by the public at the board's public hearings.

39 S 5-b. Section 97-yy of the state finance law is amended by adding a  
40 new subdivision 2-b to read as follows:

41 2-B. ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE COMMISSION-  
42 ER OF HEALTH SHALL PROVIDE A WRITTEN REPORT TO THE TEMPORARY PRESIDENT  
43 OF THE SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF THE SENATE FINANCE  
44 COMMITTEE, CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, CHAIR OF THE  
45 SENATE COMMITTEE ON HEALTH, AND CHAIR OF THE ASSEMBLY HEALTH COMMITTEE.  
46 SUCH REPORT SHALL INCLUDE HOW THE MONIES OF THE FUND WERE UTILIZED  
47 DURING THE PRECEDING CALENDAR YEAR, AND SHALL INCLUDE:

- 48 (I) THE AMOUNT OF MONEY DISPERSED FROM THE FUND;
- 49 (II) RECIPIENTS OF AWARDS FROM THE FUND;
- 50 (III) THE AMOUNT AWARDED TO EACH; AND
- 51 (IV) THE PURPOSES FOR WHICH SUCH AWARDS WERE GRANTED.

52 S 6. Section 2409-a of the public health law, as added by section 73  
53 of part D of chapter 60 of the laws of 2012, is amended to read as  
54 follows:

55 S 2409-a. Advisory council. 1. There is hereby established in the  
56 department the [breast, cervical and ovarian] cancer detection and

1 education program advisory council, for the purpose of advising the  
2 commissioner with regards to providing information to consumers,  
3 patients, and health care providers relating, but not limited to,  
4 breast, cervical, PROSTATE, TESTICULAR and ovarian cancer, including  
5 signs and symptoms, risk factors, the benefits of prevention and early  
6 detection, guideline concordant cancer screening and disease management,  
7 options for diagnostic testing and treatment, new technologies, and  
8 survivorship.

9 2. The advisory council shall: (A) make recommendations to the depart-  
10 ment regarding the promotion and implementation of programs under  
11 sections twenty-four hundred six and twenty-four hundred nine of this  
12 title; AND (B) PRIOR TO THE DEPARTMENT PROVIDING GRANTS FROM THE NEW  
13 YORK STATE PROSTATE AND TESTICULAR CANCER RESEARCH AND EDUCATION FUND,  
14 CREATED PURSUANT TO SECTION NINETY-FIVE-E OF THE STATE FINANCE LAW,  
15 ADVISE THE DEPARTMENT ON VARIOUS COMPONENTS OF THE DEPARTMENT'S SOLIC-  
16 ITATION TO DISTRIBUTE SUCH FUNDS, INCLUDING BUT NOT LIMITED TO, THE  
17 POTENTIAL USES OF THE FUNDS, THE ENTITIES THAT MAY BE ELIGIBLE TO APPLY  
18 FOR THE FUNDS, THE RECOMMENDED CONTRACT DELIVERABLES FOR ENTITIES  
19 RECEIVING THE FUNDS, THE RECOMMENDED GEOGRAPHIC DISTRIBUTION OF THE  
20 FUNDS, AND THE RECOMMENDED AWARD AMOUNTS.

21 3. The commissioner shall appoint twenty-one voting members, which  
22 shall include representation of health care professionals, consumers,  
23 patients, ONE VOTING MEMBER WHO SHALL BE A PERSON WHO HAS OR HAS HAD  
24 PROSTATE OR TESTICULAR CANCER, ONE VOTING MEMBER WHO SHALL BE A PERSON  
25 WHO HAS OR HAS HAD BREAST, CERVICAL OR OVARIAN CANCER and other appro-  
26 priate [interest] INTERESTS reflective of the diversity of the state,  
27 with expertise in breast, cervical, PROSTATE, TESTICULAR and/or ovarian  
28 cancer. The commissioner shall appoint one member as a chairperson. The  
29 members of the council shall receive no compensation for their services,  
30 but shall be allowed their actual and necessary expenses incurred in  
31 performance of their duties.

32 4. A majority of the appointed voting membership of the board shall  
33 constitute quorum.

34 5. The advisory council shall meet at least twice a year, at the  
35 request of the department.

36 S 7. Section 95-e of the state finance law, as added by chapter 273 of  
37 the laws of 2004, subdivision 2 as amended by section 1 of part A of  
38 chapter 58 of the laws of 2004, is amended to read as follows:

39 S 95-e. New York [state] STATE prostate AND TESTICULAR cancer  
40 research[, detection] and education fund. 1. There is hereby established  
41 in the joint custody of the commissioner of taxation and finance and the  
42 comptroller, a special fund to be known as the "New York [state] STATE  
43 prostate AND TESTICULAR cancer research[, detection] and education  
44 fund".

45 2. Such fund shall consist of all revenues received pursuant to the  
46 provisions of SECTION FOUR HUNDRED FOUR-Q OF THE VEHICLE AND TRAFFIC  
47 LAW, AS ADDED BY CHAPTER FIVE HUNDRED TWENTY-EIGHT OF THE LAWS OF NINE-  
48 TEEN HUNDRED NINETY-NINE, AND sections two hundred nine-E and six  
49 hundred thirty of the tax law, all revenues received pursuant to appro-  
50 priations by the legislature, and all moneys appropriated, credited, or  
51 transferred thereto from any other fund or source pursuant to law. For  
52 each state fiscal year, there shall be appropriated to the fund by the  
53 state, in addition to all other moneys required to be deposited into  
54 such fund, an amount equal to the amounts of monies collected and depos-  
55 ited into the fund pursuant to SECTION FOUR HUNDRED FOUR-Q OF THE VEHI-  
56 CLE AND TRAFFIC LAW, AS ADDED BY CHAPTER FIVE HUNDRED TWENTY-EIGHT OF

1 THE LAWS OF NINETEEN HUNDRED NINETY-NINE, AND sections two hundred  
2 [nine-e] NINE-E and six hundred thirty of the tax law during the preced-  
3 ing calendar year, as certified by the comptroller. Nothing contained  
4 herein shall prevent the state from receiving grants, gifts or bequests  
5 for the purposes of the fund as defined in this section and depositing  
6 them into the fund according to law. Any interest received by the comp-  
7 troller on moneys on deposit in such fund shall be retained in and  
8 become part of such fund.

9 3. (A) Moneys of the fund [shall be expended only to provide grants to  
10 the New York State Coalition to Cure Prostate Cancer, a not-for-profit  
11 corporation established in this state which is incorporated], FOLLOWING  
12 APPROPRIATION BY THE LEGISLATURE AND ALLOCATION BY THE DIRECTOR OF THE  
13 BUDGET, SHALL BE MADE AVAILABLE TO THE COMMISSIONER OF HEALTH TO PROVIDE  
14 GRANTS for the purpose of advancing and financing prostate AND TESTICU-  
15 LAR cancer research, [detection] SUPPORT PROGRAMS and education  
16 projects. [To the extent practicable, the New York State Coalition to  
17 Cure Prostate Cancer shall cooperate and coordinate its efforts with the  
18 prostate and testicular cancer detection and education advisory council  
19 established pursuant to section twenty-four hundred sixteen of the  
20 public health law.]

21 (B) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF SECTION ONE HUNDRED  
22 SIXTY-THREE OF THE STATE FINANCE LAW, THE COMMISSIONER OF HEALTH IS  
23 AUTHORIZED TO ENTER INTO A CONTRACT OR CONTRACTS UNDER PARAGRAPH (A) OF  
24 THIS SUBDIVISION WITHOUT A COMPETITIVE BID OR REQUEST FOR PROPOSAL PROC-  
25 ESS, PROVIDED, HOWEVER, THAT:

26 (I) THE DEPARTMENT OF HEALTH SHALL POST ON ITS WEBSITE, FOR A PERIOD  
27 OF NO LESS THAN THIRTY DAYS:

28 (1) A DESCRIPTION OF THE PROPOSED SERVICES TO BE PROVIDED PURSUANT TO  
29 THE CONTRACT OR CONTRACTS;

30 (2) THE CRITERIA FOR SELECTION OF A CONTRACTOR OR CONTRACTORS;

31 (3) THE PERIOD OF TIME DURING WHICH A PROSPECTIVE CONTRACTOR MAY SEEK  
32 SELECTION, WHICH SHALL BE NO LESS THAN THIRTY DAYS AFTER SUCH INFORMA-  
33 TION IS FIRST POSTED ON THE WEBSITE; AND

34 (4) THE MANNER BY WHICH A PROSPECTIVE CONTRACTOR MAY SEEK SUCH  
35 SELECTION, WHICH MAY INCLUDE SUBMISSION BY ELECTRONIC MEANS;

36 (II) ALL REASONABLE AND RESPONSIVE SUBMISSIONS THAT ARE RECEIVED FROM  
37 PROSPECTIVE CONTRACTORS IN TIMELY FASHION SHALL BE REVIEWED BY THE  
38 COMMISSIONER OF HEALTH; AND

39 (III) THE COMMISSIONER OF HEALTH SHALL SELECT SUCH CONTRACTOR OR  
40 CONTRACTORS THAT, IN HIS OR HER DISCRETION, ARE BEST SUITED TO SERVE THE  
41 PURPOSES OF THIS SECTION.

42 4. (A) On or before the first day of February each year, the comp-  
43 troller shall certify to the governor, temporary president of the  
44 senate, speaker of the assembly, chair of the senate finance committee  
45 and chair of the assembly ways and means committee, the amount of money  
46 deposited by source in the New York [state] STATE prostate AND TESTICU-  
47 LAR cancer research[, detection] and education fund during the preceding  
48 calendar year as the result of revenue derived pursuant to SECTION FOUR  
49 HUNDRED FOUR-Q OF THE VEHICLE AND TRAFFIC LAW, AS ADDED BY CHAPTER FIVE  
50 HUNDRED TWENTY-EIGHT OF THE LAWS OF NINETEEN HUNDRED NINETY-NINE, AND  
51 sections two hundred nine-E and six hundred thirty of the tax law and  
52 from all other sources.

53 (B) ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE COMMISSIONER  
54 OF HEALTH SHALL PROVIDE A WRITTEN REPORT TO THE TEMPORARY PRESIDENT OF  
55 THE SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF THE SENATE FINANCE COMMIT-  
56 TEE, CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, CHAIR OF THE SENATE

1 COMMITTEE ON HEALTH, AND CHAIR OF THE ASSEMBLY HEALTH COMMITTEE. SUCH  
2 REPORT SHALL INCLUDE HOW MONIES OF THE FUND WERE UTILIZED DURING THE  
3 PRECEDING CALENDAR YEAR AND SHALL INCLUDE:

- 4 (I) THE AMOUNT OF MONEY DISBURSED FROM THE FUND;
- 5 (II) RECIPIENTS OF AWARDS FROM THE FUND;
- 6 (III) THE AMOUNT AWARDED TO EACH; AND
- 7 (IV) THE PURPOSES FOR WHICH SUCH AWARDS WERE GRANTED.

8 5. [As a condition of receiving grants from the fund, the New York  
9 State Coalition To Cure Prostate Cancer shall agree to issue and shall  
10 issue, on or before the first day of February each year, a report  
11 including, but not limited to, financial statements, financial reports  
12 and reports on the issuance of grants. Such reports shall be delivered  
13 to the governor and the chairs of the senate finance committee and the  
14 assembly ways and means committee and shall also be made available to  
15 the public. Such financial statements and reports shall be audited by a  
16 nationally recognized accounting firm.

17 6.] Moneys shall be payable from the fund [to the New York State  
18 Coalition to Cure Prostate Cancer] on the audit and warrant of the comp-  
19 troller on vouchers approved by the comptroller.

20 S 7-a. Subdivision 2 of section 404-q of the vehicle and traffic law,  
21 as added by chapter 528 of the laws of 1999, is amended to read as  
22 follows:

23 2. A distinctive "drive for the cure" license plate issued pursuant to  
24 this section shall be issued in the same manner as other number plates  
25 upon the payment of the regular registration fee prescribed by section  
26 four hundred one of this article, provided, however, that an additional  
27 annual service charge of twenty-five dollars shall be charged for such  
28 plate. Twelve dollars and fifty cents from each twenty-five dollars  
29 received as annual service charges under this section shall be deposited  
30 to the credit of the breast cancer research and education fund estab-  
31 lished pursuant to section ninety-seven-yy of the state finance law and  
32 shall be used for research and education programs undertaken pursuant to  
33 section twenty-four hundred ten of the public health law. Twelve dollars  
34 and fifty cents from each twenty-five dollars received as annual service  
35 charges under this section shall be deposited to the credit of the NEW  
36 YORK STATE prostate and testicular cancer research and education fund  
37 established pursuant to section [ninety-seven-ccc] NINETY-FIVE-E of the  
38 state finance law and shall be used for research and education programs  
39 undertaken pursuant to section [ninety-seven-ccc] NINETY-FIVE-E of the  
40 state finance law. Provided, however that one year after the effective  
41 date of this section funds in the amount of six thousand dollars, or so  
42 much thereof as may be available, shall be allocated to the department  
43 to offset costs associated with the production of such license plates.

44 S 7-b. Section 97-ccc of the state finance law is REPEALED.

45 S 7-c. Section 209-E of the tax law, as added by chapter 273 of the  
46 laws of 2004, is amended to read as follows:

47 S 209-E. Gift for prostate AND TESTICULAR cancer research[, detection]  
48 and education. Effective for any tax year commencing on or after Janu-  
49 ary first, two thousand four, a taxpayer in any taxable year may elect  
50 to contribute to the support of the New York [state] STATE prostate AND  
51 TESTICULAR cancer research[, detection] and education fund. Such  
52 contribution shall be in any whole dollar amount and shall not reduce  
53 the amount of the state tax owed by such taxpayer. The commissioner  
54 shall include space on the corporate income tax return to enable a  
55 taxpayer to make such contribution. Notwithstanding any other provision  
56 of law, all revenues collected pursuant to this section shall be credit-

1 ed to the New York [state] STATE prostate AND TESTICULAR cancer  
2 research[, detection] and education fund and shall be used only for  
3 those purposes enumerated in section ninety-five-e of the state finance  
4 law.

5 S 7-d. Section 630 of the tax law, as added by chapter 273 of the laws  
6 of 2004, is amended to read as follows:

7 S 630. Gift for prostate AND TESTICULAR cancer research[, detection]  
8 and education. Effective for any tax year commencing on or after Janu-  
9 ary first, two thousand four, an individual in any taxable year may  
10 elect to contribute to the New York [state] STATE prostate AND TESTICU-  
11 LAR cancer research[, detection] and education fund. Such contribution  
12 shall be in any whole dollar amount and shall not reduce the amount of  
13 state tax owed by such individual. The commissioner shall include space  
14 on the personal income tax return to enable a taxpayer to make such  
15 contribution. Notwithstanding any other provision of law all revenues  
16 collected pursuant to this section shall be credited to the New York  
17 [state] STATE prostate AND TESTICULAR cancer research[, detection] and  
18 education fund and used only for those purposes enumerated in section  
19 ninety-five-e of the state finance law.

20 S 8. The public health law is amended by adding a new section 2825 to  
21 read as follows:

22 S 2825. CAPITAL RESTRUCTURING FINANCING PROGRAM. 1. A CAPITAL RESTRUC-  
23 TURING FINANCING PROGRAM IS HEREBY ESTABLISHED UNDER THE JOINT ADMINIS-  
24 TRATION OF THE COMMISSIONER AND THE PRESIDENT OF THE DORMITORY AUTHORITY  
25 OF THE STATE OF NEW YORK FOR THE PURPOSE OF ENHANCING THE QUALITY,  
26 FINANCIAL VIABILITY AND EFFICIENCY OF NEW YORK'S HEALTH CARE DELIVERY  
27 SYSTEM BY TRANSFORMING THE SYSTEM INTO A MORE RATIONAL PATIENT-CENTERED  
28 CARE SYSTEM THAT PROMOTES POPULATION HEALTH AND IMPROVED WELL-BEING FOR  
29 ALL NEW YORKERS. THE ISSUANCE OF ANY BONDS OR NOTES HEREUNDER SHALL  
30 FURTHER BE SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF  
31 THE BUDGET, AND ANY PROJECTS FUNDED THROUGH THE ISSUANCE OF BONDS OR  
32 NOTES HEREUNDER SHALL BE APPROVED BY THE NEW YORK STATE PUBLIC AUTHORI-  
33 TIES CONTROL BOARD, AS REQUIRED UNDER SECTION FIFTY-ONE OF THE PUBLIC  
34 AUTHORITIES LAW.

35 2. FOR THE PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH  
36 THIRTY-FIRST, TWO THOUSAND TWENTY-ONE, FUNDS MADE AVAILABLE FOR EXPENDI-  
37 TURE PURSUANT TO THIS SECTION MAY BE DISTRIBUTED BY THE COMMISSIONER AND  
38 THE PRESIDENT OF THE AUTHORITY, IN CONSULTATION WITH THE COMMISSIONERS  
39 OF THE OFFICE OF MENTAL HEALTH, OFFICE FOR PEOPLE WITH DEVELOPMENTAL  
40 DISABILITIES AND OFFICE FOR ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, AS  
41 APPLICABLE, FOR:

42 (A) CAPITAL GRANTS TO GENERAL HOSPITALS, RESIDENTIAL HEALTH CARE  
43 FACILITIES, DIAGNOSTICS AND TREATMENT CENTERS, AND CLINICS LICENSED  
44 PURSUANT TO THIS CHAPTER OR THE MENTAL HYGIENE LAW, ASSISTED LIVING  
45 PROGRAMS, PRIMARY CARE PROVIDERS, AND HOME CARE PROVIDERS CERTIFIED OR  
46 LICENSED PURSUANT TO ARTICLE THIRTY-SIX OF THIS CHAPTER (COLLECTIVELY  
47 "APPLICANTS") THAT QUALIFY FOR PAYMENTS UNDER THE DELIVERY SYSTEM REFORM  
48 INCENTIVE PAYMENT PROGRAM (DSRIP), IN WHICH CASE FUNDING UNDER THIS  
49 PARAGRAPH SHALL BE REQUESTED IN SUCH APPLICANT'S DSRIP APPLICATION. SUCH  
50 CAPITAL GRANT PROJECTS INCLUDE, BUT ARE NOT LIMITED TO; CLOSURES, MERG-  
51 ERS, RESTRUCTURING, IMPROVEMENTS TO INFRASTRUCTURE, DEVELOPMENT OF  
52 PRIMARY CARE SERVICE CAPACITY, DEVELOPMENT OF TELEHEALTH INFRASTRUCTURE,  
53 THE PROMOTION OF INTEGRATED DELIVERY SYSTEMS THAT STRENGTHEN AND PROTECT  
54 CONTINUED ACCESS TO ESSENTIAL HEALTH CARE SERVICES AND OTHER TRANSFORMA-  
55 TIONAL PROJECTS AS DETERMINED BY THE COMMISSIONER AND THE PRESIDENT OF  
56 THE AUTHORITY.

1 (B) CAPITAL GRANTS TO GENERAL HOSPITALS, RESIDENTIAL HEALTH CARE  
2 FACILITIES, DIAGNOSTIC AND TREATMENT CENTERS, AND CLINICS LICENSED  
3 PURSUANT TO THIS CHAPTER OR THE MENTAL HYGIENE LAW, ASSISTED LIVING  
4 PROGRAMS, PRIMARY CARE PROVIDERS, HOME CARE PROVIDERS, CERTIFIED OR  
5 LICENSED PURSUANT TO ARTICLE THIRTY-SIX OF THIS CHAPTER (COLLECTIVELY  
6 "APPLICANTS") THAT ARE NON-QUALIFYING AND NON-PARTICIPATING APPLICANTS  
7 UNDER PARAGRAPH (A) OF THIS SUBDIVISION, FOR CAPITAL NON-OPERATIONAL  
8 WORKS OR PURPOSES THAT SUPPORT THE PURPOSES SET FORTH IN THIS SECTION.  
9 SUCH CAPITAL GRANT PROJECTS INCLUDE, BUT ARE NOT LIMITED TO; CLOSURES,  
10 MERGERS, RESTRUCTURING, IMPROVEMENTS TO INFRASTRUCTURE, DEVELOPMENT OF  
11 PRIMARY CARE SERVICE CAPACITY, DEVELOPMENT OF TELEHEALTH INFRASTRUCTURE,  
12 THE PROMOTION OF INTEGRATED DELIVERY SYSTEMS THAT STRENGTHEN AND PROTECT  
13 CONTINUED ACCESS TO ESSENTIAL HEALTH CARE SERVICES.

14 3. THE COMMISSIONER AND THE PRESIDENT OF THE AUTHORITY SHALL ENTER  
15 INTO AN AGREEMENT, SUBJECT TO APPROVAL BY THE DIRECTOR OF THE BUDGET AND  
16 SUBJECT TO SECTION SIXTEEN HUNDRED EIGHTY-R OF THE PUBLIC AUTHORITIES  
17 LAW, AS ADDED BY A CHAPTER OF THE LAWS OF TWO THOUSAND FOURTEEN, FOR THE  
18 PURPOSES OF AWARDING, DISTRIBUTING, AND ADMINISTERING THE FUNDS MADE  
19 AVAILABLE PURSUANT TO THIS SECTION.

20 (A) FOR CAPITAL GRANT PROJECTS UNDER PARAGRAPH (A) OF SUBDIVISION TWO  
21 OF THIS SECTION, THE EVALUATION OF APPLICATIONS SHALL BE SUBMITTED  
22 PURSUANT TO THE PROCESS DESCRIBED IN PARAGRAPH (B) OF SUBDIVISION TWENTY  
23 OF SECTION TWENTY-EIGHT HUNDRED SEVEN OF THIS ARTICLE; PROVIDED, HOWEV-  
24 ER, THAT SUCH CAPITAL GRANT PROJECTS SHALL NOT BE SUBJECT TO REVIEW BY  
25 THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES.

26 (B) FOR MONIES ALLOCATED UNDER PARAGRAPH (B) OF SUBDIVISION TWO OF  
27 THIS SECTION:

28 (I) THE DEPARTMENT SHALL POST ON ITS WEBSITE, FOR A PERIOD OF NO LESS  
29 THAN THIRTY DAYS:

30 (A) THE PROCESS BY WHICH SUCH APPLICATIONS SHALL BE REVIEWED;

31 (B) THE CRITERIA BY WHICH SUCH APPLICATIONS SHALL BE JUDGED; AND

32 (C) A LIST OF APPROVED AND DENIED APPLICATIONS SUBSEQUENT TO SUCH  
33 DETERMINATION.

34 (II) THE EVALUATION OF APPLICATIONS SHALL BE REVIEWED BY THE DEPART-  
35 MENT, PURSUANT TO A PROCESS TO BE DETERMINED BY THE DEPARTMENT. APPLICA-  
36 TIONS SHALL THEN BE SUBJECT TO REVIEW BY THE PANEL ESTABLISHED PURSUANT  
37 TO PARAGRAPH (B) OF SUBDIVISION TWENTY OF SECTION TWENTY-EIGHT HUNDRED  
38 SEVEN OF THIS ARTICLE, WHICH SHALL SUBMIT ITS RECOMMENDATIONS TO THE  
39 COMMISSIONER FOR FINAL DETERMINATION. DETERMINATION OF AWARDS FOR FUNDS  
40 ALLOCATED UNDER PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION, SHALL  
41 INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING CRITERIA:

42 (A) ELIGIBILITY REQUIREMENTS FOR APPLICANTS;

43 (B) STATEWIDE GEOGRAPHIC DISTRIBUTION OF FUNDS;

44 (C) MINIMUM AND MAXIMUM AMOUNTS OF FUNDING TO BE AWARDED UNDER THE  
45 PROGRAM;

46 (D) THE RELATIONSHIP BETWEEN THE PROJECT PROPOSED BY AN APPLICANT AND  
47 IDENTIFIED COMMUNITY NEED;

48 (E) THE EXTENT TO WHICH THE APPLICANT HAS ACCESS TO ALTERNATIVE  
49 FINANCING;

50 (F) THE EXTENT TO WHICH THE PROPOSED PROJECT FURTHERS THE PURPOSES SET  
51 FORTH IN THIS SECTION;

52 (G) THE EXTENT THAT THE PROPOSED PROJECT FURTHERS THE DEVELOPMENT OF  
53 PRIMARY CARE;

54 (H) THE EXTENT TO WHICH THE PROPOSED PROJECT BENEFITS MEDICAID ENROL-  
55 LEES AND UNINSURED INDIVIDUALS;

1 (I) THE EXTENT TO WHICH THE PROPOSED PROJECT ADDRESSES POTENTIAL RISK  
2 TO PATIENT SAFETY AND WELFARE;

3 (J) THE EXTENT THAT THE PROPOSED PROJECT INVOLVES AN APPLICANT THAT  
4 RECEIVES OR HAS APPLIED FOR A TEMPORARY RATE ADJUSTMENT PURSUANT TO  
5 APPLICABLE REGULATIONS; AND

6 (K) THE EXTENT TO WHICH THE PROPOSED PROJECT WILL CONTRIBUTE TO THE  
7 LONG TERM SUSTAINABILITY OF THE APPLICANT.

8 THE COMMISSIONER SHALL PROVIDE A REPORT ON A QUARTERLY BASIS TO THE  
9 CHAIRS OF THE SENATE FINANCE, ASSEMBLY WAYS AND MEANS, SENATE HEALTH AND  
10 ASSEMBLY HEALTH COMMITTEES. SUCH REPORTS SHALL BE SUBMITTED NO LATER  
11 THAN SIXTY DAYS AFTER THE CLOSE OF THE QUARTER, AND SHALL CONFORM TO THE  
12 REPORTING REQUIREMENTS OF SUBDIVISION TWENTY OF SECTION TWENTY-EIGHT  
13 HUNDRED SEVEN OF THIS ARTICLE, AS APPLICABLE.

14 S 8-a. Subdivision 20 of section 2807 of the public health law, as  
15 added by section 9 of part Q of chapter 56 of the laws of 2013, is  
16 amended to read as follows:

17 20. (A) Notwithstanding any contrary provision of law and subject to  
18 the receipt of all necessary federal approvals and the availability of  
19 federal financial participation, the commissioner is authorized to enter  
20 into agreements with SUNY downstate medical center, other public general  
21 hospitals, and/or with the sponsoring local governments of such other  
22 public general hospitals, under which such facilities and/or such local  
23 government shall, by intergovernmental transfer, fund the non-federal  
24 share of Medicaid funds made available for Delivery System Reform Incentive  
25 Payments ("DSRIPS] DSRIP") to such facilities. Such non-federal  
26 share payments shall be deemed voluntary and, further, such payments  
27 shall be excluded from computations made pursuant to section one of part  
28 C of chapter fifty-eight of the laws of two thousand five, as amended.  
29 In addition, the facilities, and/or the sponsoring local governments of  
30 such facilities or the state may, by written notification to the other  
31 parties to the agreement, cancel such agreement at any time prior to the  
32 payment of the DSRIP funds. THE COMMISSIONER SHALL, TO THE MAXIMUM  
33 DEGREE PRACTICABLE, AND TO THE EXTENT PERMITTED BY THE FEDERAL CENTERS  
34 FOR MEDICARE AND MEDICAID SERVICES ("CMS"), ENSURE THAT THE DSRIP  
35 PROGRAM IS IMPLEMENTED THROUGHOUT THE ENTIRE STATE.

36 (B) THE COMMISSIONER SHALL ESTABLISH AN ADVISORY PANEL TO PROVIDE  
37 ASSISTANCE WITH REGARD TO THE DSRIP PROGRAM. THE PANEL SHALL BE CHARGED  
38 WITH REVIEWING RECOMMENDATIONS FOR DSRIP FUNDING MADE BY THE STATE'S  
39 CONTRACTED DSRIP ASSESSOR AND ADVISING THE COMMISSIONER REGARDING THE  
40 RESULTS OF SUCH REVIEW. SUCH PANEL SHALL ALSO REVIEW APPLICATIONS UNDER  
41 PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION TWENTY-EIGHT HUNDRED TWEN-  
42 TY-FIVE OF THIS ARTICLE. PANEL MEMBERSHIP SHALL BE COMPRISED OF INDIVID-  
43 UALS WITH SIGNIFICANT HEALTH CARE SYSTEM EXPERIENCE. MEMBERS MAY NOT BE  
44 ELECTED OFFICIALS OR EMPLOYED BY PROVIDERS THAT WOULD BENEFIT FROM DSRIP  
45 FUNDING, AND MUST NOT HAVE ANY CONFLICT OF INTEREST THAT WOULD PREVENT  
46 THEM FROM PROVIDING AN IMPARTIAL REVIEW OF DSRIP ASSESSOR RECOMMENDA-  
47 TIONS. THE PANEL SHALL CONSIST OF MEMBERS APPOINTED BY THE COMMISSIONER  
48 AND SHALL IN ADDITION CONSIST OF ONE MEMBER APPOINTED BY THE MAJORITY  
49 LEADER OF THE NEW YORK STATE SENATE, AND ONE MEMBER APPOINTED BY THE  
50 SPEAKER OF THE NEW YORK STATE ASSEMBLY. THE PANEL SHALL CARRY OUT THE  
51 REVIEW OF DSRIP RECOMMENDATIONS IN STRICT ACCORDANCE WITH ALL REQUIRE-  
52 MENTS SET FORTH IN THE STATE'S FEDERAL 1115 MEDICAID WAIVER STANDARD  
53 TERMS AND CONDITIONS. THE PANEL SHALL SUBMIT ITS RECOMMENDATIONS TO THE  
54 COMMISSIONER FOR FINAL DETERMINATION, IN ACCORDANCE WITH ALL REQUIRE-  
55 MENTS SET FORTH IN THE STATE'S FEDERAL 1115 MEDICAID WAIVER STANDARD  
56 TERMS AND CONDITIONS. THE COMMISSIONER MAY MODIFY THE REQUIREMENTS OF

1 THIS PARAGRAPH AND PARAGRAPH (C) OF THIS SUBDIVISION IF SUCH MODIFICA-  
2 TIONS ARE REQUIRED BY THE FEDERAL CMS.

3 (C) FOR PERIODS ON AND AFTER APRIL FIRST, TWO THOUSAND FOURTEEN, THE  
4 COMMISSIONER SHALL PROVIDE A REPORT ON A QUARTERLY BASIS TO THE CHAIRS  
5 OF THE SENATE FINANCE, ASSEMBLY WAYS AND MEANS, SENATE HEALTH AND ASSEM-  
6 BLY HEALTH COMMITTEES WITH REGARD TO THE STATUS OF THE DSRIP PROGRAM.  
7 SUCH REPORTS SHALL BE SUBMITTED NO LATER THAN SIXTY DAYS AFTER THE CLOSE  
8 OF THE QUARTER, AND SHALL INCLUDE THE MOST CURRENT INFORMATION SUBMITTED  
9 BY PROVIDERS TO THE STATE AND THE FEDERAL CMS. THE REPORTS SHALL  
10 INCLUDE:

- 11 (I) ANALYSIS OF PROGRESS MADE TOWARD DSRIP GOALS;
- 12 (II) THE IMPACT ON THE STATE'S HEALTH CARE DELIVERY SYSTEM;
- 13 (III) INFORMATION ON THE NUMBER AND TYPES OF PROVIDERS WHO PARTIC-  
14 IPATE;
- 15 (IV) PLANS AND PROGRESS FOR MONITORING PROVIDER COMPLIANCE WITH  
16 REQUIREMENTS;
- 17 (V) A STATUS UPDATE ON PROJECT MILESTONE PROGRESS;
- 18 (VI) INFORMATION ON PROJECT SPENDING AND BUDGET;
- 19 (VII) ANALYSIS OF IMPACT ON MEDICAID BENEFICIARIES SERVED;
- 20 (VIII) A SUMMARY OF PUBLIC ENGAGEMENT AND PUBLIC COMMENTS RECEIVED;
- 21 (IX) A DESCRIPTION OF DSRIP FUNDING APPLICATIONS THAT WERE DENIED;
- 22 (X) A DESCRIPTION OF ALL REGULATION WAIVERS ISSUED PURSUANT TO PARA-  
23 GRAPH (E) OF THIS SUBDIVISION; AND
- 24 (XI) A SUMMARY OF THE STATEWIDE GEOGRAPHIC DISTRIBUTION OF FUNDS.

25 (D) FOR PERIODS ON AND AFTER APRIL FIRST, TWO THOUSAND FOURTEEN THE  
26 COMMISSIONER SHALL PROMPTLY MAKE ALL DSRIP GOVERNING DOCUMENTS, INCLUD-  
27 ING 1115 WAIVER STANDARD TERMS AND CONDITIONS, SUPPORTING ATTACHMENTS  
28 AND DETAILED PROJECT DESCRIPTIONS, AND ALL MATERIALS MADE AVAILABLE TO  
29 THE LEGISLATURE PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, AVAILABLE  
30 ON THE DEPARTMENT'S WEBSITE. THE COMMISSIONER SHALL ALSO PROVIDE A  
31 DETAILED OVERVIEW ON THE DEPARTMENT'S WEBSITE OF THE OPPORTUNITIES FOR  
32 PUBLIC COMMENT ON THE DSRIP PROGRAM.

33 (E) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE COMMIS-  
34 SIONERS OF THE DEPARTMENT OF HEALTH, THE OFFICE OF MENTAL HEALTH, THE  
35 OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, AND THE OFFICE OF  
36 ALCOHOLISM AND SUBSTANCE ABUSE SERVICES ARE AUTHORIZED TO WAIVE ANY  
37 REGULATORY REQUIREMENTS AS ARE NECESSARY, CONSISTENT WITH APPLICABLE  
38 LAW, TO ALLOW APPLICANTS UNDER THIS SUBDIVISION AND PARAGRAPH (A) OF  
39 SUBDIVISION TWO OF SECTION TWENTY-EIGHT HUNDRED TWENTY-FIVE OF THIS  
40 ARTICLE TO AVOID DUPLICATION OF REQUIREMENTS AND TO ALLOW THE EFFICIENT  
41 IMPLEMENTATION OF THE PROPOSED PROJECT; PROVIDED, HOWEVER, THAT REGU-  
42 LATIONS PERTAINING TO PATIENT SAFETY MAY NOT BE WAIVED, NOR SHALL ANY  
43 REGULATIONS BE WAIVED IF SUCH WAIVER WOULD RISK PATIENT SAFETY. SUCH  
44 WAIVER SHALL NOT EXCEED THE LIFE OF THE PROJECT OR SUCH SHORTER TIME  
45 PERIODS AS THE AUTHORIZING COMMISSIONER MAY DETERMINE. ANY REGULATORY  
46 RELIEF GRANTED PURSUANT TO THIS SUBDIVISION SHALL BE DESCRIBED, INCLUD-  
47 ING EACH REGULATIONS WAIVED AND THE PROJECT IT RELATES TO, IN THE REPORT  
48 PROVIDED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION.

49 S 8-b. Subdivision 21 of section 2807 of the public health law, as  
50 added by section 10 of part Q of chapter 56 of the laws of 2013, is  
51 amended to read as follows:

52 21. (A) Notwithstanding any contrary provision of law and subject to  
53 the receipt of all necessary federal approvals and the availability of  
54 federal financial participation, the commissioner is authorized to enter  
55 into agreements with SUNY downstate medical center, other public general  
56 hospitals, and/or with the sponsoring local governments of such other



1 public general hospitals, under which such facilities and/or such local  
2 government shall, by intergovernmental transfer, fund the non-federal  
3 share of Medicaid funds made available for implementation of Medicaid  
4 Redesign Team initiatives. Such non-federal share payments shall be  
5 deemed voluntary and, further, such payments shall be excluded from  
6 computations made pursuant to section one of part C of chapter fifty-  
7 eight of the laws of two thousand five, as amended. In addition, the  
8 facilities, and/or the sponsoring local governments of such facilities  
9 or the state may, by written notification to the other parties to the  
10 agreement, cancel such agreement at any time prior to the payment of the  
11 Medicaid Redesign Team initiatives funds.

12 (B) APPLICATIONS BY ELIGIBLE APPLICANTS FOR MEDICAID REDESIGN TEAM  
13 INITIATIVES FUNDED BY MONIES MADE AVAILABLE PURSUANT TO PARAGRAPH (A) OF  
14 THIS SUBDIVISION SHALL BE SUBMITTED FOR REVIEW TO THE ADVISORY PANEL  
15 ESTABLISHED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION TWENTY OF THIS  
16 SECTION AND SUCH PANEL SHALL SUBMIT THEIR RECOMMENDATIONS TO THE COMMIS-  
17 SIONER FOR FINAL DETERMINATION. FOR PERIODS ON AND AFTER APRIL FIRST,  
18 TWO THOUSAND FOURTEEN, THE COMMISSIONER SHALL PROVIDE A REPORT ON A  
19 QUARTERLY BASIS TO THE MAJORITY LEADER OF THE NEW YORK STATE SENATE AND  
20 TO THE SPEAKER OF THE NEW YORK STATE ASSEMBLY WITH REGARD TO THE STATUS  
21 OF SUCH APPLICATIONS AND APPROVED PROJECTS. SUCH REPORTS SHALL BE  
22 SUBMITTED NO LATER THAN SIXTY DAYS AFTER THE CLOSE OF THE QUARTER, AND  
23 SHALL INCLUDE THE MOST CURRENT INFORMATION SUBMITTED BY APPLICANTS TO  
24 THE STATE. THE REPORTS SHALL BE SUBMITTED IN CONJUNCTION WITH AND AS A  
25 PART OF THE REPORTS SUBMITTED PURSUANT TO PARAGRAPH (C) OF SUBDIVISION  
26 TWENTY OF THIS SECTION AND SHALL INCLUDE:

27 (I) ANALYSIS OF PROGRESS MADE TOWARD PROJECT GOALS;

28 (II) THE IMPACT ON THE STATE'S HEALTH CARE DELIVERY SYSTEM;

29 (III) INFORMATION ON THE NUMBER AND TYPES OF PROVIDERS WHO PARTIC-  
30 IPATE;

31 (IV) PLANS AND PROGRESS FOR MONITORING PROVIDER COMPLIANCE WITH  
32 REQUIREMENTS;

33 (V) A STATUS UPDATE ON PROJECT MILESTONE PROGRESS;

34 (VI) INFORMATION ON PROJECT SPENDING AND BUDGET;

35 (VII) ANALYSIS OF IMPACT ON MEDICAID BENEFICIARIES SERVED;

36 (VIII) A SUMMARY OF PUBLIC ENGAGEMENT AND PUBLIC COMMENTS RECEIVED;

37 (IX) A DESCRIPTION OF APPLICATIONS THAT WERE DENIED;

38 (X) A DESCRIPTION OF ALL REGULATION WAIVERS ISSUED PURSUANT TO PARA-  
39 GRAPH (E) OF THIS SUBDIVISION; AND

40 (XI) A SUMMARY OF THE STATEWIDE GEOGRAPHIC DISTRIBUTION OF FUNDS.

41 (C) THE COMMISSIONER SHALL MAKE ALL REPORTS PREPARED PURSUANT TO PARA-  
42 GRAPH (B) OF THIS SUBDIVISION AND ALL SUPPORTING ATTACHMENTS AND MATERI-  
43 ALS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

44 (D) NOTWITHSTANDING ANY INCONSISTENT LAW TO THE CONTRARY, AND SUBJECT  
45 TO FEDERAL FINANCIAL PARTICIPATION, AND SUBJECT TO AMOUNTS APPROPRIATED  
46 FOR PURPOSES HEREIN, THE DEPARTMENT MAY DISTRIBUTE FUNDS TO MAKE RATE  
47 ADJUSTMENTS FOR HEALTH HOME PROVIDERS AS DESCRIBED IN SECTION THREE  
48 HUNDRED SIXTY-FIVE-L OF THE SOCIAL SERVICES LAW FOR MEMBER ENGAGEMENT,  
49 STAFF TRAINING AND RETRAINING, HEALTH INFORMATION TECHNOLOGY IMPLEMENTA-  
50 TION, JOINT GOVERNANCE TECHNICAL ASSISTANCE, AND OTHER SUCH PURPOSES AS  
51 THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONERS OF THE OFFICE  
52 OF MENTAL HEALTH AND THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE  
53 SERVICES DETERMINES.

54 (E) NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, THE COMMIS-  
55 SIONERS OF THE DEPARTMENT OF HEALTH, THE OFFICE OF MENTAL HEALTH, THE  
56 OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, AND THE OFFICE OF

1 ALCOHOLISM AND SUBSTANCE ABUSE SERVICES ARE AUTHORIZED TO WAIVE ANY  
2 REGULATORY REQUIREMENTS AS ARE NECESSARY, CONSISTENT WITH APPLICABLE  
3 LAW, TO ALLOW APPLICANTS UNDER THIS SUBDIVISION AND PARAGRAPH (A) OF  
4 SUBDIVISION TWO OF SECTION TWENTY-EIGHT HUNDRED TWENTY-FIVE OF THIS  
5 ARTICLE TO AVOID DUPLICATION OF REQUIREMENTS AND TO ALLOW THE EFFICIENT  
6 IMPLEMENTATION OF THE PROPOSED PROJECT; PROVIDED, HOWEVER, THAT REGU-  
7 LATIONS PERTAINING TO PATIENT SAFETY MAY NOT BE WAIVED, NOT SHALL ANY  
8 REGULATION BE WAIVED IF SUCH WAIVER WOULD RISK PATIENT SAFETY. SUCH  
9 WAIVER SHALL NOT EXCEED THE LIFE OF THE PROJECT OR SUCH SHORTER TIME  
10 PERIOD AS THE AUTHORIZING COMMISSIONER ANY DETERMINE. ANY REGULATORY  
11 RELIEF GRANTED PURSUANT TO THIS SUBDIVISION SHALL BE DESCRIBED, INCLUD-  
12 ING EACH REGULATION WAIVED AND THE PROJECT IT RELATES TO, IN THE REPORT  
13 PROVIDED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION.

14 S 9. Section 89-e of the state finance law is amended by adding a new  
15 subdivision 2-b to read as follows:

16 (2-B) ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE COMMIS-  
17 SIONER OF HEALTH SHALL PROVIDE A WRITTEN REPORT TO THE TEMPORARY PRESI-  
18 DENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF THE SENATE FINANCE  
19 COMMITTEE, CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, CHAIR OF THE  
20 SENATE COMMITTEE ON HEALTH, AND CHAIR OF THE ASSEMBLY HEALTH COMMITTEE.  
21 SUCH REPORT SHALL INCLUDE HOW THE MONIES OF THE FUND WERE UTILIZED  
22 DURING THE PRECEDING CALENDAR YEAR AND SHALL INCLUDE:

- 23 (I) THE AMOUNT OF MONEY DISPERSED FROM THE FUND;
- 24 (II) RECIPIENTS OF AWARDS FROM THE FUND;
- 25 (III) THE AMOUNT AWARDED TO EACH; AND
- 26 (IV) THE PURPOSES FOR WHICH SUCH AWARDS WERE GRANTED.

27 S 10. Paragraph (c) of subdivision 1 of section 2815 of the public  
28 health law, as added by chapter 639 of the laws of 1996, is amended to  
29 read as follows:

30 (c) "Participating [general hospital] BORROWER" shall mean a not-for-  
31 profit general hospital, A NOT-FOR-PROFIT DIAGNOSTIC CENTER, A NOT-FOR-  
32 PROFIT TREATMENT CENTER, A NOT-FOR-PROFIT RESIDENTIAL HEALTH CARE FACIL-  
33 ITY OR ANY OTHER NOT-FOR-PROFIT ENTITY IN POSSESSION OF A VALID  
34 OPERATING CERTIFICATE ISSUED PURSUANT TO THIS ARTICLE, EACH organized  
35 under the laws of this state, which has been approved for participation  
36 in this program by the commissioner.

37 S 11. Paragraphs (b), (c), and (d) of subdivision 3 and subdivisions  
38 3-a, 4, 5, and 6 of section 2815 of the public health law, as added by  
39 chapter 639 of the laws of 1996, subdivision 3-a as added by chapter 1  
40 of the laws of 1999, are amended to read as follows:

41 (b) for the development and implementation of business plans for  
42 participating [general hospitals] BORROWERS, addressing the development  
43 of service delivery strategies, including strategies for the formation  
44 or strengthening of networks, affiliations or other business combina-  
45 tions, designed to provide long-term financial stability within and  
46 among participating [general hospitals] BORROWERS;

47 (c) for the expenditure or loan of funds by the authority from the  
48 restructuring pool to reimburse the authority or the agency, where  
49 appropriate, for the costs of engaging management, legal or accounting  
50 consultants to identify, develop and implement improved strategies for  
51 one or more participating [general hospitals] BORROWERS for implementing  
52 the recommendations of such consultants, where appropriate, and for the  
53 payment of debt service on bonds, notes or other obligations issued or  
54 incurred by the authority or the agency to fund loans to one or more  
55 participating [general hospitals] BORROWERS;

1 (d) for assurances that participating [general hospitals] BORROWERS  
2 will address the recommendations of such consultants and furnish the  
3 commissioner, the authority, and where applicable, the agency, with such  
4 additional financial, management, legal and operational information as  
5 each may deem necessary to monitor the performance of a participating  
6 [general hospital] BORROWER; and

7 3-a. Any participating [general hospital] BORROWER may apply for  
8 restructuring pool funds to the extent such funds are derived from  
9 deposits made pursuant to paragraph (d) of subdivision one of section  
10 twenty-eight hundred seven-1 of this article, provided, however, that,  
11 in reviewing such applications, the commissioner and the authority shall  
12 consider the extent to which the applicant hospital has alternative  
13 available sources of funds, including, but not limited to, funds avail-  
14 able through affiliation agreements with other hospitals OR ENTITIES.

15 4. To the extent funds are available from a participating [general  
16 hospital] BORROWER therefor, expenditures from the restructuring pool  
17 shall be repaid to the restructuring pool from repayments received by  
18 the authority, or the agency where applicable, from a participating  
19 [general hospital] BORROWER pursuant to the terms of any financing  
20 agreement, mortgage or loan document permitting the recovery from the  
21 participating [general hospital] BORROWER of such expenditures. The  
22 authority shall record and account for all such payments, which shall be  
23 deposited in the restructuring pool.

24 5. Loans from the restructuring pool shall be made pursuant to an  
25 agreement with the participating [general hospital] BORROWER specifying  
26 the terms thereof, including repayment terms. The authority shall record  
27 and account for all such repayments, which shall be deposited in the  
28 restructuring pool. The authority shall notify the chair of the senate  
29 finance committee, the director of the division of budget, the chair of  
30 the assembly ways and means committee, THE CHAIR OF THE SENATE COMMITTEE  
31 ON HEALTH, AND THE CHAIR OF THE ASSEMBLY HEALTH COMMITTEE, five days  
32 prior to the making of a loan from the restructuring pool. The authority  
33 shall also report quarterly to such chairpersons on the transactions in  
34 the pool, including but not limited to RECEIPTS OR deposits to the pool,  
35 DISBURSEMENTS OR loans made from the pool, investment income, and the  
36 balance on hand as of the end of the month for each such quarter.

37 6. The commissioner is authorized, with the assistance and cooperation  
38 of the authority, to provide a program of technical assistance to  
39 participating [general hospitals] BORROWERS.

40 S 12. Subdivision 2 of section 242 of the elder law, as added by  
41 section 5 of part T of chapter 56 of the laws of 2012, is amended to  
42 read as follows:

43 2. Persons eligible for catastrophic coverage under section two  
44 hundred forty-eight of this title shall include:

45 (a) any unmarried resident who is at least sixty-five years of age and  
46 whose income for the calendar year immediately preceding the effective  
47 date of the annual coverage period beginning on or after January first,  
48 two thousand one, is more than twenty thousand and less than or equal to  
49 [thirty-five] SEVENTY-FIVE thousand dollars. After the initial determi-  
50 nation of eligibility, each eligible individual must be redetermined  
51 eligible at least every twenty-four months; and

52 (b) any married resident who is at least sixty-five years of age and  
53 whose income for the calendar year immediately preceding the effective  
54 date of the annual coverage period when combined with the income in the  
55 same calendar year of such married person's spouse beginning on or after  
56 January first, two thousand one, is more than twenty-six thousand

1 dollars and less than or equal to [fifty] ONE HUNDRED thousand dollars.  
 2 After the initial determination of eligibility, each eligible individual  
 3 must be redetermined eligible at least every twenty-four months.

4 S 13. Paragraphs (a) and (b) of subdivision 2 of section 248 of the  
 5 elder law, as added by section 17 of part T of chapter 56 of the laws of  
 6 2012, are amended to read as follows:

7 (a) Annual personal covered drug expenditures for unmarried individual  
 8 eligible program participants:

9	individual income of \$20,001 to \$21,000	\$530
10	individual income of \$21,001 to \$22,000	\$550
11	individual income of \$22,001 to \$23,000	\$580
12	individual income of \$23,001 to \$24,000	\$720
13	individual income of \$24,001 to \$25,000	\$750
14	individual income of \$25,001 to \$26,000	\$780
15	individual income of \$26,001 to \$27,000	\$810
16	individual income of \$27,001 to \$28,000	\$840
17	individual income of \$28,001 to \$29,000	\$870
18	individual income of \$29,001 to \$30,000	\$900
19	individual income of \$30,001 to \$31,000	\$930
20	individual income of \$31,001 to \$32,000	\$960
21	individual income of \$32,001 to \$33,000	\$1,160
22	individual income of \$33,001 to \$34,000	\$1,190
23	individual income of \$34,001 to \$35,000	\$1,230
24	INDIVIDUAL INCOME OF \$35,001 TO \$36,000	\$1,260
25	INDIVIDUAL INCOME OF \$36,001 TO \$37,000	\$1,290
26	INDIVIDUAL INCOME OF \$37,001 TO \$38,000	\$1,320
27	INDIVIDUAL INCOME OF \$38,001 TO \$39,000	\$1,350
28	INDIVIDUAL INCOME OF \$39,001 TO \$40,000	\$1,380
29	INDIVIDUAL INCOME OF \$40,001 TO \$41,000	\$1,410
30	INDIVIDUAL INCOME OF \$41,001 TO \$42,000	\$1,440
31	INDIVIDUAL INCOME OF \$42,001 TO \$43,000	\$1,470
32	INDIVIDUAL INCOME OF \$43,001 TO \$44,000	\$1,500
33	INDIVIDUAL INCOME OF \$44,001 TO \$45,000	\$1,530
34	INDIVIDUAL INCOME OF \$45,001 TO \$46,000	\$1,560
35	INDIVIDUAL INCOME OF \$46,001 TO \$47,000	\$1,590
36	INDIVIDUAL INCOME OF \$47,001 TO \$48,000	\$1,620
37	INDIVIDUAL INCOME OF \$48,001 TO \$49,000	\$1,650
38	INDIVIDUAL INCOME OF \$49,001 TO \$50,000	\$1,680
39	INDIVIDUAL INCOME OF \$50,001 TO \$51,000	\$1,710
40	INDIVIDUAL INCOME OF \$51,001 TO \$52,000	\$1,740
41	INDIVIDUAL INCOME OF \$52,001 TO \$53,000	\$1,770
42	INDIVIDUAL INCOME OF \$53,001 TO \$54,000	\$1,800
43	INDIVIDUAL INCOME OF \$54,001 TO \$55,000	\$1,830
44	INDIVIDUAL INCOME OF \$55,001 TO \$56,000	\$1,860
45	INDIVIDUAL INCOME OF \$56,001 TO \$57,000	\$1,890
46	INDIVIDUAL INCOME OF \$57,001 TO \$58,000	\$1,920
47	INDIVIDUAL INCOME OF \$58,001 TO \$59,000	\$1,950
48	INDIVIDUAL INCOME OF \$59,001 TO \$60,000	\$1,980
49	INDIVIDUAL INCOME OF \$60,001 TO \$61,000	\$2,010
50	INDIVIDUAL INCOME OF \$61,001 TO \$62,000	\$2,040
51	INDIVIDUAL INCOME OF \$62,001 TO \$63,000	\$2,070
52	INDIVIDUAL INCOME OF \$63,001 TO \$64,000	\$2,100
53	INDIVIDUAL INCOME OF \$64,001 TO \$65,000	\$2,130
54	INDIVIDUAL INCOME OF \$65,001 TO \$66,000	\$2,160
55	INDIVIDUAL INCOME OF \$66,001 TO \$67,000	\$2,190
56	INDIVIDUAL INCOME OF \$67,001 TO \$68,000	\$2,220

1	INDIVIDUAL INCOME OF \$68,001 TO \$69,000	\$2,250
2	INDIVIDUAL INCOME OF \$69,001 TO \$70,000	\$2,280
3	INDIVIDUAL INCOME OF \$70,001 TO \$71,000	\$2,310
4	INDIVIDUAL INCOME OF \$71,001 TO \$72,000	\$2,340
5	INDIVIDUAL INCOME OF \$72,001 TO \$73,000	\$2,370
6	INDIVIDUAL INCOME OF \$73,001 TO \$74,000	\$2,400
7	INDIVIDUAL INCOME OF \$74,001 TO \$75,000	\$2,430
8	(b) Annual personal covered drug expenditures for each married	
9	individual eligible program participant:	
10	joint income of \$26,001 to \$27,000	\$650
11	joint income of \$27,001 to \$28,000	\$675
12	joint income of \$28,001 to \$29,000	\$700
13	joint income of \$29,001 to \$30,000	\$725
14	joint income of \$30,001 to \$31,000	\$900
15	joint income of \$31,001 to \$32,000	\$930
16	joint income of \$32,001 to \$33,000	\$960
17	joint income of \$33,001 to \$34,000	\$990
18	joint income of \$34,001 to \$35,000	\$1,020
19	joint income of \$35,001 to \$36,000	\$1,050
20	joint income of \$36,001 to \$37,000	\$1,080
21	joint income of \$37,001 to \$38,000	\$1,110
22	joint income of \$38,001 to \$39,000	\$1,140
23	joint income of \$39,001 to \$40,000	\$1,170
24	joint income of \$40,001 to \$41,000	\$1,200
25	joint income of \$41,001 to \$42,000	\$1,230
26	joint income of \$42,001 to \$43,000	\$1,260
27	joint income of \$43,001 to \$44,000	\$1,290
28	joint income of \$44,001 to \$45,000	\$1,320
29	joint income of \$45,001 to \$46,000	\$1,350
30	joint income of \$46,001 to \$47,000	\$1,380
31	joint income of \$47,001 to \$48,000	\$1,410
32	joint income of \$48,001 to \$49,000	\$1,440
33	joint income of \$49,001 to \$50,000	\$1,470
34	JOINT INCOME OF \$50,001 TO \$51,000	\$1,500
35	JOINT INCOME OF \$51,001 TO \$52,000	\$1,530
36	JOINT INCOME OF \$52,001 TO \$53,000	\$1,560
37	JOINT INCOME OF \$53,001 TO \$54,000	\$1,590
38	JOINT INCOME OF \$54,001 TO \$55,000	\$1,620
39	JOINT INCOME OF \$55,001 TO \$56,000	\$1,650
40	JOINT INCOME OF \$56,001 TO \$57,000	\$1,680
41	JOINT INCOME OF \$57,001 TO \$58,000	\$1,710
42	JOINT INCOME OF \$58,001 TO \$59,000	\$1,740
43	JOINT INCOME OF \$59,001 TO \$60,000	\$1,770
44	JOINT INCOME OF \$60,001 TO \$61,000	\$1,800
45	JOINT INCOME OF \$61,001 TO \$62,000	\$1,830
46	JOINT INCOME OF \$62,001 TO \$63,000	\$1,860
47	JOINT INCOME OF \$63,001 TO \$64,000	\$1,890
48	JOINT INCOME OF \$64,001 TO \$65,000	\$1,920
49	JOINT INCOME OF \$65,001 TO \$66,000	\$1,950
50	JOINT INCOME OF \$66,001 TO \$67,000	\$1,980
51	JOINT INCOME OF \$67,001 TO \$68,000	\$2,010
52	JOINT INCOME OF \$68,001 TO \$69,000	\$2,040
53	JOINT INCOME OF \$69,001 TO \$70,000	\$2,070
54	JOINT INCOME OF \$70,001 TO \$71,000	\$2,100
55	JOINT INCOME OF \$71,001 TO \$72,000	\$2,130
56	JOINT INCOME OF \$72,001 TO \$73,000	\$2,160

1	JOINT INCOME OF \$73,001 TO \$74,000	\$2,435
2	JOINT INCOME OF \$74,001 TO \$75,000	\$2,465
3	JOINT INCOME OF \$75,001 TO \$76,000	\$2,495
4	JOINT INCOME OF \$76,001 TO \$77,000	\$2,525
5	JOINT INCOME OF \$77,001 TO \$78,000	\$2,555
6	JOINT INCOME OF \$78,001 TO \$79,000	\$2,585
7	JOINT INCOME OF \$79,001 TO \$80,000	\$2,615
8	JOINT INCOME OF \$80,001 TO \$81,000	\$2,645
9	JOINT INCOME OF \$81,001 TO \$82,000	\$2,675
10	JOINT INCOME OF \$82,001 TO \$83,000	\$2,705
11	JOINT INCOME OF \$83,001 TO \$84,000	\$2,735
12	JOINT INCOME OF \$84,001 TO \$85,000	\$2,765
13	JOINT INCOME OF \$85,001 TO \$86,000	\$2,795
14	JOINT INCOME OF \$86,001 TO \$87,000	\$2,825
15	JOINT INCOME OF \$87,001 TO \$88,000	\$2,855
16	JOINT INCOME OF \$88,001 TO \$89,000	\$2,885
17	JOINT INCOME OF \$89,001 TO \$90,000	\$2,915
18	JOINT INCOME OF \$90,001 TO \$91,000	\$2,945
19	JOINT INCOME OF \$91,001 TO \$92,000	\$2,975
20	JOINT INCOME OF \$92,001 TO \$93,000	\$3,005
21	JOINT INCOME OF \$93,001 TO \$94,000	\$3,035
22	JOINT INCOME OF \$94,001 TO \$95,000	\$3,065
23	JOINT INCOME OF \$95,001 TO \$96,000	\$3,095
24	JOINT INCOME OF \$96,001 TO \$97,000	\$3,125
25	JOINT INCOME OF \$97,001 TO \$98,000	\$3,155
26	JOINT INCOME OF \$98,001 TO \$99,000	\$3,185
27	JOINT INCOME OF \$99,001 TO \$100,000	\$3,215

28 S 14. Paragraphs (a) and (b) of subdivision 4 of section 248 of the  
 29 elder law, as added by section 17 of part T of chapter 56 of the laws of  
 30 2012, are amended to read as follows:

31 (a) Limits on co-payments by unmarried individual eligible program  
 32 participants:

33	individual income of \$20,001 to \$21,000	no more than \$1,050
34	individual income of \$21,001 to \$22,000	no more than \$1,100
35	individual income of \$22,001 to \$23,000	no more than \$1,150
36	individual income of \$23,001 to \$24,000	no more than \$1,200
37	individual income of \$24,001 to \$25,000	no more than \$1,250
38	individual income of \$25,001 to \$26,000	no more than \$1,300
39	individual income of \$26,001 to \$27,000	no more than \$1,350
40	individual income of \$27,001 to \$28,000	no more than \$1,400
41	individual income of \$28,001 to \$29,000	no more than \$1,450
42	individual income of \$29,001 to \$30,000	no more than \$1,500
43	individual income of \$30,001 to \$31,000	no more than \$1,550
44	individual income of \$31,001 to \$32,000	no more than \$1,600
45	individual income of \$32,001 to \$33,000	no more than \$1,650
46	individual income of \$33,001 to \$34,000	no more than \$1,700
47	individual income of \$34,001 to	no more than \$1,750

48 [\$35,000] \$75,000

49 (b) Limits on co-payments by each married individual eligible program  
 50 participant:

51	joint income of \$26,001 to \$27,000	no more than \$1,080
52	joint income of \$27,001 to \$28,000	no more than \$1,120
53	joint income of \$28,001 to \$29,000	no more than \$1,160
54	joint income of \$29,001 to \$30,000	no more than \$1,200
55	joint income of \$30,001 to \$31,000	no more than \$1,240
56	joint income of \$31,001 to \$32,000	no more than \$1,280

1	joint income of \$32,001 to \$33,000	no more than \$1,320
2	joint income of \$33,001 to \$34,000	no more than \$1,360
3	joint income of \$34,001 to \$35,000	no more than \$1,400
4	joint income of \$35,001 to \$36,000	no more than \$1,440
5	joint income of \$36,001 to \$37,000	no more than \$1,480
6	joint income of \$37,001 to \$38,000	no more than \$1,520
7	joint income of \$38,001 to \$39,000	no more than \$1,560
8	joint income of \$39,001 to \$40,000	no more than \$1,600
9	joint income of \$40,001 to \$41,000	no more than \$1,640
10	joint income of \$41,001 to \$42,000	no more than \$1,680
11	joint income of \$42,001 to \$43,000	no more than \$1,720
12	joint income of \$43,001 to \$44,000	no more than \$1,760
13	joint income of \$44,001 to \$45,000	no more than \$1,800
14	joint income of \$45,001 to \$46,000	no more than \$1,840
15	joint income of \$46,001 to \$47,000	no more than \$1,880
16	joint income of \$47,001 to \$48,000	no more than \$1,920
17	joint income of \$48,001 to \$49,000	no more than \$1,960
18	joint income of \$49,001 to	no more than \$2,000
19	[\$50,000] \$100,000	

20 S 15. Subdivision 1 of section 924 of the public health law, as added  
 21 by section 23 of part D of chapter 56 of the laws of 2012, is amended to  
 22 read as follows:

23 1. [The] NOTWITHSTANDING ANY CONTRARY PROVISION OF THIS SECTION,  
 24 SECTIONS ONE HUNDRED TWELVE AND ONE HUNDRED SIXTY-THREE OF THE STATE  
 25 FINANCE LAW, OR ANY OTHER CONTRARY PROVISION OF LAW, THE commissioner is  
 26 authorized, within amounts available therefor, to make loan repayment  
 27 awards to eligible primary care service corps practitioners who agree to  
 28 practice full-time in an underserved area in New York state, in amounts  
 29 to be determined by the commissioner, but not to exceed thirty-two thou-  
 30 sand dollars per year for any year in which such practitioners provide  
 31 full-time eligible obligated service, WITHOUT COMPETITIVE BID OR REQUEST  
 32 FOR PROPOSAL PROCESS.

33 S 16. Paragraph (b) of subdivision 18-a of section 206 of the public  
 34 health law, as amended by section 38-a of part H of chapter 59 of the  
 35 laws of 2011, is amended and paragraph (c) is added to read as follows:

36 (b) The commissioner shall:

37 (I) CONVENE A WORKGROUP TO:

38 (A) EVALUATE THE STATE'S HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE  
 39 AND SYSTEMS, AS WELL AS OTHER RELATED PLANS AND PROJECTS DESIGNED TO  
 40 MAKE IMPROVEMENTS OR MODIFICATIONS TO SUCH INFRASTRUCTURE AND SYSTEMS  
 41 INCLUDING, BUT NOT LIMITED TO, THE ALL PAYOR DATABASE (APD), THE STATE  
 42 PLANNING AND RESEARCH COOPERATIVE SYSTEM (SPARCS), REGIONAL HEALTH  
 43 INFORMATION ORGANIZATIONS (RHIOS), THE STATEWIDE HEALTH INFORMATION  
 44 NETWORK OF NEW YORK (SHIN-NY) AND MEDICAL ASSISTANCE ELIGIBILITY  
 45 SYSTEMS; AND

46 (B) DEVELOP RECOMMENDATIONS FOR THE STATE TO MOVE TOWARD A COMPREHEN-  
 47 SIVE HEALTH CLAIMS AND CLINICAL DATABASE AIMED AT IMPROVING QUALITY OF  
 48 CARE, EFFICIENCY, COST OF CARE AND PATIENT SATISFACTION AVAILABLE IN A  
 49 SELF-SUSTAINABLE, NON-DUPLICATIVE, INTERACTIVE AND INTEROPERABLE MANNER  
 50 THAT ENSURES SAFEGUARDS FOR PRIVACY, CONFIDENTIALITY AND SECURITY;

51 (II) SUBMIT A REPORT TO THE GOVERNOR AND THE TEMPORARY PRESIDENT OF  
 52 THE SENATE AND THE SPEAKER OF THE ASSEMBLY, WHICH SHALL FULLY CONSIDER  
 53 THE EVALUATION AND RECOMMENDATIONS OF THE WORKGROUP, ON OR BEFORE DECEM-  
 54 BER FIRST, TWO THOUSAND FOURTEEN.

55 (C) THE MEMBERS OF THE WORKGROUP SHALL INCLUDE, AT A MINIMUM, THREE  
 56 MEMBERS WHO REPRESENT RHIOS, TWO MEMBERS EMPLOYED BY THE DEPARTMENT WHO

1 ARE INVOLVED IN THE DEVELOPMENT OF THE SHIN-NY AND THE APD, TWO MEMBERS  
2 WHO REPRESENT PHYSICIANS, TWO MEMBERS WHO REPRESENT HOSPITALS, ONE  
3 MEMBER WHO REPRESENTS FEDERALLY QUALIFIED HEALTH CENTERS, THE CHAIR OF  
4 THE SENATE HEALTH COMMITTEE OR HIS OR HER DESIGNEE, THE CHAIR OF THE  
5 ASSEMBLY HEALTH COMMITTEE OR HIS OR HER DESIGNEE, AND OTHER INDIVIDUALS  
6 WITH EXPERTISE IN MATTERS RELEVANT TO THE CHARGE OF THE WORKGROUP.

7 (D) THE COMMISSIONER MAY make such rules and regulations as may be  
8 necessary to implement federal policies and disburse funds as required  
9 by the American Recovery and Reinvestment Act of 2009 and to promote the  
10 development of a [statewide health information network of New York (]  
11 SELF-SUFFICIENT SHIN-NY[)] to enable widespread, NON-DUPLICATIVE inter-  
12 operability among disparate health information systems, including elec-  
13 tronic health records, personal health records, health care claims,  
14 PAYMENT and other administrative data, and public health information  
15 systems, while protecting privacy and security. Such rules and regu-  
16 lations shall include, but not be limited to, requirements for organiza-  
17 tions covered by 42 U.S.C. 17938 or any other organizations that  
18 exchange health information through the SHIN-NY OR ANY OTHER STATEWIDE  
19 HEALTH INFORMATION SYSTEM RECOMMENDED BY THE WORKGROUP. THE COMMISSIONER  
20 SHALL CONSIDER THE RECOMMENDATIONS OF THE WORKGROUP. IF THE COMMISSIONER  
21 ACTS IN A MANNER INCONSISTENT WITH THE RECOMMENDATIONS OF THE WORKGROUP,  
22 HE OR SHE SHALL PROVIDE THE REASONS THEREFOR.

23 S 17. Section 2818 of the public health law is amended to add a new  
24 subdivision 8 to read as follows:

25 8. ON OR BEFORE DECEMBER FIRST, TWO THOUSAND FOURTEEN, THE DEPARTMENT  
26 SHALL ISSUE A REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE  
27 SENATE AND THE SPEAKER OF THE ASSEMBLY REGARDING GRANTS MADE PURSUANT TO  
28 THIS SECTION TO SUPPORT HEALTH INFORMATION TECHNOLOGY.

29 S 18. The public health law is amended by adding a new section 2801-h  
30 to read as follows:

31 S 2801-H. COMMUNITY FORUM ON ESTABLISHMENT OF CERTAIN FACILITIES IN  
32 THE COUNTY OF BRONX. 1. FOR ANY PROPOSED FREE STANDING CLINIC, OUTPA-  
33 TIENT HEALTH CARE FACILITY OR AMBULATORY HEALTH CARE CENTER THAT: (I)  
34 IS TO BE OVER THREE STORIES IN HEIGHT OR TO CONTAIN OVER THIRTY THOUSAND  
35 SQUARE FEET, (II) IS PROPOSED TO BE LOCATED IN THE COUNTY OF BRONX, AND  
36 (III) IS SPONSORED, DIRECTLY OR INDIRECTLY, BY A HOSPITAL, THEN THE  
37 SPONSORING HOSPITAL SHALL, PRIOR TO THE ESTABLISHMENT OF SUCH CLINIC,  
38 FACILITY OR CENTER, FILE A NOTICE THEREOF WITH THE DEPARTMENT, THE  
39 EDUCATION DEPARTMENT AND THE COMMUNITY BOARD OF THE LOCALITY IN WHICH  
40 THE CLINIC, FACILITY OR CENTER IS TO BE ESTABLISHED.

41 2. NOT LESS THAN ONE HUNDRED EIGHTY DAYS NOR MORE THAN TWO HUNDRED  
42 SEVENTY DAYS AFTER RECEIPT OF A SPONSORING HOSPITAL'S NOTICE PURSUANT TO  
43 SUBDIVISION ONE OF THIS SECTION, THE COMMISSIONER SHALL HOLD A PUBLIC  
44 COMMUNITY FORUM FOR THE PURPOSE OF OBTAINING PUBLIC AND COMMUNITY BOARD  
45 INPUT CONCERNING THE ANTICIPATED IMPACT OF THE ESTABLISHMENT OF A FREE  
46 STANDING CLINIC, OUTPATIENT HEALTH CARE FACILITY OR AMBULATORY HEALTH  
47 CARE FACILITY. SUCH IMPACT MAY INCLUDE AND RELATE TO: (I) THE APPROPRI-  
48 ATENESS OF THE SIZE, HEIGHT, BULK DIMENSIONS AND SCOPE OF SUCH CLINIC,  
49 FACILITY OR CENTER WHEN COMPARED TO THE SURROUNDING PHYSICAL CHARACTER-  
50 ISTICS AND SOCIAL FABRIC OF SUCH COMMUNITY, (II) THE PROVISION OF  
51 ADEQUATE MOTOR VEHICLE PARKING TO ACCOMMODATE SUCH FACILITY NEEDS AND  
52 WHICH DOES NOT DIMINISH THE CURRENT SUPPLY OF PARKING FOR NEARBY RESI-  
53 DENTS OR INCREASE TRAFFIC CONGESTION NEAR SUCH FACILITY, (III) THE  
54 CURRENT ACCESS TO APPROPRIATE MEDICAL FACILITIES OR THE PROVISION OF  
55 ESSENTIAL MEDICAL SERVICES TO SUCH COMMUNITY, SERVICE AREA AND SURROUND-  
56 ING COMMUNITIES, AND (IV) OPTIONS AND PROPOSALS TO AMELIORATE OR MITI-



1 GATE ANTICIPATED ADVERSE IMPACTS TO THE LOCAL COMMUNITY. THE COMMIS-  
2 SIONER SHALL AFFORD COMMUNITY MEMBERS, REPRESENTATIVES OF THE LOCAL  
3 COMMUNITY BOARD, LOCAL BUSINESSES AND CONSUMERS A REASONABLE OPPORTUNITY  
4 TO SPEAK ABOUT RELEVANT MATTERS AT SUCH COMMUNITY FORUM. EVERY SUCH  
5 FORUM SHALL BE HELD UPON NOT LESS THAN THIRTY DAYS NOTICE TO THE  
6 AFFECTED COMMUNITY AND THE LOCAL COMMUNITY BOARD.

7 3. THE COMMISSIONER SHALL, PRIOR TO ESTABLISHING THE DATE, TIME AND  
8 LOCATION OF THE PUBLIC COMMUNITY FORUM, CONSULT WITH, AND OBTAIN THE  
9 ADVICE AND CONSENT OF THE APPROPRIATE COMMUNITY BOARD, AS TO ESTABLISH-  
10 ING A CONVENIENT DATE, TIME AND LOCATION TO CONDUCT THE FORUM FOR THE  
11 LOCALLY IMPACTED COMMUNITY. SUCH HEARING LOCATION SHALL BE WITHIN  
12 REASONABLE PROXIMITY TO THE PROPOSED CLINIC, FACILITY OR CENTER, AND IN  
13 SUITABLE FACILITIES THAT PROVIDE ADEQUATE ROOM AND ACCESS TO HEAR PUBLIC  
14 COMMENTS PRESENTED.

15 4. NOT LATER THAN NINETY DAYS AFTER HOLDING A COMMUNITY FORUM THE  
16 COMMISSIONER SHALL MAKE AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S  
17 WEBSITE THE REASONS WHY SUCH FACILITY IS, BY A PREPONDERANCE OF THE  
18 EVIDENCE, IN THE BEST INTERESTS OF THOSE WHO LIVE WITHIN THE LOCAL  
19 COMMUNITY AND WITHIN THE LOCAL SERVICE AREA AS IT RELATES TO: (I) THE  
20 APPROPRIATENESS OF THE SIZE, HEIGHT, BULK DIMENSIONS AND SCOPE OF SUCH  
21 CLINIC, FACILITY OR CENTER WHEN COMPARED TO THE SURROUNDING PHYSICAL  
22 CHARACTERISTICS AND SOCIAL FABRIC OF SUCH COMMUNITY, (II) THE PROVISION  
23 OF ADEQUATE MOTOR VEHICLE PARKING TO ACCOMMODATE SUCH FACILITY NEEDS AND  
24 WHICH DOES NOT DIMINISH THE CURRENT SUPPLY OF PARKING FOR NEARBY RESI-  
25 DENTS OR INCREASE TRAFFIC CONGESTION NEAR SUCH FACILITY, AND (III) THE  
26 CURRENT ACCESS TO APPROPRIATE MEDICAL FACILITIES OR THE PROVISION OF  
27 ESSENTIAL MEDICAL SERVICES TO SUCH COMMUNITY, SERVICE AREA AND SURROUND-  
28 ING COMMUNITIES.

29 5. AFTER DUE CONSIDERATION OF THE COMMENTS AT THE COMMUNITY FORUM AND  
30 CONSULTATION WITH THE EDUCATION DEPARTMENT, THE COMMISSIONER SHALL  
31 EITHER APPROVE, MODIFY OR DENY AUTHORIZATION FOR THE ESTABLISHMENT OF  
32 ANY SUCH CLINIC, FACILITY OR CENTER.

33 S 19. For claims for payment submitted by early intervention providers  
34 to third party payors between the period April 1, 2013 until June 30,  
35 2013 in accordance with title 2-A of article 25 of the public health  
36 law, for which the third party payor has not, on the effective date of  
37 this section, made payment of the claim in whole or in part or rendered  
38 a determination that it is not obligated to pay the claim, the provider  
39 shall be authorized to seek payment of such claim from the municipality,  
40 through the fiscal agent under contract with the department of health;  
41 provided, however, that the provider shall continue to render any  
42 assistance needed, and provide any information and documentation  
43 requested by the third party payor to facilitate payment of the claim  
44 even if the provider has already received payment from the municipality.  
45 If such third party payor makes payment of the claim after the provider  
46 has received payment from the municipality, the third party payment  
47 shall be reconciled against future payments due the provider from the  
48 municipality. This section shall only apply to claims submitted by  
49 approved early intervention providers to third party payors during the  
50 period April 1, 2013 until June 30, 2013 for which no payment or deter-  
51 mination has been made, as specified in this section, on April 1, 2014.  
52 Payment shall be made on the forty-fifth day after this act shall take  
53 effect. The provisions in subdivision 2 of section 2557 of the public  
54 health law that prohibit state reimbursement from being paid prior to  
55 April first of the year in which the approved costs are paid by the

1 municipality shall not apply to the municipal payments made under this  
2 section.

3 S 20. Article 29-D of the public health law is amended by adding a new  
4 title 1-A to read as follows:

5 TITLE 1-A

6 SAFE PATIENT HANDLING

7 SECTION 2997-G. LEGISLATIVE INTENT.

8 2997-H. DEFINITIONS.

9 2997-I. SAFE PATIENT HANDLING WORKGROUP.

10 2997-J. DISSEMINATION OF BEST PRACTICES, EXAMPLES OF SAMPLE SAFE  
11 PATIENT HANDLING POLICIES AND OTHER RESOURCES AND  
12 TOOLS.

13 2997-K. SAFE PATIENT HANDLING COMMITTEES; PROGRAMS.

14 2997-L. ACTIVITIES.

15 S 2997-G. LEGISLATIVE INTENT. THE LEGISLATURE HEREBY FINDS AND  
16 DECLARES THAT IT IS IN THE PUBLIC INTEREST FOR HEALTH CARE FACILITIES TO  
17 IMPLEMENT SAFE PATIENT HANDLING POLICIES. THERE ARE MANY BENEFITS THAT  
18 CAN BE DERIVED FROM SAFE PATIENT HANDLING PROGRAMS. PATIENTS BENEFIT  
19 THROUGH IMPROVED QUALITY OF CARE AND QUALITY OF LIFE BY REDUCING THE  
20 RISK OF INJURY. CAREGIVERS ALSO BENEFIT FROM THE REDUCED RISK OF CAREER  
21 ENDING AND DEBILITATING INJURIES LEADING TO INCREASED MORALE, IMPROVED  
22 JOB SATISFACTION, AND LONGEVITY IN THE PROFESSION. HEALTH CARE FACILI-  
23 TIES MAY REALIZE A RETURN ON THEIR INVESTMENT THROUGH REDUCED WORKERS'  
24 COMPENSATION MEDICAL AND INDEMNITY COSTS, REDUCED LOST WORKDAYS, AND  
25 IMPROVED RECRUITMENT AND RETENTION OF CAREGIVERS. ALL OF THIS COULD LEAD  
26 TO FISCAL IMPROVEMENT IN HEALTH CARE IN NEW YORK STATE.

27 S 2997-H. DEFINITIONS. FOR THE PURPOSES OF THIS TITLE:

28 1. "HEALTH CARE FACILITY" SHALL MEAN GENERAL HOSPITALS, RESIDENTIAL  
29 HEALTH CARE FACILITIES, DIAGNOSTIC AND TREATMENT CENTERS, AND CLINICS  
30 LICENSED PURSUANT TO ARTICLE TWENTY-EIGHT OF THIS CHAPTER, FACILITIES  
31 WHICH PROVIDE HEALTH CARE SERVICES AND ARE LICENSED OR OPERATED PURSUANT  
32 TO ARTICLE EIGHT OF THE EDUCATION LAW, ARTICLE NINETEEN-G OF THE EXECU-  
33 TIVE LAW OR THE CORRECTION LAW, AND HOSPITALS AND SCHOOLS DEFINED IN  
34 SECTION 1.03 OF THE MENTAL HYGIENE LAW.

35 2. "NURSE" SHALL MEAN A REGISTERED PROFESSIONAL NURSE OR A LICENSED  
36 PRACTICAL NURSE AS DEFINED BY ARTICLE ONE HUNDRED THIRTY-NINE OF THE  
37 EDUCATION LAW.

38 3. "DIRECT CARE WORKER" SHALL MEAN ANY EMPLOYEE OF A HEALTH CARE  
39 FACILITY WHO IS RESPONSIBLE FOR PATIENT HANDLING OR PATIENT ASSESSMENT  
40 AS A REGULAR OR INCIDENTAL PART OF HIS OR HER EMPLOYMENT, INCLUDING ANY  
41 LICENSED OR UNLICENSED HEALTH CARE WORKER.

42 4. "EMPLOYEE REPRESENTATIVE" SHALL MEAN THE RECOGNIZED OR CERTIFIED  
43 COLLECTIVE BARGAINING AGENT FOR NURSES OR DIRECT CARE WORKERS OF A  
44 HEALTH CARE FACILITY.

45 5. "SAFE PATIENT HANDLING" SHALL MEAN THE USE OF ENGINEERING CONTROLS,  
46 LIFTING AND TRANSFER AIDS, OR ASSISTIVE DEVICES BY STAFF TO PERFORM THE  
47 ACTS OF LIFTING, TRANSFERRING AND REPOSITIONING HEALTH CARE PATIENTS AND  
48 RESIDENTS.

49 6. "MUSCULOSKELETAL DISORDERS" SHALL MEAN CONDITIONS THAT INVOLVE THE  
50 NERVES, TENDONS, MUSCLES AND SUPPORTING STRUCTURES OF THE BODY.

51 S 2997-I. SAFE PATIENT HANDLING WORKGROUP. 1. THE COMMISSIONER SHALL  
52 ESTABLISH A SAFE PATIENT HANDLING WORKGROUP (REFERRED TO IN THIS SECTION  
53 AS THE "WORKGROUP") WITHIN THE DEPARTMENT. THE WORKGROUP SHALL CONSIST  
54 OF, AT THE MINIMUM, THE COMMISSIONER OR HIS OR HER DESIGNEE; THE COMMIS-  
55 SIONER OF LABOR OR HIS OR HER DESIGNEE; REPRESENTATIVES OF HEALTH CARE  
56 PROVIDER ORGANIZATIONS; REPRESENTATIVES FROM EMPLOYEE ORGANIZATIONS

1 REPRESENTING NURSES AND REPRESENTATIVES FROM EMPLOYEE ORGANIZATIONS  
2 REPRESENTING DIRECT CARE WORKERS; REPRESENTATIVES OF NURSE EXECUTIVES;  
3 REPRESENTATIVES WHO ARE CERTIFIED ERGONOMIST EVALUATION SPECIALISTS; AND  
4 REPRESENTATIVES WHO HAVE EXPERTISE IN FIELDS OF DISCIPLINE RELATED TO  
5 HEALTH CARE OR OCCUPATIONAL SAFETY.

6 2. WORKGROUP MEMBERS SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES  
7 AS MEMBERS OF THE WORKGROUP, BUT SHALL BE REIMBURSED FOR ACTUAL AND  
8 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

9 3. THE WORKGROUP SHALL BE ESTABLISHED NO LATER THAN JANUARY FIRST, TWO  
10 THOUSAND FIFTEEN.

11 4. THE WORKGROUP SHALL:

12 (A) REVIEW EXISTING SAFE PATIENT HANDLING PROGRAMS OR POLICIES,  
13 INCLUDING DEMONSTRATION PROGRAMS PREVIOUSLY AUTHORIZED BY CHAPTER SEVEN  
14 HUNDRED THIRTY-EIGHT OF THE LAWS OF TWO THOUSAND FIVE AND NATIONAL DATA  
15 AND RESULTS;

16 (B) CONSULT WITH ANY ORGANIZATION, EDUCATIONAL INSTITUTION, OTHER  
17 GOVERNMENT ENTITY OR AGENCY OR PERSON THAT THE WORKGROUP DETERMINES MAY  
18 BE ABLE TO PROVIDE INFORMATION AND EXPERTISE ON THE DEVELOPMENT AND  
19 IMPLEMENTATION OF SAFE PATIENT HANDLING PROGRAMS;

20 (C) IDENTIFY OR DEVELOP TRAINING MATERIALS FOR CONSIDERATION BY HEALTH  
21 CARE FACILITIES; AND

22 (D) SUBMIT A REPORT TO THE COMMISSIONER BY JULY FIRST, TWO THOUSAND  
23 FIFTEEN IDENTIFYING SAFE PATIENT HANDLING PROGRAM BEST PRACTICES,  
24 PROVIDING EXAMPLES OF SAMPLE POLICIES, AND IDENTIFYING RESOURCES AND  
25 TOOLS USEFUL FOR PROVIDERS TO MEET THE GOALS OF SAFE PATIENT HANDLING  
26 POLICIES.

27 5. ALL STATE DEPARTMENTS, COMMISSIONS, AGENCIES, AND PUBLIC AUTHORI-  
28 TIES SHALL PROVIDE THE WORKGROUP WITH ANY REASONABLY REQUESTED ASSIST-  
29 ANCE OR ADVICE IN A TIMELY MANNER.

30 S 2997-J. DISSEMINATION OF BEST PRACTICES, EXAMPLES OF SAMPLE SAFE  
31 PATIENT HANDLING POLICIES AND OTHER RESOURCES AND TOOLS. THE COMMISSION-  
32 ER SHALL DISSEMINATE BEST PRACTICES, EXAMPLES OF SAMPLE SAFE PATIENT  
33 HANDLING POLICIES, AND OTHER RESOURCES AND TOOLS TO HEALTH CARE FACILI-  
34 TIES, TAKING INTO CONSIDERATION THE RECOMMENDATIONS OF THE SAFE PATIENT  
35 HANDLING WORKGROUP. SUCH BEST PRACTICES, EXAMPLES OF SAMPLE SAFE PATIENT  
36 HANDLING POLICIES, AND OTHER RESOURCES AND TOOLS SHALL BE MADE AVAILABLE  
37 TO ALL FACILITIES COVERED BY THIS TITLE ON OR BEFORE JANUARY FIRST, TWO  
38 THOUSAND SIXTEEN.

39 S 2997-K. SAFE PATIENT HANDLING COMMITTEES; PROGRAMS. 1. ON OR BEFORE  
40 JANUARY FIRST, TWO THOUSAND SIXTEEN, EACH HEALTH CARE FACILITY SHALL  
41 ESTABLISH A SAFE PATIENT HANDLING COMMITTEE (REFERRED TO IN THIS SECTION  
42 AS A "COMMITTEE" EXCEPT WHERE THE CONTEXT CLEARLY REQUIRES OTHERWISE)  
43 EITHER BY CREATING A NEW COMMITTEE OR ASSIGNING THE FUNCTIONS OF A SAFE  
44 PATIENT HANDLING COMMITTEE TO AN EXISTING COMMITTEE, INCLUDING BUT NOT  
45 LIMITED TO A SAFETY COMMITTEE OR QUALITY ASSURANCE COMMITTEE, OR SUBCOM-  
46 MITTEE THEREOF. THE PURPOSE OF A COMMITTEE IS TO DESIGN AND RECOMMEND  
47 THE PROCESS FOR IMPLEMENTING A SAFE PATIENT HANDLING PROGRAM FOR THE  
48 HEALTH CARE FACILITY. THE COMMITTEE SHALL INCLUDE INDIVIDUALS WITH  
49 EXPERTISE OR EXPERIENCE THAT IS RELEVANT TO SAFE PATIENT HANDLING,  
50 INCLUDING RISK MANAGEMENT, NURSING, PURCHASING, OR OCCUPATIONAL SAFETY  
51 AND HEALTH, AND IN FACILITIES WHERE THERE ARE EMPLOYEE REPRESENTATIVES,  
52 AT LEAST ONE SHALL BE APPOINTED ON BEHALF OF NURSES AND AT LEAST ONE  
53 SHALL BE APPOINTED ON BEHALF OF DIRECT CARE WORKERS. ONE HALF OF THE  
54 MEMBERS OF THE COMMITTEE SHALL BE FRONTLINE NON-MANAGERIAL EMPLOYEES WHO  
55 PROVIDE DIRECT CARE TO PATIENTS. AT LEAST ONE NON-MANAGERIAL NURSE AND  
56 ONE NON-MANAGERIAL DIRECT CARE WORKER SHALL BE ON THE SAFE PATIENT

1 HANDLING COMMITTEE. IN HEALTH CARE FACILITIES WHERE A RESIDENT COUNCIL  
2 IS ESTABLISHED, AND WHERE FEASIBLE, AT LEAST ONE MEMBER OF THE SAFE  
3 PATIENT HANDLING COMMITTEE SHALL BE A REPRESENTATIVE FROM THE RESIDENT  
4 COUNCIL. THE COMMITTEE SHALL HAVE TWO CO-CHAIRS WITH ONE FROM MANAGE-  
5 MENT AND ONE FRONTLINE NON-MANAGERIAL NURSE OR DIRECT CARE WORKER.

6 2. ON OR BEFORE JANUARY FIRST, TWO THOUSAND SEVENTEEN, EACH HEALTH  
7 CARE FACILITY, IN CONSULTATION WITH THE COMMITTEE, SHALL ESTABLISH A  
8 SAFE PATIENT HANDLING PROGRAM. AS PART OF THIS PROGRAM, A HEALTH CARE  
9 FACILITY SHALL:

10 (A) IMPLEMENT A SAFE PATIENT HANDLING POLICY, CONSIDERING THE ELEMENTS  
11 OF THE SAMPLE SAFE PATIENT HANDLING POLICIES AND BEST PRACTICES DISSEM-  
12 INATED BY THE COMMISSIONER, AS WELL AS THE TYPE OF FACILITY AND ITS  
13 SERVICES, PATIENT POPULATIONS AND CARE PLANS, TYPES OF CAREGIVERS, AND  
14 PHYSICAL ENVIRONMENT, FOR ALL SHIFTS AND UNITS OF THE HEALTH CARE FACIL-  
15 ITY. IMPLEMENTATION OF THE SAFE PATIENT HANDLING POLICY MAY BE PHASED-  
16 IN;

17 (B) CONDUCT A PATIENT HANDLING HAZARD ASSESSMENT. THIS ASSESSMENT  
18 SHOULD CONSIDER SUCH VARIABLES AS PATIENT-HANDLING TASKS, TYPES OF NURS-  
19 ING UNITS, PATIENT POPULATIONS AND THE PHYSICAL ENVIRONMENT OF PATIENT  
20 CARE AREAS;

21 (C) DEVELOP A PROCESS TO IDENTIFY THE APPROPRIATE USE OF THE SAFE  
22 PATIENT HANDLING POLICY BASED ON THE PATIENT'S PHYSICAL AND MEDICAL  
23 CONDITION AND THE AVAILABILITY OF SAFE PATIENT HANDLING EQUIPMENT. THE  
24 POLICY SHALL INCLUDE A MEANS TO ADDRESS CIRCUMSTANCES UNDER WHICH IT  
25 WOULD BE CONTRAINDICATED BASED ON A PATIENT'S PHYSICAL, MEDICAL,  
26 WEIGHT-BEARING, COGNITIVE AND/OR REHABILITATIVE STATUS TO USE LIFTING OR  
27 TRANSFER AIDS OR ASSISTIVE DEVICES FOR PARTICULAR PATIENTS;

28 (D) PROVIDE INITIAL AND ON-GOING YEARLY TRAINING AND EDUCATION ON SAFE  
29 PATIENT HANDLING FOR CURRENT EMPLOYEES AND NEW HIRES, AND ESTABLISH  
30 PROCEDURES TO ENSURE THAT RETRAINING FOR THOSE FOUND TO BE DEFICIENT IS  
31 PROVIDED AS NEEDED;

32 (E) SET UP AND UTILIZE A PROCESS FOR INCIDENT INVESTIGATION AND POST-  
33 INVESTIGATION REVIEW WHICH MAY INCLUDE A PLAN OF CORRECTION AND IMPL-  
34 MENTATION OF CONTROLS;

35 (F) CONDUCT AN ANNUAL PERFORMANCE EVALUATION OF THE PROGRAM TO DETER-  
36 MINE ITS EFFECTIVENESS, WITH THE RESULTS OF THE EVALUATION REPORTED TO  
37 THE COMMITTEE. THE EVALUATION SHALL DETERMINE THE EXTENT TO WHICH IMPL-  
38 MENTATION OF THE PROGRAM HAS RESULTED IN A REDUCTION IN THE RISK OF  
39 INJURY TO PATIENTS, MUSCULOSKELETAL DISORDER CLAIMS AND DAYS OF LOST  
40 WORK ATTRIBUTABLE TO MUSCULOSKELETAL DISORDERS BY EMPLOYEES CAUSED BY  
41 PATIENT HANDLING, AND INCLUDE RECOMMENDATIONS TO INCREASE THE PROGRAM'S  
42 EFFECTIVENESS;

43 (G) WHEN DEVELOPING ARCHITECTURAL PLANS FOR CONSTRUCTING OR REMODELING  
44 A HEALTH CARE FACILITY OR A UNIT OF A HEALTH CARE FACILITY IN WHICH  
45 PATIENT HANDLING AND MOVEMENT OCCURS, CONSIDER THE FEASIBILITY OF INCOR-  
46 PORATING PATIENT HANDLING EQUIPMENT OR THE PHYSICAL SPACE AND  
47 CONSTRUCTION DESIGN NEEDED TO INCORPORATE THAT EQUIPMENT AT A LATER  
48 DATE; AND

49 (H) DEVELOP A PROCESS BY WHICH EMPLOYEES MAY REFUSE TO PERFORM OR BE  
50 INVOLVED IN PATIENT HANDLING OR MOVEMENT THAT THE EMPLOYEE REASONABLY  
51 BELIEVES IN GOOD FAITH WILL EXPOSE A PATIENT OR HEALTH CARE FACILITY  
52 EMPLOYEE TO AN UNACCEPTABLE RISK OF INJURY. SUCH PROCESS SHALL REQUIRE  
53 THAT THE NURSE OR DIRECT CARE WORKER MAKE A GOOD FAITH EFFORT TO ENSURE  
54 PATIENT SAFETY AND BRING THE MATTER TO THE ATTENTION OF THE FACILITY IN  
55 A TIMELY MANNER. A HEALTH CARE FACILITY EMPLOYEE WHO REASONABLY AND IN  
56 GOOD FAITH FOLLOWS THE PROCESS DEVELOPED BY THE HEALTH CARE FACILITY IN

1 ACCORDANCE WITH THIS SUBDIVISION SHALL NOT BE THE SUBJECT OF DISCIPLI-  
2 NARY ACTION BY THE HEALTH CARE FACILITY FOR THE REFUSAL TO PERFORM OR BE  
3 INVOLVED IN THE PATIENT HANDLING OR MOVEMENT.

4 S 2997-L. ACTIVITIES. THE ACTIVITIES ENUMERATED IN SECTION TWENTY-NINE  
5 HUNDRED NINETY-SEVEN-K OF THIS TITLE SHALL BE UNDERTAKEN CONSISTENT WITH  
6 SECTION TWENTY-EIGHT HUNDRED FIVE-J OF THIS CHAPTER BY A COVERED HEALTH  
7 CARE PROVIDER AND SHALL BE DEEMED ACTIVITIES OF SUCH PROGRAM AS  
8 DESCRIBED IN SUCH SECTION AND ANY AND ALL INFORMATION ATTRIBUTABLE TO  
9 SUCH ACTIVITIES SHALL BE SUBJECT TO PROVISIONS OF SECTION TWENTY-EIGHT  
10 HUNDRED FIVE-M OF THIS CHAPTER AND SECTION SIXTY-FIVE HUNDRED  
11 TWENTY-SEVEN OF THE EDUCATION LAW.

12 S 21. Section 2304 of the insurance law is amended by adding a new  
13 subsection (j) to read as follows:

14 (J)(1) ON OR BEFORE JULY FIRST, TWO THOUSAND SIXTEEN, THE DEPARTMENT  
15 SHALL MAKE RULES ESTABLISHING REQUIREMENTS FOR HEALTH CARE FACILITIES TO  
16 OBTAIN A REDUCED WORKER'S COMPENSATION RATE FOR SAFE PATIENT HANDLING  
17 PROGRAMS IMPLEMENTED PURSUANT TO TITLE ONE-A OF ARTICLE TWENTY-NINE-A OF  
18 THE PUBLIC HEALTH LAW.

19 (2) THE DEPARTMENT SHALL COMPLETE AN EVALUATION OF THE RESULTS OF THE  
20 REDUCED RATE, INCLUDING CHANGES IN CLAIM FREQUENCY AND COSTS, AND SHALL  
21 REPORT TO THE APPROPRIATE COMMITTEES OF THE LEGISLATURE ON OR BEFORE  
22 DECEMBER FIRST, TWO THOUSAND EIGHTEEN AND AGAIN ON OR BEFORE DECEMBER  
23 FIRST, TWO THOUSAND TWENTY.

24 S 22. Subdivision 6 of section 2899 of the public health law, as  
25 amended by chapter 331 of the laws of 2006, is amended to read as  
26 follows:

27 6. "Provider" shall mean any residential health care facility licensed  
28 under article twenty-eight of this chapter; or any certified home health  
29 agency, licensed home care services agency or long term home health care  
30 program certified under article thirty-six of this chapter; OR ANY ADULT  
31 CARE FACILITY LICENSED UNDER ARTICLE SEVEN OF THE SOCIAL SERVICES LAW.

32 S 23. Paragraph (a) of subdivision 9 of section 2899-a of the public  
33 health law, as amended by chapter 331 of the laws of 2006, is amended to  
34 read as follows:

35 (a) In the event that funds are appropriated in any given fiscal year  
36 for the reimbursement for the costs of providing such criminal history  
37 information, reimbursement shall be made available in an equitable and  
38 direct manner for the projected cost of the fee established pursuant to  
39 law by the division of criminal justice services for processing a crimi-  
40 nal history information check, the fee imposed by the federal bureau of  
41 investigation for a national criminal history check, and costs associ-  
42 ated with obtaining the fingerprints to all providers licensed, but not  
43 certified under article thirty-six of this chapter, AND ALL ADULT CARE  
44 FACILITIES LICENSED UNDER ARTICLE SEVEN OF THE SOCIAL SERVICES LAW,  
45 including those that are subject to this article and are unable to  
46 access direct reimbursement from state and/or federal funded health  
47 programs.

48 S 24. The social services law is amended by adding a new section 461-t  
49 to read as follows:

50 S 461-T. REVIEW OF CRIMINAL HISTORY INFORMATION CONCERNING PROSPECTIVE  
51 DIRECT CARE EMPLOYEES. EVERY ADULT CARE FACILITY SHALL CONDUCT A CRIMI-  
52 NAL HISTORY RECORD CHECK OF PROSPECTIVE DIRECT CARE EMPLOYEES UTILIZING  
53 THE PROCEDURES AND STANDARDS SET FORTH IN ARTICLE TWENTY-EIGHT-E OF THE  
54 PUBLIC HEALTH LAW.

55 S 25. The public health law is amended by adding a new section 2997-e  
56 to read as follows:

1 S 2997-E. PROVISION OF CONTACT INFORMATION RELATING TO LONG TERM CARE.  
2 WHENEVER A HEALTH CARE PROVIDER OR PRACTITIONER MAKES A RECOMMENDATION  
3 REGARDING THE NECESSITY OF LONG TERM CARE SERVICES OR A REFERRAL FOR THE  
4 RECEIPT OF LONG TERM CARE SERVICES TO A PATIENT, THE PATIENT OR  
5 PATIENT'S DESIGNATED REPRESENTATIVE SHALL BE PROVIDED BY THE HEALTH CARE  
6 PROVIDER OR PRACTITIONER THE CONTACT INFORMATION FOR NY CONNECTS: CHOIC-  
7 ES FOR LONG TERM CARE, ESTABLISHED PURSUANT TO SUBDIVISION EIGHT OF  
8 SECTION TWO HUNDRED THREE OF THE ELDER LAW, THAT CORRESPONDS TO THE  
9 PATIENT'S COUNTY OF RESIDENCE OR PROSPECTIVE COUNTY OF RESIDENCE BASED  
10 ON THE PREFERENCE OF THE PATIENT.

11 S 26. Intentionally omitted.

12 S 27. Section 4310 of the public health law, as amended by chapter 639  
13 of the laws of 2006, the section heading as separately amended by chap-  
14 ter 640 of the laws of 2006, subdivisions 1 and 3 as amended by chapter  
15 158 of the laws of 2012, subdivision 2 as separately amended by chapters  
16 158 and 465 of the laws of 2012, is amended to read as follows:

17 S 4310. New York state donate life registry for organ, EYE and tissue  
18 donations. 1. The department shall establish an organ, EYE, and tissue  
19 donor registry, which shall be called and be referred to as the "donate  
20 life registry", WHICH SHALL PROVIDE A MEANS TO MAKE AND REGISTER A GIFT  
21 OF ORGANS, EYES AND TISSUES TO TAKE PLACE AFTER DEATH PURSUANT TO THIS  
22 ARTICLE. [Such] THE DONATE LIFE registry shall contain a listing of all  
23 donors who have declared their consent to make an anatomical gift.

24 2. THE COMMISSIONER MAY ENTER INTO A MULTI-YEAR CONTRACT FOR THE OPER-  
25 ATION AND PROMOTION OF THE DONATE LIFE REGISTRY SUBJECT TO SUCH TERMS  
26 AND CONDITIONS AS MAY BE CONTAINED WITHIN SUCH CONTRACT WITH A NOT-FOR-  
27 PROFIT ORGANIZATION THAT HAS EXPERIENCE WORKING WITH ORGAN, EYE AND  
28 TISSUE PROCUREMENT ORGANIZATIONS, HAS EXPERTISE IN CONDUCTING ORGAN, EYE  
29 AND TISSUE DONOR PROMOTIONAL CAMPAIGNS, AND IS AFFILIATED WITH THE  
30 ORGAN, EYE AND TISSUE DONATION COMMUNITY THROUGHOUT THE STATE. THE  
31 CONTRACTOR MAY SUBCONTRACT AS NEEDED FOR THE EFFECTIVE PERFORMANCE OF  
32 THE CONTRACT. ALL SUCH SUBCONTRACTORS AND THE TERMS OF SUCH SUBCONTRACTS  
33 SHALL BE SUBJECT TO APPROVAL BY THE COMMISSIONER. ANY APPLICABLE STATE  
34 AGENCY, INCLUDING, BUT NOT LIMITED TO, THE DEPARTMENT, THE DEPARTMENT OF  
35 MOTOR VEHICLES AND THE BOARD OF ELECTIONS, SHALL COOPERATE IN THE  
36 COLLECTION AND TRANSFER OF REGISTRANT DATA TO THE DONATE LIFE REGISTRY.

37 3. THE DUTIES OF THE CONTRACTOR SHALL INCLUDE, BUT NOT BE LIMITED TO,  
38 THE FOLLOWING:

39 (A) THE DEVELOPMENT, IMPLEMENTATION AND MAINTENANCE OF THE DONATE LIFE  
40 REGISTRY THAT INCLUDES ONLINE, MAILED AND OTHER FORMS OF ORGAN, EYE AND  
41 TISSUE DONOR REGISTRATION, VERIFICATION, AMENDMENT AND REVOCATION;

42 (B) PREPARATION AND SUBMISSION OF A PLAN TO ENCOURAGE ORGAN, EYE AND  
43 TISSUE DONATION THROUGH EDUCATION AND MARKETING EFFORTS AND OTHER RECOM-  
44 MENDATIONS THAT WOULD STREAMLINE AND ENHANCE THE COST-EFFECTIVE OPERA-  
45 TION OF THE DONATE LIFE REGISTRY;

46 (C) PROVISION OF WRITTEN OR ELECTRONIC NOTIFICATION OF REGISTRATION IN  
47 THE DONATE LIFE REGISTRY TO AN INDIVIDUAL ENROLLING IN THE DONATE LIFE  
48 REGISTRY; AND

49 (D) PREPARATION AND SUBMISSION OF AN ANNUAL WRITTEN REPORT TO THE  
50 DEPARTMENT. SUCH REPORT SHALL INCLUDE:

51 (I) A PERFORMANCE MATRIX INCLUDING THE NUMBER OF REGISTRANTS ON THE  
52 DONATE LIFE REGISTRY AND AN ANALYSIS OF THE REGISTRATION RATES, INCLUD-  
53 ING BUT NOT LIMITED TO, LOCATION, METHOD OF REGISTRATION, DEMOGRAPHIC,  
54 AND STATE COMPARISONS;

55 (II) THE CHARACTERISTICS OF REGISTRANTS AS DETERMINED FROM THE DONATE  
56 LIFE REGISTRY INFORMATION;

1 (III) THE ANNUAL DOLLAR AMOUNT OF VOLUNTARY CONTRIBUTIONS RECEIVED BY  
2 THE CONTRACTOR FOR THE PURPOSES OF MAINTAINING THE DONATE LIFE REGISTRY  
3 AND/OR EDUCATIONAL AND PROMOTIONAL CAMPAIGNS AND INITIATIVES;

4 (IV) A DESCRIPTION OF THE PROMOTIONAL CAMPAIGNS AND INITIATIVES IMPL-  
5 MENTED DURING THE YEAR; AND

6 (V) ACCOUNTING STATEMENTS OF EXPENDITURES FOR THE PURPOSES OF MAIN-  
7 TAINING THE DONATE LIFE REGISTRY AND PROMOTIONAL CAMPAIGNS AND INITI-  
8 ATIVES.

9 4. (A) FOR THE PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH  
10 MARCH THIRTY-FIRST, TWO THOUSAND FIFTEEN, PAYMENTS TO THE CONTRACTOR  
11 SHALL BE PAID BY THE DEPARTMENT.

12 (B) FOR THE PERIOD BEGINNING APRIL FIRST, TWO THOUSAND FIFTEEN AND  
13 THEREAFTER, PAYMENTS TO THE CONTRACTOR SHALL BE PAID BY THE DEPARTMENT  
14 FROM FUNDS AVAILABLE FOR THESE PURPOSES, INCLUDING, BUT NOT LIMITED TO,  
15 THE FUNDS DEPOSITED INTO THE LIFE PASS IT ON TRUST FUND PURSUANT TO  
16 SECTION NINETY-FIVE-D OF THE STATE FINANCE LAW.

17 (C) IN ADDITION, THE CONTRACTOR MAY RECEIVE AND USE VOLUNTARY CONTRIB-  
18 UTIONS.

19 5. (A) Such ORGAN, EYE AND TISSUE registration of consent to make an  
20 anatomical gift can be made through [(a)]: (I) indication made on the  
21 application or renewal form of a DRIVER'S license, [(b)] (II) indication  
22 made on a non-driver identification card application or renewal form,  
23 [(c) enrolling in the registry website maintained by the department,  
24 which may include using an electronic signature subject to article three  
25 of the state technology law, (d)] (III) indication made on a voter  
26 registration form pursuant to subdivision five of section 5-210 of the  
27 election law, (IV) ENROLLMENT THROUGH THE DONATE LIFE REGISTRY WEBSITE,  
28 (V) PAPER ENROLLMENT SUBMITTED TO THE DONATE LIFE REGISTRY, or [(e)]  
29 (VI) through any other method identified by the commissioner.

30 (B)(I) Where required by law for [consent] REGISTRATION forms  
31 described in [paragraphs (a) and (b)] SUBPARAGRAPHS (I) AND (II) of  
32 PARAGRAPH (A) OF this subdivision, the commissioner shall ensure that  
33 space is provided on any [consent] REGISTRATION form so that the appli-  
34 cant shall register or decline registration in the donate life registry  
35 for organ, EYE and tissue donations under this section and that the  
36 following is stated on the form in clear and conspicuous type:

37 "You must fill out the following section: Would you like to be added  
38 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-  
39 tion'."

40 (II) The commissioner shall not maintain records of any person who  
41 checks "skip this question". Failure to check a box shall not impair the  
42 validity of an application, and failure to check "yes" or checking "skip  
43 this question" shall not be construed to imply a wish not to donate. In  
44 the case of an applicant under eighteen years of age, checking "yes"  
45 shall not constitute consent to make an anatomical gift or registration  
46 in the donate life registry. Where an applicant has previously consented  
47 to make an anatomical gift or registered in the donate life registry,  
48 checking "skip this question" or failing to check a box shall not impair  
49 that consent or registration.

50 (C) ENROLLMENT OR AMENDMENT OR REVOCATION THROUGH THE DONATE LIFE  
51 REGISTRY WEBSITE THROUGH ANY OF THE MEANS LISTED IN THIS SUBDIVISION MAY  
52 BE SIGNED BY ELECTRONIC SIGNATURE, IN ACCORDANCE WITH THE PROVISIONS OF  
53 ARTICLE THREE OF THE STATE TECHNOLOGY LAW, SUPPORTED BY THE USE OF SUIT-  
54 ABLE MECHANISMS INCLUDING UNIQUE IDENTIFIERS TO PROVIDE CONFIDENCE IN  
55 THE IDENTITY OF THE PERSON PROVIDING THE ELECTRONIC SIGNATURE. The  
56 registration shall take effect upon the provision of written or elec-

1 tronic notice of the registration to the [person] INDIVIDUAL enrolling  
2 in the DONATE LIFE registry.

3 [3. (a) Information contained in the registry shall be accessible to  
4 (i) federally designated organ procurement organizations, (ii) eye and  
5 tissue banks licensed by the department pursuant to article  
6 forty-three-B of this chapter, and (iii) any other entity formally  
7 approved by the commissioner.

8 (b) The information contained in the registry shall not be released to  
9 any person except as expressly authorized by this section solely for the  
10 purpose of identifying potential organ and tissue donors at or near the  
11 time of death.

12 4. If the department had an established registry prior to the effec-  
13 tive date of this section, it shall be deemed to meet the requirements  
14 of this section.

15 5. The registry shall provide persons enrolled the opportunity to  
16 specify which organs and tissues they want to donate and if the donation  
17 can be used for transplantation, research, or both.]

18 (D) AMENDMENTS OR REVOCATIONS FROM THE DONATE LIFE REGISTRY SHALL BE  
19 MADE BY THE FOLLOWING, SUBJECT TO THE REQUIREMENTS OF THE COMMISSIONER:

20 (I) REGISTRANTS SUBMITTING AN AMENDMENT OR REVOCATION IN WRITING TO  
21 THE DONATE LIFE REGISTRY; OR

22 (II) REGISTRANTS SUBMITTING AN AMENDMENT OR REVOCATION ELECTRONICALLY  
23 THROUGH THE DONATE LIFE REGISTRY WEBSITE.

24 (E) REMOVAL FROM THE DONATE LIFE REGISTRY SHALL NOT BE DEEMED A  
25 REFUSAL OF ANY OTHER OR FUTURE ANATOMICAL GIFT.

26 (F) THE DONATE LIFE REGISTRY SHALL PROVIDE INDIVIDUALS ENROLLED THE  
27 OPPORTUNITY TO SPECIFY WHICH ORGANS, EYES AND TISSUES THEY WANT TO  
28 DONATE AND IF THE DONATION MAY BE USED FOR TRANSPLANTATION, RESEARCH, OR  
29 BOTH.

30 6. [A person] AN INDIVIDUAL registered in the [organ and tissue]  
31 DONATE LIFE registry before [the effective date of this subdivision]  
32 JULY TWENTY-THIRD, TWO THOUSAND EIGHT shall be deemed to have expressed  
33 intent to donate, until and unless he or she files an amendment to his  
34 or her registration or a new registration expressing consent to donate.

35 7. [The commissioner shall contact each person registered before the  
36 effective date of this subdivision in the organ and tissue registry in  
37 writing to inform him or her that at the time he or she registered, the  
38 registry was that of intent and that the registry is now one of consent,  
39 to explain in clear and understandable terms the difference between  
40 intent and consent, and to provide opportunity for the person to change  
41 his or her registration to provide consent by amending his or her  
42 current registration or executing a new registration.] (A) THE DONATE  
43 LIFE REGISTRY SHALL BE MAINTAINED IN A MANNER THAT ALLOWS IMMEDIATE  
44 ACCESS TO ORGAN, EYE AND TISSUE DONATION RECORDS TWENTY-FOUR HOURS A  
45 DAY, SEVEN DAYS A WEEK TO THE CONTRACTOR, THE DEPARTMENT, FEDERALLY  
46 DESIGNATED ORGAN PROCUREMENT ORGANIZATIONS, LICENSED EYE AND TISSUE  
47 BANKS, AND SUCH OTHER ENTITIES WHICH MAY BE APPROVED BY THE DEPARTMENT  
48 FOR ACCESS. ACCESS SHALL BE AVAILABLE TO REGISTRANTS TO CONFIRM THE  
49 ACCURACY AND VALIDITY OF THEIR REGISTRATION AND TO AMEND OR REVOKE THEIR  
50 REGISTRATION, SUBJECT TO REASONABLE PROCEDURES TO VERIFY IDENTITY.

51 (B) ACCESS TO THE DONATE LIFE REGISTRY SHALL HAVE SECURITY MEASURES  
52 SET FORTH IN THE CONTRACT TO PROTECT THE INTEGRITY OF THE IDENTIFIABLE  
53 DATA IN THE DONATE LIFE REGISTRY, WHICH MAY ONLY BE ACCESSED BY THE  
54 PARTIES DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION AND ONLY FOR THE  
55 PURPOSES OF DETERMINING DONOR STATUS AT OR NEAR THE TIME OF DEATH OF AN  
56 INDIVIDUAL, BY THE DEPARTMENT FOR ANY PURPOSE, BY THE CONTRACTOR ONLY



1 FOR PURPOSES OF QUALITY ASSESSMENT AND IMPROVEMENT, TECHNICAL SUPPORT  
2 AND DONOR SERVICES, OR BY INDIVIDUAL REGISTRANTS FOR THE PURPOSES OF  
3 CONFIRMING THE ACCURACY AND VALIDITY OF THEIR REGISTRATION OR MAKING,  
4 AMENDING OR REVOKING THEIR REGISTRATION.

5 (C) DE-IDENTIFIED INFORMATION MAY BE ACCESSED BY THE ENTITIES LISTED  
6 IN PARAGRAPH (A) OF THIS SUBDIVISION OR THEIR DESIGNEES FOR PURPOSES OF  
7 ANALYSIS, PROMOTION, EDUCATION, QUALITY IMPROVEMENT AND TECHNICAL  
8 SUPPORT FOR THE DONATE LIFE REGISTRY. THE INFORMATION CONTAINED IN THE  
9 REGISTRY SHALL NOT BE RELEASED TO ANY PERSON EXCEPT AS EXPRESSLY AUTHOR-  
10 IZED BY THIS SECTION, SOLELY FOR THE PURPOSES SO AUTHORIZED.

11 8. The commissioner is authorized to promulgate rules and regulations  
12 necessary to implement the provisions of this section.

13 9. AN INTERAGENCY WORK GROUP, COMPOSED OF THE COMMISSIONER, THE  
14 COMMISSIONER OF THE DEPARTMENT OF MOTOR VEHICLES, A CHAIR OF THE BOARD  
15 OF ELECTIONS, OR THEIR DESIGNEES, AND SUCH OTHER INDIVIDUALS AS MAY BE  
16 DESIGNATED BY THE COMMISSIONER, SHALL BE ESTABLISHED TO MEET WITH THE  
17 CONTRACTOR ANNUALLY AND AS NEEDED TO REVIEW THE STATUS OF THE DONATE  
18 LIFE REGISTRY, TO EXAMINE THE STEPS THAT MIGHT BE TAKEN BY STATE AGEN-  
19 CIES TO ENHANCE ITS PERFORMANCE AND TO MAKE RECOMMENDATIONS TO THE  
20 CONTRACTOR.

21 S 28. Intentionally omitted.

22 S 29. Subdivision 3 of section 95-d of the state finance law, as added  
23 by chapter 415 of the laws of 2003, is amended to read as follows:

24 3. Monies of the fund shall be expended only for organ transplant  
25 research and education projects approved by the commissioner of health,  
26 or to provide grants to not-for-profit corporations in this state which  
27 are incorporated for the purpose of increasing and promoting organ and  
28 tissue donation awareness PROVIDED, HOWEVER, BEGINNING APRIL FIRST, TWO  
29 THOUSAND FIFTEEN, ANY REVENUES RECEIVED OR ANY MONIES APPROPRIATED,  
30 CREDITED OR TRANSFERRED TO THE FUND ON AND AFTER MAY FIRST, TWO THOUSAND  
31 FOURTEEN MAY ALSO BE EXPENDED TO SUPPORT THE MAINTENANCE AND OPERATION  
32 OF THE DONATE LIFE REGISTRY IN ACCORDANCE WITH THE PROVISIONS OF SECTION  
33 FORTY-THREE HUNDRED TEN OF THE PUBLIC HEALTH LAW.

34 S 30. Section 461-b of the social services law is amended by adding  
35 two new subdivisions 9 and 10 to read as follows:

36 9. (A) THE PRIOR WRITTEN APPROVAL OF THE DEPARTMENT IS REQUIRED FOR:  
37 (I) ANY TRANSFER, ASSIGNMENT OR OTHER DISPOSITION OF TEN PERCENT OR MORE  
38 OF AN INTEREST OR VOTING RIGHTS IN A PARTNERSHIP, BUSINESS CORPORATION  
39 OR LIMITED LIABILITY COMPANY WHICH IS THE OPERATOR OF AN ADULT CARE  
40 FACILITY TO A NEW PARTNER, SHAREHOLDER OR MEMBER; OR (II) ANY TRANSFER,  
41 ASSIGNMENT OR OTHER DISPOSITION OF INTEREST OR VOTING RIGHTS IN A PART-  
42 NERSHIP, BUSINESS CORPORATION OR LIMITED LIABILITY COMPANY WHICH IS THE  
43 OPERATOR OF AN ADULT CARE FACILITY WHICH RESULTS IN THE OWNERSHIP OR  
44 CONTROL OF MORE THAN TEN PERCENT OF THE INTEREST OR VOTING RIGHTS THERE-  
45 UNDER BY ANY PERSON WHO HAS NOT BEEN PREVIOUSLY APPROVED BY THE DEPART-  
46 MENT FOR THAT OPERATOR.

47 (B) WITH RESPECT TO A TRANSFER, ASSIGNMENT OR DISPOSITION INVOLVING  
48 LESS THAN TEN PERCENT OF AN INTEREST OR VOTING RIGHTS IN SUCH PARTNER-  
49 SHIP, BUSINESS CORPORATION OR LIMITED LIABILITY COMPANY TO A NEW PART-  
50 NER, SHAREHOLDER OR MEMBER, NO PRIOR APPROVAL OF THE DEPARTMENT SHALL BE  
51 REQUIRED EXCEPT WHERE REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION.  
52 HOWEVER, NO SUCH TRANSACTION SHALL BE EFFECTIVE UNLESS AT LEAST NINETY  
53 DAYS PRIOR TO THE INTENDED EFFECTIVE DATE THEREOF, THE PARTNERSHIP,  
54 BUSINESS CORPORATION OR LIMITED LIABILITY COMPANY FULLY COMPLETES AND  
55 FILES WITH THE DEPARTMENT NOTICE ON A FORM, TO BE DEVELOPED BY THE  
56 DEPARTMENT, WHICH SHALL DISCLOSE SUCH INFORMATION AS MAY REASONABLY BE

1 NECESSARY FOR THE DEPARTMENT TO DETERMINE WHETHER IT SHOULD PROHIBIT THE  
2 TRANSACTION. WITHIN NINETY DAYS FROM THE DATE OF RECEIPT OF SUCH NOTICE,  
3 THE DEPARTMENT MAY PROHIBIT ANY SUCH TRANSACTION UNDER THIS SUBPARAGRAPH  
4 IF IT FINDS: (I) THERE ARE REASONABLE GROUNDS TO BELIEVE THE PROPOSED  
5 TRANSACTION DOES NOT SATISFY THE CHARACTER AND COMPETENCE REVIEW, AS MAY  
6 BE APPROPRIATE; OR (II) IF THE TRANSACTION, TOGETHER WITH ALL OTHER SUCH  
7 TRANSACTIONS DURING ANY FIVE YEAR PERIOD, WOULD IN THE AGGREGATE,  
8 INVOLVE TWENTY-FIVE PERCENT OR MORE OF THE INTEREST IN THE ENTITY THAT  
9 CONSTITUTES THE OPERATOR. THE DEPARTMENT SHALL STATE THE SPECIFIC  
10 REASONS FOR PROHIBITING ANY TRANSACTION UNDER THIS SUBPARAGRAPH AND  
11 SHALL SO NOTIFY EACH PARTY TO THE PROPOSED TRANSACTION.

12 (C) WITH RESPECT TO A TRANSFER, ASSIGNMENT OR DISPOSITION OF AN INTER-  
13 EST OR VOTING RIGHTS IN A PARTNERSHIP, BUSINESS CORPORATION OR LIMITED  
14 LIABILITY COMPANY TO ANY EXISTING PARTNER, SHAREHOLDER OR MEMBER, NO  
15 PRIOR APPROVAL OF THE DEPARTMENT SHALL BE REQUIRED. HOWEVER, IF THE  
16 TRANSACTION INVOLVES THE WITHDRAWAL OF THE TRANSFEROR FROM THE PARTNER-  
17 SHIP, BUSINESS CORPORATION OR LIMITED LIABILITY COMPANY, NO SUCH TRANS-  
18 ACTION SHALL BE EFFECTIVE UNLESS AT LEAST NINETY DAYS PRIOR TO THE  
19 INTENDED EFFECTIVE DATE THEREOF, THE PARTNERSHIP, BUSINESS CORPORATION  
20 OR LIMITED LIABILITY COMPANY FULLY COMPLETES AND FILES WITH THE DEPART-  
21 MENT NOTICE OF SUCH TRANSACTION. WITHIN NINETY DAYS FROM THE DATE OF  
22 RECEIPT OF SUCH NOTICE, THE DEPARTMENT MAY PROHIBIT ANY SUCH TRANSACTION  
23 UNDER THIS PARAGRAPH IF THE EQUITY POSITION OF THE PARTNERSHIP, BUSINESS  
24 CORPORATION OR LIMITED LIABILITY COMPANY, DETERMINED IN ACCORDANCE WITH  
25 GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, WOULD BE REDUCED AS A RESULT  
26 OF THE TRANSFER, ASSIGNMENT OR DISPOSITION. THE DEPARTMENT SHALL STATE  
27 THE SPECIFIC REASON FOR PROHIBITING ANY TRANSACTION UNDER THIS PARAGRAPH  
28 AND SHALL SO NOTIFY EACH PARTY TO THE PROPOSED TRANSACTION.

29 10. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE DEPART-  
30 MENT IS AUTHORIZED TO APPROVE A CERTIFICATE OF INCORPORATION OR ARTICLES  
31 OF ORGANIZATION FOR ESTABLISHMENT OF AN ADULT CARE FACILITY ON AN EXPE-  
32 DITED BASIS WHERE: (A) THE CERTIFICATE OF INCORPORATION OR ARTICLES OF  
33 ORGANIZATION REFLECTS SOLELY A CHANGE IN THE FORM OF THE BUSINESS ORGAN-  
34 IZATION OF AN EXISTING ENTITY WHICH HAD BEEN APPROVED BY THE DEPARTMENT  
35 TO OPERATE AN ADULT CARE FACILITY; (B) EVERY INCORPORATOR, STOCKHOLDER,  
36 MEMBER AND DIRECTOR OF THE NEW ENTITY SHALL HAVE BEEN AN OWNER, PARTNER,  
37 INCORPORATOR, STOCKHOLDER, MEMBER OR DIRECTOR OF THE EXISTING ENTITY;  
38 (C) THE DISTRIBUTION OF OWNERSHIP INTERESTS AND VOTING RIGHTS IN THE NEW  
39 ENTITY SHALL BE THE SAME AS IN THE EXISTING ENTITY; AND (D) THERE SHALL  
40 BE NO CHANGE IN THE OPERATOR OF THE ADULT CARE FACILITY OTHER THAN THE  
41 FORM OF ITS BUSINESS ORGANIZATION, AS A RESULT OF THE APPROVAL OF SUCH  
42 CERTIFICATE OF INCORPORATION OR ARTICLES OF ORGANIZATION. UPON  
43 SUBMISSION, IF THE DEPARTMENT DOES NOT OBJECT TO THE PROPOSAL WITHIN  
44 NINETY DAYS OF THE RECEIPT OF A COMPLETE APPLICATION, THE PROPOSAL WILL  
45 BE DEEMED ACCEPTABLE TO THE DEPARTMENT AND AN AMENDED OPERATING CERTIF-  
46 ICATE SHALL BE ISSUED.

47 S 31. Subdivisions 1 and 2 of section 461-k of the social services  
48 law, as added by chapter 779 of the laws of 1986, are amended to read as  
49 follows:

50 1. (a) "Services for non-residents in adult homes, residences for  
51 adults and enriched housing programs" shall mean an organized program of  
52 services which the facility is authorized to provide to residents of  
53 such facility but which are provided to non-residents for the purpose of  
54 restoring, maintaining or developing the capacity of aged or disabled  
55 persons to remain in or return to the community. Such services may  
56 include but shall not be limited to day programs and temporary residen-

1 tial care as defined herein. A person participating in a program of  
2 services for non-residents in an adult care facility shall be considered  
3 a resident of the facility and shall be afforded all the rights and  
4 protections afforded residents of the facility under this chapter except  
5 that the provisions of sections four hundred sixty-one-g and four  
6 hundred sixty-one-h of this title relating to termination of admission  
7 agreements shall not apply and that persons receiving services pursuant  
8 to this section shall not be considered to be receiving residential care  
9 as defined in section two hundred nine of this chapter for purposes of  
10 determining eligibility for and the amount of supplemental security  
11 income benefits and additional state payments.

12 (b) "Day programs" shall mean an organized program for non-residents  
13 which shall include personal care, supervision and other adult services  
14 which the facility is authorized to provide to residents of such facili-  
15 ty which may include but are not limited to, activities, meals, informa-  
16 tion and referral, and transportation services, provided in an adult  
17 home, residence for adults or enriched housing program.

18 (c) "Temporary residential care" shall mean the provision of temporary  
19 residential care of frail or disabled adults on behalf of or in the  
20 absence of the caregiver for up to [six weeks] ONE HUNDRED TWENTY DAYS  
21 in any twelve month period, provided in an adult home, residence for  
22 adults or enriched housing program.

23 2. A program to provide services for non-residents in an adult care  
24 facility may be established and operated in an adult home, residence for  
25 adults or enriched housing program provided that such facility has a  
26 current operating certificate issued in accordance with section four  
27 hundred sixty-one-b of this title. No operator may establish and operate  
28 a DAY program to provide services for non-residents, AS DEFINED IN  
29 SUBPARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION, unless the operator  
30 has received the prior written approval of the department. The depart-  
31 ment shall grant such approval TO OPERATE A DAY PROGRAM only to those  
32 operators that are operating in compliance with applicable law and regu-  
33 lations. NO OPERATOR MAY PROVIDE TEMPORARY RESIDENTIAL CARE AS DEFINED  
34 IN SUBPARAGRAPH (C) OF SUBDIVISION ONE OF THIS SECTION, UNLESS THE OPER-  
35 ATOR HAS NOTIFIED THE DEPARTMENT OF ITS INTENT TO DO SO.

36 S 32. Intentionally omitted.

37 S 33. Subdivision 4 of section 4656 of the public health law, as added  
38 by chapter 2 of the laws of 2004, is amended to read as follows:

39 4. The department shall develop an expedited review and approval proc-  
40 ess FOR APPLICATIONS FOR UP TO NINE ADDITIONAL BEDS TO AN EXISTING  
41 ENHANCED OR SPECIAL NEEDS ASSISTED LIVING CERTIFICATE QUALIFIED AS BEING  
42 IN GOOD STANDING UNDER SECTION FORTY-SIX HUNDRED FIFTY-THREE OF THIS  
43 ARTICLE.

44 S 34. Paragraph (b) of subdivision 5 of section 3610 of the public  
45 health law is REPEALED.

46 S 35. Subdivision 2 of section 3610 of the public health law, as  
47 amended by section 65 of part A of chapter 58 of the laws of 2010, is  
48 amended to read as follows:

49 2. A hospital, residential health care facility, or certified home  
50 health agency seeking authorization to provide a long term home health  
51 care program shall transmit to the commissioner an application setting  
52 forth the scope of the proposed program. Such application shall be in a  
53 format and shall be submitted in a quantity determined by the commis-  
54 sioner. The commissioner shall transmit the application to the public  
55 health and health planning council and to the health systems agency, if  
56 any, having geographic jurisdiction of the area where the proposed

1 program is to be located. The application shall include a detailed  
2 description of the proposed program including, but not limited to, the  
3 following:

4 (a) an outline of the institution's or agency's plans for the program;

5 (b) the need for the proposed program;

6 (c) the number and types of personnel to be employed;

7 (d) the ability of the agency, hospital, or facility to provide the  
8 program;

9 (e) the estimated number of visits to be provided;

10 (f) the geographic area in which the proposed programs will be  
11 provided;

12 (g) any special or unusual services, programs, or equipment to be  
13 provided;

14 (h) a demonstration that the proposed program is feasible and adequate  
15 in terms of both short range and long range goals;

16 (i) such other information as the commissioner may require.

17 The health systems agency and the public health and health planning  
18 council shall review the application and submit their recommendations to  
19 the commissioner. At the time members of the public health and health  
20 planning council are notified that an application is scheduled for  
21 consideration, the applicant and the health systems agency shall be so  
22 notified in writing. The health systems agency or the public health and  
23 health planning council shall not recommend approval of the application  
24 unless it is satisfied as to:

25 (a) the public need for the program at the time and place and under  
26 the circumstances proposed;

27 (b) the financial resources of the provider of the proposed program  
28 and its sources of future revenues;

29 (c) the ability of the proposed program to meet those standards estab-  
30 lished for participation as a home health agency under title XVIII of  
31 the federal Social Security Act; and

32 (d) such other matters as it shall deem pertinent.

33 After receiving and considering the recommendations of the public  
34 health and health planning council and the health systems agency, the  
35 commissioner shall make his or her determination. The commissioner shall  
36 act upon an application after the public health and health planning  
37 council and the health systems agency have had a reasonable time to  
38 submit their recommendations. The commissioner shall not take any action  
39 contrary to the advice of either until he or she affords to either an  
40 opportunity to request a public hearing and, if so requested, a public  
41 hearing shall be held. The commissioner shall not approve the applica-  
42 tion unless he or she is satisfied as to the detailed description of the  
43 proposed program and

44 (a) the public need for the existence of the program at the time and  
45 place and under the circumstances proposed;

46 (b) the financial resources of the provider of the proposed program  
47 and its sources of future revenues;

48 (c) the ability of the proposed program to meet those standards estab-  
49 lished for participation as a home health agency under title XVIII of  
50 the federal Social Security Act; and

51 (d) such other matters as he or she shall deem pertinent.

52 If the application is approved, the applicant shall be so notified in  
53 writing. The commissioner's written approval of the application shall  
54 constitute authorization to provide a long term home health care  
55 program. [In making his or her authorization, the commissioner shall  
56 stipulate the maximum number of persons which a provider of a long term

1 home health care program may serve.] If the commissioner proposes to  
2 disapprove the application, he or she shall notify the applicant in  
3 writing, stating his or her reasons for disapproval, and afford the  
4 applicant an opportunity for a public hearing.

5 S 36. Intentionally omitted.

6 S 37. Section 32 of part A of chapter 58 of the laws of 2008, amending  
7 the elder law and other laws relating to reimbursement to particular  
8 provider pharmacies and prescription drug coverage, as amended by  
9 section 26 of part A of chapter 59 of the laws of 2011, is amended to  
10 read as follows:

11 S 32. This act shall take effect immediately and shall be deemed to  
12 have been in full force and effect on and after April 1, 2008; provided  
13 however, that sections one, six-a, nineteen, twenty, twenty-four, and  
14 twenty-five of this act shall take effect July 1, 2008; provided however  
15 that sections sixteen, seventeen and eighteen of this act shall expire  
16 April 1, [2014] 2017; provided, however, that the amendments made by  
17 section twenty-eight of this act shall take effect on the same date as  
18 section 1 of chapter 281 of the laws of 2007 takes effect; provided  
19 further, that sections twenty-nine, thirty, and thirty-one of this act  
20 shall take effect October 1, 2008; provided further, that section twen-  
21 ty-seven of this act shall take effect January 1, 2009; and provided  
22 further, that section twenty-seven of this act shall expire and be  
23 deemed repealed March 31, [2014] 2015; and provided, further, however,  
24 that the amendments to subdivision 1 of section 241 of the education law  
25 made by section twenty-nine of this act shall not affect the expiration  
26 of such subdivision and shall be deemed to expire therewith and provided  
27 that the amendments to section 272 of the public health law made by  
28 section thirty of this act shall not affect the repeal of such section  
29 and shall be deemed repealed therewith.

30 S 38. This act shall take effect immediately and shall be deemed to  
31 have been in full force and effect on and after April 1, 2014; provided,  
32 however, that the amendments to subdivisions 1 and 2 of section 461-k of  
33 the social services law made by section thirty-one of this act shall not  
34 affect the expiration of such section and shall be deemed to expire  
35 therewith; and provided, further, that the amendments made to paragraph  
36 (b) of subdivision 18-a of section 206 of the public health law made by  
37 section sixteen of this act shall not affect the expiration of such  
38 paragraph and shall be deemed to expire therewith.

39

#### PART B

40 Section 1. Subdivision 5 of section 168 of chapter 639 of the laws of  
41 1996, constituting the New York Health Care Reform Act of 1996, as  
42 amended by section 1 of part C of chapter 59 of the laws of 2011, is  
43 amended to read as follows:

44 5. sections 2807-c, 2807-j, 2807-s and 2807-t of the public health  
45 law, as amended or as added by this act, shall expire on December 31,  
46 [2014] 2017, and shall be thereafter effective only in respect to any  
47 act done on or before such date or action or proceeding arising out of  
48 such act including continued collections of funds from assessments and  
49 allowances and surcharges established pursuant to sections 2807-c,  
50 2807-j, 2807-s and 2807-t of the public health law, and administration  
51 and distributions of funds from pools established pursuant to sections  
52 2807-c, 2807-j, 2807-k, 2807-l, 2807-m, 2807-s and 2807-t of the public  
53 health law related to patient services provided before December 31,

1 [2014] 2017, and continued expenditure of funds authorized for programs  
2 and grants until the exhaustion of funds therefor;

3 S 2. Subdivision 1 of section 138 of chapter 1 of the laws of 1999,  
4 constituting the New York Health Care Reform Act of 2000, as amended by  
5 section 2 of part C of chapter 59 of the laws of 2011, is amended to  
6 read as follows:

7 1. sections 2807-c, 2807-j, 2807-s, and 2807-t of the public health  
8 law, as amended by this act, shall expire on December 31, [2014] 2017,  
9 and shall be thereafter effective only in respect to any act done before  
10 such date or action or proceeding arising out of such act including  
11 continued collections of funds from assessments and allowances and  
12 surcharges established pursuant to sections 2807-c, 2807-j, 2807-s and  
13 2807-t of the public health law, and administration and distributions of  
14 funds from pools established pursuant to sections 2807-c, 2807-j,  
15 2807-k, 2807-l, 2807-m, 2807-s, 2807-t, 2807-v and 2807-w of the public  
16 health law, as amended or added by this act, related to patient services  
17 provided before December 31, [2014] 2017, and continued expenditure of  
18 funds authorized for programs and grants until the exhaustion of funds  
19 therefor;

20 S 3. The opening paragraph, subparagraph (xiv) and (xv) of paragraph  
21 (a), subparagraph (v) of paragraph (c) and paragraph (e) of subdivision  
22 6 of section 2807-s of the public health law, the opening paragraph as  
23 amended by section 4 of part A3 of chapter 62 of the laws of 2003,  
24 subparagraphs (xiv) and (xv) of paragraph (a) as amended by section 5 of  
25 part C of chapter 59 of the laws of 2011, subparagraph (v) of paragraph  
26 (c) as amended by section 5-a of part C of chapter 59 of the laws of  
27 2011 and paragraph (e) as amended by section 6 of part A3 of chapter 62  
28 of the laws of 2003, subparagraphs (i) and (ii) of paragraph (e) as  
29 amended by section 5-b of part C of chapter 59 of the laws of 2011, are  
30 amended to read as follows:

31 The amount allocated to each region for purposes of calculating the  
32 regional allowance percentage pursuant to this section for each year  
33 during the period January first, nineteen hundred ninety-seven through  
34 December thirty-first, nineteen hundred ninety-nine and the regional  
35 assessments pursuant to section twenty-eight hundred seven-t of this  
36 article for each year during the period January first, nineteen hundred  
37 ninety-seven through December thirty-first, nineteen hundred ninety-nine  
38 and for each year on and after January first, two thousand, shall be the  
39 sum of the factors computed in paragraphs (b), (d) and (f) of this  
40 subdivision, IF SUCH FACTORS ARE APPLICABLE TO A GIVEN YEAR, as follows:

41 (xiv) A gross annual statewide amount for the period January first,  
42 two thousand nine through December thirty-first, two thousand [thirteen]  
43 FOURTEEN, shall be nine hundred forty-four million dollars.

44 (xv) A gross ANNUAL statewide amount for the period January first, two  
45 thousand [fourteen] FIFTEEN through [March] DECEMBER thirty-first, two  
46 thousand [fourteen] SEVENTEEN, shall be [two hundred thirty-six] ONE  
47 BILLION FORTY-FIVE million dollars.

48 (v) A further gross ANNUAL statewide amount for the period January  
49 first, two thousand fourteen through [March] DECEMBER thirty-first, two  
50 thousand fourteen, shall be [twenty-two] EIGHTY-NINE million [two  
51 hundred fifty thousand] dollars.

52 (e) [(i)] A further gross annual statewide amount shall be twelve  
53 million dollars for each period prior to January first, two thousand  
54 [fourteen] FIFTEEN.

1 [(ii) A further gross statewide amount for the period January first,  
2 two thousand fourteen through March thirty-first, two thousand fourteen  
3 shall be three million dollars.]

4 S 4. Subparagraph (xiii) of paragraph (a) of subdivision 7 of section  
5 2807-s of the public health law, as added by section 30 of part H of  
6 chapter 59 of the laws of 2011, is amended to read as follows:

7 (xiii) twenty-three million eight hundred thirty-six thousand dollars  
8 each state fiscal year for the period April first, two thousand twelve  
9 through March thirty-first, two thousand [fourteen] SEVENTEEN;

10 S 5. Subparagraphs (iv) and (v) of paragraph (a) of subdivision 9 of  
11 section 2807-j of the public health law, as amended by section 3 of part  
12 C of chapter 59 of the laws of 2011, are amended to read as follows:

13 (iv) seven hundred sixty-five million dollars annually of the funds  
14 accumulated for the periods January first, two thousand through December  
15 thirty-first, two thousand [thirteen] SIXTEEN, and

16 (v) one hundred ninety-one million two hundred fifty thousand dollars  
17 of the funds accumulated for the period January first, two thousand  
18 [fourteen] SEVENTEEN through March thirty-first, two thousand [fourteen]  
19 SEVENTEEN.

20 S 6. Section 34 of part A3 of chapter 62 of the laws of 2003 amending  
21 the general business law and other laws relating to enacting major  
22 components necessary to implement the statefiscal plan for the 2003-04  
23 state fiscal year, as amended by section 4 of part C of chapter 59 of  
24 the laws of 2011, is amended to read as follows:

25 S 34. (1) Notwithstanding any inconsistent provision of law, rule or  
26 regulation and effective April 1, 2008 through March 31, [2014] 2017,  
27 the commissioner of health is authorized to transfer and the state comp-  
28 troller is authorized and directed to receive for deposit to the credit  
29 of the department of health's special revenue fund - other, health care  
30 reform act (HCRA) resources fund - 061, provider collection monitoring  
31 account, within amounts appropriated each year, those funds collected  
32 and accumulated pursuant to section 2807-v of the public health law,  
33 including income from invested funds, for the purpose of payment for  
34 administrative costs of the department of health related to adminis-  
35 tration of statutory duties for the collections and distributions  
36 authorized by section 2807-v of the public health law.

37 (2) Notwithstanding any inconsistent provision of law, rule or regu-  
38 lation and effective April 1, 2008 through March 31, [2014] 2017, the  
39 commissioner of health is authorized to transfer and the state comp-  
40 troller is authorized and directed to receive for deposit to the credit  
41 of the department of health's special revenue fund - other, health care  
42 reform act (HCRA) resources fund - 061, provider collection monitoring  
43 account, within amounts appropriated each year, those funds collected  
44 and accumulated and interest earned through surcharges on payments for  
45 health care services pursuant to section 2807-s of the public health law  
46 and from assessments pursuant to section 2807-t of the public health law  
47 for the purpose of payment for administrative costs of the department of  
48 health related to administration of statutory duties for the collections  
49 and distributions authorized by sections 2807-s, 2807-t, and 2807-m of  
50 the public health law.

51 (3) Notwithstanding any inconsistent provision of law, rule or regu-  
52 lation and effective April 1, 2008 through March 31, [2014] 2017, the  
53 commissioner of health is authorized to transfer and the comptroller is  
54 authorized to deposit, within amounts appropriated each year, those  
55 funds authorized for distribution in accordance with the provisions of  
56 paragraph (a) of subdivision 1 of section 2807-l of the public health

1 law for the purposes of payment for administrative costs of the depart-  
2 ment of health related to the child health insurance plan program  
3 authorized pursuant to title 1-A of article 25 of the public health law  
4 into the special revenue funds - other, health care reform act (HCRA)  
5 resources fund - 061, child health insurance account, established within  
6 the department of health.

7 (4) Notwithstanding any inconsistent provision of law, rule or regu-  
8 lation and effective April 1, 2008 through March 31, [2014] 2017, the  
9 commissioner of health is authorized to transfer and the comptroller is  
10 authorized to deposit, within amounts appropriated each year, those  
11 funds authorized for distribution in accordance with the provisions of  
12 paragraph (e) of subdivision 1 of section 2807-1 of the public health  
13 law for the purpose of payment for administrative costs of the depart-  
14 ment of health related to the health occupation development and work-  
15 place demonstration program established pursuant to section 2807-h and  
16 the health workforce retraining program established pursuant to section  
17 2807-g of the public health law into the special revenue funds - other,  
18 health care reform act (HCRA) resources fund - 061, health occupation  
19 development and workplace demonstration program account, established  
20 within the department of health.

21 (5) Notwithstanding any inconsistent provision of law, rule or regu-  
22 lation and effective April 1, 2008 through March 31, [2014] 2017, the  
23 commissioner of health is authorized to transfer and the comptroller is  
24 authorized to deposit, within amounts appropriated each year, those  
25 funds allocated pursuant to paragraph (j) of subdivision 1 of section  
26 2807-v of the public health law for the purpose of payment for adminis-  
27 trative costs of the department of health related to administration of  
28 the state's tobacco control programs and cancer services provided pursu-  
29 ant to sections 2807-r and 1399-ii of the public health law into such  
30 accounts established within the department of health for such purposes.

31 (6) Notwithstanding any inconsistent provision of law, rule or regu-  
32 lation and effective April 1, 2008 through March 31, [2014] 2017, the  
33 commissioner of health is authorized to transfer and the comptroller is  
34 authorized to deposit, within amounts appropriated each year, the funds  
35 authorized for distribution in accordance with the provisions of section  
36 2807-1 of the public health law for the purposes of payment for adminis-  
37 trative costs of the department of health related to the programs funded  
38 pursuant to section 2807-1 of the public health law into the special  
39 revenue funds - other, health care reform act (HCRA) resources fund -  
40 061, pilot health insurance account, established within the department  
41 of health.

42 (7) Notwithstanding any inconsistent provision of law, rule or regu-  
43 lation and effective April 1, 2008 through March 31, [2014] 2017, the  
44 commissioner of health is authorized to transfer and the comptroller is  
45 authorized to deposit, within amounts appropriated each year, those  
46 funds authorized for distribution in accordance with the provisions of  
47 subparagraph (ii) of paragraph (f) of subdivision 19 of section 2807-c  
48 of the public health law from monies accumulated and interest earned in  
49 the bad debt and charity care and capital statewide pools through an  
50 assessment charged to general hospitals pursuant to the provisions of  
51 subdivision 18 of section 2807-c of the public health law and those  
52 funds authorized for distribution in accordance with the provisions of  
53 section 2807-1 of the public health law for the purposes of payment for  
54 administrative costs of the department of health related to programs  
55 funded under section 2807-1 of the public health law into the special  
56 revenue funds - other, health care reform act (HCRA) resources fund -



1 061, primary care initiatives account, established within the department  
2 of health.

3 (8) Notwithstanding any inconsistent provision of law, rule or regu-  
4 lation and effective April 1, 2008 through March 31, [2014] 2017, the  
5 commissioner of health is authorized to transfer and the comptroller is  
6 authorized to deposit, within amounts appropriated each year, those  
7 funds authorized for distribution in accordance with section 2807-1 of  
8 the public health law for the purposes of payment for administrative  
9 costs of the department of health related to programs funded under  
10 section 2807-1 of the public health law into the special revenue funds -  
11 other, health care reform act (HCRA) resources fund - 061, health care  
12 delivery administration account, established within the department of  
13 health.

14 (9) Notwithstanding any inconsistent provision of law, rule or regu-  
15 lation and effective April 1, 2008 through March 31, [2014] 2017, the  
16 commissioner of health is authorized to transfer and the comptroller is  
17 authorized to deposit, within amounts appropriated each year, those  
18 funds authorized pursuant to sections 2807-d, 3614-a and 3614-b of the  
19 public health law and section 367-i of the social services law and for  
20 distribution in accordance with the provisions of subdivision 9 of  
21 section 2807-j of the public health law for the purpose of payment for  
22 administration of statutory duties for the collections and distributions  
23 authorized by sections 2807-c, 2807-d, 2807-j, 2807-k, 2807-l, 3614-a  
24 and 3614-b of the public health law and section 367-i of the social  
25 services law into the special revenue funds - other, health care reform  
26 act (HCRA) resources fund - 061, provider collection monitoring account,  
27 established within the department of health.

28 S 7. Section 2807-1 of the public health law, as amended by section 7  
29 of part C of chapter 59 of the laws of 2011, is amended to read as  
30 follows:

31 S 2807-1. Health care initiatives pool distributions. 1. Funds accumu-  
32 lated in the health care initiatives pools pursuant to paragraph (b) of  
33 subdivision nine of section twenty-eight hundred seven-j of this arti-  
34 cle, or the health care reform act (HCRA) resources fund established  
35 pursuant to section ninety-two-dd of the state finance law, whichever is  
36 applicable, including income from invested funds, shall be distributed  
37 or retained by the commissioner or by the state comptroller, as applica-  
38 ble, in accordance with the following.

39 (a) Funds shall be reserved and accumulated from year to year and  
40 shall be available, including income from invested funds, for purposes  
41 of distributions to programs to provide health care coverage for unin-  
42 sured or underinsured children pursuant to sections twenty-five hundred  
43 ten and twenty-five hundred eleven of this chapter from the respective  
44 health care initiatives pools established for the following periods in  
45 the following amounts:

46 (i) from the pool for the period January first, nineteen hundred nine-  
47 ty-seven through December thirty-first, nineteen hundred ninety-seven,  
48 up to one hundred twenty million six hundred thousand dollars;

49 (ii) from the pool for the period January first, nineteen hundred  
50 ninety-eight through December thirty-first, nineteen hundred ninety-  
51 eight, up to one hundred sixty-four million five hundred thousand  
52 dollars;

53 (iii) from the pool for the period January first, nineteen hundred  
54 ninety-nine through December thirty-first, nineteen hundred ninety-nine,  
55 up to one hundred eighty-one million dollars;

1 (iv) from the pool for the period January first, two thousand through  
2 December thirty-first, two thousand, two hundred seven million dollars;  
3 (v) from the pool for the period January first, two thousand one  
4 through December thirty-first, two thousand one, two hundred thirty-five  
5 million dollars;  
6 (vi) from the pool for the period January first, two thousand two  
7 through December thirty-first, two thousand two, three hundred twenty-  
8 four million dollars;  
9 (vii) from the pool for the period January first, two thousand three  
10 through December thirty-first, two thousand three, up to four hundred  
11 fifty million three hundred thousand dollars;  
12 (viii) from the pool for the period January first, two thousand four  
13 through December thirty-first, two thousand four, up to four hundred  
14 sixty million nine hundred thousand dollars;  
15 (ix) from the pool or the health care reform act (HCRA) resources  
16 fund, whichever is applicable, for the period January first, two thou-  
17 sand five through December thirty-first, two thousand five, up to one  
18 hundred fifty-three million eight hundred thousand dollars;  
19 (x) from the health care reform act (HCRA) resources fund for the  
20 period January first, two thousand six through December thirty-first,  
21 two thousand six, up to three hundred twenty-five million four hundred  
22 thousand dollars;  
23 (xi) from the health care reform act (HCRA) resources fund for the  
24 period January first, two thousand seven through December thirty-first,  
25 two thousand seven, up to four hundred twenty-eight million fifty-nine  
26 thousand dollars;  
27 (xii) from the health care reform act (HCRA) resources fund for the  
28 period January first, two thousand eight through December thirty-first,  
29 two thousand ten, up to four hundred fifty-three million six hundred  
30 seventy-four thousand dollars annually;  
31 (xiii) from the health care reform act (HCRA) resources fund for the  
32 period January first, two thousand eleven, through March thirty-first,  
33 two thousand eleven, up to one hundred thirteen million four hundred  
34 eighteen thousand dollars;  
35 (xiv) from the health care reform act (HCRA) resources fund for the  
36 period April first, two thousand eleven, through March thirty-first, two  
37 thousand twelve, up to three hundred twenty-four million seven hundred  
38 forty-four thousand dollars;  
39 (xv) from the health care reform act (HCRA) resources fund for the  
40 period April first, two thousand twelve, through March thirty-first, two  
41 thousand thirteen, up to three hundred forty-six million four hundred  
42 forty-four thousand dollars; [and]  
43 (xvi) from the health care reform act (HCRA) resources fund for the  
44 period April first, two thousand thirteen, through March thirty-first,  
45 two thousand fourteen, up to three hundred seventy million six hundred  
46 ninety-five thousand dollars[.]; AND  
47 (XVII) FROM THE HEALTH CARE REFORM ACT (HCRA) RESOURCES FUND FOR EACH  
48 STATE FISCAL YEAR FOR PERIODS ON AND AFTER APRIL FIRST, TWO THOUSAND  
49 FOURTEEN, WITHIN AMOUNTS APPROPRIATED.  
50 (b) Funds shall be reserved and accumulated from year to year and  
51 shall be available, including income from invested funds, for purposes  
52 of distributions for health insurance programs under the individual  
53 subsidy programs established pursuant to the expanded health care cover-  
54 age act of nineteen hundred eighty-eight as amended, and for evaluation  
55 of such programs from the respective health care initiatives pools or

1 the health care reform act (HCRA) resources fund, whichever is applica-  
2 ble, established for the following periods in the following amounts:

3 (i) (A) an amount not to exceed six million dollars on an annualized  
4 basis for the periods January first, nineteen hundred ninety-seven  
5 through December thirty-first, nineteen hundred ninety-nine; up to six  
6 million dollars for the period January first, two thousand through  
7 December thirty-first, two thousand; up to five million dollars for the  
8 period January first, two thousand one through December thirty-first,  
9 two thousand one; up to four million dollars for the period January  
10 first, two thousand two through December thirty-first, two thousand two;  
11 up to two million six hundred thousand dollars for the period January  
12 first, two thousand three through December thirty-first, two thousand  
13 three; up to one million three hundred thousand dollars for the period  
14 January first, two thousand four through December thirty-first, two  
15 thousand four; up to six hundred seventy thousand dollars for the period  
16 January first, two thousand five through June thirtieth, two thousand  
17 five; up to one million three hundred thousand dollars for the period  
18 April first, two thousand six through March thirty-first, two thousand  
19 seven; and up to one million three hundred thousand dollars annually for  
20 the period April first, two thousand seven through March thirty-first,  
21 two thousand nine, shall be allocated to individual subsidy programs;  
22 and

23 (B) an amount not to exceed seven million dollars on an annualized  
24 basis for the periods during the period January first, nineteen hundred  
25 ninety-seven through December thirty-first, nineteen hundred ninety-nine  
26 and four million dollars annually for the periods January first, two  
27 thousand through December thirty-first, two thousand two, and three  
28 million dollars for the period January first, two thousand three through  
29 December thirty-first, two thousand three, and two million dollars for  
30 the period January first, two thousand four through December thirty-  
31 first, two thousand four, and two million dollars for the period January  
32 first, two thousand five through June thirtieth, two thousand five shall  
33 be allocated to the catastrophic health care expense program.

34 (ii) Notwithstanding any law to the contrary, the characterizations of  
35 the New York state small business health insurance partnership program  
36 as in effect prior to June thirtieth, two thousand three, voucher  
37 program as in effect prior to December thirty-first, two thousand one,  
38 individual subsidy program as in effect prior to June thirtieth, two  
39 thousand five, and catastrophic health care expense program, as in  
40 effect prior to June thirtieth, two thousand five, may, for the purposes  
41 of identifying matching funds for the community health care conversion  
42 demonstration project described in a waiver of the provisions of title  
43 XIX of the federal social security act granted to the state of New York  
44 and dated July fifteenth, nineteen hundred ninety-seven, may continue to  
45 be used to characterize the insurance programs in sections four thousand  
46 three hundred twenty-one-a, four thousand three hundred twenty-two-a,  
47 four thousand three hundred twenty-six and four thousand three hundred  
48 twenty-seven of the insurance law, which are successor programs to these  
49 programs.

50 (c) Up to seventy-eight million dollars shall be reserved and accumu-  
51 lated from year to year from the pool for the period January first,  
52 nineteen hundred ninety-seven through December thirty-first, nineteen  
53 hundred ninety-seven, for purposes of public health programs, up to  
54 seventy-six million dollars shall be reserved and accumulated from year  
55 to year from the pools for the periods January first, nineteen hundred  
56 ninety-eight through December thirty-first, nineteen hundred ninety-

1 eight and January first, nineteen hundred ninety-nine through December  
2 thirty-first, nineteen hundred ninety-nine, up to eighty-four million  
3 dollars shall be reserved and accumulated from year to year from the  
4 pools for the period January first, two thousand through December thir-  
5 ty-first, two thousand, up to eighty-five million dollars shall be  
6 reserved and accumulated from year to year from the pools for the period  
7 January first, two thousand one through December thirty-first, two thou-  
8 sand one, up to eighty-six million dollars shall be reserved and accumu-  
9 lated from year to year from the pools for the period January first, two  
10 thousand two through December thirty-first, two thousand two, up to  
11 eighty-six million one hundred fifty thousand dollars shall be reserved  
12 and accumulated from year to year from the pools for the period January  
13 first, two thousand three through December thirty-first, two thousand  
14 three, up to fifty-eight million seven hundred eighty thousand dollars  
15 shall be reserved and accumulated from year to year from the pools for  
16 the period January first, two thousand four through December thirty-  
17 first, two thousand four, up to sixty-eight million seven hundred thirty  
18 thousand dollars shall be reserved and accumulated from year to year  
19 from the pools or the health care reform act (HCRA) resources fund,  
20 whichever is applicable, for the period January first, two thousand five  
21 through December thirty-first, two thousand five, up to ninety-four  
22 million three hundred fifty thousand dollars shall be reserved and accu-  
23 mulated from year to year from the health care reform act (HCRA)  
24 resources fund for the period January first, two thousand six through  
25 December thirty-first, two thousand six, up to seventy million nine  
26 hundred thirty-nine thousand dollars shall be reserved and accumulated  
27 from year to year from the health care reform act (HCRA) resources fund  
28 for the period January first, two thousand seven through December thir-  
29 ty-first, two thousand seven, up to fifty-five million six hundred  
30 eighty-nine thousand dollars annually shall be reserved and accumulated  
31 from year to year from the health care reform act (HCRA) resources fund  
32 for the period January first, two thousand eight through December thir-  
33 ty-first, two thousand ten, up to thirteen million nine hundred twenty-  
34 two thousand dollars shall be reserved and accumulated from year to year  
35 from the health care reform act (HCRA) resources fund for the period  
36 January first, two thousand eleven through March thirty-first, two thou-  
37 sand eleven, and for periods on and after April first, two thousand  
38 eleven [through March thirty-first, two thousand fourteen], up to fund-  
39 ing amounts specified below and shall be available, including income  
40 from invested funds, for:

41 (i) deposit by the commissioner, within amounts appropriated, and the  
42 state comptroller is hereby authorized and directed to receive for  
43 deposit to, to the credit of the department of health's special revenue  
44 fund - other, hospital based grants program account or the health care  
45 reform act (HCRA) resources fund, whichever is applicable, for purposes  
46 of services and expenses related to general hospital based grant  
47 programs, up to twenty-two million dollars annually from the nineteen  
48 hundred ninety-seven pool, nineteen hundred ninety-eight pool, nineteen  
49 hundred ninety-nine pool, two thousand pool, two thousand one pool and  
50 two thousand two pool, respectively, up to twenty-two million dollars  
51 from the two thousand three pool, up to ten million dollars for the  
52 period January first, two thousand four through December thirty-first,  
53 two thousand four, up to eleven million dollars for the period January  
54 first, two thousand five through December thirty-first, two thousand  
55 five, up to twenty-two million dollars for the period January first, two  
56 thousand six through December thirty-first, two thousand six, up to

1 twenty-two million ninety-seven thousand dollars annually for the period  
2 January first, two thousand seven through December thirty-first, two  
3 thousand ten, up to five million five hundred twenty-four thousand  
4 dollars for the period January first, two thousand eleven through March  
5 thirty-first, two thousand eleven, up to thirteen million four hundred  
6 forty-five thousand dollars for the period April first, two thousand  
7 eleven through March thirty-first, two thousand twelve, and up to thir-  
8 teen million three hundred seventy-five thousand dollars each state  
9 fiscal year for the period April first, two thousand twelve through  
10 March thirty-first, two thousand fourteen;

11 (ii) deposit by the commissioner, within amounts appropriated, and the  
12 state comptroller is hereby authorized and directed to receive for  
13 deposit to, to the credit of the emergency medical services training  
14 account established in section ninety-seven-q of the state finance law  
15 or the health care reform act (HCRA) resources fund, whichever is appli-  
16 cable, up to sixteen million dollars on an annualized basis for the  
17 periods January first, nineteen hundred ninety-seven through December  
18 thirty-first, nineteen hundred ninety-nine, up to twenty million dollars  
19 for the period January first, two thousand through December thirty-  
20 first, two thousand, up to twenty-one million dollars for the period  
21 January first, two thousand one through December thirty-first, two thou-  
22 sand one, up to twenty-two million dollars for the period January first,  
23 two thousand two through December thirty-first, two thousand two, up to  
24 twenty-two million five hundred fifty thousand dollars for the period  
25 January first, two thousand three through December thirty-first, two  
26 thousand three, up to nine million six hundred eighty thousand dollars  
27 for the period January first, two thousand four through December thir-  
28 ty-first, two thousand four, up to twelve million one hundred thirty  
29 thousand dollars for the period January first, two thousand five through  
30 December thirty-first, two thousand five, up to twenty-four million two  
31 hundred fifty thousand dollars for the period January first, two thou-  
32 sand six through December thirty-first, two thousand six, up to twenty  
33 million four hundred ninety-two thousand dollars annually for the period  
34 January first, two thousand seven through December thirty-first, two  
35 thousand ten, up to five million one hundred twenty-three thousand  
36 dollars for the period January first, two thousand eleven through March  
37 thirty-first, two thousand eleven, up to eighteen million three hundred  
38 fifty thousand dollars for the period April first, two thousand eleven  
39 through March thirty-first, two thousand twelve, up to eighteen million  
40 nine hundred fifty thousand dollars for the period April first, two  
41 thousand twelve through March thirty-first, two thousand thirteen, [and]  
42 up to nineteen million four hundred nineteen thousand dollars for the  
43 period April first, two thousand thirteen through March thirty-first,  
44 two thousand fourteen, AND UP TO NINETEEN MILLION SIX HUNDRED FIFTY-NINE  
45 THOUSAND SEVEN HUNDRED DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD OF  
46 APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOU-  
47 SAND SEVENTEEN;

48 (iii) priority distributions by the commissioner up to thirty-two  
49 million dollars on an annualized basis for the period January first, two  
50 thousand through December thirty-first, two thousand four, up to thir-  
51 ty-eight million dollars on an annualized basis for the period January  
52 first, two thousand five through December thirty-first, two thousand  
53 six, up to eighteen million two hundred fifty thousand dollars for the  
54 period January first, two thousand seven through December thirty-first,  
55 two thousand seven, up to three million dollars annually for the period  
56 January first, two thousand eight through December thirty-first, two

1 thousand ten, up to seven hundred fifty thousand dollars for the period  
2 January first, two thousand eleven through March thirty-first, two thou-  
3 sand eleven, [and] up to two million nine hundred thousand dollars each  
4 state fiscal year for the period April first, two thousand eleven  
5 through March thirty-first, two thousand fourteen, AND UP TO TWO MILLION  
6 NINE HUNDRED THOUSAND DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD  
7 APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOU-  
8 SAND SEVENTEEN to be allocated (A) for the purposes established pursuant  
9 to subparagraph (ii) of paragraph (f) of subdivision nineteen of section  
10 twenty-eight hundred seven-c of this article as in effect on December  
11 thirty-first, nineteen hundred ninety-six and as may thereafter be  
12 amended, up to fifteen million dollars annually for the periods January  
13 first, two thousand through December thirty-first, two thousand four, up  
14 to twenty-one million dollars annually for the period January first, two  
15 thousand five through December thirty-first, two thousand six, and up to  
16 seven million five hundred thousand dollars for the period January  
17 first, two thousand seven through March thirty-first, two thousand  
18 seven;

19 (B) pursuant to a memorandum of understanding entered into by the  
20 commissioner, the majority leader of the senate and the speaker of the  
21 assembly, for the purposes outlined in such memorandum upon the recom-  
22 mendation of the majority leader of the senate, up to eight million  
23 five hundred thousand dollars annually for the period January first, two  
24 thousand through December thirty-first, two thousand six, and up to four  
25 million two hundred fifty thousand dollars for the period January first,  
26 two thousand seven through June thirtieth, two thousand seven, and for  
27 the purposes outlined in such memorandum upon the recommendation of the  
28 speaker of the assembly, up to eight million five hundred thousand  
29 dollars annually for the periods January first, two thousand through  
30 December thirty-first, two thousand six, and up to four million two  
31 hundred fifty thousand dollars for the period January first, two thou-  
32 sand seven through June thirtieth, two thousand seven; and

33 (C) for services and expenses, including grants, related to emergency  
34 assistance distributions as designated by the commissioner. Notwith-  
35 standing section one hundred twelve or one hundred sixty-three of the  
36 state finance law or any other contrary provision of law, such distrib-  
37 utions shall be limited to providers or programs where, as determined by  
38 the commissioner, emergency assistance is vital to protect the life or  
39 safety of patients, to ensure the retention of facility caregivers or  
40 other staff, or in instances where health facility operations are jeop-  
41 ardised, or where the public health is jeopardized or other emergency  
42 situations exist, up to three million dollars annually for the period  
43 April first, two thousand seven through March thirty-first, two thousand  
44 eleven, [and] up to two million nine hundred thousand dollars each state  
45 fiscal year for the period April first, two thousand eleven through  
46 March thirty-first, two thousand fourteen, AND UP TO TWO MILLION NINE  
47 HUNDRED THOUSAND DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL  
48 FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND  
49 SEVENTEEN. Upon any distribution of such funds, the commissioner shall  
50 immediately notify the chair and ranking minority member of the senate  
51 finance committee, the assembly ways and means committee, the senate  
52 committee on health, and the assembly committee on health;

53 (iv) distributions by the commissioner related to poison control  
54 centers pursuant to subdivision seven of section twenty-five hundred-d  
55 of this chapter, up to five million dollars for the period January  
56 first, nineteen hundred ninety-seven through December thirty-first,

1 nineteen hundred ninety-seven, up to three million dollars on an annual-  
2 ized basis for the periods during the period January first, nineteen  
3 hundred ninety-eight through December thirty-first, nineteen hundred  
4 ninety-nine, up to five million dollars annually for the periods January  
5 first, two thousand through December thirty-first, two thousand two, up  
6 to four million six hundred thousand dollars annually for the periods  
7 January first, two thousand three through December thirty-first, two  
8 thousand four, up to five million one hundred thousand dollars for the  
9 period January first, two thousand five through December thirty-first,  
10 two thousand six annually, up to five million one hundred thousand  
11 dollars annually for the period January first, two thousand seven  
12 through December thirty-first, two thousand nine, up to three million  
13 six hundred thousand dollars for the period January first, two thousand  
14 ten through December thirty-first, two thousand ten, up to seven hundred  
15 seventy-five thousand dollars for the period January first, two thousand  
16 eleven through March thirty-first, two thousand eleven, [and] up to two  
17 million five hundred thousand dollars each state fiscal year for the  
18 period April first, two thousand eleven through March thirty-first, two  
19 thousand fourteen, AND UP TO THREE MILLION DOLLARS EACH STATE FISCAL  
20 YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH  
21 THIRTY-FIRST, TWO THOUSAND SEVENTEEN; and

22 (v) deposit by the commissioner, within amounts appropriated, and the  
23 state comptroller is hereby authorized and directed to receive for  
24 deposit to, to the credit of the department of health's special revenue  
25 fund - other, miscellaneous special revenue fund - 339 maternal and  
26 child HIV services account or the health care reform act (HCRA)  
27 resources fund, whichever is applicable, for purposes of a special  
28 program for HIV services for women and children, including adolescents  
29 pursuant to section twenty-five hundred-f-one of [the public health law]  
30 THIS CHAPTER, up to five million dollars annually for the periods Janu-  
31 ary first, two thousand through December thirty-first, two thousand two,  
32 up to five million dollars for the period January first, two thousand  
33 three through December thirty-first, two thousand three, up to two  
34 million five hundred thousand dollars for the period January first, two  
35 thousand four through December thirty-first, two thousand four, up to  
36 two million five hundred thousand dollars for the period January first,  
37 two thousand five through December thirty-first, two thousand five, up  
38 to five million dollars for the period January first, two thousand six  
39 through December thirty-first, two thousand six, up to five million  
40 dollars annually for the period January first, two thousand seven  
41 through December thirty-first, two thousand ten, up to one million two  
42 hundred fifty thousand dollars for the period January first, two thou-  
43 sand eleven through March thirty-first, two thousand eleven, and up to  
44 five million dollars each state fiscal year for the period April first,  
45 two thousand eleven through March thirty-first, two thousand fourteen;

46 (d) (i) An amount of up to twenty million dollars annually for the  
47 period January first, two thousand through December thirty-first, two  
48 thousand six, up to ten million dollars for the period January first,  
49 two thousand seven through June thirtieth, two thousand seven, up to  
50 twenty million dollars annually for the period January first, two thou-  
51 sand eight through December thirty-first, two thousand ten, up to five  
52 million dollars for the period January first, two thousand eleven  
53 through March thirty-first, two thousand eleven, [and] up to nineteen  
54 million six hundred thousand dollars each state fiscal year for the  
55 period April first, two thousand eleven through March thirty-first, two  
56 thousand fourteen, AND UP TO NINETEEN MILLION SIX HUNDRED THOUSAND

1 DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND  
2 FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN, shall be  
3 transferred to the health facility restructuring pool established pursu-  
4 ant to section twenty-eight hundred fifteen of this article;

5 (ii) provided, however, amounts transferred pursuant to subparagraph  
6 (i) of this paragraph may be reduced in an amount to be approved by the  
7 director of the budget to reflect the amount received from the federal  
8 government under the state's 1115 waiver which is directed under its  
9 terms and conditions to the health facility restructuring program.

10 (e) Funds shall be reserved and accumulated from year to year and  
11 shall be available, including income from invested funds, for purposes  
12 of distributions to organizations to support the health workforce  
13 retraining program established pursuant to section twenty-eight hundred  
14 seven-g of this article from the respective health care initiatives  
15 pools established for the following periods in the following amounts  
16 from the pools or the health care reform act (HCRA) resources fund,  
17 whichever is applicable, during the period January first, nineteen  
18 hundred ninety-seven through December thirty-first, nineteen hundred  
19 ninety-nine, up to fifty million dollars on an annualized basis, up to  
20 thirty million dollars for the period January first, two thousand  
21 through December thirty-first, two thousand, up to forty million dollars  
22 for the period January first, two thousand one through December thirty-  
23 first, two thousand one, up to fifty million dollars for the period  
24 January first, two thousand two through December thirty-first, two thou-  
25 sand two, up to forty-one million one hundred fifty thousand dollars for  
26 the period January first, two thousand three through December thirty-  
27 first, two thousand three, up to forty-one million one hundred fifty  
28 thousand dollars for the period January first, two thousand four through  
29 December thirty-first, two thousand four, up to fifty-eight million  
30 three hundred sixty thousand dollars for the period January first, two  
31 thousand five through December thirty-first, two thousand five, up to  
32 fifty-two million three hundred sixty thousand dollars for the period  
33 January first, two thousand six through December thirty-first, two thou-  
34 sand six, up to thirty-five million four hundred thousand dollars annu-  
35 ally for the period January first, two thousand seven through December  
36 thirty-first, two thousand ten, up to eight million eight hundred fifty  
37 thousand dollars for the period January first, two thousand eleven  
38 through March thirty-first, two thousand eleven, [and] up to twenty-  
39 eight million four hundred thousand dollars each state fiscal year for  
40 the period April first, two thousand eleven through March thirty-first,  
41 two thousand fourteen, AND UP TO TWENTY-SIX MILLION EIGHT HUNDRED SEVEN-  
42 TEEN THOUSAND DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST,  
43 TWO THOUSAND FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND SEVEN-  
44 TEEN, less the amount of funds available for allocations for rate  
45 adjustments for workforce training programs for payments by state  
46 governmental agencies for inpatient hospital services.

47 (f) Funds shall be accumulated and transferred from as follows:

48 (i) from the pool for the period January first, nineteen hundred nine-  
49 ty-seven through December thirty-first, nineteen hundred ninety-seven,  
50 (A) thirty-four million six hundred thousand dollars shall be trans-  
51 ferred to funds reserved and accumulated pursuant to paragraph (b) of  
52 subdivision nineteen of section twenty-eight hundred seven-c of this  
53 article, and (B) eighty-two million dollars shall be transferred and  
54 deposited and credited to the credit of the state general fund medical  
55 assistance local assistance account;



1 (ii) from the pool for the period January first, nineteen hundred  
2 ninety-eight through December thirty-first, nineteen hundred ninety-  
3 eight, eighty-two million dollars shall be transferred and deposited and  
4 credited to the credit of the state general fund medical assistance  
5 local assistance account;

6 (iii) from the pool for the period January first, nineteen hundred  
7 ninety-nine through December thirty-first, nineteen hundred ninety-nine,  
8 eighty-two million dollars shall be transferred and deposited and cred-  
9 ited to the credit of the state general fund medical assistance local  
10 assistance account;

11 (iv) from the pool or the health care reform act (HCRA) resources  
12 fund, whichever is applicable, for the period January first, two thou-  
13 sand through December thirty-first, two thousand four, eighty-two  
14 million dollars annually, and for the period January first, two thousand  
15 five through December thirty-first, two thousand five, eighty-two  
16 million dollars, and for the period January first, two thousand six  
17 through December thirty-first, two thousand six, eighty-two million  
18 dollars, and for the period January first, two thousand seven through  
19 December thirty-first, two thousand seven, eighty-two million dollars,  
20 and for the period January first, two thousand eight through December  
21 thirty-first, two thousand eight, ninety million seven hundred thousand  
22 dollars shall be deposited by the commissioner, and the state comp-  
23 troller is hereby authorized and directed to receive for deposit to the  
24 credit of the state special revenue fund - other, HCRA transfer fund,  
25 medical assistance account;

26 (v) from the health care reform act (HCRA) resources fund for the  
27 period January first, two thousand nine through December thirty-first,  
28 two thousand nine, one hundred eight million nine hundred seventy-five  
29 thousand dollars, and for the period January first, two thousand ten  
30 through December thirty-first, two thousand ten, one hundred twenty-six  
31 million one hundred thousand dollars, for the period January first, two  
32 thousand eleven through March thirty-first, two thousand eleven, twenty  
33 million five hundred thousand dollars, and for each state fiscal year  
34 for the period April first, two thousand eleven through March thirty-  
35 first, two thousand fourteen, one hundred forty-six million four hundred  
36 thousand dollars, shall be deposited by the commissioner, and the state  
37 comptroller is hereby authorized and directed to receive for deposit, to  
38 the credit of the state special revenue fund - other, HCRA transfer  
39 fund, medical assistance account.

40 (g) Funds shall be transferred to primary health care services pools  
41 created by the commissioner, and shall be available, including income  
42 from invested funds, for distributions in accordance with former section  
43 twenty-eight hundred seven-bb of this article from the respective health  
44 care initiatives pools for the following periods in the following  
45 percentage amounts of funds remaining after allocations in accordance  
46 with paragraphs (a) through (f) of this subdivision:

47 (i) from the pool for the period January first, nineteen hundred nine-  
48 ty-seven through December thirty-first, nineteen hundred ninety-seven,  
49 fifteen and eighty-seven-hundredths percent;

50 (ii) from the pool for the period January first, nineteen hundred  
51 ninety-eight through December thirty-first, nineteen hundred ninety-  
52 eight, fifteen and eighty-seven-hundredths percent; and

53 (iii) from the pool for the period January first, nineteen hundred  
54 ninety-nine through December thirty-first, nineteen hundred ninety-nine,  
55 sixteen and thirteen-hundredths percent.

1 (h) Funds shall be reserved and accumulated from year to year by the  
2 commissioner and shall be available, including income from invested  
3 funds, for purposes of primary care education and training pursuant to  
4 article nine of this chapter from the respective health care initiatives  
5 pools established for the following periods in the following percentage  
6 amounts of funds remaining after allocations in accordance with para-  
7 graphs (a) through (f) of this subdivision and shall be available for  
8 distributions as follows:

9 (i) funds shall be reserved and accumulated:

10 (A) from the pool for the period January first, nineteen hundred nine-  
11 ty-seven through December thirty-first, nineteen hundred ninety-seven,  
12 six and thirty-five-hundredths percent;

13 (B) from the pool for the period January first, nineteen hundred nine-  
14 ty-eight through December thirty-first, nineteen hundred ninety-eight,  
15 six and thirty-five-hundredths percent; and

16 (C) from the pool for the period January first, nineteen hundred nine-  
17 ty-nine through December thirty-first, nineteen hundred ninety-nine, six  
18 and forty-five-hundredths percent;

19 (ii) funds shall be available for distributions including income from  
20 invested funds as follows:

21 (A) for purposes of the primary care physician loan repayment program  
22 in accordance with section nine hundred three of this chapter, up to  
23 five million dollars on an annualized basis;

24 (B) for purposes of the primary care practitioner scholarship program  
25 in accordance with section nine hundred four of this chapter, up to two  
26 million dollars on an annualized basis;

27 (C) for purposes of minority participation in medical education grants  
28 in accordance with section nine hundred six of this chapter, up to one  
29 million dollars on an annualized basis; and

30 (D) provided, however, that the commissioner may reallocate any funds  
31 remaining or unallocated for distributions for the primary care practi-  
32 tioner scholarship program in accordance with section nine hundred four  
33 of this chapter.

34 (i) Funds shall be reserved and accumulated from year to year and  
35 shall be available, including income from invested funds, for distrib-  
36 utions in accordance with section twenty-nine hundred fifty-two and  
37 section twenty-nine hundred fifty-eight of this chapter for rural health  
38 care delivery development and rural health care access development,  
39 respectively, from the respective health care initiatives pools or the  
40 health care reform act (HCRA) resources fund, whichever is applicable,  
41 for the following periods in the following percentage amounts of funds  
42 remaining after allocations in accordance with paragraphs (a) through  
43 (f) of this subdivision, and for periods on and after January first, two  
44 thousand, in the following amounts:

45 (i) from the pool for the period January first, nineteen hundred nine-  
46 ty-seven through December thirty-first, nineteen hundred ninety-seven,  
47 thirteen and forty-nine-hundredths percent;

48 (ii) from the pool for the period January first, nineteen hundred  
49 ninety-eight through December thirty-first, nineteen hundred ninety-  
50 eight, thirteen and forty-nine-hundredths percent;

51 (iii) from the pool for the period January first, nineteen hundred  
52 ninety-nine through December thirty-first, nineteen hundred ninety-nine,  
53 thirteen and seventy-one-hundredths percent;

54 (iv) from the pool for the periods January first, two thousand through  
55 December thirty-first, two thousand two, seventeen million dollars annu-  
56 ally, and for the period January first, two thousand three through

1 December thirty-first, two thousand three, up to fifteen million eight  
2 hundred fifty thousand dollars;

3 (v) from the pool or the health care reform act (HCRA) resources fund,  
4 whichever is applicable, for the period January first, two thousand four  
5 through December thirty-first, two thousand four, up to fifteen million  
6 eight hundred fifty thousand dollars, [and] for the period January  
7 first, two thousand five through December thirty-first, two thousand  
8 five, up to nineteen million two hundred thousand dollars, [and] for the  
9 period January first, two thousand six through December thirty-first,  
10 two thousand six, up to nineteen million two hundred thousand dollars,  
11 for the period January first, two thousand seven through December thir-  
12 ty-first, two thousand ten, up to eighteen million one hundred fifty  
13 thousand dollars annually, for the period January first, two thousand  
14 eleven through March thirty-first, two thousand eleven, up to four  
15 million five hundred thirty-eight thousand dollars, [and] for each state  
16 fiscal year for the period April first, two thousand eleven through  
17 March thirty-first, two thousand fourteen, up to sixteen million two  
18 hundred thousand dollars, AND UP TO SIXTEEN MILLION TWO HUNDRED THOUSAND  
19 DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND  
20 FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN.

21 (j) Funds shall be reserved and accumulated from year to year and  
22 shall be available, including income from invested funds, for purposes  
23 of distributions related to health information and health care quality  
24 improvement pursuant to former section twenty-eight hundred seven-n of  
25 this article from the respective health care initiatives pools estab-  
26 lished for the following periods in the following percentage amounts of  
27 funds remaining after allocations in accordance with paragraphs (a)  
28 through (f) of this subdivision:

29 (i) from the pool for the period January first, nineteen hundred nine-  
30 ty-seven through December thirty-first, nineteen hundred ninety-seven,  
31 six and thirty-five-hundredths percent;

32 (ii) from the pool for the period January first, nineteen hundred  
33 ninety-eight through December thirty-first, nineteen hundred ninety-  
34 eight, six and thirty-five-hundredths percent; and

35 (iii) from the pool for the period January first, nineteen hundred  
36 ninety-nine through December thirty-first, nineteen hundred ninety-nine,  
37 six and forty-five-hundredths percent.

38 (k) Funds shall be reserved and accumulated from year to year and  
39 shall be available, including income from invested funds, for allo-  
40 cations and distributions in accordance with section twenty-eight  
41 hundred seven-p of this article for diagnostic and treatment center  
42 uncompensated care from the respective health care initiatives pools or  
43 the health care reform act (HCRA) resources fund, whichever is applica-  
44 ble, for the following periods in the following percentage amounts of  
45 funds remaining after allocations in accordance with paragraphs (a)  
46 through (f) of this subdivision, and for periods on and after January  
47 first, two thousand, in the following amounts:

48 (i) from the pool for the period January first, nineteen hundred nine-  
49 ty-seven through December thirty-first, nineteen hundred ninety-seven,  
50 thirty-eight and one-tenth percent;

51 (ii) from the pool for the period January first, nineteen hundred  
52 ninety-eight through December thirty-first, nineteen hundred ninety-  
53 eight, thirty-eight and one-tenth percent;

54 (iii) from the pool for the period January first, nineteen hundred  
55 ninety-nine through December thirty-first, nineteen hundred ninety-nine,  
56 thirty-eight and seventy-one-hundredths percent;

1 (iv) from the pool for the periods January first, two thousand through  
2 December thirty-first, two thousand two, forty-eight million dollars  
3 annually, and for the period January first, two thousand three through  
4 June thirtieth, two thousand three, twenty-four million dollars;

5 (v) (A) from the pool or the health care reform act (HCRA) resources  
6 fund, whichever is applicable, for the period July first, two thousand  
7 three through December thirty-first, two thousand three, up to six  
8 million dollars, for the period January first, two thousand four through  
9 December thirty-first, two thousand six, up to twelve million dollars  
10 annually, for the period January first, two thousand seven through  
11 December thirty-first, two thousand thirteen, up to forty-eight million  
12 dollars annually, [and] for the period January first, two thousand four-  
13 teen through March thirty-first, two thousand fourteen, up to twelve  
14 million dollars AND FOR THE PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN  
15 THROUGH MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN, UP TO FORTY-EIGHT  
16 MILLION DOLLARS ANNUALLY;

17 (B) from the health care reform act (HCRA) resources fund for the  
18 period January first, two thousand six through December thirty-first,  
19 two thousand six, an additional seven million five hundred thousand  
20 dollars, for the period January first, two thousand seven through Decem-  
21 ber thirty-first, two thousand thirteen, an additional seven million  
22 five hundred thousand dollars annually, [and] for the period January  
23 first, two thousand fourteen through March thirty-first, two thousand  
24 fourteen, an additional one million eight hundred seventy-five thousand  
25 dollars, AND FOR THE PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH  
26 MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN, AN ADDITIONAL SEVEN MILLION  
27 FIVE HUNDRED THOUSAND DOLLARS ANNUALLY for voluntary non-profit diagnos-  
28 tic and treatment center uncompensated care in accordance with subdivi-  
29 sion four-c of section twenty-eight hundred seven-p of this article; and

30 (vi) funds reserved and accumulated pursuant to this paragraph for  
31 periods on and after July first, two thousand three, shall be deposited  
32 by the commissioner, within amounts appropriated, and the state comp-  
33 troller is hereby authorized and directed to receive for deposit to the  
34 credit of the state special revenue funds - other, HCRA transfer fund,  
35 medical assistance account, for purposes of funding the state share of  
36 rate adjustments made pursuant to section twenty-eight hundred seven-p  
37 of this article, provided, however, that in the event federal financial  
38 participation is not available for rate adjustments made pursuant to  
39 paragraph (b) of subdivision one of section twenty-eight hundred seven-p  
40 of this article, funds shall be distributed pursuant to paragraph (a) of  
41 subdivision one of section twenty-eight hundred seven-p of this article  
42 from the respective health care initiatives pools or the health care  
43 reform act (HCRA) resources fund, whichever is applicable.

44 (1) Funds shall be reserved and accumulated from year to year by the  
45 commissioner and shall be available, including income from invested  
46 funds, for transfer to and allocation for services and expenses for the  
47 payment of benefits to recipients of drugs under the AIDS drug assist-  
48 ance program (ADAP) - HIV uninsured care program as administered by  
49 Health Research Incorporated from the respective health care initi-  
50 atives pools or the health care reform act (HCRA) resources fund, which-  
51 ever is applicable, established for the following periods in the follow-  
52 ing percentage amounts of funds remaining after allocations in  
53 accordance with paragraphs (a) through (f) of this subdivision, and for  
54 periods on and after January first, two thousand, in the following  
55 amounts:

- 1 (i) from the pool for the period January first, nineteen hundred nine-  
2 ty-seven through December thirty-first, nineteen hundred ninety-seven,  
3 nine and fifty-two-hundredths percent;
- 4 (ii) from the pool for the period January first, nineteen hundred  
5 ninety-eight through December thirty-first, nineteen hundred ninety-  
6 eight, nine and fifty-two-hundredths percent;
- 7 (iii) from the pool for the period January first, nineteen hundred  
8 ninety-nine and December thirty-first, nineteen hundred ninety-nine,  
9 nine and sixty-eight-hundredths percent;
- 10 (iv) from the pool for the periods January first, two thousand through  
11 December thirty-first, two thousand two, up to twelve million dollars  
12 annually, and for the period January first, two thousand three through  
13 December thirty-first, two thousand three, up to forty million dollars;  
14 and
- 15 (v) from the pool or the health care reform act (HCRA) resources fund,  
16 whichever is applicable, for the periods January first, two thousand  
17 four through December thirty-first, two thousand four, up to fifty-six  
18 million dollars, for the period January first, two thousand five through  
19 December thirty-first, two thousand six, up to sixty million dollars  
20 annually, for the period January first, two thousand seven through  
21 December thirty-first, two thousand ten, up to sixty million dollars  
22 annually, for the period January first, two thousand eleven through  
23 March thirty-first, two thousand eleven, up to fifteen million dollars,  
24 [and] each state fiscal year for the period April first, two thousand  
25 eleven through March thirty-first, two thousand fourteen, up to forty-  
26 two million three hundred thousand dollars AND UP TO FORTY-ONE MILLION  
27 FIFTY THOUSAND DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL  
28 FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND  
29 SEVENTEEN.
- 30 (m) Funds shall be reserved and accumulated from year to year and  
31 shall be available, including income from invested funds, for purposes  
32 of distributions pursuant to section twenty-eight hundred seven-r of  
33 this article for cancer related services from the respective health care  
34 initiatives pools or the health care reform act (HCRA) resources fund,  
35 whichever is applicable, established for the following periods in the  
36 following percentage amounts of funds remaining after allocations in  
37 accordance with paragraphs (a) through (f) of this subdivision, and for  
38 periods on and after January first, two thousand, in the following  
39 amounts:
- 40 (i) from the pool for the period January first, nineteen hundred nine-  
41 ty-seven through December thirty-first, nineteen hundred ninety-seven,  
42 seven and ninety-four-hundredths percent;
- 43 (ii) from the pool for the period January first, nineteen hundred  
44 ninety-eight through December thirty-first, nineteen hundred ninety-  
45 eight, seven and ninety-four-hundredths percent;
- 46 (iii) from the pool for the period January first, nineteen hundred  
47 ninety-nine and December thirty-first, nineteen hundred ninety-nine, six  
48 and forty-five-hundredths percent;
- 49 (iv) from the pool for the period January first, two thousand through  
50 December thirty-first, two thousand two, up to ten million dollars on an  
51 annual basis;
- 52 (v) from the pool for the period January first, two thousand three  
53 through December thirty-first, two thousand four, up to eight million  
54 nine hundred fifty thousand dollars on an annual basis;
- 55 (vi) from the pool or the health care reform act (HCRA) resources  
56 fund, whichever is applicable, for the period January first, two thou-

1 sand five through December thirty-first, two thousand six, up to ten  
2 million fifty thousand dollars on an annual basis, for the period Janu-  
3 ary first, two thousand seven through December thirty-first, two thou-  
4 sand ten, up to nineteen million dollars annually, and for the period  
5 January first, two thousand eleven through March thirty-first, two thou-  
6 sand eleven, up to four million seven hundred fifty thousand dollars.

7 (n) Funds shall be accumulated and transferred from the health care  
8 reform act (HCRA) resources fund as follows: for the period April first,  
9 two thousand seven through March thirty-first, two thousand eight, and  
10 on an annual basis for the periods April first, two thousand eight  
11 through November thirtieth, two thousand nine, funds within amounts  
12 appropriated shall be transferred and deposited and credited to the  
13 credit of the state special revenue funds - other, HCRA transfer fund,  
14 medical assistance account, for purposes of funding the state share of  
15 rate adjustments made to public and voluntary hospitals in accordance  
16 with paragraphs (i) and (j) of subdivision one of section twenty-eight  
17 hundred seven-c of this article.

18 2. Notwithstanding any inconsistent provision of law, rule or regu-  
19 lation, any funds accumulated in the health care initiatives pools  
20 pursuant to paragraph (b) of subdivision nine of section twenty-eight  
21 hundred seven-j of this article, as a result of surcharges, assessments  
22 or other obligations during the periods January first, nineteen hundred  
23 ninety-seven through December thirty-first, nineteen hundred ninety-  
24 nine, which are unused or uncommitted for distributions pursuant to this  
25 section shall be reserved and accumulated from year to year by the  
26 commissioner and, within amounts appropriated, transferred and deposited  
27 into the special revenue funds - other, miscellaneous special revenue  
28 fund - 339, child health insurance account or any successor fund or  
29 account, for purposes of distributions to implement the child health  
30 insurance program established pursuant to sections twenty-five hundred  
31 ten and twenty-five hundred eleven of this chapter for periods on and  
32 after January first, two thousand one; provided, however, funds reserved  
33 and accumulated for priority distributions pursuant to subparagraph  
34 (iii) of paragraph (c) of subdivision one of this section shall not be  
35 transferred and deposited into such account pursuant to this subdivi-  
36 sion; and provided further, however, that any unused or uncommitted pool  
37 funds accumulated and allocated pursuant to paragraph (j) of subdivision  
38 one of this section shall be distributed for purposes of the health  
39 information and quality improvement act of 2000.

40 3. Revenue from distributions pursuant to this section shall not be  
41 included in gross revenue received for purposes of the assessments  
42 pursuant to subdivision eighteen of section twenty-eight hundred seven-c  
43 of this article, subject to the provisions of paragraph (e) of subdivi-  
44 sion eighteen of section twenty-eight hundred seven-c of this article,  
45 and shall not be included in gross revenue received for purposes of the  
46 assessments pursuant to section twenty-eight hundred seven-d of this  
47 article, subject to the provisions of subdivision twelve of section  
48 twenty-eight hundred seven-d of this article.

49 S 8. Section 2807-v of the public health law, as amended by section 5  
50 of part B of chapter 58 of the laws of 2008, subdivision 1 as amended by  
51 section 8 of part C of chapter 59 of the laws of 2011, clause (K) of  
52 subparagraph (i) of paragraph (bb) of subdivision 1 as amended by  
53 section 35-a, subparagraph (xi) of paragraph (cc) of subdivision 1 as  
54 amended by section 35-b and subparagraph (vii) of paragraph (ccc) of  
55 subdivision 1 as amended by section 35-c of part D of chapter 56 of the  
56 laws of 2012, paragraph (fff) of subdivision 1 as separately amended by

1 section 16 of part A of chapter 59 of the laws of 2011, and paragraph  
2 (iii) of subdivision 1 as added by section 52-b of part H of chapter 59  
3 of the laws of 2011, is amended to read as follows:

4 S 2807-v. Tobacco control and insurance initiatives pool distrib-  
5 utions. 1. Funds accumulated in the tobacco control and insurance  
6 initiatives pool or in the health care reform act (HCRA) resources fund  
7 established pursuant to section ninety-two-dd of the state finance law,  
8 whichever is applicable, including income from invested funds, shall be  
9 distributed or retained by the commissioner or by the state comptroller,  
10 as applicable, in accordance with the following:

11 (a) Funds shall be deposited by the commissioner, within amounts  
12 appropriated, and the state comptroller is hereby authorized and  
13 directed to receive for deposit to the credit of the state special  
14 revenue funds - other, HCRA transfer fund, medicaid fraud hotline and  
15 medicaid administration account, or any successor fund or account, for  
16 purposes of services and expenses related to the toll-free medicaid  
17 fraud hotline established pursuant to section one hundred eight of chap-  
18 ter one of the laws of nineteen hundred ninety-nine from the tobacco  
19 control and insurance initiatives pool established for the following  
20 periods in the following amounts: four hundred thousand dollars annually  
21 for the periods January first, two thousand through December thirty-  
22 first, two thousand two, up to four hundred thousand dollars for the  
23 period January first, two thousand three through December thirty-first,  
24 two thousand three, up to four hundred thousand dollars for the period  
25 January first, two thousand four through December thirty-first, two  
26 thousand four, up to four hundred thousand dollars for the period Janu-  
27 ary first, two thousand five through December thirty-first, two thousand  
28 five, up to four hundred thousand dollars for the period January first,  
29 two thousand six through December thirty-first, two thousand six, up to  
30 four hundred thousand dollars for the period January first, two thousand  
31 seven through December thirty-first, two thousand seven, up to four  
32 hundred thousand dollars for the period January first, two thousand  
33 eight through December thirty-first, two thousand eight, up to four  
34 hundred thousand dollars for the period January first, two thousand nine  
35 through December thirty-first, two thousand nine, up to four hundred  
36 thousand dollars for the period January first, two thousand ten through  
37 December thirty-first, two thousand ten, up to one hundred thousand  
38 dollars for the period January first, two thousand eleven through March  
39 thirty-first, two thousand eleven and within amounts appropriated on and  
40 after April first, two thousand eleven.

41 (b) Funds shall be reserved and accumulated from year to year and  
42 shall be available, including income from invested funds, for purposes  
43 of payment of audits or audit contracts necessary to determine payor and  
44 provider compliance with requirements set forth in sections twenty-eight  
45 hundred seven-j, twenty-eight hundred seven-s and twenty-eight hundred  
46 seven-t of this article from the tobacco control and insurance initi-  
47 atives pool established for the following periods in the following  
48 amounts: five million six hundred thousand dollars annually for the  
49 periods January first, two thousand through December thirty-first, two  
50 thousand two, up to five million dollars for the period January first,  
51 two thousand three through December thirty-first, two thousand three, up  
52 to five million dollars for the period January first, two thousand four  
53 through December thirty-first, two thousand four, up to five million  
54 dollars for the period January first, two thousand five through December  
55 thirty first, two thousand five, up to five million dollars for the  
56 period January first, two thousand six through December thirty-first,

1 two thousand six, up to seven million eight hundred thousand dollars for  
2 the period January first, two thousand seven through December thirty-  
3 first, two thousand seven, and up to eight million three hundred twen-  
4 ty-five thousand dollars for the period January first, two thousand  
5 eight through December thirty-first, two thousand eight, up to eight  
6 million five hundred thousand dollars for the period January first, two  
7 thousand nine through December thirty-first, two thousand nine, up to  
8 eight million five hundred thousand dollars for the period January  
9 first, two thousand ten through December thirty-first, two thousand ten,  
10 up to two million one hundred twenty-five thousand dollars for the peri-  
11 od January first, two thousand eleven through March thirty-first, two  
12 thousand eleven, [and] up to fourteen million seven hundred thousand  
13 dollars each state fiscal year for the period April first, two thousand  
14 eleven through March thirty-first, two thousand fourteen, AND UP TO  
15 ELEVEN MILLION ONE HUNDRED THOUSAND DOLLARS EACH STATE FISCAL YEAR FOR  
16 THE PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH  
17 THIRTY-FIRST, TWO THOUSAND SEVENTEEN.

18 (c) Funds shall be deposited by the commissioner, within amounts  
19 appropriated, and the state comptroller is hereby authorized and  
20 directed to receive for deposit to the credit of the state special  
21 revenue funds - other, HCRA transfer fund, enhanced community services  
22 account, or any successor fund or account, for mental health services  
23 programs for case management services for adults and children; supported  
24 housing; home and community based waiver services; family based treat-  
25 ment; family support services; mobile mental health teams; transitional  
26 housing; and community oversight, established pursuant to articles seven  
27 and forty-one of the mental hygiene law and subdivision nine of section  
28 three hundred sixty-six of the social services law; and for comprehen-  
29 sive care centers for eating disorders pursuant to the former section  
30 twenty-seven hundred ninety-nine-1 of this chapter, provided however  
31 that, for such centers, funds in the amount of five hundred thousand  
32 dollars on an annualized basis shall be transferred from the enhanced  
33 community services account, or any successor fund or account, and depos-  
34 ited into the fund established by section ninety-five-e of the state  
35 finance law; from the tobacco control and insurance initiatives pool  
36 established for the following periods in the following amounts:

37 (i) forty-eight million dollars to be reserved, to be retained or for  
38 distribution pursuant to a chapter of the laws of two thousand, for the  
39 period January first, two thousand through December thirty-first, two  
40 thousand;

41 (ii) eighty-seven million dollars to be reserved, to be retained or  
42 for distribution pursuant to a chapter of the laws of two thousand one,  
43 for the period January first, two thousand one through December thirty-  
44 first, two thousand one;

45 (iii) eighty-seven million dollars to be reserved, to be retained or  
46 for distribution pursuant to a chapter of the laws of two thousand two,  
47 for the period January first, two thousand two through December thirty-  
48 first, two thousand two;

49 (iv) eighty-eight million dollars to be reserved, to be retained or  
50 for distribution pursuant to a chapter of the laws of two thousand  
51 three, for the period January first, two thousand three through December  
52 thirty-first, two thousand three;

53 (v) eighty-eight million dollars, plus five hundred thousand dollars,  
54 to be reserved, to be retained or for distribution pursuant to a chapter  
55 of the laws of two thousand four, and pursuant to the former section  
56 twenty-seven hundred ninety-nine-1 of this chapter, for the period Janu-



1 ary first, two thousand four through December thirty-first, two thousand  
2 four;

3 (vi) eighty-eight million dollars, plus five hundred thousand dollars,  
4 to be reserved, to be retained or for distribution pursuant to a chapter  
5 of the laws of two thousand five, and pursuant to the former section  
6 twenty-seven hundred ninety-nine-1 of this chapter, for the period Janu-  
7 ary first, two thousand five through December thirty-first, two thousand  
8 five;

9 (vii) eighty-eight million dollars, plus five hundred thousand  
10 dollars, to be reserved, to be retained or for distribution pursuant to  
11 a chapter of the laws of two thousand six, and pursuant to FORMER  
12 section twenty-seven hundred ninety-nine-1 of this chapter, for the  
13 period January first, two thousand six through December thirty-first,  
14 two thousand six;

15 (viii) eighty-six million four hundred thousand dollars, plus five  
16 hundred thousand dollars, to be reserved, to be retained or for distrib-  
17 ution pursuant to a chapter of the laws of two thousand seven and pursu-  
18 ant to the former section twenty-seven hundred ninety-nine-1 of this  
19 chapter, for the period January first, two thousand seven through Decem-  
20 ber thirty-first, two thousand seven; and

21 (ix) twenty-two million nine hundred thirteen thousand dollars, plus  
22 one hundred twenty-five thousand dollars, to be reserved, to be retained  
23 or for distribution pursuant to a chapter of the laws of two thousand  
24 eight and pursuant to the former section twenty-seven hundred ninety-  
25 nine-1 of this chapter, for the period January first, two thousand eight  
26 through March thirty-first, two thousand eight.

27 (d) Funds shall be deposited by the commissioner, within amounts  
28 appropriated, and the state comptroller is hereby authorized and  
29 directed to receive for deposit to the credit of the state special  
30 revenue funds - other, HCRA transfer fund, medical assistance account,  
31 or any successor fund or account, for purposes of funding the state  
32 share of services and expenses related to the family health plus program  
33 including up to two and one-half million dollars annually for the period  
34 January first, two thousand through December thirty-first, two thousand  
35 two, for administration and marketing costs associated with such program  
36 established pursuant to clause (A) of subparagraph (v) of paragraph (a)  
37 of subdivision two of section three hundred sixty-nine-ee of the social  
38 services law from the tobacco control and insurance initiatives pool  
39 established for the following periods in the following amounts:

40 (i) three million five hundred thousand dollars for the period January  
41 first, two thousand through December thirty-first, two thousand;

42 (ii) twenty-seven million dollars for the period January first, two  
43 thousand one through December thirty-first, two thousand one; and

44 (iii) fifty-seven million dollars for the period January first, two  
45 thousand two through December thirty-first, two thousand two.

46 (e) Funds shall be deposited by the commissioner, within amounts  
47 appropriated, and the state comptroller is hereby authorized and  
48 directed to receive for deposit to the credit of the state special  
49 revenue funds - other, HCRA transfer fund, medical assistance account,  
50 or any successor fund or account, for purposes of funding the state  
51 share of services and expenses related to the family health plus program  
52 including up to two and one-half million dollars annually for the period  
53 January first, two thousand through December thirty-first, two thousand  
54 two for administration and marketing costs associated with such program  
55 established pursuant to clause (B) of subparagraph (v) of paragraph (a)  
56 of subdivision two of section three hundred sixty-nine-ee of the social

1 services law from the tobacco control and insurance initiatives pool  
2 established for the following periods in the following amounts:

3 (i) two million five hundred thousand dollars for the period January  
4 first, two thousand through December thirty-first, two thousand;

5 (ii) thirty million five hundred thousand dollars for the period Janu-  
6 ary first, two thousand one through December thirty-first, two thousand  
7 one; and

8 (iii) sixty-six million dollars for the period January first, two  
9 thousand two through December thirty-first, two thousand two.

10 (f) Funds shall be deposited by the commissioner, within amounts  
11 appropriated, and the state comptroller is hereby authorized and  
12 directed to receive for deposit to the credit of the state special  
13 revenue funds - other, HCRA transfer fund, medicaid fraud hotline and  
14 medicaid administration account, or any successor fund or account, for  
15 purposes of payment of administrative expenses of the department related  
16 to the family health plus program established pursuant to section three  
17 hundred sixty-nine-ee of the social services law from the tobacco  
18 control and insurance initiatives pool established for the following  
19 periods in the following amounts: five hundred thousand dollars on an  
20 annual basis for the periods January first, two thousand through Decem-  
21 ber thirty-first, two thousand six, five hundred thousand dollars for  
22 the period January first, two thousand seven through December thirty-  
23 first, two thousand seven, and five hundred thousand dollars for the  
24 period January first, two thousand eight through December thirty-first,  
25 two thousand eight, five hundred thousand dollars for the period January  
26 first, two thousand nine through December thirty-first, two thousand  
27 nine, five hundred thousand dollars for the period January first, two  
28 thousand ten through December thirty-first, two thousand ten, one  
29 hundred twenty-five thousand dollars for the period January first, two  
30 thousand eleven through March thirty-first, two thousand eleven and  
31 within amounts appropriated on and after April first, two thousand elev-  
32 en.

33 (g) Funds shall be reserved and accumulated from year to year and  
34 shall be available, including income from invested funds, for purposes  
35 of services and expenses related to the health maintenance organization  
36 direct pay market program established pursuant to sections forty-three  
37 hundred twenty-one-a and forty-three hundred twenty-two-a of the insur-  
38 ance law from the tobacco control and insurance initiatives pool estab-  
39 lished for the following periods in the following amounts:

40 (i) up to thirty-five million dollars for the period January first,  
41 two thousand through December thirty-first, two thousand of which fifty  
42 percentum shall be allocated to the program pursuant to section four  
43 thousand three hundred twenty-one-a of the insurance law and fifty  
44 percentum to the program pursuant to section four thousand three hundred  
45 twenty-two-a of the insurance law;

46 (ii) up to thirty-six million dollars for the period January first,  
47 two thousand one through December thirty-first, two thousand one of  
48 which fifty percentum shall be allocated to the program pursuant to  
49 section four thousand three hundred twenty-one-a of the insurance law  
50 and fifty percentum to the program pursuant to section four thousand  
51 three hundred twenty-two-a of the insurance law;

52 (iii) up to thirty-nine million dollars for the period January first,  
53 two thousand two through December thirty-first, two thousand two of  
54 which fifty percentum shall be allocated to the program pursuant to  
55 section four thousand three hundred twenty-one-a of the insurance law

1 and fifty percentum to the program pursuant to section four thousand  
2 three hundred twenty-two-a of the insurance law;

3 (iv) up to forty million dollars for the period January first, two  
4 thousand three through December thirty-first, two thousand three of  
5 which fifty percentum shall be allocated to the program pursuant to  
6 section four thousand three hundred twenty-one-a of the insurance law  
7 and fifty percentum to the program pursuant to section four thousand  
8 three hundred twenty-two-a of the insurance law;

9 (v) up to forty million dollars for the period January first, two  
10 thousand four through December thirty-first, two thousand four of which  
11 fifty percentum shall be allocated to the program pursuant to section  
12 four thousand three hundred twenty-one-a of the insurance law and fifty  
13 percentum to the program pursuant to section four thousand three hundred  
14 twenty-two-a of the insurance law;

15 (vi) up to forty million dollars for the period January first, two  
16 thousand five through December thirty-first, two thousand five of which  
17 fifty percentum shall be allocated to the program pursuant to section  
18 four thousand three hundred twenty-one-a of the insurance law and fifty  
19 percentum to the program pursuant to section four thousand three hundred  
20 twenty-two-a of the insurance law;

21 (vii) up to forty million dollars for the period January first, two  
22 thousand six through December thirty-first, two thousand six of which  
23 fifty percentum shall be allocated to the program pursuant to section  
24 four thousand three hundred twenty-one-a of the insurance law and fifty  
25 percentum shall be allocated to the program pursuant to section four  
26 thousand three hundred twenty-two-a of the insurance law;

27 (viii) up to forty million dollars for the period January first, two  
28 thousand seven through December thirty-first, two thousand seven of  
29 which fifty percentum shall be allocated to the program pursuant to  
30 section four thousand three hundred twenty-one-a of the insurance law  
31 and fifty percentum shall be allocated to the program pursuant to  
32 section four thousand three hundred twenty-two-a of the insurance law;  
33 and

34 (ix) up to forty million dollars for the period January first, two  
35 thousand eight through December thirty-first, two thousand eight of  
36 which fifty per centum shall be allocated to the program pursuant to  
37 section four thousand three hundred twenty-one-a of the insurance law  
38 and fifty per centum shall be allocated to the program pursuant to  
39 section four thousand three hundred twenty-two-a of the insurance law.

40 (h) Funds shall be reserved and accumulated from year to year and  
41 shall be available, including income from invested funds, for purposes  
42 of services and expenses related to the healthy New York individual  
43 program established pursuant to sections four thousand three hundred  
44 twenty-six and four thousand three hundred twenty-seven of the insurance  
45 law from the tobacco control and insurance initiatives pool established  
46 for the following periods in the following amounts:

47 (i) up to six million dollars for the period January first, two thou-  
48 sand one through December thirty-first, two thousand one;

49 (ii) up to twenty-nine million dollars for the period January first,  
50 two thousand two through December thirty-first, two thousand two;

51 (iii) up to five million one hundred thousand dollars for the period  
52 January first, two thousand three through December thirty-first, two  
53 thousand three;

54 (iv) up to twenty-four million six hundred thousand dollars for the  
55 period January first, two thousand four through December thirty-first,  
56 two thousand four;

1 (v) up to thirty-four million six hundred thousand dollars for the  
2 period January first, two thousand five through December thirty-first,  
3 two thousand five;

4 (vi) up to fifty-four million eight hundred thousand dollars for the  
5 period January first, two thousand six through December thirty-first,  
6 two thousand six;

7 (vii) up to sixty-one million seven hundred thousand dollars for the  
8 period January first, two thousand seven through December thirty-first,  
9 two thousand seven; and

10 (viii) up to one hundred three million seven hundred fifty thousand  
11 dollars for the period January first, two thousand eight through Decem-  
12 ber thirty-first, two thousand eight.

13 (i) Funds shall be reserved and accumulated from year to year and  
14 shall be available, including income from invested funds, for purposes  
15 of services and expenses related to the healthy New York group program  
16 established pursuant to sections four thousand three hundred twenty-six  
17 and four thousand three hundred twenty-seven of the insurance law from  
18 the tobacco control and insurance initiatives pool established for the  
19 following periods in the following amounts:

20 (i) up to thirty-four million dollars for the period January first,  
21 two thousand one through December thirty-first, two thousand one;

22 (ii) up to seventy-seven million dollars for the period January first,  
23 two thousand two through December thirty-first, two thousand two;

24 (iii) up to ten million five hundred thousand dollars for the period  
25 January first, two thousand three through December thirty-first, two  
26 thousand three;

27 (iv) up to twenty-four million six hundred thousand dollars for the  
28 period January first, two thousand four through December thirty-first,  
29 two thousand four;

30 (v) up to thirty-four million six hundred thousand dollars for the  
31 period January first, two thousand five through December thirty-first,  
32 two thousand five;

33 (vi) up to fifty-four million eight hundred thousand dollars for the  
34 period January first, two thousand six through December thirty-first,  
35 two thousand six;

36 (vii) up to sixty-one million seven hundred thousand dollars for the  
37 period January first, two thousand seven through December thirty-first,  
38 two thousand seven; and

39 (viii) up to one hundred three million seven hundred fifty thousand  
40 dollars for the period January first, two thousand eight through Decem-  
41 ber thirty-first, two thousand eight.

42 (i-1) Notwithstanding the provisions of paragraphs (h) and (i) of this  
43 subdivision, the commissioner shall reserve and accumulate up to two  
44 million five hundred thousand dollars annually for the periods January  
45 first, two thousand four through December thirty-first, two thousand  
46 six, one million four hundred thousand dollars for the period January  
47 first, two thousand seven through December thirty-first, two thousand  
48 seven, two million dollars for the period January first, two thousand  
49 eight through December thirty-first, two thousand eight, from funds  
50 otherwise available for distribution under such paragraphs for the  
51 services and expenses related to the pilot program for entertainment  
52 industry employees included in subsection (b) of section one thousand  
53 one hundred twenty-two of the insurance law, and an additional seven  
54 hundred thousand dollars annually for the periods January first, two  
55 thousand four through December thirty-first, two thousand six, an addi-  
56 tional three hundred thousand dollars for the period January first, two

1 thousand seven through June thirtieth, two thousand seven for services  
2 and expenses related to the pilot program for displaced workers included  
3 in subsection (c) of section one thousand one hundred twenty-two of the  
4 insurance law.

5 (j) Funds shall be reserved and accumulated from year to year and  
6 shall be available, including income from invested funds, for purposes  
7 of services and expenses related to the tobacco use prevention and  
8 control program established pursuant to sections thirteen hundred nine-  
9 ty-nine-ii and thirteen hundred ninety-nine-jj of this chapter, from the  
10 tobacco control and insurance initiatives pool established for the  
11 following periods in the following amounts:

12 (i) up to thirty million dollars for the period January first, two  
13 thousand through December thirty-first, two thousand;

14 (ii) up to forty million dollars for the period January first, two  
15 thousand one through December thirty-first, two thousand one;

16 (iii) up to forty million dollars for the period January first, two  
17 thousand two through December thirty-first, two thousand two;

18 (iv) up to thirty-six million nine hundred fifty thousand dollars for  
19 the period January first, two thousand three through December thirty-  
20 first, two thousand three;

21 (v) up to thirty-six million nine hundred fifty thousand dollars for  
22 the period January first, two thousand four through December thirty-  
23 first, two thousand four;

24 (vi) up to forty million six hundred thousand dollars for the period  
25 January first, two thousand five through December thirty-first, two  
26 thousand five;

27 (vii) up to eighty-one million nine hundred thousand dollars for the  
28 period January first, two thousand six through December thirty-first,  
29 two thousand six, provided, however, that within amounts appropriated, a  
30 portion of such funds may be transferred to the Roswell Park Cancer  
31 Institute Corporation to support costs associated with cancer research;

32 (viii) up to ninety-four million one hundred fifty thousand dollars  
33 for the period January first, two thousand seven through December thir-  
34 ty-first, two thousand seven, provided, however, that within amounts  
35 appropriated, a portion of such funds may be transferred to the Roswell  
36 Park Cancer Institute Corporation to support costs associated with  
37 cancer research;

38 (ix) up to ninety-four million one hundred fifty thousand dollars for  
39 the period January first, two thousand eight through December thirty-  
40 first, two thousand eight;

41 (x) up to ninety-four million one hundred fifty thousand dollars for  
42 the period January first, two thousand nine through December thirty-  
43 first, two thousand nine;

44 (xi) up to eighty-seven million seven hundred seventy-five thousand  
45 dollars for the period January first, two thousand ten through December  
46 thirty-first, two thousand ten;

47 (xii) up to twenty-one million four hundred twelve thousand dollars  
48 for the period January first, two thousand eleven through March thirty-  
49 first, two thousand eleven; [and]

50 (xiii) up to fifty-two million one hundred thousand dollars each state  
51 fiscal year for the period April first, two thousand eleven through  
52 March thirty-first, two thousand fourteen; AND

53 (XIV) UP TO SIX MILLION DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD  
54 APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOU-  
55 SAND SEVENTEEN.

1 (k) Funds shall be deposited by the commissioner, within amounts  
2 appropriated, and the state comptroller is hereby authorized and  
3 directed to receive for deposit to the credit of the state special  
4 revenue fund - other, HCRA transfer fund, health care services account,  
5 or any successor fund or account, for purposes of services and expenses  
6 related to public health programs, including comprehensive care centers  
7 for eating disorders pursuant to the former section twenty-seven hundred  
8 ninety-nine-1 of this chapter, provided however that, for such centers,  
9 funds in the amount of five hundred thousand dollars on an annualized  
10 basis shall be transferred from the health care services account, or any  
11 successor fund or account, and deposited into the fund established by  
12 section ninety-five-e of the state finance law for periods prior to  
13 March thirty-first, two thousand eleven, from the tobacco control and  
14 insurance initiatives pool established for the following periods in the  
15 following amounts:

16 (i) up to thirty-one million dollars for the period January first, two  
17 thousand through December thirty-first, two thousand;

18 (ii) up to forty-one million dollars for the period January first, two  
19 thousand one through December thirty-first, two thousand one;

20 (iii) up to eighty-one million dollars for the period January first,  
21 two thousand two through December thirty-first, two thousand two;

22 (iv) one hundred twenty-two million five hundred thousand dollars for  
23 the period January first, two thousand three through December thirty-  
24 first, two thousand three;

25 (v) one hundred eight million five hundred seventy-five thousand  
26 dollars, plus an additional five hundred thousand dollars, for the peri-  
27 od January first, two thousand four through December thirty-first, two  
28 thousand four;

29 (vi) ninety-one million eight hundred thousand dollars, plus an addi-  
30 tional five hundred thousand dollars, for the period January first, two  
31 thousand five through December thirty-first, two thousand five;

32 (vii) one hundred fifty-six million six hundred thousand dollars, plus  
33 an additional five hundred thousand dollars, for the period January  
34 first, two thousand six through December thirty-first, two thousand six;

35 (viii) one hundred fifty-one million four hundred thousand dollars,  
36 plus an additional five hundred thousand dollars, for the period January  
37 first, two thousand seven through December thirty-first, two thousand  
38 seven;

39 (ix) one hundred sixteen million nine hundred forty-nine thousand  
40 dollars, plus an additional five hundred thousand dollars, for the peri-  
41 od January first, two thousand eight through December thirty-first, two  
42 thousand eight;

43 (x) one hundred sixteen million nine hundred forty-nine thousand  
44 dollars, plus an additional five hundred thousand dollars, for the peri-  
45 od January first, two thousand nine through December thirty-first, two  
46 thousand nine;

47 (xi) one hundred sixteen million nine hundred forty-nine thousand  
48 dollars, plus an additional five hundred thousand dollars, for the peri-  
49 od January first, two thousand ten through December thirty-first, two  
50 thousand ten;

51 (xii) twenty-nine million two hundred thirty-seven thousand two  
52 hundred fifty dollars, plus an additional one hundred twenty-five thou-  
53 sand dollars, for the period January first, two thousand eleven through  
54 March thirty-first, two thousand eleven;

1 (xiii) one hundred twenty million thirty-eight thousand dollars for  
2 the period April first, two thousand eleven through March thirty-first,  
3 two thousand twelve; and

4 (xiv) one hundred nineteen million four hundred seven thousand dollars  
5 each state fiscal year for the period April first, two thousand twelve  
6 through March thirty-first, two thousand fourteen.

7 (l) Funds shall be deposited by the commissioner, within amounts  
8 appropriated, and the state comptroller is hereby authorized and  
9 directed to receive for deposit to the credit of the state special  
10 revenue funds - other, HCRA transfer fund, medical assistance account,  
11 or any successor fund or account, for purposes of funding the state  
12 share of the personal care and certified home health agency rate or fee  
13 increases established pursuant to subdivision three of section three  
14 hundred sixty-seven-o of the social services law from the tobacco  
15 control and insurance initiatives pool established for the following  
16 periods in the following amounts:

17 (i) twenty-three million two hundred thousand dollars for the period  
18 January first, two thousand through December thirty-first, two thousand;

19 (ii) twenty-three million two hundred thousand dollars for the period  
20 January first, two thousand one through December thirty-first, two thou-  
21 sand one;

22 (iii) twenty-three million two hundred thousand dollars for the period  
23 January first, two thousand two through December thirty-first, two thou-  
24 sand two;

25 (iv) up to sixty-five million two hundred thousand dollars for the  
26 period January first, two thousand three through December thirty-first,  
27 two thousand three;

28 (v) up to sixty-five million two hundred thousand dollars for the  
29 period January first, two thousand four through December thirty-first,  
30 two thousand four;

31 (vi) up to sixty-five million two hundred thousand dollars for the  
32 period January first, two thousand five through December thirty-first,  
33 two thousand five;

34 (vii) up to sixty-five million two hundred thousand dollars for the  
35 period January first, two thousand six through December thirty-first,  
36 two thousand six;

37 (viii) up to sixty-five million two hundred thousand dollars for the  
38 period January first, two thousand seven through December thirty-first,  
39 two thousand seven; and

40 (ix) up to sixteen million three hundred thousand dollars for the  
41 period January first, two thousand eight through March thirty-first, two  
42 thousand eight.

43 (m) Funds shall be deposited by the commissioner, within amounts  
44 appropriated, and the state comptroller is hereby authorized and  
45 directed to receive for deposit to the credit of the state special  
46 revenue funds - other, HCRA transfer fund, medical assistance account,  
47 or any successor fund or account, for purposes of funding the state  
48 share of services and expenses related to home care workers insurance  
49 pilot demonstration programs established pursuant to subdivision two of  
50 section three hundred sixty-seven-o of the social services law from the  
51 tobacco control and insurance initiatives pool established for the  
52 following periods in the following amounts:

53 (i) three million eight hundred thousand dollars for the period Janu-  
54 ary first, two thousand through December thirty-first, two thousand;

- 1 (ii) three million eight hundred thousand dollars for the period Janu-  
2 ary first, two thousand one through December thirty-first, two thousand  
3 one;
- 4 (iii) three million eight hundred thousand dollars for the period  
5 January first, two thousand two through December thirty-first, two thou-  
6 sand two;
- 7 (iv) up to three million eight hundred thousand dollars for the period  
8 January first, two thousand three through December thirty-first, two  
9 thousand three;
- 10 (v) up to three million eight hundred thousand dollars for the period  
11 January first, two thousand four through December thirty-first, two  
12 thousand four;
- 13 (vi) up to three million eight hundred thousand dollars for the period  
14 January first, two thousand five through December thirty-first, two  
15 thousand five;
- 16 (vii) up to three million eight hundred thousand dollars for the peri-  
17 od January first, two thousand six through December thirty-first, two  
18 thousand six;
- 19 (viii) up to three million eight hundred thousand dollars for the  
20 period January first, two thousand seven through December thirty-first,  
21 two thousand seven; and
- 22 (ix) up to nine hundred fifty thousand dollars for the period January  
23 first, two thousand eight through March thirty-first, two thousand  
24 eight.
- 25 (n) Funds shall be transferred by the commissioner and shall be depos-  
26 ited to the credit of the special revenue funds - other, miscellaneous  
27 special revenue fund - 339, elderly pharmaceutical insurance coverage  
28 program premium account authorized pursuant to the provisions of title  
29 three of article two of the elder law, or any successor fund or account,  
30 for funding state expenses relating to the program from the tobacco  
31 control and insurance initiatives pool established for the following  
32 periods in the following amounts:
- 33 (i) one hundred seven million dollars for the period January first,  
34 two thousand through December thirty-first, two thousand;
- 35 (ii) one hundred sixty-four million dollars for the period January  
36 first, two thousand one through December thirty-first, two thousand one;
- 37 (iii) three hundred twenty-two million seven hundred thousand dollars  
38 for the period January first, two thousand two through December thirty-  
39 first, two thousand two;
- 40 (iv) four hundred thirty-three million three hundred thousand dollars  
41 for the period January first, two thousand three through December thir-  
42 ty-first, two thousand three;
- 43 (v) five hundred four million one hundred fifty thousand dollars for  
44 the period January first, two thousand four through December thirty-  
45 first, two thousand four;
- 46 (vi) five hundred sixty-six million eight hundred thousand dollars for  
47 the period January first, two thousand five through December thirty-  
48 first, two thousand five;
- 49 (vii) six hundred three million one hundred fifty thousand dollars for  
50 the period January first, two thousand six through December thirty-  
51 first, two thousand six;
- 52 (viii) six hundred sixty million eight hundred thousand dollars for  
53 the period January first, two thousand seven through December thirty-  
54 first, two thousand seven;



- 1 (ix) three hundred sixty-seven million four hundred sixty-three thou-  
2 sand dollars for the period January first, two thousand eight through  
3 December thirty-first, two thousand eight;
- 4 (x) three hundred thirty-four million eight hundred twenty-five thou-  
5 sand dollars for the period January first, two thousand nine through  
6 December thirty-first, two thousand nine;
- 7 (xi) three hundred forty-four million nine hundred thousand dollars  
8 for the period January first, two thousand ten through December thirty-  
9 first, two thousand ten;
- 10 (xii) eighty-seven million seven hundred eighty-eight thousand dollars  
11 for the period January first, two thousand eleven through March thirty-  
12 first, two thousand eleven;
- 13 (xiii) one hundred forty-three million one hundred fifty thousand  
14 dollars for the period April first, two thousand eleven through March  
15 thirty-first, two thousand twelve;
- 16 (xiv) one hundred twenty million nine hundred fifty thousand dollars  
17 for the period April first, two thousand twelve through March thirty-  
18 first, two thousand thirteen; [and]
- 19 (xv) one hundred twenty-eight million eight hundred fifty thousand  
20 dollars for the period April first, two thousand thirteen through March  
21 thirty-first, two thousand fourteen[.]; AND
- 22 (XVI) ONE HUNDRED TWENTY-SEVEN MILLION FOUR HUNDRED SIXTEEN THOUSAND  
23 DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND  
24 FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN.
- 25 (o) Funds shall be reserved and accumulated and shall be transferred  
26 to the Roswell Park Cancer Institute Corporation, from the tobacco  
27 control and insurance initiatives pool established for the following  
28 periods in the following amounts:
- 29 (i) up to ninety million dollars for the period January first, two  
30 thousand through December thirty-first, two thousand;
- 31 (ii) up to sixty million dollars for the period January first, two  
32 thousand one through December thirty-first, two thousand one;
- 33 (iii) up to eighty-five million dollars for the period January first,  
34 two thousand two through December thirty-first, two thousand two;
- 35 (iv) eighty-five million two hundred fifty thousand dollars for the  
36 period January first, two thousand three through December thirty-first,  
37 two thousand three;
- 38 (v) seventy-eight million dollars for the period January first, two  
39 thousand four through December thirty-first, two thousand four;
- 40 (vi) seventy-eight million dollars for the period January first, two  
41 thousand five through December thirty-first, two thousand five;
- 42 (vii) ninety-one million dollars for the period January first, two  
43 thousand six through December thirty-first, two thousand six;
- 44 (viii) seventy-eight million dollars for the period January first, two  
45 thousand seven through December thirty-first, two thousand seven;
- 46 (ix) seventy-eight million dollars for the period January first, two  
47 thousand eight through December thirty-first, two thousand eight;
- 48 (x) seventy-eight million dollars for the period January first, two  
49 thousand nine through December thirty-first, two thousand nine;
- 50 (xi) seventy-eight million dollars for the period January first, two  
51 thousand ten through December thirty-first, two thousand ten;
- 52 (xii) nineteen million five hundred thousand dollars for the period  
53 January first, two thousand eleven through March thirty-first, two thou-  
54 sand eleven; [and]

1 (xiii) sixty-nine million eight hundred forty thousand dollars each  
2 state fiscal year for the period April first, two thousand eleven  
3 through March thirty-first, two thousand fourteen[.]; AND

4 (XIV) UP TO NINETY-SIX MILLION SIX HUNDRED THOUSAND DOLLARS EACH STATE  
5 FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH  
6 MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN.

7 (p) Funds shall be deposited by the commissioner, within amounts  
8 appropriated, and the state comptroller is hereby authorized and  
9 directed to receive for deposit to the credit of the state special  
10 revenue funds - other, indigent care fund - 068, indigent care account,  
11 or any successor fund or account, for purposes of providing a medicaid  
12 disproportionate share payment from the high need indigent care adjust-  
13 ment pool established pursuant to section twenty-eight hundred seven-w  
14 of this article, from the tobacco control and insurance initiatives pool  
15 established for the following periods in the following amounts:

16 (i) eighty-two million dollars annually for the periods January first,  
17 two thousand through December thirty-first, two thousand two;

18 (ii) up to eighty-two million dollars for the period January first,  
19 two thousand three through December thirty-first, two thousand three;

20 (iii) up to eighty-two million dollars for the period January first,  
21 two thousand four through December thirty-first, two thousand four;

22 (iv) up to eighty-two million dollars for the period January first,  
23 two thousand five through December thirty-first, two thousand five;

24 (v) up to eighty-two million dollars for the period January first, two  
25 thousand six through December thirty-first, two thousand six;

26 (vi) up to eighty-two million dollars for the period January first,  
27 two thousand seven through December thirty-first, two thousand seven;

28 (vii) up to eighty-two million dollars for the period January first,  
29 two thousand eight through December thirty-first, two thousand eight;

30 (viii) up to eighty-two million dollars for the period January first,  
31 two thousand nine through December thirty-first, two thousand nine;

32 (ix) up to eighty-two million dollars for the period January first,  
33 two thousand ten through December thirty-first, two thousand ten;

34 (x) up to twenty million five hundred thousand dollars for the period  
35 January first, two thousand eleven through March thirty-first, two thou-  
36 sand eleven; and

37 (xi) up to eighty-two million dollars each state fiscal year for the  
38 period April first, two thousand eleven through March thirty-first, two  
39 thousand fourteen.

40 (q) Funds shall be reserved and accumulated from year to year and  
41 shall be available, including income from invested funds, for purposes  
42 of providing distributions to eligible school based health centers  
43 established pursuant to section eighty-eight of chapter one of the laws  
44 of nineteen hundred ninety-nine, from the tobacco control and insurance  
45 initiatives pool established for the following periods in the following  
46 amounts:

47 (i) seven million dollars annually for the period January first, two  
48 thousand through December thirty-first, two thousand two;

49 (ii) up to seven million dollars for the period January first, two  
50 thousand three through December thirty-first, two thousand three;

51 (iii) up to seven million dollars for the period January first, two  
52 thousand four through December thirty-first, two thousand four;

53 (iv) up to seven million dollars for the period January first, two  
54 thousand five through December thirty-first, two thousand five;

55 (v) up to seven million dollars for the period January first, two  
56 thousand six through December thirty-first, two thousand six;

1 (vi) up to seven million dollars for the period January first, two  
2 thousand seven through December thirty-first, two thousand seven;  
3 (vii) up to seven million dollars for the period January first, two  
4 thousand eight through December thirty-first, two thousand eight;  
5 (viii) up to seven million dollars for the period January first, two  
6 thousand nine through December thirty-first, two thousand nine;  
7 (ix) up to seven million dollars for the period January first, two  
8 thousand ten through December thirty-first, two thousand ten;  
9 (x) up to one million seven hundred fifty thousand dollars for the  
10 period January first, two thousand eleven through March thirty-first,  
11 two thousand eleven; [and]  
12 (xi) up to five million six hundred thousand dollars each state fiscal  
13 year for the period April first, two thousand eleven through March thir-  
14 ty-first, two thousand fourteen[.]; AND  
15 (XII) UP TO FIVE MILLION TWO HUNDRED EIGHTY-EIGHTY THOUSAND DOLLARS  
16 EACH STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN  
17 THROUGH MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN.  
18 (r) Funds shall be deposited by the commissioner within amounts appro-  
19 priated, and the state comptroller is hereby authorized and directed to  
20 receive for deposit to the credit of the state special revenue funds -  
21 other, HCRA transfer fund, medical assistance account, or any successor  
22 fund or account, for purposes of providing distributions for supplemen-  
23 tary medical insurance for Medicare part B premiums, physicians  
24 services, outpatient services, medical equipment, supplies and other  
25 health services, from the tobacco control and insurance initiatives pool  
26 established for the following periods in the following amounts:  
27 (i) forty-three million dollars for the period January first, two  
28 thousand through December thirty-first, two thousand;  
29 (ii) sixty-one million dollars for the period January first, two thou-  
30 sand one through December thirty-first, two thousand one;  
31 (iii) sixty-five million dollars for the period January first, two  
32 thousand two through December thirty-first, two thousand two;  
33 (iv) sixty-seven million five hundred thousand dollars for the period  
34 January first, two thousand three through December thirty-first, two  
35 thousand three;  
36 (v) sixty-eight million dollars for the period January first, two  
37 thousand four through December thirty-first, two thousand four;  
38 (vi) sixty-eight million dollars for the period January first, two  
39 thousand five through December thirty-first, two thousand five;  
40 (vii) sixty-eight million dollars for the period January first, two  
41 thousand six through December thirty-first, two thousand six;  
42 (viii) seventeen million five hundred thousand dollars for the period  
43 January first, two thousand seven through December thirty-first, two  
44 thousand seven;  
45 (ix) sixty-eight million dollars for the period January first, two  
46 thousand eight through December thirty-first, two thousand eight;  
47 (x) sixty-eight million dollars for the period January first, two  
48 thousand nine through December thirty-first, two thousand nine;  
49 (xi) sixty-eight million dollars for the period January first, two  
50 thousand ten through December thirty-first, two thousand ten;  
51 (xii) seventeen million dollars for the period January first, two  
52 thousand eleven through March thirty-first, two thousand eleven; and  
53 (xiii) sixty-eight million dollars each state fiscal year for the  
54 period April first, two thousand eleven through March thirty-first, two  
55 thousand fourteen.

1 (s) Funds shall be deposited by the commissioner within amounts appro-  
2 priated, and the state comptroller is hereby authorized and directed to  
3 receive for deposit to the credit of the state special revenue funds -  
4 other, HCRA transfer fund, medical assistance account, or any successor  
5 fund or account, for purposes of providing distributions pursuant to  
6 paragraphs (s-5), (s-6), (s-7) and (s-8) of subdivision eleven of  
7 section twenty-eight hundred seven-c of this article from the tobacco  
8 control and insurance initiatives pool established for the following  
9 periods in the following amounts:

10 (i) eighteen million dollars for the period January first, two thou-  
11 sand through December thirty-first, two thousand;

12 (ii) twenty-four million dollars annually for the periods January  
13 first, two thousand one through December thirty-first, two thousand two;

14 (iii) up to twenty-four million dollars for the period January first,  
15 two thousand three through December thirty-first, two thousand three;

16 (iv) up to twenty-four million dollars for the period January first,  
17 two thousand four through December thirty-first, two thousand four;

18 (v) up to twenty-four million dollars for the period January first,  
19 two thousand five through December thirty-first, two thousand five;

20 (vi) up to twenty-four million dollars for the period January first,  
21 two thousand six through December thirty-first, two thousand six;

22 (vii) up to twenty-four million dollars for the period January first,  
23 two thousand seven through December thirty-first, two thousand seven;

24 (viii) up to twenty-four million dollars for the period January first,  
25 two thousand eight through December thirty-first, two thousand eight;  
26 and

27 (ix) up to twenty-two million dollars for the period January first,  
28 two thousand nine through November thirtieth, two thousand nine.

29 (t) Funds shall be reserved and accumulated from year to year by the  
30 commissioner and shall be made available, including income from invested  
31 funds:

32 (i) For the purpose of making grants to a state owned and operated  
33 medical school which does not have a state owned and operated hospital  
34 on site and available for teaching purposes. Notwithstanding sections  
35 one hundred twelve and one hundred sixty-three of the state finance law,  
36 such grants shall be made in the amount of up to five hundred thousand  
37 dollars for the period January first, two thousand through December  
38 thirty-first, two thousand;

39 (ii) For the purpose of making grants to medical schools pursuant to  
40 section eighty-six-a of chapter one of the laws of nineteen hundred  
41 ninety-nine in the sum of up to four million dollars for the period  
42 January first, two thousand through December thirty-first, two thousand;  
43 and

44 (iii) The funds disbursed pursuant to subparagraphs (i) and (ii) of  
45 this paragraph from the tobacco control and insurance initiatives pool  
46 are contingent upon meeting all funding amounts established pursuant to  
47 paragraphs (a), (b), (c), (d), (e), (f), (l), (m), (n), (p), (q), (r)  
48 and (s) of this subdivision, paragraph (a) of subdivision nine of  
49 section twenty-eight hundred seven-j of this article, and paragraphs  
50 (a), (i) and (k) of subdivision one of section twenty-eight hundred  
51 seven-l of this article.

52 (u) Funds shall be deposited by the commissioner, within amounts  
53 appropriated, and the state comptroller is hereby authorized and  
54 directed to receive for deposit to the credit of the state special  
55 revenue funds - other, HCRA transfer fund, medical assistance account,  
56 or any successor fund or account, for purposes of funding the state

1 share of services and expenses related to the nursing home quality  
2 improvement demonstration program established pursuant to section twen-  
3 ty-eight hundred eight-d of this article from the tobacco control and  
4 insurance initiatives pool established for the following periods in the  
5 following amounts:

6 (i) up to twenty-five million dollars for the period beginning April  
7 first, two thousand two and ending December thirty-first, two thousand  
8 two, and on an annualized basis, for each annual period thereafter  
9 beginning January first, two thousand three and ending December thirty-  
10 first, two thousand four;

11 (ii) up to eighteen million seven hundred fifty thousand dollars for  
12 the period January first, two thousand five through December thirty-  
13 first, two thousand five; and

14 (iii) up to fifty-six million five hundred thousand dollars for the  
15 period January first, two thousand six through December thirty-first,  
16 two thousand six.

17 (v) Funds shall be transferred by the commissioner and shall be depos-  
18 ited to the credit of the hospital excess liability pool created pursu-  
19 ant to section eighteen of chapter two hundred sixty-six of the laws of  
20 nineteen hundred eighty-six, or any successor fund or account, for  
21 purposes of expenses related to the purchase of excess medical malprac-  
22 tice insurance and the cost of administrating the pool, including costs  
23 associated with the risk management program established pursuant to  
24 section forty-two of part A of chapter one of the laws of two thousand  
25 two required by paragraph (a) of subdivision one of section eighteen of  
26 chapter two hundred sixty-six of the laws of nineteen hundred eighty-six  
27 as may be amended from time to time, from the tobacco control and insur-  
28 ance initiatives pool established for the following periods in the  
29 following amounts:

30 (i) up to fifty million dollars or so much as is needed for the period  
31 January first, two thousand two through December thirty-first, two thou-  
32 sand two;

33 (ii) up to seventy-six million seven hundred thousand dollars for the  
34 period January first, two thousand three through December thirty-first,  
35 two thousand three;

36 (iii) up to sixty-five million dollars for the period January first,  
37 two thousand four through December thirty-first, two thousand four;

38 (iv) up to sixty-five million dollars for the period January first,  
39 two thousand five through December thirty-first, two thousand five;

40 (v) up to one hundred thirteen million eight hundred thousand dollars  
41 for the period January first, two thousand six through December thirty-  
42 first, two thousand six;

43 (vi) up to one hundred thirty million dollars for the period January  
44 first, two thousand seven through December thirty-first, two thousand  
45 seven;

46 (vii) up to one hundred thirty million dollars for the period January  
47 first, two thousand eight through December thirty-first, two thousand  
48 eight;

49 (viii) up to one hundred thirty million dollars for the period January  
50 first, two thousand nine through December thirty-first, two thousand  
51 nine;

52 (ix) up to one hundred thirty million dollars for the period January  
53 first, two thousand ten through December thirty-first, two thousand ten;

54 (x) up to thirty-two million five hundred thousand dollars for the  
55 period January first, two thousand eleven through March thirty-first,  
56 two thousand eleven; [and]

1 (xi) up to one hundred twenty-seven million four hundred thousand  
2 dollars each state fiscal year for the period April first, two thousand  
3 eleven through March thirty-first, two thousand fourteen[.]; AND

4 (XII) UP TO ONE HUNDRED TWENTY-SEVEN MILLION FOUR HUNDRED THOUSAND  
5 DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND  
6 FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN.

7 (w) Funds shall be deposited by the commissioner, within amounts  
8 appropriated, and the state comptroller is hereby authorized and  
9 directed to receive for deposit to the credit of the state special  
10 revenue funds - other, HCRA transfer fund, medical assistance account,  
11 or any successor fund or account, for purposes of funding the state  
12 share of the treatment of breast and cervical cancer pursuant to para-  
13 graph (v) of subdivision four of section three hundred sixty-six of the  
14 social services law, from the tobacco control and insurance initiatives  
15 pool established for the following periods in the following amounts:

16 (i) up to four hundred fifty thousand dollars for the period January  
17 first, two thousand two through December thirty-first, two thousand two;

18 (ii) up to two million one hundred thousand dollars for the period  
19 January first, two thousand three through December thirty-first, two  
20 thousand three;

21 (iii) up to two million one hundred thousand dollars for the period  
22 January first, two thousand four through December thirty-first, two  
23 thousand four;

24 (iv) up to two million one hundred thousand dollars for the period  
25 January first, two thousand five through December thirty-first, two  
26 thousand five;

27 (v) up to two million one hundred thousand dollars for the period  
28 January first, two thousand six through December thirty-first, two thou-  
29 sand six;

30 (vi) up to two million one hundred thousand dollars for the period  
31 January first, two thousand seven through December thirty-first, two  
32 thousand seven;

33 (vii) up to two million one hundred thousand dollars for the period  
34 January first, two thousand eight through December thirty-first, two  
35 thousand eight;

36 (viii) up to two million one hundred thousand dollars for the period  
37 January first, two thousand nine through December thirty-first, two  
38 thousand nine;

39 (ix) up to two million one hundred thousand dollars for the period  
40 January first, two thousand ten through December thirty-first, two thou-  
41 sand ten;

42 (x) up to five hundred twenty-five thousand dollars for the period  
43 January first, two thousand eleven through March thirty-first, two thou-  
44 sand eleven; [and]

45 (xi) up to two million one hundred thousand dollars each state fiscal  
46 year for the period April first, two thousand eleven through March thir-  
47 ty-first, two thousand fourteen[.]; AND

48 (XII) UP TO TWO MILLION ONE HUNDRED THOUSAND DOLLARS EACH STATE FISCAL  
49 YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH  
50 THIRTY-FIRST, TWO THOUSAND SEVENTEEN.

51 (x) Funds shall be deposited by the commissioner, within amounts  
52 appropriated, and the state comptroller is hereby authorized and  
53 directed to receive for deposit to the credit of the state special  
54 revenue funds - other, HCRA transfer fund, medical assistance account,  
55 or any successor fund or account, for purposes of funding the state  
56 share of the non-public general hospital rates increases for recruitment

1 and retention of health care workers from the tobacco control and insur-  
2 ance initiatives pool established for the following periods in the  
3 following amounts:

4 (i) twenty-seven million one hundred thousand dollars on an annualized  
5 basis for the period January first, two thousand two through December  
6 thirty-first, two thousand two;

7 (ii) fifty million eight hundred thousand dollars on an annualized  
8 basis for the period January first, two thousand three through December  
9 thirty-first, two thousand three;

10 (iii) sixty-nine million three hundred thousand dollars on an annual-  
11 ized basis for the period January first, two thousand four through  
12 December thirty-first, two thousand four;

13 (iv) sixty-nine million three hundred thousand dollars for the period  
14 January first, two thousand five through December thirty-first, two  
15 thousand five;

16 (v) sixty-nine million three hundred thousand dollars for the period  
17 January first, two thousand six through December thirty-first, two thou-  
18 sand six;

19 (vi) sixty-five million three hundred thousand dollars for the period  
20 January first, two thousand seven through December thirty-first, two  
21 thousand seven;

22 (vii) sixty-one million one hundred fifty thousand dollars for the  
23 period January first, two thousand eight through December thirty-first,  
24 two thousand eight; and

25 (viii) forty-eight million seven hundred twenty-one thousand dollars  
26 for the period January first, two thousand nine through November thirti-  
27 eth, two thousand nine.

28 (y) Funds shall be reserved and accumulated from year to year and  
29 shall be available, including income from invested funds, for purposes  
30 of grants to public general hospitals for recruitment and retention of  
31 health care workers pursuant to paragraph (b) of subdivision thirty of  
32 section twenty-eight hundred seven-c of this article from the tobacco  
33 control and insurance initiatives pool established for the following  
34 periods in the following amounts:

35 (i) eighteen million five hundred thousand dollars on an annualized  
36 basis for the period January first, two thousand two through December  
37 thirty-first, two thousand two;

38 (ii) thirty-seven million four hundred thousand dollars on an annual-  
39 ized basis for the period January first, two thousand three through  
40 December thirty-first, two thousand three;

41 (iii) fifty-two million two hundred thousand dollars on an annualized  
42 basis for the period January first, two thousand four through December  
43 thirty-first, two thousand four;

44 (iv) fifty-two million two hundred thousand dollars for the period  
45 January first, two thousand five through December thirty-first, two  
46 thousand five;

47 (v) fifty-two million two hundred thousand dollars for the period  
48 January first, two thousand six through December thirty-first, two thou-  
49 sand six;

50 (vi) forty-nine million dollars for the period January first, two  
51 thousand seven through December thirty-first, two thousand seven;

52 (vii) forty-nine million dollars for the period January first, two  
53 thousand eight through December thirty-first, two thousand eight; and

54 (viii) twelve million two hundred fifty thousand dollars for the peri-  
55 od January first, two thousand nine through March thirty-first, two  
56 thousand nine.

1 Provided, however, amounts pursuant to this paragraph may be reduced  
2 in an amount to be approved by the director of the budget to reflect  
3 amounts received from the federal government under the state's 1115  
4 waiver which are directed under its terms and conditions to the health  
5 workforce recruitment and retention program.

6 (z) Funds shall be deposited by the commissioner, within amounts  
7 appropriated, and the state comptroller is hereby authorized and  
8 directed to receive for deposit to the credit of the state special  
9 revenue funds - other, HCRA transfer fund, medical assistance account,  
10 or any successor fund or account, for purposes of funding the state  
11 share of the non-public residential health care facility rate increases  
12 for recruitment and retention of health care workers pursuant to para-  
13 graph (a) of subdivision eighteen of section twenty-eight hundred eight  
14 of this article from the tobacco control and insurance initiatives pool  
15 established for the following periods in the following amounts:

16 (i) twenty-one million five hundred thousand dollars on an annualized  
17 basis for the period January first, two thousand two through December  
18 thirty-first, two thousand two;

19 (ii) thirty-three million three hundred thousand dollars on an annual-  
20 ized basis for the period January first, two thousand three through  
21 December thirty-first, two thousand three;

22 (iii) forty-six million three hundred thousand dollars on an annual-  
23 ized basis for the period January first, two thousand four through  
24 December thirty-first, two thousand four;

25 (iv) forty-six million three hundred thousand dollars for the period  
26 January first, two thousand five through December thirty-first, two  
27 thousand five;

28 (v) forty-six million three hundred thousand dollars for the period  
29 January first, two thousand six through December thirty-first, two thou-  
30 sand six;

31 (vi) thirty million nine hundred thousand dollars for the period Janu-  
32 ary first, two thousand seven through December thirty-first, two thou-  
33 sand seven;

34 (vii) twenty-four million seven hundred thousand dollars for the peri-  
35 od January first, two thousand eight through December thirty-first, two  
36 thousand eight;

37 (viii) twelve million three hundred seventy-five thousand dollars for  
38 the period January first, two thousand nine through December thirty-  
39 first, two thousand nine;

40 (ix) nine million three hundred thousand dollars for the period Janu-  
41 ary first, two thousand ten through December thirty-first, two thousand  
42 ten; and

43 (x) two million three hundred twenty-five thousand dollars for the  
44 period January first, two thousand eleven through March thirty-first,  
45 two thousand eleven.

46 (aa) Funds shall be reserved and accumulated from year to year and  
47 shall be available, including income from invested funds, for purposes  
48 of grants to public residential health care facilities for recruitment  
49 and retention of health care workers pursuant to paragraph (b) of subdi-  
50 vision eighteen of section twenty-eight hundred eight of this article  
51 from the tobacco control and insurance initiatives pool established for  
52 the following periods in the following amounts:

53 (i) seven million five hundred thousand dollars on an annualized basis  
54 for the period January first, two thousand two through December thirty-  
55 first, two thousand two;



- 1 (ii) eleven million seven hundred thousand dollars on an annualized  
2 basis for the period January first, two thousand three through December  
3 thirty-first, two thousand three;
- 4 (iii) sixteen million two hundred thousand dollars on an annualized  
5 basis for the period January first, two thousand four through December  
6 thirty-first, two thousand four;
- 7 (iv) sixteen million two hundred thousand dollars for the period Janu-  
8 ary first, two thousand five through December thirty-first, two thousand  
9 five;
- 10 (v) sixteen million two hundred thousand dollars for the period Janu-  
11 ary first, two thousand six through December thirty-first, two thousand  
12 six;
- 13 (vi) ten million eight hundred thousand dollars for the period January  
14 first, two thousand seven through December thirty-first, two thousand  
15 seven;
- 16 (vii) six million seven hundred fifty thousand dollars for the period  
17 January first, two thousand eight through December thirty-first, two  
18 thousand eight; and
- 19 (viii) one million three hundred fifty thousand dollars for the period  
20 January first, two thousand nine through December thirty-first, two  
21 thousand nine.
- 22 (bb)(i) Funds shall be deposited by the commissioner, within amounts  
23 appropriated, and subject to the availability of federal financial  
24 participation, and the state comptroller is hereby authorized and  
25 directed to receive for deposit to the credit of the state special  
26 revenue funds - other, HCRA transfer fund, medical assistance account,  
27 or any successor fund or account, for the purpose of supporting the  
28 state share of adjustments to Medicaid rates of payment for personal  
29 care services provided pursuant to paragraph (e) of subdivision two of  
30 section three hundred sixty-five-a of the social services law, for local  
31 social service districts which include a city with a population of over  
32 one million persons and computed and distributed in accordance with  
33 memorandums of understanding to be entered into between the state of New  
34 York and such local social service districts for the purpose of support-  
35 ing the recruitment and retention of personal care service workers or  
36 any worker with direct patient care responsibility, from the tobacco  
37 control and insurance initiatives pool established for the following  
38 periods and the following amounts:
- 39 (A) forty-four million dollars, on an annualized basis, for the period  
40 April first, two thousand two through December thirty-first, two thou-  
41 sand two;
- 42 (B) seventy-four million dollars, on an annualized basis, for the  
43 period January first, two thousand three through December thirty-first,  
44 two thousand three;
- 45 (C) one hundred four million dollars, on an annualized basis, for the  
46 period January first, two thousand four through December thirty-first,  
47 two thousand four;
- 48 (D) one hundred thirty-six million dollars, on an annualized basis,  
49 for the period January first, two thousand five through December thir-  
50 ty-first, two thousand five;
- 51 (E) one hundred thirty-six million dollars, on an annualized basis,  
52 for the period January first, two thousand six through December thirty-  
53 first, two thousand six;
- 54 (F) one hundred thirty-six million dollars for the period January  
55 first, two thousand seven through December thirty-first, two thousand  
56 seven;

1 (G) one hundred thirty-six million dollars for the period January  
2 first, two thousand eight through December thirty-first, two thousand  
3 eight;

4 (H) one hundred thirty-six million dollars for the period January  
5 first, two thousand nine through December thirty-first, two thousand  
6 nine;

7 (I) one hundred thirty-six million dollars for the period January  
8 first, two thousand ten through December thirty-first, two thousand ten;

9 (J) thirty-four million dollars for the period January first, two  
10 thousand eleven through March thirty-first, two thousand eleven; [and]

11 (K) up to one hundred thirty-six million dollars each state fiscal  
12 year for the period April first, two thousand eleven through March thir-  
13 ty-first, two thousand fourteen[.]; AND

14 (L) UP TO ONE HUNDRED THIRTY-SIX MILLION DOLLARS EACH STATE FISCAL  
15 YEAR FOR THE PERIOD MARCH THIRTY-FIRST, TWO THOUSAND FOURTEEN THROUGH  
16 APRIL FIRST, TWO THOUSAND SEVENTEEN.

17 (ii) Adjustments to Medicaid rates made pursuant to this paragraph  
18 shall not, in aggregate, exceed the following amounts for the following  
19 periods:

20 (A) for the period April first, two thousand two through December  
21 thirty-first, two thousand two, one hundred ten million dollars;

22 (B) for the period January first, two thousand three through December  
23 thirty-first, two thousand three, one hundred eighty-five million  
24 dollars;

25 (C) for the period January first, two thousand four through December  
26 thirty-first, two thousand four, two hundred sixty million dollars;

27 (D) for the period January first, two thousand five through December  
28 thirty-first, two thousand five, three hundred forty million dollars;

29 (E) for the period January first, two thousand six through December  
30 thirty-first, two thousand six, three hundred forty million dollars;

31 (F) for the period January first, two thousand seven through December  
32 thirty-first, two thousand seven, three hundred forty million dollars;

33 (G) for the period January first, two thousand eight through December  
34 thirty-first, two thousand eight, three hundred forty million dollars;

35 (H) for the period January first, two thousand nine through December  
36 thirty-first, two thousand nine, three hundred forty million dollars;

37 (I) for the period January first, two thousand ten through December  
38 thirty-first, two thousand ten, three hundred forty million dollars;

39 (J) for the period January first, two thousand eleven through March  
40 thirty-first, two thousand eleven, eighty-five million dollars; [and]

41 (K) for each state fiscal year within the period April first, two  
42 thousand eleven through March thirty-first, two thousand fourteen, three  
43 hundred forty million dollars[.]; AND

44 (L) FOR EACH STATE FISCAL YEAR WITHIN THE PERIOD APRIL FIRST, TWO  
45 THOUSAND FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN,  
46 THREE HUNDRED FORTY MILLION DOLLARS.

47 (iii) Personal care service providers which have their rates adjusted  
48 pursuant to this paragraph shall use such funds for the purpose of  
49 recruitment and retention of non-supervisory personal care services  
50 workers or any worker with direct patient care responsibility only and  
51 are prohibited from using such funds for any other purpose. Each such  
52 personal care services provider shall submit, at a time and in a manner  
53 to be determined by the commissioner, a written certification attesting  
54 that such funds will be used solely for the purpose of recruitment and  
55 retention of non-supervisory personal care services workers or any work-  
56 er with direct patient care responsibility. The commissioner is author-

1 ized to audit each such provider to ensure compliance with the written  
2 certification required by this subdivision and shall recoup any funds  
3 determined to have been used for purposes other than recruitment and  
4 retention of non-supervisory personal care services workers or any work-  
5 er with direct patient care responsibility. Such recoupment shall be in  
6 addition to any other penalties provided by law.

7 (cc) Funds shall be deposited by the commissioner, within amounts  
8 appropriated, and the state comptroller is hereby authorized and  
9 directed to receive for deposit to the credit of the state special  
10 revenue funds - other, HCRA transfer fund, medical assistance account,  
11 or any successor fund or account, for the purpose of supporting the  
12 state share of adjustments to Medicaid rates of payment for personal  
13 care services provided pursuant to paragraph (e) of subdivision two of  
14 section three hundred sixty-five-a of the social services law, for local  
15 social service districts which shall not include a city with a popu-  
16 lation of over one million persons for the purpose of supporting the  
17 personal care services worker recruitment and retention program as  
18 established pursuant to section three hundred sixty-seven-q of the  
19 social services law, from the tobacco control and insurance initiatives  
20 pool established for the following periods and the following amounts:

21 (i) two million eight hundred thousand dollars for the period April  
22 first, two thousand two through December thirty-first, two thousand two;

23 (ii) five million six hundred thousand dollars, on an annualized  
24 basis, for the period January first, two thousand three through December  
25 thirty-first, two thousand three;

26 (iii) eight million four hundred thousand dollars, on an annualized  
27 basis, for the period January first, two thousand four through December  
28 thirty-first, two thousand four;

29 (iv) ten million eight hundred thousand dollars, on an annualized  
30 basis, for the period January first, two thousand five through December  
31 thirty-first, two thousand five;

32 (v) ten million eight hundred thousand dollars, on an annualized  
33 basis, for the period January first, two thousand six through December  
34 thirty-first, two thousand six;

35 (vi) eleven million two hundred thousand dollars for the period Janu-  
36 ary first, two thousand seven through December thirty-first, two thou-  
37 sand seven;

38 (vii) eleven million two hundred thousand dollars for the period Janu-  
39 ary first, two thousand eight through December thirty-first, two thou-  
40 sand eight;

41 (viii) eleven million two hundred thousand dollars for the period  
42 January first, two thousand nine through December thirty-first, two  
43 thousand nine;

44 (ix) eleven million two hundred thousand dollars for the period Janu-  
45 ary first, two thousand ten through December thirty-first, two thousand  
46 ten;

47 (x) two million eight hundred thousand dollars for the period January  
48 first, two thousand eleven through March thirty-first, two thousand  
49 eleven; [and]

50 (xi) up to eleven million two hundred thousand dollars each state  
51 fiscal year for the period April first, two thousand eleven through  
52 March thirty-first, two thousand fourteen[.]; AND

53 (XII) UP TO ELEVEN MILLION TWO HUNDRED THOUSAND DOLLARS EACH STATE  
54 FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH  
55 MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN.

1 (dd) Funds shall be deposited by the commissioner, within amounts  
2 appropriated, and the state comptroller is hereby authorized and  
3 directed to receive for deposit to the credit of the state special  
4 revenue fund - other, HCRA transfer fund, medical assistance account, or  
5 any successor fund or account, for purposes of funding the state share  
6 of Medicaid expenditures for physician services from the tobacco control  
7 and insurance initiatives pool established for the following periods in  
8 the following amounts:

9 (i) up to fifty-two million dollars for the period January first, two  
10 thousand two through December thirty-first, two thousand two;

11 (ii) eighty-one million two hundred thousand dollars for the period  
12 January first, two thousand three through December thirty-first, two  
13 thousand three;

14 (iii) eighty-five million two hundred thousand dollars for the period  
15 January first, two thousand four through December thirty-first, two  
16 thousand four;

17 (iv) eighty-five million two hundred thousand dollars for the period  
18 January first, two thousand five through December thirty-first, two  
19 thousand five;

20 (v) eighty-five million two hundred thousand dollars for the period  
21 January first, two thousand six through December thirty-first, two thou-  
22 sand six;

23 (vi) eighty-five million two hundred thousand dollars for the period  
24 January first, two thousand seven through December thirty-first, two  
25 thousand seven;

26 (vii) eighty-five million two hundred thousand dollars for the period  
27 January first, two thousand eight through December thirty-first, two  
28 thousand eight;

29 (viii) eighty-five million two hundred thousand dollars for the period  
30 January first, two thousand nine through December thirty-first, two  
31 thousand nine;

32 (ix) eighty-five million two hundred thousand dollars for the period  
33 January first, two thousand ten through December thirty-first, two thou-  
34 sand ten;

35 (x) twenty-one million three hundred thousand dollars for the period  
36 January first, two thousand eleven through March thirty-first, two thou-  
37 sand eleven; and

38 (xi) eighty-five million two hundred thousand dollars each state  
39 fiscal year for the period April first, two thousand eleven through  
40 March thirty-first, two thousand fourteen.

41 (ee) Funds shall be deposited by the commissioner, within amounts  
42 appropriated, and the state comptroller is hereby authorized and  
43 directed to receive for deposit to the credit of the state special  
44 revenue fund - other, HCRA transfer fund, medical assistance account, or  
45 any successor fund or account, for purposes of funding the state share  
46 of the free-standing diagnostic and treatment center rate increases for  
47 recruitment and retention of health care workers pursuant to subdivision  
48 seventeen of section twenty-eight hundred seven of this article from the  
49 tobacco control and insurance initiatives pool established for the  
50 following periods in the following amounts:

51 (i) three million two hundred fifty thousand dollars for the period  
52 April first, two thousand two through December thirty-first, two thou-  
53 sand two;

54 (ii) three million two hundred fifty thousand dollars on an annualized  
55 basis for the period January first, two thousand three through December  
56 thirty-first, two thousand three;

- 1 (iii) three million two hundred fifty thousand dollars on an annual-  
2 ized basis for the period January first, two thousand four through  
3 December thirty-first, two thousand four;
- 4 (iv) three million two hundred fifty thousand dollars for the period  
5 January first, two thousand five through December thirty-first, two  
6 thousand five;
- 7 (v) three million two hundred fifty thousand dollars for the period  
8 January first, two thousand six through December thirty-first, two thou-  
9 sand six;
- 10 (vi) three million two hundred fifty thousand dollars for the period  
11 January first, two thousand seven through December thirty-first, two  
12 thousand seven;
- 13 (vii) three million four hundred thirty-eight thousand dollars for the  
14 period January first, two thousand eight through December thirty-first,  
15 two thousand eight;
- 16 (viii) two million four hundred fifty thousand dollars for the period  
17 January first, two thousand nine through December thirty-first, two  
18 thousand nine;
- 19 (ix) one million five hundred thousand dollars for the period January  
20 first, two thousand ten through December thirty-first, two thousand ten;  
21 and
- 22 (x) three hundred twenty-five thousand dollars for the period January  
23 first, two thousand eleven through March thirty-first, two thousand  
24 eleven.
- 25 (ff) Funds shall be deposited by the commissioner, within amounts  
26 appropriated, and the state comptroller is hereby authorized and  
27 directed to receive for deposit to the credit of the state special  
28 revenue fund - other, HCRA transfer fund, medical assistance account, or  
29 any successor fund or account, for purposes of funding the state share  
30 of Medicaid expenditures for disabled persons as authorized pursuant to  
31 FORMER subparagraphs twelve and thirteen of paragraph (a) of subdivision  
32 one of section three hundred sixty-six of the social services law from  
33 the tobacco control and insurance initiatives pool established for the  
34 following periods in the following amounts:
- 35 (i) one million eight hundred thousand dollars for the period April  
36 first, two thousand two through December thirty-first, two thousand two;
- 37 (ii) sixteen million four hundred thousand dollars on an annualized  
38 basis for the period January first, two thousand three through December  
39 thirty-first, two thousand three;
- 40 (iii) eighteen million seven hundred thousand dollars on an annualized  
41 basis for the period January first, two thousand four through December  
42 thirty-first, two thousand four;
- 43 (iv) thirty million six hundred thousand dollars for the period Janu-  
44 ary first, two thousand five through December thirty-first, two thousand  
45 five;
- 46 (v) thirty million six hundred thousand dollars for the period January  
47 first, two thousand six through December thirty-first, two thousand six;
- 48 (vi) thirty million six hundred thousand dollars for the period Janu-  
49 ary first, two thousand seven through December thirty-first, two thou-  
50 sand seven;
- 51 (vii) fifteen million dollars for the period January first, two thou-  
52 sand eight through December thirty-first, two thousand eight;
- 53 (viii) fifteen million dollars for the period January first, two thou-  
54 sand nine through December thirty-first, two thousand nine;
- 55 (ix) fifteen million dollars for the period January first, two thou-  
56 sand ten through December thirty-first, two thousand ten;

- 1 (x) three million seven hundred fifty thousand dollars for the period  
2 January first, two thousand eleven through March thirty-first, two thou-  
3 sand eleven; [and]
- 4 (xi) fifteen million dollars each state fiscal year for the period  
5 April first, two thousand eleven through March thirty-first, two thou-  
6 sand fourteen[.]; AND
- 7 (XII) FIFTEEN MILLION DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD  
8 APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOU-  
9 SAND SEVENTEEN.
- 10 (gg) Funds shall be reserved and accumulated from year to year and  
11 shall be available, including income from invested funds, for purposes  
12 of grants to non-public general hospitals pursuant to paragraph (c) of  
13 subdivision thirty of section twenty-eight hundred seven-c of this arti-  
14 cle from the tobacco control and insurance initiatives pool established  
15 for the following periods in the following amounts:
- 16 (i) up to one million three hundred thousand dollars on an annualized  
17 basis for the period January first, two thousand two through December  
18 thirty-first, two thousand two;
- 19 (ii) up to three million two hundred thousand dollars on an annualized  
20 basis for the period January first, two thousand three through December  
21 thirty-first, two thousand three;
- 22 (iii) up to five million six hundred thousand dollars on an annualized  
23 basis for the period January first, two thousand four through December  
24 thirty-first, two thousand four;
- 25 (iv) up to eight million six hundred thousand dollars for the period  
26 January first, two thousand five through December thirty-first, two  
27 thousand five;
- 28 (v) up to eight million six hundred thousand dollars on an annualized  
29 basis for the period January first, two thousand six through December  
30 thirty-first, two thousand six;
- 31 (vi) up to two million six hundred thousand dollars for the period  
32 January first, two thousand seven through December thirty-first, two  
33 thousand seven;
- 34 (vii) up to two million six hundred thousand dollars for the period  
35 January first, two thousand eight through December thirty-first, two  
36 thousand eight;
- 37 (viii) up to two million six hundred thousand dollars for the period  
38 January first, two thousand nine through December thirty-first, two  
39 thousand nine;
- 40 (ix) up to two million six hundred thousand dollars for the period  
41 January first, two thousand ten through December thirty-first, two thou-  
42 sand ten; and
- 43 (x) up to six hundred fifty thousand dollars for the period January  
44 first, two thousand eleven through March thirty-first, two thousand  
45 eleven.
- 46 (hh) Funds shall be deposited by the commissioner, within amounts  
47 appropriated, and the state comptroller is hereby authorized and  
48 directed to receive for deposit to the credit of the special revenue  
49 fund - other, HCRA transfer fund, medical assistance account for  
50 purposes of providing financial assistance to residential health care  
51 facilities pursuant to subdivisions nineteen and twenty-one of section  
52 twenty-eight hundred eight of this article, from the tobacco control and  
53 insurance initiatives pool established for the following periods in the  
54 following amounts:
- 55 (i) for the period April first, two thousand two through December  
56 thirty-first, two thousand two, ten million dollars;

- 1 (ii) for the period January first, two thousand three through December  
2 thirty-first, two thousand three, nine million four hundred fifty thou-  
3 sand dollars;
- 4 (iii) for the period January first, two thousand four through December  
5 thirty-first, two thousand four, nine million three hundred fifty thou-  
6 sand dollars;
- 7 (iv) up to fifteen million dollars for the period January first, two  
8 thousand five through December thirty-first, two thousand five;
- 9 (v) up to fifteen million dollars for the period January first, two  
10 thousand six through December thirty-first, two thousand six;
- 11 (vi) up to fifteen million dollars for the period January first, two  
12 thousand seven through December thirty-first, two thousand seven;
- 13 (vii) up to fifteen million dollars for the period January first, two  
14 thousand eight through December thirty-first, two thousand eight;
- 15 (viii) up to fifteen million dollars for the period January first, two  
16 thousand nine through December thirty-first, two thousand nine;
- 17 (ix) up to fifteen million dollars for the period January first, two  
18 thousand ten through December thirty-first, two thousand ten;
- 19 (x) up to three million seven hundred fifty thousand dollars for the  
20 period January first, two thousand eleven through March thirty-first,  
21 two thousand eleven; and
- 22 (xi) fifteen million dollars each state fiscal year for the period  
23 April first, two thousand eleven through March thirty-first, two thou-  
24 sand fourteen.
- 25 (ii) Funds shall be deposited by the commissioner, within amounts  
26 appropriated, and the state comptroller is hereby authorized and  
27 directed to receive for deposit to the credit of the state special  
28 revenue funds - other, HCRA transfer fund, medical assistance account,  
29 or any successor fund or account, for the purpose of supporting the  
30 state share of Medicaid expenditures for disabled persons as authorized  
31 by sections 1619 (a) and (b) of the federal social security act pursuant  
32 to the tobacco control and insurance initiatives pool established for  
33 the following periods in the following amounts:
- 34 (i) six million four hundred thousand dollars for the period April  
35 first, two thousand two through December thirty-first, two thousand two;
- 36 (ii) eight million five hundred thousand dollars, for the period Janu-  
37 ary first, two thousand three through December thirty-first, two thou-  
38 sand three;
- 39 (iii) eight million five hundred thousand dollars for the period Janu-  
40 ary first, two thousand four through December thirty-first, two thousand  
41 four;
- 42 (iv) eight million five hundred thousand dollars for the period Janu-  
43 ary first, two thousand five through December thirty-first, two thousand  
44 five;
- 45 (v) eight million five hundred thousand dollars for the period January  
46 first, two thousand six through December thirty-first, two thousand six;
- 47 (vi) eight million six hundred thousand dollars for the period January  
48 first, two thousand seven through December thirty-first, two thousand  
49 seven;
- 50 (vii) eight million five hundred thousand dollars for the period Janu-  
51 ary first, two thousand eight through December thirty-first, two thou-  
52 sand eight;
- 53 (viii) eight million five hundred thousand dollars for the period  
54 January first, two thousand nine through December thirty-first, two  
55 thousand nine;

- 1 (ix) eight million five hundred thousand dollars for the period Janu-  
2 ary first, two thousand ten through December thirty-first, two thousand  
3 ten;
- 4 (x) two million one hundred twenty-five thousand dollars for the peri-  
5 od January first, two thousand eleven through March thirty-first, two  
6 thousand eleven; [and]
- 7 (xi) eight million five hundred thousand dollars each state fiscal  
8 year for the period April first, two thousand eleven through March thir-  
9 ty-first, two thousand fourteen[.]; AND
- 10 (XII) EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS EACH STATE FISCAL  
11 YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH  
12 THIRTY-FIRST, TWO THOUSAND SEVENTEEN.
- 13 (jj) Funds shall be reserved and accumulated from year to year and  
14 shall be available, including income from invested funds, for the  
15 purposes of a grant program to improve access to infertility services,  
16 treatments and procedures, from the tobacco control and insurance initi-  
17 atives pool established for the period January first, two thousand two  
18 through December thirty-first, two thousand two in the amount of nine  
19 million one hundred seventy-five thousand dollars, for the period April  
20 first, two thousand six through March thirty-first, two thousand seven  
21 in the amount of five million dollars, for the period April first, two  
22 thousand seven through March thirty-first, two thousand eight in the  
23 amount of five million dollars, for the period April first, two thousand  
24 eight through March thirty-first, two thousand nine in the amount of  
25 five million dollars, and for the period April first, two thousand nine  
26 through March thirty-first, two thousand ten in the amount of five  
27 million dollars, for the period April first, two thousand ten through  
28 March thirty-first, two thousand eleven in the amount of two million two  
29 hundred thousand dollars, and for the period April first, two thousand  
30 eleven through March thirty-first, two thousand twelve up to one million  
31 one hundred thousand dollars.
- 32 (kk) Funds shall be deposited by the commissioner, within amounts  
33 appropriated, and the state comptroller is hereby authorized and  
34 directed to receive for deposit to the credit of the state special  
35 revenue funds -- other, HCRA transfer fund, medical assistance account,  
36 or any successor fund or account, for purposes of funding the state  
37 share of Medical Assistance Program expenditures from the tobacco  
38 control and insurance initiatives pool established for the following  
39 periods in the following amounts:
- 40 (i) thirty-eight million eight hundred thousand dollars for the period  
41 January first, two thousand two through December thirty-first, two thou-  
42 sand two;
- 43 (ii) up to two hundred ninety-five million dollars for the period  
44 January first, two thousand three through December thirty-first, two  
45 thousand three;
- 46 (iii) up to four hundred seventy-two million dollars for the period  
47 January first, two thousand four through December thirty-first, two  
48 thousand four;
- 49 (iv) up to nine hundred million dollars for the period January first,  
50 two thousand five through December thirty-first, two thousand five;
- 51 (v) up to eight hundred sixty-six million three hundred thousand  
52 dollars for the period January first, two thousand six through December  
53 thirty-first, two thousand six;
- 54 (vi) up to six hundred sixteen million seven hundred thousand dollars  
55 for the period January first, two thousand seven through December thir-  
56 ty-first, two thousand seven;



1 (vii) up to five hundred seventy-eight million nine hundred twenty-  
2 five thousand dollars for the period January first, two thousand eight  
3 through December thirty-first, two thousand eight; and

4 (viii) within amounts appropriated on and after January first, two  
5 thousand nine.

6 (ll) Funds shall be deposited by the commissioner, within amounts  
7 appropriated, and the state comptroller is hereby authorized and  
8 directed to receive for deposit to the credit of the state special  
9 revenue funds -- other, HCRA transfer fund, medical assistance account,  
10 or any successor fund or account, for purposes of funding the state  
11 share of Medicaid expenditures related to the city of New York from the  
12 tobacco control and insurance initiatives pool established for the  
13 following periods in the following amounts:

14 (i) eighty-two million seven hundred thousand dollars for the period  
15 January first, two thousand two through December thirty-first, two thou-  
16 sand two;

17 (ii) one hundred twenty-four million six hundred thousand dollars for  
18 the period January first, two thousand three through December thirty-  
19 first, two thousand three;

20 (iii) one hundred twenty-four million seven hundred thousand dollars  
21 for the period January first, two thousand four through December thir-  
22 ty-first, two thousand four;

23 (iv) one hundred twenty-four million seven hundred thousand dollars  
24 for the period January first, two thousand five through December thir-  
25 ty-first, two thousand five;

26 (v) one hundred twenty-four million seven hundred thousand dollars for  
27 the period January first, two thousand six through December thirty-  
28 first, two thousand six;

29 (vi) one hundred twenty-four million seven hundred thousand dollars  
30 for the period January first, two thousand seven through December thir-  
31 ty-first, two thousand seven;

32 (vii) one hundred twenty-four million seven hundred thousand dollars  
33 for the period January first, two thousand eight through December thir-  
34 ty-first, two thousand eight;

35 (viii) one hundred twenty-four million seven hundred thousand dollars  
36 for the period January first, two thousand nine through December thir-  
37 ty-first, two thousand nine;

38 (ix) one hundred twenty-four million seven hundred thousand dollars  
39 for the period January first, two thousand ten through December thirty-  
40 first, two thousand ten;

41 (x) thirty-one million one hundred seventy-five thousand dollars for  
42 the period January first, two thousand eleven through March thirty-  
43 first, two thousand eleven; and

44 (xi) one hundred twenty-four million seven hundred thousand dollars  
45 each state fiscal year for the period April first, two thousand eleven  
46 through March thirty-first, two thousand fourteen.

47 (mm) Funds shall be deposited by the commissioner, within amounts  
48 appropriated, and the state comptroller is hereby authorized and  
49 directed to receive for deposit to the credit of the state special  
50 revenue funds - other, HCRA transfer fund, medical assistance account,  
51 or any successor fund or account, for purposes of funding specified  
52 percentages of the state share of services and expenses related to the  
53 family health plus program in accordance with the following schedule:

54 (i) (A) for the period January first, two thousand three through  
55 December thirty-first, two thousand four, one hundred percent of the  
56 state share;

1 (B) for the period January first, two thousand five through December  
2 thirty-first, two thousand five, seventy-five percent of the state  
3 share; and,

4 (C) for periods beginning on and after January first, two thousand  
5 six, fifty percent of the state share.

6 (ii) Funding for the family health plus program will include up to  
7 five million dollars annually for the period January first, two thousand  
8 three through December thirty-first, two thousand six, up to five  
9 million dollars for the period January first, two thousand seven through  
10 December thirty-first, two thousand seven, up to seven million two  
11 hundred thousand dollars for the period January first, two thousand  
12 eight through December thirty-first, two thousand eight, up to seven  
13 million two hundred thousand dollars for the period January first, two  
14 thousand nine through December thirty-first, two thousand nine, up to  
15 seven million two hundred thousand dollars for the period January first,  
16 two thousand ten through December thirty-first, two thousand ten, up to  
17 one million eight hundred thousand dollars for the period January first,  
18 two thousand eleven through March thirty-first, two thousand eleven, up  
19 to six million forty-nine thousand dollars for the period April first,  
20 two thousand eleven through March thirty-first, two thousand twelve, up  
21 to six million two hundred eighty-nine thousand dollars for the period  
22 April first, two thousand twelve through March thirty-first, two thou-  
23 sand thirteen, and up to six million four hundred sixty-one thousand  
24 dollars for the period April first, two thousand thirteen through March  
25 thirty-first, two thousand fourteen, for administration and marketing  
26 costs associated with such program established pursuant to clauses (A)  
27 and (B) of subparagraph (v) of paragraph (a) of subdivision two of  
28 section three hundred sixty-nine-ee of the social services law from the  
29 tobacco control and insurance initiatives pool established for the  
30 following periods in the following amounts:

31 (A) one hundred ninety million six hundred thousand dollars for the  
32 period January first, two thousand three through December thirty-first,  
33 two thousand three;

34 (B) three hundred seventy-four million dollars for the period January  
35 first, two thousand four through December thirty-first, two thousand  
36 four;

37 (C) five hundred thirty-eight million four hundred thousand dollars  
38 for the period January first, two thousand five through December thir-  
39 ty-first, two thousand five;

40 (D) three hundred eighteen million seven hundred seventy-five thousand  
41 dollars for the period January first, two thousand six through December  
42 thirty-first, two thousand six;

43 (E) four hundred eighty-two million eight hundred thousand dollars for  
44 the period January first, two thousand seven through December thirty-  
45 first, two thousand seven;

46 (F) five hundred seventy million twenty-five thousand dollars for the  
47 period January first, two thousand eight through December thirty-first,  
48 two thousand eight;

49 (G) six hundred ten million seven hundred twenty-five thousand dollars  
50 for the period January first, two thousand nine through December thir-  
51 ty-first, two thousand nine;

52 (H) six hundred twenty-seven million two hundred seventy-five thousand  
53 dollars for the period January first, two thousand ten through December  
54 thirty-first, two thousand ten;

1 (I) one hundred fifty-seven million eight hundred seventy-five thou-  
2 sand dollars for the period January first, two thousand eleven through  
3 March thirty-first, two thousand eleven;

4 (J) six hundred twenty-eight million four hundred thousand dollars for  
5 the period April first, two thousand eleven through March thirty-first,  
6 two thousand twelve;

7 (K) six hundred fifty million four hundred thousand dollars for the  
8 period April first, two thousand twelve through March thirty-first, two  
9 thousand thirteen; [and]

10 (L) six hundred fifty million four hundred thousand dollars for the  
11 period April first, two thousand thirteen through March thirty-first,  
12 two thousand fourteen[.]; AND

13 (M) UP TO THREE HUNDRED TEN MILLION FIVE HUNDRED NINETY-FIVE THOUSAND  
14 DOLLARS FOR THE PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH  
15 THIRTY-FIRST, TWO THOUSAND FIFTEEN.

16 (nn) Funds shall be deposited by the commissioner, within amounts  
17 appropriated, and the state comptroller is hereby authorized and  
18 directed to receive for deposit to the credit of the state special  
19 revenue fund - other, HCRA transfer fund, health care services account,  
20 or any successor fund or account, for purposes related to adult home  
21 initiatives for medicaid eligible residents of residential facilities  
22 licensed pursuant to section four hundred sixty-b of the social services  
23 law from the tobacco control and insurance initiatives pool established  
24 for the following periods in the following amounts:

25 (i) up to four million dollars for the period January first, two thou-  
26 sand three through December thirty-first, two thousand three;

27 (ii) up to six million dollars for the period January first, two thou-  
28 sand four through December thirty-first, two thousand four;

29 (iii) up to eight million dollars for the period January first, two  
30 thousand five through December thirty-first, two thousand five,  
31 provided, however, that up to five million two hundred fifty thousand  
32 dollars of such funds shall be received by the comptroller and deposited  
33 to the credit of the special revenue fund - other / aid to localities,  
34 HCRA transfer fund - 061, enhanced community services account - 05, or  
35 any successor fund or account, for the purposes set forth in this para-  
36 graph;

37 (iv) up to eight million dollars for the period January first, two  
38 thousand six through December thirty-first, two thousand six, provided,  
39 however, that up to five million two hundred fifty thousand dollars of  
40 such funds shall be received by the comptroller and deposited to the  
41 credit of the special revenue fund - other / aid to localities, HCRA  
42 transfer fund - 061, enhanced community services account - 05, or any  
43 successor fund or account, for the purposes set forth in this paragraph;

44 (v) up to eight million dollars for the period January first, two  
45 thousand seven through December thirty-first, two thousand seven,  
46 provided, however, that up to five million two hundred fifty thousand  
47 dollars of such funds shall be received by the comptroller and deposited  
48 to the credit of the special revenue fund - other / aid to localities,  
49 HCRA transfer fund - 061, enhanced community services account - 05, or  
50 any successor fund or account, for the purposes set forth in this para-  
51 graph;

52 (vi) up to two million seven hundred fifty thousand dollars for the  
53 period January first, two thousand eight through December thirty-first,  
54 two thousand eight;

- 1 (vii) up to two million seven hundred fifty thousand dollars for the  
2 period January first, two thousand nine through December thirty-first,  
3 two thousand nine;
- 4 (viii) up to two million seven hundred fifty thousand dollars for the  
5 period January first, two thousand ten through December thirty-first,  
6 two thousand ten; and
- 7 (ix) up to six hundred eighty-eight thousand dollars for the period  
8 January first, two thousand eleven through March thirty-first, two thou-  
9 sand eleven.
- 10 (oo) Funds shall be reserved and accumulated from year to year and  
11 shall be available, including income from invested funds, for purposes  
12 of grants to non-public general hospitals pursuant to paragraph (e) of  
13 subdivision twenty-five of section twenty-eight hundred seven-c of this  
14 article from the tobacco control and insurance initiatives pool estab-  
15 lished for the following periods in the following amounts:
- 16 (i) up to five million dollars on an annualized basis for the period  
17 January first, two thousand four through December thirty-first, two  
18 thousand four;
- 19 (ii) up to five million dollars for the period January first, two  
20 thousand five through December thirty-first, two thousand five;
- 21 (iii) up to five million dollars for the period January first, two  
22 thousand six through December thirty-first, two thousand six;
- 23 (iv) up to five million dollars for the period January first, two  
24 thousand seven through December thirty-first, two thousand seven; [and]
- 25 (v) up to five million dollars for the period January first, two thou-  
26 sand eight through December thirty-first, two thousand eight;
- 27 (vi) up to five million dollars for the period January first, two  
28 thousand nine through December thirty-first, two thousand nine;
- 29 (vii) up to five million dollars for the period January first, two  
30 thousand ten through December thirty-first, two thousand ten; and
- 31 (viii) up to one million two hundred fifty thousand dollars for the  
32 period January first, two thousand eleven through March thirty-first,  
33 two thousand eleven.
- 34 (pp) Funds shall be reserved and accumulated from year to year and  
35 shall be available, including income from invested funds, for the  
36 purpose of supporting the provision of tax credits for long term care  
37 insurance pursuant to subdivision one of section one hundred ninety of  
38 the tax law, paragraph (a) of subdivision twenty-five-a of section two  
39 hundred ten of such law, subsection (aa) of section six hundred six of  
40 such law, paragraph one of subsection (k) of section fourteen hundred  
41 fifty-six of such law and paragraph one of subdivision (m) of section  
42 fifteen hundred eleven of such law, in the following amounts:
- 43 (i) ten million dollars for the period January first, two thousand  
44 four through December thirty-first, two thousand four;
- 45 (ii) ten million dollars for the period January first, two thousand  
46 five through December thirty-first, two thousand five;
- 47 (iii) ten million dollars for the period January first, two thousand  
48 six through December thirty-first, two thousand six; and
- 49 (iv) five million dollars for the period January first, two thousand  
50 seven through June thirtieth, two thousand seven.
- 51 (qq) Funds shall be reserved and accumulated from year to year and  
52 shall be available, including income from invested funds, for the  
53 purpose of supporting the long-term care insurance education and  
54 outreach program established pursuant to section two hundred seventeen-a  
55 of the elder law for the following periods in the following amounts:

1 (i) up to five million dollars for the period January first, two thou-  
2 sand four through December thirty-first, two thousand four; of such  
3 funds one million nine hundred fifty thousand dollars shall be made  
4 available to the department for the purpose of developing, implementing  
5 and administering the long-term care insurance education and outreach  
6 program and three million fifty thousand dollars shall be deposited by  
7 the commissioner, within amounts appropriated, and the comptroller is  
8 hereby authorized and directed to receive for deposit to the credit of  
9 the special revenue funds - other, HCRA transfer fund, long term care  
10 insurance resource center account of the state office for the aging or  
11 any future account designated for the purpose of implementing the long  
12 term care insurance education and outreach program and providing the  
13 long term care insurance resource centers with the necessary resources  
14 to carry out their operations;

15 (ii) up to five million dollars for the period January first, two  
16 thousand five through December thirty-first, two thousand five; of such  
17 funds one million nine hundred fifty thousand dollars shall be made  
18 available to the department for the purpose of developing, implementing  
19 and administering the long-term care insurance education and outreach  
20 program and three million fifty thousand dollars shall be deposited by  
21 the commissioner, within amounts appropriated, and the comptroller is  
22 hereby authorized and directed to receive for deposit to the credit of  
23 the special revenue funds - other, HCRA transfer fund, long term care  
24 insurance resource center account of the state office for the aging or  
25 any future account designated for the purpose of implementing the long  
26 term care insurance education and outreach program and providing the  
27 long term care insurance resource centers with the necessary resources  
28 to carry out their operations;

29 (iii) up to five million dollars for the period January first, two  
30 thousand six through December thirty-first, two thousand six; of such  
31 funds one million nine hundred fifty thousand dollars shall be made  
32 available to the department for the purpose of developing, implementing  
33 and administering the long-term care insurance education and outreach  
34 program and three million fifty thousand dollars shall be made available  
35 to the office for the aging for the purpose of providing the long term  
36 care insurance resource centers with the necessary resources to carry  
37 out their operations;

38 (iv) up to five million dollars for the period January first, two  
39 thousand seven through December thirty-first, two thousand seven; of  
40 such funds one million nine hundred fifty thousand dollars shall be made  
41 available to the department for the purpose of developing, implementing  
42 and administering the long-term care insurance education and outreach  
43 program and three million fifty thousand dollars shall be made available  
44 to the office for the aging for the purpose of providing the long term  
45 care insurance resource centers with the necessary resources to carry  
46 out their operations;

47 (v) up to five million dollars for the period January first, two thou-  
48 sand eight through December thirty-first, two thousand eight; of such  
49 funds one million nine hundred fifty thousand dollars shall be made  
50 available to the department for the purpose of developing, implementing  
51 and administering the long term care insurance education and outreach  
52 program and three million fifty thousand dollars shall be made available  
53 to the office for the aging for the purpose of providing the long term  
54 care insurance resource centers with the necessary resources to carry  
55 out their operations;

1 (vi) up to five million dollars for the period January first, two  
2 thousand nine through December thirty-first, two thousand nine; of such  
3 funds one million nine hundred fifty thousand dollars shall be made  
4 available to the department for the purpose of developing, implementing  
5 and administering the long-term care insurance education and outreach  
6 program and three million fifty thousand dollars shall be made available  
7 to the office for the aging for the purpose of providing the long-term  
8 care insurance resource centers with the necessary resources to carry  
9 out their operations;

10 (vii) up to four hundred eighty-eight thousand dollars for the period  
11 January first, two thousand ten through March thirty-first, two thousand  
12 ten; of such funds four hundred eighty-eight thousand dollars shall be  
13 made available to the department for the purpose of developing, imple-  
14 menting and administering the long-term care insurance education and  
15 outreach program.

16 (rr) Funds shall be reserved and accumulated from the tobacco control  
17 and insurance initiatives pool and shall be available, including income  
18 from invested funds, for the purpose of supporting expenses related to  
19 implementation of the provisions of title III of article twenty-nine-D  
20 of this chapter, for the following periods and in the following amounts:

21 (i) up to ten million dollars for the period January first, two thou-  
22 sand six through December thirty-first, two thousand six;

23 (ii) up to ten million dollars for the period January first, two thou-  
24 sand seven through December thirty-first, two thousand seven;

25 (iii) up to ten million dollars for the period January first, two  
26 thousand eight through December thirty-first, two thousand eight;

27 (iv) up to ten million dollars for the period January first, two thou-  
28 sand nine through December thirty-first, two thousand nine;

29 (v) up to ten million dollars for the period January first, two thou-  
30 sand ten through December thirty-first, two thousand ten; and

31 (vi) up to two million five hundred thousand dollars for the period  
32 January first, two thousand eleven through March thirty-first, two thou-  
33 sand eleven.

34 (ss) Funds shall be reserved and accumulated from the tobacco control  
35 and insurance initiatives pool and used for a health care stabilization  
36 program established by the commissioner for the purposes of stabilizing  
37 critical health care providers and health care programs whose ability to  
38 continue to provide appropriate services are threatened by financial or  
39 other challenges, in the amount of up to twenty-eight million dollars  
40 for the period July first, two thousand four through June thirtieth, two  
41 thousand five. Notwithstanding the provisions of section one hundred  
42 twelve of the state finance law or any other inconsistent provision of  
43 the state finance law or any other law, funds available for distribution  
44 pursuant to this paragraph may be allocated and distributed by the  
45 commissioner, or the state comptroller as applicable without a compet-  
46 itive bid or request for proposal process. Considerations relied upon by  
47 the commissioner in determining the allocation and distribution of these  
48 funds shall include, but not be limited to, the following: (i) the  
49 importance of the provider or program in meeting critical health care  
50 needs in the community in which it operates; (ii) the provider or  
51 program provision of care to under-served populations; (iii) the quality  
52 of the care or services the provider or program delivers; (iv) the abil-  
53 ity of the provider or program to continue to deliver an appropriate  
54 level of care or services if additional funding is made available; (v)  
55 the ability of the provider or program to access, in a timely manner,  
56 alternative sources of funding, including other sources of government

1 funding; (vi) the ability of other providers or programs in the communi-  
2 ty to meet the community health care needs; (vii) whether the provider  
3 or program has an appropriate plan to improve its financial condition;  
4 and (viii) whether additional funding would permit the provider or  
5 program to consolidate, relocate, or close programs or services where  
6 such actions would result in greater stability and efficiency in the  
7 delivery of needed health care services or programs.

8 (tt) Funds shall be reserved and accumulated from year to year and  
9 shall be available, including income from invested funds, for purposes  
10 of providing grants for two long term care demonstration projects  
11 designed to test new models for the delivery of long term care services  
12 established pursuant to section twenty-eight hundred seven-x of this  
13 chapter, for the following periods and in the following amounts:

14 (i) up to five hundred thousand dollars for the period January first,  
15 two thousand four through December thirty-first, two thousand four;

16 (ii) up to five hundred thousand dollars for the period January first,  
17 two thousand five through December thirty-first, two thousand five;

18 (iii) up to five hundred thousand dollars for the period January  
19 first, two thousand six through December thirty-first, two thousand six;

20 (iv) up to one million dollars for the period January first, two thou-  
21 sand seven through December thirty-first, two thousand seven; and

22 (v) up to two hundred fifty thousand dollars for the period January  
23 first, two thousand eight through March thirty-first, two thousand  
24 eight.

25 (uu) Funds shall be reserved and accumulated from year to year and  
26 shall be available, including income from invested funds, for the  
27 purpose of supporting disease management and telemedicine demonstration  
28 programs authorized pursuant to section twenty-one hundred eleven of  
29 this chapter for the following periods in the following amounts:

30 (i) five million dollars for the period January first, two thousand  
31 four through December thirty-first, two thousand four, of which three  
32 million dollars shall be available for disease management demonstration  
33 programs and two million dollars shall be available for telemedicine  
34 demonstration programs;

35 (ii) five million dollars for the period January first, two thousand  
36 five through December thirty-first, two thousand five, of which three  
37 million dollars shall be available for disease management demonstration  
38 programs and two million dollars shall be available for telemedicine  
39 demonstration programs;

40 (iii) nine million five hundred thousand dollars for the period Janu-  
41 ary first, two thousand six through December thirty-first, two thousand  
42 six, of which seven million five hundred thousand dollars shall be  
43 available for disease management demonstration programs and two million  
44 dollars shall be available for telemedicine demonstration programs;

45 (iv) nine million five hundred thousand dollars for the period January  
46 first, two thousand seven through December thirty-first, two thousand  
47 seven, of which seven million five hundred thousand dollars shall be  
48 available for disease management demonstration programs and one million  
49 dollars shall be available for telemedicine demonstration programs;

50 (v) nine million five hundred thousand dollars for the period January  
51 first, two thousand eight through December thirty-first, two thousand  
52 eight, of which seven million five hundred thousand dollars shall be  
53 available for disease management demonstration programs and two million  
54 dollars shall be available for telemedicine demonstration programs;

55 (vi) seven million eight hundred thirty-three thousand three hundred  
56 thirty-three dollars for the period January first, two thousand nine

1 through December thirty-first, two thousand nine, of which seven million  
2 five hundred thousand dollars shall be available for disease management  
3 demonstration programs and three hundred thirty-three thousand three  
4 hundred thirty-three dollars shall be available for telemedicine demon-  
5 stration programs for the period January first, two thousand nine  
6 through March first, two thousand nine;

7 (vii) one million eight hundred seventy-five thousand dollars for the  
8 period January first, two thousand ten through March thirty-first, two  
9 thousand ten shall be available for disease management demonstration  
10 programs.

11 (ww) Funds shall be deposited by the commissioner, within amounts  
12 appropriated, and the state comptroller is hereby authorized and  
13 directed to receive for the deposit to the credit of the state special  
14 revenue funds - other, HCRA transfer fund, medical assistance account,  
15 or any successor fund or account, for purposes of funding the state  
16 share of the general hospital rates increases for recruitment and  
17 retention of health care workers pursuant to paragraph (e) of subdivi-  
18 sion thirty of section twenty-eight hundred seven-c of this article from  
19 the tobacco control and insurance initiatives pool established for the  
20 following periods in the following amounts:

21 (i) sixty million five hundred thousand dollars for the period January  
22 first, two thousand five through December thirty-first, two thousand  
23 five; and

24 (ii) sixty million five hundred thousand dollars for the period Janu-  
25 ary first, two thousand six through December thirty-first, two thousand  
26 six.

27 (xx) Funds shall be deposited by the commissioner, within amounts  
28 appropriated, and the state comptroller is hereby authorized and  
29 directed to receive for the deposit to the credit of the state special  
30 revenue funds - other, HCRA transfer fund, medical assistance account,  
31 or any successor fund or account, for purposes of funding the state  
32 share of the general hospital rates increases for rural hospitals pursu-  
33 ant to subdivision thirty-two of section twenty-eight hundred seven-c of  
34 this article from the tobacco control and insurance initiatives pool  
35 established for the following periods in the following amounts:

36 (i) three million five hundred thousand dollars for the period January  
37 first, two thousand five through December thirty-first, two thousand  
38 five;

39 (ii) three million five hundred thousand dollars for the period Janu-  
40 ary first, two thousand six through December thirty-first, two thousand  
41 six;

42 (iii) three million five hundred thousand dollars for the period Janu-  
43 ary first, two thousand seven through December thirty-first, two thou-  
44 sand seven;

45 (iv) three million five hundred thousand dollars for the period Janu-  
46 ary first, two thousand eight through December thirty-first, two thou-  
47 sand eight; and

48 (v) three million two hundred eight thousand dollars for the period  
49 January first, two thousand nine through November thirtieth, two thou-  
50 sand nine.

51 (yy) Funds shall be reserved and accumulated from year to year and  
52 shall be available, within amounts appropriated and notwithstanding  
53 section one hundred twelve of the state finance law and any other  
54 contrary provision of law, for the purpose of supporting grants not to  
55 exceed five million dollars to be made by the commissioner without a  
56 competitive bid or request for proposal process, in support of the



1 delivery of critically needed health care services, to health care  
2 providers located in the counties of Erie and Niagara which executed a  
3 memorandum of closing and conducted a merger closing in escrow on Novem-  
4 ber twenty-fourth, nineteen hundred ninety-seven and which entered into  
5 a settlement dated December thirtieth, two thousand four for a loss on  
6 disposal of assets under the provisions of title XVIII of the federal  
7 social security act applicable to mergers occurring prior to December  
8 first, nineteen hundred ninety-seven.

9 (zz) Funds shall be reserved and accumulated from year to year and  
10 shall be available, within amounts appropriated, for the purpose of  
11 supporting expenditures authorized pursuant to section twenty-eight  
12 hundred eighteen of this article from the tobacco control and insurance  
13 initiatives pool established for the following periods in the following  
14 amounts:

15 (i) six million five hundred thousand dollars for the period January  
16 first, two thousand five through December thirty-first, two thousand  
17 five;

18 (ii) one hundred eight million three hundred thousand dollars for the  
19 period January first, two thousand six through December thirty-first,  
20 two thousand six, provided, however, that within amounts appropriated in  
21 the two thousand six through two thousand seven state fiscal year, a  
22 portion of such funds may be transferred to the Roswell Park Cancer  
23 Institute Corporation to fund capital costs;

24 (iii) one hundred seventy-one million dollars for the period January  
25 first, two thousand seven through December thirty-first, two thousand  
26 seven, provided, however, that within amounts appropriated in the two  
27 thousand six through two thousand seven state fiscal year, a portion of  
28 such funds may be transferred to the Roswell Park Cancer Institute  
29 Corporation to fund capital costs;

30 (iv) one hundred seventy-one million five hundred thousand dollars for  
31 the period January first, two thousand eight through December thirty-  
32 first, two thousand eight;

33 (v) one hundred twenty-eight million seven hundred fifty thousand  
34 dollars for the period January first, two thousand nine through December  
35 thirty-first, two thousand nine;

36 (vi) one hundred thirty-one million three hundred seventy-five thou-  
37 sand dollars for the period January first, two thousand ten through  
38 December thirty-first, two thousand ten;

39 (vii) thirty-four million two hundred fifty thousand dollars for the  
40 period January first, two thousand eleven through March thirty-first,  
41 two thousand eleven;

42 (viii) four hundred thirty-three million three hundred sixty-six thou-  
43 sand dollars for the period April first, two thousand eleven through  
44 March thirty-first, two thousand twelve;

45 (ix) one hundred fifty million eight hundred six thousand dollars for  
46 the period April first, two thousand twelve through March thirty-first,  
47 two thousand thirteen; [and]

48 (x) seventy-eight million seventy-one thousand dollars for the period  
49 April first, two thousand thirteen through March thirty-first, two thou-  
50 sand fourteen.

51 (aaa) Funds shall be reserved and accumulated from year to year and  
52 shall be available, including income from invested funds, for services  
53 and expenses related to school based health centers, in an amount up to  
54 three million five hundred thousand dollars for the period April first,  
55 two thousand six through March thirty-first, two thousand seven, up to  
56 three million five hundred thousand dollars for the period April first,

1 two thousand seven through March thirty-first, two thousand eight, up to  
2 three million five hundred thousand dollars for the period April first,  
3 two thousand eight through March thirty-first, two thousand nine, up to  
4 three million five hundred thousand dollars for the period April first,  
5 two thousand nine through March thirty-first, two thousand ten, up to  
6 three million five hundred thousand dollars for the period April first,  
7 two thousand ten through March thirty-first, two thousand eleven, [and]  
8 up to two million eight hundred thousand dollars each state fiscal year  
9 for the period April first, two thousand eleven through March thirty-  
10 first, two thousand fourteen, AND UP TO TWO MILLION SIX HUNDRED  
11 FORTY-FOUR THOUSAND DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL  
12 FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND  
13 SEVENTEEN. The total amount of funds provided herein shall be distrib-  
14 uted as grants based on the ratio of each provider's total enrollment  
15 for all sites to the total enrollment of all providers. This formula  
16 shall be applied to the total amount provided herein.

17 (bbb) Funds shall be reserved and accumulated from year to year and  
18 shall be available, including income from invested funds, for purposes  
19 of awarding grants to operators of adult homes, enriched housing  
20 programs and residences through the enhancing abilities and life experi-  
21 ence (EnAbLe) program to provide for the installation, operation and  
22 maintenance of air conditioning in resident rooms, consistent with this  
23 paragraph, in an amount up to two million dollars for the period April  
24 first, two thousand six through March thirty-first, two thousand seven,  
25 up to three million eight hundred thousand dollars for the period April  
26 first, two thousand seven through March thirty-first, two thousand  
27 eight, up to three million eight hundred thousand dollars for the period  
28 April first, two thousand eight through March thirty-first, two thousand  
29 nine, up to three million eight hundred thousand dollars for the period  
30 April first, two thousand nine through March thirty-first, two thousand  
31 ten, and up to three million eight hundred thousand dollars for the  
32 period April first, two thousand ten through March thirty-first, two  
33 thousand eleven. Residents shall not be charged utility cost for the use  
34 of air conditioners supplied under the EnAbLe program. All such air  
35 conditioners must be operated in occupied resident rooms consistent with  
36 requirements applicable to common areas.

37 (ccc) Funds shall be deposited by the commissioner, within amounts  
38 appropriated, and the state comptroller is hereby authorized and  
39 directed to receive for the deposit to the credit of the state special  
40 revenue funds - other, HCRA transfer fund, medical assistance account,  
41 or any successor fund or account, for purposes of funding the state  
42 share of increases in the rates for certified home health agencies, long  
43 term home health care programs, AIDS home care programs, hospice  
44 programs and managed long term care plans and approved managed long term  
45 care operating demonstrations as defined in section forty-four hundred  
46 three-f of this chapter for recruitment and retention of health care  
47 workers pursuant to subdivisions nine and ten of section thirty-six  
48 hundred fourteen of this chapter from the tobacco control and insurance  
49 initiatives pool established for the following periods in the following  
50 amounts:

- 51 (i) twenty-five million dollars for the period June first, two thou-  
52 sand six through December thirty-first, two thousand six;  
53 (ii) fifty million dollars for the period January first, two thousand  
54 seven through December thirty-first, two thousand seven;  
55 (iii) fifty million dollars for the period January first, two thousand  
56 eight through December thirty-first, two thousand eight;

1 (iv) fifty million dollars for the period January first, two thousand  
2 nine through December thirty-first, two thousand nine;

3 (v) fifty million dollars for the period January first, two thousand  
4 ten through December thirty-first, two thousand ten;

5 (vi) twelve million five hundred thousand dollars for the period Janu-  
6 ary first, two thousand eleven through March thirty-first, two thousand  
7 eleven; [and]

8 (vii) up to fifty million dollars each state fiscal year for the peri-  
9 od April first, two thousand eleven through March thirty-first, two  
10 thousand fourteen[.]; AND

11 (VIII) UP TO FIFTY MILLION DOLLARS EACH STATE FISCAL YEAR FOR THE  
12 PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH THIRTY-FIRST,  
13 TWO THOUSAND SEVENTEEN.

14 (ddd) Funds shall be deposited by the commissioner, within amounts  
15 appropriated, and the state comptroller is hereby authorized and  
16 directed to receive for the deposit to the credit of the state special  
17 revenue funds - other, HCRA transfer fund, medical assistance account,  
18 or any successor fund or account, for purposes of funding the state  
19 share of increases in the medical assistance rates for providers for  
20 purposes of enhancing the provision, quality and/or efficiency of home  
21 care services pursuant to subdivision eleven of section thirty-six  
22 hundred fourteen of this chapter from the tobacco control and insurance  
23 initiatives pool established for the following period in the amount of  
24 eight million dollars for the period April first, two thousand six  
25 through December thirty-first, two thousand six.

26 (eee) Funds shall be reserved and accumulated from year to year and  
27 shall be available, including income from invested funds, to the Center  
28 for Functional Genomics at the State University of New York at Albany,  
29 for the purposes of the Adirondack network for cancer education and  
30 research in rural communities grant program to improve access to health  
31 care and shall be made available from the tobacco control and insurance  
32 initiatives pool established for the following period in the amount of  
33 up to five million dollars for the period January first, two thousand  
34 six through December thirty-first, two thousand six.

35 (fff) Funds shall be made available to the empire state stem cell fund  
36 established by section ninety-nine-p of the state finance law within  
37 amounts appropriated up to fifty million dollars annually and shall not  
38 exceed five hundred million dollars in total.

39 (ggg) Funds shall be deposited by the commissioner, within amounts  
40 appropriated, and the state comptroller is hereby authorized and  
41 directed to receive for deposit to the credit of the state special  
42 revenue fund - other, HCRA transfer fund, medical assistance account, or  
43 any successor fund or account, for the purpose of supporting the state  
44 share of Medicaid expenditures for hospital translation services as  
45 authorized pursuant to paragraph (k) of subdivision one of section twen-  
46 ty-eight hundred seven-c of this article from the tobacco control and  
47 initiatives pool established for the following periods in the following  
48 amounts:

49 (i) sixteen million dollars for the period July first, two thousand  
50 eight through December thirty-first, two thousand eight; and

51 (ii) fourteen million seven hundred thousand dollars for the period  
52 January first, two thousand nine through November thirtieth, two thou-  
53 sand nine.

54 (hhh) Funds shall be deposited by the commissioner, within amounts  
55 appropriated, and the state comptroller is hereby authorized and  
56 directed to receive for deposit to the credit of the state special

1 revenue fund - other, HCRA transfer fund, medical assistance account, or  
2 any successor fund or account, for the purpose of supporting the state  
3 share of Medicaid expenditures for adjustments to inpatient rates of  
4 payment for general hospitals located in the counties of Nassau and  
5 Suffolk as authorized pursuant to paragraph (l) of subdivision one of  
6 section twenty-eight hundred seven-c of this article from the tobacco  
7 control and initiatives pool established for the following periods in  
8 the following amounts:

9 (i) two million five hundred thousand dollars for the period April  
10 first, two thousand eight through December thirty-first, two thousand  
11 eight; and

12 (ii) two million two hundred ninety-two thousand dollars for the peri-  
13 od January first, two thousand nine through November thirtieth, two  
14 thousand nine.

15 (iii) Funds shall be reserved and set aside and accumulated from year  
16 to year and shall be made available, including income from investment  
17 funds, for the purpose of supporting the New York state medical indem-  
18 nity fund as authorized pursuant to title four of article twenty-nine-D  
19 of this chapter, for the following periods and in the following amounts,  
20 provided, however, that the commissioner is authorized to seek waiver  
21 authority from the federal centers for medicare and Medicaid for the  
22 purpose of securing Medicaid federal financial participation for such  
23 program, in which case the funding authorized pursuant to this paragraph  
24 shall be utilized as the non-federal share for such payments:

25 Thirty million dollars for the period April first, two thousand eleven  
26 through March thirty-first, two thousand twelve.

27 2. (a) For periods prior to January first, two thousand five, the  
28 commissioner is authorized to contract with the article forty-three  
29 insurance law plans, or such other contractors as the commissioner shall  
30 designate, to receive and distribute funds from the tobacco control and  
31 insurance initiatives pool established pursuant to this section. In the  
32 event contracts with the article forty-three insurance law plans or  
33 other commissioner's designees are effectuated, the commissioner shall  
34 conduct annual audits of the receipt and distribution of such funds. The  
35 reasonable costs and expenses of an administrator as approved by the  
36 commissioner, not to exceed for personnel services on an annual basis  
37 five hundred thousand dollars, for collection and distribution of funds  
38 pursuant to this section shall be paid from such funds.

39 (b) Notwithstanding any inconsistent provision of section one hundred  
40 twelve or one hundred sixty-three of the state finance law or any other  
41 law, at the discretion of the commissioner without a competitive bid or  
42 request for proposal process, contracts in effect for administration of  
43 pools established pursuant to sections twenty-eight hundred seven-k,  
44 twenty-eight hundred seven-l and twenty-eight hundred seven-m of this  
45 article for the period January first, nineteen hundred ninety-nine  
46 through December thirty-first, nineteen hundred ninety-nine may be  
47 extended to provide for administration pursuant to this section and may  
48 be amended as may be necessary.

49 S 9. Subdivisions 5-a and 7 of section 2807-m of the public health  
50 law, as added by section 75-c of part C of chapter 58 of the laws of  
51 2008, the paragraph heading of paragraph (b) and the second undesignated  
52 paragraph of paragraph (b) of subdivision 5-a as amended by section 4 of  
53 part B of chapter 109 of the laws of 2010, the opening paragraph of  
54 paragraph (b), subparagraphs (C), (D) and (G) of paragraph (b), and  
55 paragraphs (c), (f) and (g) of subdivision 5-a as amended by section 26  
56 of part C of chapter 59 of the laws of 2011, subparagraph (H) of para-

1 graph (b) of subdivision 5-a as added by section 60 of part D of chapter  
2 56 of the laws of 2012, paragraphs (d) and (e) of subdivision 5-a as  
3 amended by section 53 of part D of chapter 56 of the laws of 2012 and  
4 paragraph (e-1) of subdivision 5-a as added by section 54 of part D of  
5 chapter 56 of the laws of 2012, and subdivision 7 as amended by section  
6 26-a of part C of chapter 59 of the laws of 2011, are amended to read as  
7 follows:

8 5-a. Graduate medical education innovations pool. (a) Supplemental  
9 distributions. (i) Thirty-one million dollars for the period January  
10 first, two thousand eight through December thirty-first, two thousand  
11 eight, shall be set aside and reserved by the commissioner from the  
12 regional pools established pursuant to subdivision two of this section  
13 and shall be available for distributions pursuant to subdivision five of  
14 this section and in accordance with section 86-1.89 of title 10 of the  
15 codes, rules and regulations of the state of New York as in effect on  
16 January first, two thousand eight; provided, however, for purposes of  
17 funding the empire clinical research investigation program (ECRIP) in  
18 accordance with paragraph eight of subdivision (e) and paragraph two of  
19 subdivision (f) of section 86-1.89 of title 10 of the codes, rules and  
20 regulations of the state of New York, distributions shall be made using  
21 two regions defined as New York city and the rest of the state and the  
22 dollar amount set forth in subparagraph (i) of paragraph two of subdivi-  
23 sion (f) of section 86-1.89 of title 10 of the codes, rules and regu-  
24 lations of the state of New York shall be increased from sixty thousand  
25 dollars to seventy-five thousand dollars.

26 (ii) For periods on and after January first, two thousand nine,  
27 supplemental distributions pursuant to subdivision five of this section  
28 and in accordance with section 86-1.89 of title 10 of the codes, rules  
29 and regulations of the state of New York shall no longer be made and the  
30 provisions of section 86-1.89 of title 10 of the codes, rules and regu-  
31 lations of the state of New York shall be null and void.

32 (b) Empire clinical research investigator program (ECRIP). Nine  
33 million one hundred twenty thousand dollars annually for the period  
34 January first, two thousand nine through December thirty-first, two  
35 thousand ten, and two million two hundred eighty thousand dollars for  
36 the period January first, two thousand eleven, [and] THROUGH MARCH THIR-  
37 TY-FIRST, TWO THOUSAND ELEVEN, nine million one hundred twenty thousand  
38 dollars each state fiscal year for the period April first, two thousand  
39 eleven through March thirty-first, two thousand fourteen, [through March  
40 thirty-first, two thousand eleven,] AND UP TO EIGHT MILLION SIX HUNDRED  
41 TWELVE THOUSAND DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL  
42 FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND  
43 SEVENTEEN, shall be set aside and reserved by the commissioner from the  
44 regional pools established pursuant to subdivision two of this section  
45 to be allocated regionally with two-thirds of the available funding  
46 going to New York city and one-third of the available funding going to  
47 the rest of the state and shall be available for distribution as  
48 follows:

49 Distributions shall first be made to consortia and teaching general  
50 hospitals for the empire clinical research investigator program (ECRIP)  
51 to help secure federal funding for biomedical research, train clinical  
52 researchers, recruit national leaders as faculty to act as mentors, and  
53 train residents and fellows in biomedical research skills based on  
54 hospital-specific data submitted to the commissioner by consortia and  
55 teaching general hospitals in accordance with clause (G) of this subpar-

1 agraph. Such distributions shall be made in accordance with the follow-  
2 ing methodology:

3 (A) The greatest number of clinical research positions for which a  
4 consortium or teaching general hospital may be funded pursuant to this  
5 subparagraph shall be one percent of the total number of residents  
6 training at the consortium or teaching general hospital on July first,  
7 two thousand eight for the period January first, two thousand nine  
8 through December thirty-first, two thousand nine rounded up to the near-  
9 est one position.

10 (B) Distributions made to a consortium or teaching general hospital  
11 shall equal the product of the total number of clinical research posi-  
12 tions submitted by a consortium or teaching general hospital and  
13 accepted by the commissioner as meeting the criteria set forth in para-  
14 graph (b) of subdivision one of this section, subject to the reduction  
15 calculation set forth in clause (C) of this subparagraph, times one  
16 hundred ten thousand dollars.

17 (C) If the dollar amount for the total number of clinical research  
18 positions in the region calculated pursuant to clause (B) of this  
19 subparagraph exceeds the total amount appropriated for purposes of this  
20 paragraph, including clinical research positions that continue from and  
21 were funded in prior distribution periods, the commissioner shall elimi-  
22 nate one-half of the clinical research positions submitted by each  
23 consortium or teaching general hospital rounded down to the nearest one  
24 position. Such reduction shall be repeated until the dollar amount for  
25 the total number of clinical research positions in the region does not  
26 exceed the total amount appropriated for purposes of this paragraph. If  
27 the repeated reduction of the total number of clinical research posi-  
28 tions in the region by one-half does not render a total funding amount  
29 that is equal to or less than the total amount reserved for that region  
30 within the appropriation, the funding for each clinical research posi-  
31 tion in that region shall be reduced proportionally in one thousand  
32 dollar increments until the total dollar amount for the total number of  
33 clinical research positions in that region does not exceed the total  
34 amount reserved for that region within the appropriation. Any reduction  
35 in funding will be effective for the duration of the award. No clinical  
36 research positions that continue from and were funded in prior distrib-  
37 ution periods shall be eliminated or reduced by such methodology.

38 (D) Each consortium or teaching general hospital shall receive its  
39 annual distribution amount in accordance with the following:

40 (I) Each consortium or teaching general hospital with a one-year ECRIP  
41 award shall receive its annual distribution amount in full upon  
42 completion of the requirements set forth in items (I) and (II) of clause  
43 (G) of this subparagraph. The requirements set forth in items (IV) and  
44 (V) of clause (G) of this subparagraph must be completed by the consor-  
45 tium or teaching general hospital in order for the consortium or teach-  
46 ing general hospital to be eligible to apply for ECRIP funding in any  
47 subsequent funding cycle.

48 (II) Each consortium or teaching general hospital with a two-year  
49 ECRIP award shall receive its first annual distribution amount in full  
50 upon completion of the requirements set forth in items (I) and (II) of  
51 clause (G) of this subparagraph. Each consortium or teaching general  
52 hospital will receive its second annual distribution amount in full upon  
53 completion of the requirements set forth in item (III) of clause (G) of  
54 this subparagraph. The requirements set forth in items (IV) and (V) of  
55 clause (G) of this subparagraph must be completed by the consortium or  
56 teaching general hospital in order for the consortium or teaching gener-

1 al hospital to be eligible to apply for ECRIP funding in any subsequent  
2 funding cycle.

3 (E) Each consortium or teaching general hospital receiving distrib-  
4 utions pursuant to this subparagraph shall reserve seventy-five thousand  
5 dollars to primarily fund salary and fringe benefits of the clinical  
6 research position with the remainder going to fund the development of  
7 faculty who are involved in biomedical research, training and clinical  
8 care.

9 (F) Undistributed or returned funds available to fund clinical  
10 research positions pursuant to this paragraph for a distribution period  
11 shall be available to fund clinical research positions in a subsequent  
12 distribution period.

13 (G) In order to be eligible for distributions pursuant to this subpar-  
14 agraph, each consortium and teaching general hospital shall provide to  
15 the commissioner by July first of each distribution period, the follow-  
16 ing data and information on a hospital-specific basis. Such data and  
17 information shall be certified as to accuracy and completeness by the  
18 chief executive officer, chief financial officer or chair of the consor-  
19 tium governing body of each consortium or teaching general hospital and  
20 shall be maintained by each consortium and teaching general hospital for  
21 five years from the date of submission:

22 (I) For each clinical research position, information on the type,  
23 scope, training objectives, institutional support, clinical research  
24 experience of the sponsor-mentor, plans for submitting research outcomes  
25 to peer reviewed journals and at scientific meetings, including a meet-  
26 ing sponsored by the department, the name of a principal contact person  
27 responsible for tracking the career development of researchers placed in  
28 clinical research positions, as defined in paragraph (c) of subdivision  
29 one of this section, and who is authorized to certify to the commission-  
30 er that all the requirements of the clinical research training objec-  
31 tives set forth in this subparagraph shall be met. Such certification  
32 shall be provided by July first of each distribution period;

33 (II) For each clinical research position, information on the name,  
34 citizenship status, medical education and training, and medical license  
35 number of the researcher, if applicable, shall be provided by December  
36 thirty-first of the calendar year following the distribution period;

37 (III) Information on the status of the clinical research plan, accom-  
38 plishments, changes in research activities, progress, and performance of  
39 the researcher shall be provided upon completion of one-half of the  
40 award term;

41 (IV) A final report detailing training experiences, accomplishments,  
42 activities and performance of the clinical researcher, and data, meth-  
43 ods, results and analyses of the clinical research plan shall be  
44 provided three months after the clinical research position ends; and

45 (V) Tracking information concerning past researchers, including but  
46 not limited to (A) background information, (B) employment history, (C)  
47 research status, (D) current research activities, (E) publications and  
48 presentations, (F) research support, and (G) any other information  
49 necessary to track the researcher; and

50 (VI) Any other data or information required by the commissioner to  
51 implement this subparagraph.

52 (H) Notwithstanding any inconsistent provision of this subdivision,  
53 for periods on and after April first, two thousand thirteen, ECRIP grant  
54 awards shall be made in accordance with rules and regulations promulgat-  
55 ed by the commissioner. Such regulations shall, at a minimum:

1 (1) provide that ECRIP grant awards shall be made with the objective  
2 of securing federal funding for biomedical research, training clinical  
3 researchers, recruiting national leaders as faculty to act as mentors,  
4 and training residents and fellows in biomedical research skills;

5 (2) provide that ECRIP grant applicants may include interdisciplinary  
6 research teams comprised of teaching general hospitals acting in collab-  
7 oration with entities including but not limited to medical centers,  
8 hospitals, universities and local health departments;

9 (3) provide that applications for ECRIP grant awards shall be based on  
10 such information requested by the commissioner, which shall include but  
11 not be limited to hospital-specific data;

12 (4) establish the qualifications for investigators and other staff  
13 required for grant projects eligible for ECRIP grant awards; and

14 (5) establish a methodology for the distribution of funds under ECRIP  
15 grant awards.

16 (c) Ambulatory care training. Four million nine hundred thousand  
17 dollars for the period January first, two thousand eight through Decem-  
18 ber thirty-first, two thousand eight, four million nine hundred thousand  
19 dollars for the period January first, two thousand nine through December  
20 thirty-first, two thousand nine, four million nine hundred thousand  
21 dollars for the period January first, two thousand ten through December  
22 thirty-first, two thousand ten, one million two hundred twenty-five  
23 thousand dollars for the period January first, two thousand eleven  
24 through March thirty-first, two thousand eleven, [and] four million  
25 three hundred thousand dollars each state fiscal year for the period  
26 April first, two thousand eleven through March thirty-first, two thou-  
27 sand fourteen, AND UP TO FOUR MILLION SIXTY THOUSAND DOLLARS EACH STATE  
28 FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH  
29 MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN, shall be set aside and  
30 reserved by the commissioner from the regional pools established pursu-  
31 ant to subdivision two of this section and shall be available for  
32 distributions to sponsoring institutions to be directed to support clin-  
33 ical training of medical students and residents in free-standing ambula-  
34 tory care settings, including community health centers and private prac-  
35 tices. Such funding shall be allocated regionally with two-thirds of the  
36 available funding going to New York city and one-third of the available  
37 funding going to the rest of the state and shall be distributed to spon-  
38 soring institutions in each region pursuant to a request for application  
39 or request for proposal process with preference being given to sponsor-  
40 ing institutions which provide training in sites located in underserved  
41 rural or inner-city areas and those that include medical students in  
42 such training.

43 (d) Physician loan repayment program. One million nine hundred sixty  
44 thousand dollars for the period January first, two thousand eight  
45 through December thirty-first, two thousand eight, one million nine  
46 hundred sixty thousand dollars for the period January first, two thou-  
47 sand nine through December thirty-first, two thousand nine, one million  
48 nine hundred sixty thousand dollars for the period January first, two  
49 thousand ten through December thirty-first, two thousand ten, four  
50 hundred ninety thousand dollars for the period January first, two thou-  
51 sand eleven through March thirty-first, two thousand eleven, [and] one  
52 million seven hundred thousand dollars each state fiscal year for the  
53 period April first, two thousand eleven through March thirty-first, two  
54 thousand fourteen, AND UP TO ONE MILLION SEVEN HUNDRED FIVE THOUSAND  
55 DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND  
56 FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN, shall be



1 set aside and reserved by the commissioner from the regional pools  
2 established pursuant to subdivision two of this section and shall be  
3 available for purposes of physician loan repayment in accordance with  
4 subdivision ten of this section. Notwithstanding any contrary provision  
5 of this section, sections one hundred twelve and one hundred sixty-three  
6 of the state finance law, or any other contrary provision of law, such  
7 funding shall be allocated regionally with one-third of available funds  
8 going to New York city and two-thirds of available funds going to the  
9 rest of the state and shall be distributed in a manner to be determined  
10 by the commissioner without a competitive bid or request for proposal  
11 process as follows:

12 (i) Funding shall first be awarded to repay loans of up to twenty-five  
13 physicians who train in primary care or specialty tracks in teaching  
14 general hospitals, and who enter and remain in primary care or specialty  
15 practices in underserved communities, as determined by the commissioner.

16 (ii) After distributions in accordance with subparagraph (i) of this  
17 paragraph, all remaining funds shall be awarded to repay loans of physi-  
18 cians who enter and remain in primary care or specialty practices in  
19 underserved communities, as determined by the commissioner, including  
20 but not limited to physicians working in general hospitals, or other  
21 health care facilities.

22 (iii) In no case shall less than fifty percent of the funds available  
23 pursuant to this paragraph be distributed in accordance with subpara-  
24 graphs (i) and (ii) of this paragraph to physicians identified by gener-  
25 al hospitals.

26 (e) Physician practice support. Four million nine hundred thousand  
27 dollars for the period January first, two thousand eight through Decem-  
28 ber thirty-first, two thousand eight, four million nine hundred thousand  
29 dollars annually for the period January first, two thousand nine through  
30 December thirty-first, two thousand ten, one million two hundred twen-  
31 ty-five thousand dollars for the period January first, two thousand  
32 eleven through March thirty-first, two thousand eleven, [and] four  
33 million three hundred thousand dollars each state fiscal year for the  
34 period April first, two thousand eleven through March thirty-first, two  
35 thousand fourteen, AND UP TO FOUR MILLION THREE HUNDRED SIXTY THOUSAND  
36 DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND  
37 FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN, shall be  
38 set aside and reserved by the commissioner from the regional pools  
39 established pursuant to subdivision two of this section and shall be  
40 available for purposes of physician practice support. Notwithstanding  
41 any contrary provision of this section, sections one hundred twelve and  
42 one hundred sixty-three of the state finance law, or any other contrary  
43 provision of law, such funding shall be allocated regionally with one-  
44 third of available funds going to New York city and two-thirds of avail-  
45 able funds going to the rest of the state and shall be distributed in a  
46 manner to be determined by the commissioner without a competitive bid or  
47 request for proposal process as follows:

48 (i) Preference in funding shall first be accorded to teaching general  
49 hospitals for up to twenty-five awards, to support costs incurred by  
50 physicians trained in primary or specialty tracks who thereafter estab-  
51 lish or join practices in underserved communities, as determined by the  
52 commissioner.

53 (ii) After distributions in accordance with subparagraph (i) of this  
54 paragraph, all remaining funds shall be awarded to physicians to support  
55 the cost of establishing or joining practices in underserved communi-  
56 ties, as determined by the commissioner, and to hospitals and other

1 health care providers to recruit new physicians to provide services in  
2 underserved communities, as determined by the commissioner.

3 (iii) In no case shall less than fifty percent of the funds available  
4 pursuant to this paragraph be distributed to general hospitals in  
5 accordance with subparagraphs (i) and (ii) of this paragraph.

6 (e-1) Work group. For funding available pursuant to paragraphs (d) and  
7 (e) of this subdivision:

8 (i) The department shall appoint a work group from recommendations  
9 made by associations representing physicians, general hospitals and  
10 other health care facilities to develop a streamlined application proc-  
11 ess by June first, two thousand twelve.

12 (ii) Subject to available funding, applications shall be accepted on a  
13 continuous basis. The department shall provide technical assistance to  
14 applicants to facilitate their completion of applications. An applicant  
15 shall be notified in writing by the department within ten days of  
16 receipt of an application as to whether the application is complete and  
17 if the application is incomplete, what information is outstanding. The  
18 department shall act on an application within thirty days of receipt of  
19 a complete application.

20 (f) Study on physician workforce. Five hundred ninety thousand dollars  
21 annually for the period January first, two thousand eight through Decem-  
22 ber thirty-first, two thousand ten, one hundred forty-eight thousand  
23 dollars for the period January first, two thousand eleven through March  
24 thirty-first, two thousand eleven, [and] five hundred sixteen thousand  
25 dollars each state fiscal year for the period April first, two thousand  
26 eleven through March thirty-first, two thousand fourteen, AND UP TO FOUR  
27 HUNDRED EIGHTY-SEVEN THOUSAND DOLLARS EACH STATE FISCAL YEAR FOR THE  
28 PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH THIRTY-FIRST,  
29 TWO THOUSAND SEVENTEEN, shall be set aside and reserved by the commis-  
30 sioner from the regional pools established pursuant to subdivision two  
31 of this section and shall be available to fund a study of physician  
32 workforce needs and solutions including, but not limited to, an analysis  
33 of residency programs and projected physician workforce and community  
34 needs. The commissioner shall enter into agreements with one or more  
35 organizations to conduct such study based on a request for proposal  
36 process.

37 (g) Diversity in medicine/post-baccalaureate program. Notwithstanding  
38 any inconsistent provision of section one hundred twelve or one hundred  
39 sixty-three of the state finance law or any other law, one million nine  
40 hundred sixty thousand dollars annually for the period January first,  
41 two thousand eight through December thirty-first, two thousand ten, four  
42 hundred ninety thousand dollars for the period January first, two thou-  
43 sand eleven through March thirty-first, two thousand eleven, [and] one  
44 million seven hundred thousand dollars each state fiscal year for the  
45 period April first, two thousand eleven through March thirty-first, two  
46 thousand fourteen, AND UP TO ONE MILLION SIX HUNDRED FIVE THOUSAND  
47 DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND  
48 FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN, shall be  
49 set aside and reserved by the commissioner from the regional pools  
50 established pursuant to subdivision two of this section and shall be  
51 available for distributions to the Associated Medical Schools of New  
52 York to fund its diversity program including existing and new post-bac-  
53 calaureate programs for minority and economically disadvantaged students  
54 and encourage participation from all medical schools in New York. The  
55 associated medical schools of New York shall report to the commissioner

1 on an annual basis regarding the use of funds for such purpose in such  
2 form and manner as specified by the commissioner.

3 (h) In the event there are undistributed funds within amounts made  
4 available for distributions pursuant to this subdivision, such funds may  
5 be reallocated and distributed in current or subsequent distribution  
6 periods in a manner determined by the commissioner for any purpose set  
7 forth in this subdivision.

8 7. Notwithstanding any inconsistent provision of section one hundred  
9 twelve or one hundred sixty-three of the state finance law or any other  
10 law, up to one million dollars for the period January first, two thou-  
11 sand through December thirty-first, two thousand, one million six  
12 hundred thousand dollars annually for the periods January first, two  
13 thousand one through December thirty-first, two thousand eight, one  
14 million five hundred thousand dollars annually for the periods January  
15 first, two thousand nine through December thirty-first, two thousand  
16 ten, three hundred seventy-five thousand dollars for the period January  
17 first, two thousand eleven through March thirty-first, two thousand  
18 eleven, [and] one million three hundred twenty thousand dollars each  
19 state fiscal year for the period April first, two thousand eleven  
20 through March thirty-first, two thousand fourteen, AND UP TO TWO MILLION  
21 SEVENTY-SEVEN THOUSAND DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD  
22 APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOU-  
23 SAND SEVENTEEN, shall be set aside and reserved by the commissioner from  
24 the regional pools established pursuant to subdivision two of this  
25 section and shall be available for distributions to the New York state  
26 area health education center program for the purpose of expanding commu-  
27 nity-based training of medical students. In addition, one million  
28 dollars annually for the period January first, two thousand eight  
29 through December thirty-first, two thousand ten, two hundred fifty thou-  
30 sand dollars for the period January first, two thousand eleven through  
31 March thirty-first, two thousand eleven, and eight hundred eighty thou-  
32 sand dollars each state fiscal year for the period April first, two  
33 thousand eleven through March thirty-first, two thousand fourteen, shall  
34 be set aside and reserved by the commissioner from the regional pools  
35 established pursuant to subdivision two of this section and shall be  
36 available for distributions to the New York state area health education  
37 center program for the purpose of post-secondary training of health care  
38 professionals who will achieve specific program outcomes within the New  
39 York state area health education center program. The New York state area  
40 health education center program shall report to the commissioner on an  
41 annual basis regarding the use of funds for each purpose in such form  
42 and manner as specified by the commissioner.

43 S 10. Paragraph (a) of subdivision 12 of section 367-b of the social  
44 services law, as amended by section 10 of part C of chapter 59 of the  
45 laws of 2011, is amended to read as follows:

46 (a) For the purpose of regulating cash flow for general hospitals, the  
47 department shall develop and implement a payment methodology to provide  
48 for timely payments for inpatient hospital services eligible for case  
49 based payments per discharge based on diagnosis-related groups provided  
50 during the period January first, nineteen hundred eighty-eight through  
51 March thirty-first two thousand [fourteen] SEVENTEEN, by such hospitals  
52 which elect to participate in the system.

53 S 11. Section 2 of chapter 600 of the laws of 1986 amending the public  
54 health law relating to the development of pilot reimbursement programs  
55 for ambulatory care services, as amended by section 11 of part C of  
56 chapter 59 of the laws of 2011, is amended to read as follows:

1 S 2. This act shall take effect immediately, except that this act  
2 shall expire and be of no further force and effect on and after April 1,  
3 [2014] 2017; provided, however, that the commissioner of health shall  
4 submit a report to the governor and the legislature detailing the objec-  
5 tive, impact, design and computation of any pilot reimbursement program  
6 established pursuant to this act, on or before March 31, 1994 and annu-  
7 ally thereafter. Such report shall include an assessment of the finan-  
8 cial impact of such payment system on providers, as well as the impact  
9 of such system on access to care.

10 S 12. Paragraph (i) of subdivision (b) of section 1 of chapter 520 of  
11 the laws of 1978, relating to providing for a comprehensive survey of  
12 health care financing, education and illness prevention and creating  
13 councils for the conduct thereof, as amended by section 12 of part C of  
14 chapter 59 of the laws of 2011, is amended to read as follows:

15 (i) oversight and evaluation of the inpatient financing system in  
16 place for 1988 through March 31, [2014] 2017, and the appropriateness  
17 and effectiveness of the bad debt and charity care financing provisions;

18 S 13. Paragraph (i) of subdivision 9 of section 3614 of the public  
19 health law, as added by section 23 of part C of chapter 59 of the laws  
20 of 2011, is amended and three new paragraphs (j), (k) and (l) are added  
21 to read as follows:

22 (i) for the period April first, two thousand thirteen through March  
23 thirty-first, two thousand fourteen, up to one hundred million  
24 dollars[.];

25 (J) FOR THE PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH  
26 THIRTY-FIRST, TWO THOUSAND FIFTEEN, UP TO ONE HUNDRED MILLION DOLLARS;

27 (K) FOR THE PERIOD APRIL FIRST, TWO THOUSAND FIFTEEN THROUGH MARCH  
28 THIRTY-FIRST, TWO THOUSAND SIXTEEN, UP TO ONE HUNDRED MILLION DOLLARS;

29 (L) FOR THE PERIOD APRIL FIRST, TWO THOUSAND SIXTEEN THROUGH MARCH  
30 THIRTY-FIRST, TWO THOUSAND SEVENTEEN, UP TO ONE HUNDRED MILLION DOLLARS.

31 S 14. Paragraphs (l) and (m) of subdivision 1 of section 367-q of the  
32 social services law, as amended by section 35 of part D of chapter 56 of  
33 the laws of 2012, are amended and three new paragraphs (n), (o) and (p)  
34 are added to read as follows:

35 (l) for the period April first, two thousand twelve through March  
36 thirty-first, two thousand thirteen, up to twenty-eight million five  
37 hundred thousand dollars; [and]

38 (m) for the period April first, two thousand thirteen through March  
39 thirty-first, two thousand fourteen, up to twenty-eight million five  
40 hundred thousand dollars[.];

41 (N) FOR THE PERIOD APRIL FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH  
42 THIRTY-FIRST, TWO THOUSAND FIFTEEN, UP TO TWENTY-EIGHT MILLION FIVE  
43 HUNDRED THOUSAND DOLLARS;

44 (O) FOR THE PERIOD APRIL FIRST, TWO THOUSAND FIFTEEN THROUGH MARCH  
45 THIRTY-FIRST, TWO THOUSAND SIXTEEN, UP TO TWENTY-EIGHT MILLION FIVE  
46 HUNDRED THOUSAND DOLLARS; AND

47 (P) FOR THE PERIOD APRIL FIRST, TWO THOUSAND SIXTEEN THROUGH MARCH  
48 THIRTY-FIRST, TWO THOUSAND SEVENTEEN, UP TO TWENTY-EIGHT MILLION FIVE  
49 HUNDRED THOUSAND DOLLARS.

50 S 15. Subdivision 6 of section 2807-t of the public health law, as  
51 added by chapter 639 of the laws of 1996, is amended to read as follows:

52 6. Prospective adjustments. (A) The commissioner shall annually recon-  
53 cile the sum of the actual payments made to the commissioner or the  
54 commissioner's designee for each region pursuant to section twenty-eight  
55 hundred seven-s of this article and pursuant to this section for the  
56 prior year with the regional allocation of the gross annual statewide

1 amount specified in subdivision six of section twenty-eight hundred  
2 seven-s of this article for such prior year. The difference between the  
3 actual amount raised for a region and the regional allocation of the  
4 specified gross annual amount for such prior year shall be applied as a  
5 prospective adjustment to the regional allocation of the specified gross  
6 annual payment amount for such region for the year next following the  
7 calculation of the reconciliation. The authorized dollar value of the  
8 adjustments shall be the same as if calculated retrospectively.

9 (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-  
10 SION, FOR COVERED LIVES ASSESSMENT RATE PERIODS ON AND AFTER JANUARY  
11 FIRST, TWO THOUSAND FIFTEEN THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND  
12 SEVENTEEN, FOR AMOUNTS COLLECTED IN THE AGGREGATE IN EXCESS OF ONE  
13 BILLION FORTY-FIVE MILLION DOLLARS ON AN ANNUAL BASIS, PROSPECTIVE  
14 ADJUSTMENTS SHALL BE SUSPENDED IF THE ANNUAL RECONCILIATION CALCULATION  
15 FROM THE PRIOR YEAR WOULD OTHERWISE RESULT IN A DECREASE TO THE REGIONAL  
16 ALLOCATION OF THE SPECIFIED GROSS ANNUAL PAYMENT AMOUNT FOR THAT REGION,  
17 PROVIDED, HOWEVER, THAT SUCH SUSPENSION SHALL BE LIFTED UPON A DETERMI-  
18 NATION BY THE COMMISSIONER, IN CONSULTATION WITH THE DIRECTOR OF THE  
19 BUDGET, THAT SIXTY-FIVE MILLION DOLLARS IN AGGREGATE COLLECTIONS ON AN  
20 ANNUAL BASIS OVER AND ABOVE ONE BILLION FORTY-FIVE MILLION DOLLARS ON AN  
21 ANNUAL BASIS HAVE BEEN RESERVED AND SET ASIDE FOR DEPOSIT IN THE HCRA  
22 RESOURCES FUND. ANY AMOUNTS COLLECTED IN THE AGGREGATE AT OR BELOW ONE  
23 BILLION FORTY-FIVE MILLION DOLLARS ON AN ANNUAL BASIS, SHALL BE SUBJECT  
24 TO REGIONAL ADJUSTMENTS RECONCILING ANY DECREASES OR INCREASES TO THE  
25 REGIONAL ALLOCATION IN ACCORDANCE WITH PARAGRAPH (A) OF THIS SUBDIVI-  
26 SION.

27 S 16. Subdivision 4-c of section 2807-p of the public health law, as  
28 amended by section 27 of part C of chapter 59 of the laws of 2011, is  
29 amended to read as follows:

30 4-c. Notwithstanding any provision of law to the contrary, the commis-  
31 sioner shall make additional payments for uncompensated care to volun-  
32 tary non-profit diagnostic and treatment centers that are eligible for  
33 distributions under subdivision four of this section in the following  
34 amounts: for the period June first, two thousand six through December  
35 thirty-first, two thousand six, in the amount of seven million five  
36 hundred thousand dollars, for the period January first, two thousand  
37 seven through December thirty-first, two thousand seven, seven million  
38 five hundred thousand dollars, for the period January first, two thou-  
39 sand eight through December thirty-first, two thousand eight, seven  
40 million five hundred thousand dollars, for the period January first, two  
41 thousand nine through December thirty-first, two thousand nine, fifteen  
42 million five hundred thousand dollars, for the period January first, two  
43 thousand ten through December thirty-first, two thousand ten, seven  
44 million five hundred thousand dollars, for the period January first, two  
45 thousand eleven through December thirty-first, two thousand eleven, seven  
46 million five hundred thousand dollars, for the period January first, two  
47 thousand twelve through December thirty-first, two thousand twelve,  
48 seven million five hundred thousand dollars, for the period January  
49 first, two thousand thirteen through December thirty-first, two thousand  
50 thirteen, seven million five hundred thousand dollars, FOR THE PERIOD  
51 JANUARY FIRST, TWO THOUSAND FOURTEEN THROUGH DECEMBER THIRTY-FIRST, TWO  
52 THOUSAND FOURTEEN, SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS, FOR THE  
53 PERIOD JANUARY FIRST, TWO THOUSAND FIFTEEN THROUGH DECEMBER  
54 THIRTY-FIRST, TWO THOUSAND FIFTEEN, SEVEN MILLION FIVE HUNDRED THOUSAND  
55 DOLLARS, FOR THE PERIOD JANUARY FIRST TWO THOUSAND SIXTEEN THROUGH  
56 DECEMBER THIRTY-FIRST, TWO THOUSAND SIXTEEN, SEVEN MILLION FIVE HUNDRED

1 THOUSAND DOLLARS, and for the period January first, two thousand [four-  
2 teen] SEVENTEEN through March thirty-first, two thousand [fourteen]  
3 SEVENTEEN, in the amount of one million [eight hundred seventy-five] SIX  
4 HUNDRED thousand dollars, provided, however, that for periods on and  
5 after January first, two thousand eight, such additional payments shall  
6 be distributed to voluntary, non-profit diagnostic and treatment centers  
7 and to public diagnostic and treatment centers in accordance with para-  
8 graph (g) of subdivision four of this section. In the event that federal  
9 financial participation is available for rate adjustments pursuant to  
10 this section, the commissioner shall make such payments as additional  
11 adjustments to rates of payment for voluntary non-profit diagnostic and  
12 treatment centers that are eligible for distributions under subdivision  
13 four-a of this section in the following amounts: for the period June  
14 first, two thousand six through December thirty-first, two thousand six,  
15 fifteen million dollars in the aggregate, and for the period January  
16 first, two thousand seven through June thirtieth, two thousand seven,  
17 seven million five hundred thousand dollars in the aggregate. The  
18 amounts allocated pursuant to this paragraph shall be aggregated with  
19 and distributed pursuant to the same methodology applicable to the  
20 amounts allocated to such diagnostic and treatment centers for such  
21 periods pursuant to subdivision four of this section if federal finan-  
22 cial participation is not available, or pursuant to subdivision four-a  
23 of this section if federal financial participation is available.  
24 Notwithstanding section three hundred sixty-eight-a of the social  
25 services law, there shall be no local share in a medical assistance  
26 payment adjustment under this subdivision.

27 S 17. Subdivision 9 of section 2807-k of the public health law, as  
28 added by chapter 639 of the laws of 1996, is amended to read as follows:

29 9. In order for a general hospital to participate in the distribution  
30 of funds from the pool, the general hospital must implement minimum  
31 collection policies and procedures approved by the commissioner [and  
32 must be in compliance with bad debt and charity care reporting require-  
33 ments established pursuant to this article].

34 S 17-a. Paragraph (d) of subdivision 16 of section 2807-c of the  
35 public health law, as amended by chapter 731 of the laws of 1993, is  
36 amended to read as follows:

37 (d) In order for a general hospital to participate in the distribution  
38 of funds from the pools, the general hospital must implement collection  
39 policies and procedures approved by the commissioner [and must be in  
40 compliance with bad debt and charity care reporting requirements estab-  
41 lished pursuant to this article].

42 S 18. Paragraph (a) of subdivision 1 of section 18 of chapter 266 of  
43 the laws of 1986, amending the civil practice law and rules and other  
44 laws relating to malpractice and professional medical conduct, as  
45 amended by section 15 of part C of chapter 59 of the laws of 2011, is  
46 amended to read as follows:

47 (a) The superintendent of insurance and the commissioner of health or  
48 their designee shall, from funds available in the hospital excess  
49 liability pool created pursuant to subdivision 5 of this section,  
50 purchase a policy or policies for excess insurance coverage, as author-  
51 ized by paragraph 1 of subsection (e) of section 5502 of the insurance  
52 law; or from an insurer, other than an insurer described in section 5502  
53 of the insurance law, duly authorized to write such coverage and actual-  
54 ly writing medical malpractice insurance in this state; or shall  
55 purchase equivalent excess coverage in a form previously approved by the  
56 superintendent of insurance for purposes of providing equivalent excess

1 coverage in accordance with section 19 of chapter 294 of the laws of  
2 1985, for medical or dental malpractice occurrences between July 1, 1986  
3 and June 30, 1987, between July 1, 1987 and June 30, 1988, between July  
4 1, 1988 and June 30, 1989, between July 1, 1989 and June 30, 1990,  
5 between July 1, 1990 and June 30, 1991, between July 1, 1991 and June  
6 30, 1992, between July 1, 1992 and June 30, 1993, between July 1, 1993  
7 and June 30, 1994, between July 1, 1994 and June 30, 1995, between July  
8 1, 1995 and June 30, 1996, between July 1, 1996 and June 30, 1997,  
9 between July 1, 1997 and June 30, 1998, between July 1, 1998 and June  
10 30, 1999, between July 1, 1999 and June 30, 2000, between July 1, 2000  
11 and June 30, 2001, between July 1, 2001 and June 30, 2002, between July  
12 1, 2002 and June 30, 2003, between July 1, 2003 and June 30, 2004,  
13 between July 1, 2004 and June 30, 2005, between July 1, 2005 and June  
14 30, 2006, between July 1, 2006 and June 30, 2007, between July 1, 2007  
15 and June 30, 2008, between July 1, 2008 and June 30, 2009, between July  
16 1, 2009 and June 30, 2010, between July 1, 2010 and June 30, 2011,  
17 between July 1, 2011 and June 30, 2012, between July 1, 2012 and June  
18 30, 2013 [and], between July 1, 2013 and June 30, 2014, AND BETWEEN JULY  
19 1, 2014 AND JUNE 30, 2015 or reimburse the hospital where the hospital  
20 purchases equivalent excess coverage as defined in subparagraph (i) of  
21 paragraph (a) of subdivision 1-a of this section for medical or dental  
22 malpractice occurrences between July 1, 1987 and June 30, 1988, between  
23 July 1, 1988 and June 30, 1989, between July 1, 1989 and June 30, 1990,  
24 between July 1, 1990 and June 30, 1991, between July 1, 1991 and June  
25 30, 1992, between July 1, 1992 and June 30, 1993, between July 1, 1993  
26 and June 30, 1994, between July 1, 1994 and June 30, 1995, between July  
27 1, 1995 and June 30, 1996, between July 1, 1996 and June 30, 1997,  
28 between July 1, 1997 and June 30, 1998, between July 1, 1998 and June  
29 30, 1999, between July 1, 1999 and June 30, 2000, between July 1, 2000  
30 and June 30, 2001, between July 1, 2001 and June 30, 2002, between July  
31 1, 2002 and June 30, 2003, between July 1, 2003 and June 30, 2004,  
32 between July 1, 2004 and June 30, 2005, between July 1, 2005 and June  
33 30, 2006, between July 1, 2006 and June 30, 2007, between July 1, 2007  
34 and June 30, 2008, between July 1, 2008 and June 30, 2009, between July  
35 1, 2009 and June 30, 2010, between July 1, 2010 and June 30, 2011,  
36 between July 1, 2011 and June 30, 2012, between July 1, 2012 and June  
37 30, 2013 [and], between July 1, 2013 and June 30, 2014, AND BETWEEN JULY  
38 1, 2014 AND JUNE 30, 2015 for physicians or dentists certified as eligi-  
39 ble for each such period or periods pursuant to subdivision 2 of this  
40 section by a general hospital licensed pursuant to article 28 of the  
41 public health law; provided that no single insurer shall write more than  
42 fifty percent of the total excess premium for a given policy year; and  
43 provided, however, that such eligible physicians or dentists must have  
44 in force an individual policy, from an insurer licensed in this state of  
45 primary malpractice insurance coverage in amounts of no less than one  
46 million three hundred thousand dollars for each claimant and three  
47 million nine hundred thousand dollars for all claimants under that poli-  
48 cy during the period of such excess coverage for such occurrences or be  
49 endorsed as additional insureds under a hospital professional liability  
50 policy which is offered through a voluntary attending physician ("chan-  
51 neling") program previously permitted by the superintendent of insurance  
52 during the period of such excess coverage for such occurrences. During  
53 such period, such policy for excess coverage or such equivalent excess  
54 coverage shall, when combined with the physician's or dentist's primary  
55 malpractice insurance coverage or coverage provided through a voluntary  
56 attending physician ("channeling") program, total an aggregate level of

1 two million three hundred thousand dollars for each claimant and six  
2 million nine hundred thousand dollars for all claimants from all such  
3 policies with respect to occurrences in each of such years provided,  
4 however, if the cost of primary malpractice insurance coverage in excess  
5 of one million dollars, but below the excess medical malpractice insur-  
6 ance coverage provided pursuant to this act, exceeds the rate of nine  
7 percent per annum, then the required level of primary malpractice insur-  
8 ance coverage in excess of one million dollars for each claimant shall  
9 be in an amount of not less than the dollar amount of such coverage  
10 available at nine percent per annum; the required level of such coverage  
11 for all claimants under that policy shall be in an amount not less than  
12 three times the dollar amount of coverage for each claimant; and excess  
13 coverage, when combined with such primary malpractice insurance cover-  
14 age, shall increase the aggregate level for each claimant by one million  
15 dollars and three million dollars for all claimants; and provided  
16 further, that, with respect to policies of primary medical malpractice  
17 coverage that include occurrences between April 1, 2002 and June 30,  
18 2002, such requirement that coverage be in amounts no less than one  
19 million three hundred thousand dollars for each claimant and three  
20 million nine hundred thousand dollars for all claimants for such occur-  
21 rences shall be effective April 1, 2002.

22 S 19. Subdivision 3 of section 18 of chapter 266 of the laws of 1986,  
23 amending the civil practice law and rules and other laws relating to  
24 malpractice and professional medical conduct, as amended by section 16  
25 of part C of chapter 59 of the laws of 2011, is amended to read as  
26 follows:

27 (3)(a) The superintendent of insurance shall determine and certify to  
28 each general hospital and to the commissioner of health the cost of  
29 excess malpractice insurance for medical or dental malpractice occur-  
30 rences between July 1, 1986 and June 30, 1987, between July 1, 1988 and  
31 June 30, 1989, between July 1, 1989 and June 30, 1990, between July 1,  
32 1990 and June 30, 1991, between July 1, 1991 and June 30, 1992, between  
33 July 1, 1992 and June 30, 1993, between July 1, 1993 and June 30, 1994,  
34 between July 1, 1994 and June 30, 1995, between July 1, 1995 and June  
35 30, 1996, between July 1, 1996 and June 30, 1997, between July 1, 1997  
36 and June 30, 1998, between July 1, 1998 and June 30, 1999, between July  
37 1, 1999 and June 30, 2000, between July 1, 2000 and June 30, 2001,  
38 between July 1, 2001 and June 30, 2002, between July 1, 2002 and June  
39 30, 2003, between July 1, 2003 and June 30, 2004, between July 1, 2004  
40 and June 30, 2005, between July 1, 2005 and June 30, 2006, between July  
41 1, 2006 and June 30, 2007, between July 1, 2007 and June 30, 2008,  
42 between July 1, 2008 and June 30, 2009, between July 1, 2009 and June  
43 30, 2010, between July 1, 2010 and June 30, 2011, between July 1, 2011  
44 and June 30, 2012, between July 1, 2012 and June 30, 2013, and between  
45 July 1, 2013 and June 30, 2014, AND BETWEEN JULY 1, 2014 AND JUNE 30,  
46 2015 allocable to each general hospital for physicians or dentists  
47 certified as eligible for purchase of a policy for excess insurance  
48 coverage by such general hospital in accordance with subdivision 2 of  
49 this section, and may amend such determination and certification as  
50 necessary.

51 (b) The superintendent of insurance shall determine and certify to  
52 each general hospital and to the commissioner of health the cost of  
53 excess malpractice insurance or equivalent excess coverage for medical  
54 or dental malpractice occurrences between July 1, 1987 and June 30,  
55 1988, between July 1, 1988 and June 30, 1989, between July 1, 1989 and  
56 June 30, 1990, between July 1, 1990 and June 30, 1991, between July 1,



1 1991 and June 30, 1992, between July 1, 1992 and June 30, 1993, between  
2 July 1, 1993 and June 30, 1994, between July 1, 1994 and June 30, 1995,  
3 between July 1, 1995 and June 30, 1996, between July 1, 1996 and June  
4 30, 1997, between July 1, 1997 and June 30, 1998, between July 1, 1998  
5 and June 30, 1999, between July 1, 1999 and June 30, 2000, between July  
6 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002,  
7 between July 1, 2002 and June 30, 2003, between July 1, 2003 and June  
8 30, 2004, between July 1, 2004 and June 30, 2005, between July 1, 2005  
9 and June 30, 2006, between July 1, 2006 and June 30, 2007, between July  
10 1, 2007 and June 30, 2008, between July 1, 2008 and June 30, 2009,  
11 between July 1, 2009 and June 30, 2010, between July 1, 2010 and June  
12 30, 2011, between July 1, 2011 and June 30, 2012, between July 1, 2012  
13 and June 30, 2013, [and] between July 1, 2013 and June 30, 2014, AND  
14 BETWEEN JULY 1, 2014 AND JUNE 30, 2015 allocable to each general hospi-  
15 tal for physicians or dentists certified as eligible for purchase of a  
16 policy for excess insurance coverage or equivalent excess coverage by  
17 such general hospital in accordance with subdivision 2 of this section,  
18 and may amend such determination and certification as necessary. The  
19 superintendent of insurance shall determine and certify to each general  
20 hospital and to the commissioner of health the ratable share of such  
21 cost allocable to the period July 1, 1987 to December 31, 1987, to the  
22 period January 1, 1988 to June 30, 1988, to the period July 1, 1988 to  
23 December 31, 1988, to the period January 1, 1989 to June 30, 1989, to  
24 the period July 1, 1989 to December 31, 1989, to the period January 1,  
25 1990 to June 30, 1990, to the period July 1, 1990 to December 31, 1990,  
26 to the period January 1, 1991 to June 30, 1991, to the period July 1,  
27 1991 to December 31, 1991, to the period January 1, 1992 to June 30,  
28 1992, to the period July 1, 1992 to December 31, 1992, to the period  
29 January 1, 1993 to June 30, 1993, to the period July 1, 1993 to December  
30 31, 1993, to the period January 1, 1994 to June 30, 1994, to the period  
31 July 1, 1994 to December 31, 1994, to the period January 1, 1995 to June  
32 30, 1995, to the period July 1, 1995 to December 31, 1995, to the period  
33 January 1, 1996 to June 30, 1996, to the period July 1, 1996 to December  
34 31, 1996, to the period January 1, 1997 to June 30, 1997, to the period  
35 July 1, 1997 to December 31, 1997, to the period January 1, 1998 to June  
36 30, 1998, to the period July 1, 1998 to December 31, 1998, to the period  
37 January 1, 1999 to June 30, 1999, to the period July 1, 1999 to December  
38 31, 1999, to the period January 1, 2000 to June 30, 2000, to the period  
39 July 1, 2000 to December 31, 2000, to the period January 1, 2001 to June  
40 30, 2001, to the period July 1, 2001 to June 30, 2002, to the period  
41 July 1, 2002 to June 30, 2003, to the period July 1, 2003 to June 30,  
42 2004, to the period July 1, 2004 to June 30, 2005, to the period July 1,  
43 2005 and June 30, 2006, to the period July 1, 2006 and June 30, 2007, to  
44 the period July 1, 2007 and June 30, 2008, to the period July 1, 2008  
45 and June 30, 2009, to the period July 1, 2009 and June 30, 2010, to the  
46 period July 1, 2010 and June 30, 2011, to the period July 1, 2011 and  
47 June 30, 2012, to the period July 1, 2012 and June 30, 2013, [and] to  
48 the period July 1, 2013 and June 30, 2014, AND TO THE PERIOD JULY 1,  
49 2014 AND JUNE 30, 2015.

50 S 20. Paragraphs (a), (b), (c), (d) and (e) of subdivision 8 of  
51 section 18 of chapter 266 of the laws of 1986, amending the civil prac-  
52 tice law and rules and other laws relating to malpractice and profes-  
53 sional medical conduct, as amended by section 17 of part C of chapter 59  
54 of the laws of 2011, are amended to read as follows:

55 (a) To the extent funds available to the hospital excess liability  
56 pool pursuant to subdivision 5 of this section as amended, and pursuant

1 to section 6 of part J of chapter 63 of the laws of 2001, as may from  
2 time to time be amended, which amended this subdivision, are insuffi-  
3 cient to meet the costs of excess insurance coverage or equivalent  
4 excess coverage for coverage periods during the period July 1, 1992 to  
5 June 30, 1993, during the period July 1, 1993 to June 30, 1994, during  
6 the period July 1, 1994 to June 30, 1995, during the period July 1, 1995  
7 to June 30, 1996, during the period July 1, 1996 to June 30, 1997,  
8 during the period July 1, 1997 to June 30, 1998, during the period July  
9 1, 1998 to June 30, 1999, during the period July 1, 1999 to June 30,  
10 2000, during the period July 1, 2000 to June 30, 2001, during the period  
11 July 1, 2001 to October 29, 2001, during the period April 1, 2002 to  
12 June 30, 2002, during the period July 1, 2002 to June 30, 2003, during  
13 the period July 1, 2003 to June 30, 2004, during the period July 1, 2004  
14 to June 30, 2005, during the period July 1, 2005 to June 30, 2006,  
15 during the period July 1, 2006 to June 30, 2007, during the period July  
16 1, 2007 to June 30, 2008, during the period July 1, 2008 to June 30,  
17 2009, during the period July 1, 2009 to June 30, 2010, during the period  
18 July 1, 2010 to June 30, 2011, during the period July 1, 2011 to June  
19 30, 2012, during the period July 1, 2012 to June 30, 2013, [and] during  
20 the period July 1, 2013 to June 30, 2014, AND DURING THE PERIOD JULY 1,  
21 2014 TO JUNE 30, 2015 allocated or reallocated in accordance with para-  
22 graph (a) of subdivision 4-a of this section to rates of payment appli-  
23 cable to state governmental agencies, each physician or dentist for whom  
24 a policy for excess insurance coverage or equivalent excess coverage is  
25 purchased for such period shall be responsible for payment to the  
26 provider of excess insurance coverage or equivalent excess coverage of  
27 an allocable share of such insufficiency, based on the ratio of the  
28 total cost of such coverage for such physician to the sum of the total  
29 cost of such coverage for all physicians applied to such insufficiency.

30 (b) Each provider of excess insurance coverage or equivalent excess  
31 coverage covering the period July 1, 1992 to June 30, 1993, or covering  
32 the period July 1, 1993 to June 30, 1994, or covering the period July 1,  
33 1994 to June 30, 1995, or covering the period July 1, 1995 to June 30,  
34 1996, or covering the period July 1, 1996 to June 30, 1997, or covering  
35 the period July 1, 1997 to June 30, 1998, or covering the period July 1,  
36 1998 to June 30, 1999, or covering the period July 1, 1999 to June 30,  
37 2000, or covering the period July 1, 2000 to June 30, 2001, or covering  
38 the period July 1, 2001 to October 29, 2001, or covering the period  
39 April 1, 2002 to June 30, 2002, or covering the period July 1, 2002 to  
40 June 30, 2003, or covering the period July 1, 2003 to June 30, 2004, or  
41 covering the period July 1, 2004 to June 30, 2005, or covering the peri-  
42 od July 1, 2005 to June 30, 2006, or covering the period July 1, 2006 to  
43 June 30, 2007, or covering the period July 1, 2007 to June 30, 2008, or  
44 covering the period July 1, 2008 to June 30, 2009, or covering the peri-  
45 od July 1, 2009 to June 30, 2010, or covering the period July 1, 2010 to  
46 June 30, 2011, or covering the period July 1, 2011 to June 30, 2012, or  
47 covering the period July 1, 2012 to June 30, 2013, or covering the peri-  
48 od July 1, 2013 to June 30, 2014, OR COVERING THE PERIOD JULY 1, 2014 TO  
49 JUNE 30, 2015 shall notify a covered physician or dentist by mail,  
50 mailed to the address shown on the last application for excess insurance  
51 coverage or equivalent excess coverage, of the amount due to such  
52 provider from such physician or dentist for such coverage period deter-  
53 mined in accordance with paragraph (a) of this subdivision. Such amount  
54 shall be due from such physician or dentist to such provider of excess  
55 insurance coverage or equivalent excess coverage in a time and manner  
56 determined by the superintendent of insurance.

1 (c) If a physician or dentist liable for payment of a portion of the  
2 costs of excess insurance coverage or equivalent excess coverage cover-  
3 ing the period July 1, 1992 to June 30, 1993, or covering the period  
4 July 1, 1993 to June 30, 1994, or covering the period July 1, 1994 to  
5 June 30, 1995, or covering the period July 1, 1995 to June 30, 1996, or  
6 covering the period July 1, 1996 to June 30, 1997, or covering the peri-  
7 od July 1, 1997 to June 30, 1998, or covering the period July 1, 1998 to  
8 June 30, 1999, or covering the period July 1, 1999 to June 30, 2000, or  
9 covering the period July 1, 2000 to June 30, 2001, or covering the peri-  
10 od July 1, 2001 to October 29, 2001, or covering the period April 1,  
11 2002 to June 30, 2002, or covering the period July 1, 2002 to June 30,  
12 2003, or covering the period July 1, 2003 to June 30, 2004, or covering  
13 the period July 1, 2004 to June 30, 2005, or covering the period July 1,  
14 2005 to June 30, 2006, or covering the period July 1, 2006 to June 30,  
15 2007, or covering the period July 1, 2007 to June 30, 2008, or covering  
16 the period July 1, 2008 to June 30, 2009, or covering the period July 1,  
17 2009 to June 30, 2010, or covering the period July 1, 2010 to June 30,  
18 2011, or covering the period July 1, 2011 to June 30, 2012, or covering  
19 the period July 1, 2012 to June 30, 2013, or covering the period July 1,  
20 2013 to June 30, 2014, OR COVERING THE PERIOD JULY 1, 2014 TO JUNE 30,  
21 2015 determined in accordance with paragraph (a) of this subdivision  
22 fails, refuses or neglects to make payment to the provider of excess  
23 insurance coverage or equivalent excess coverage in such time and manner  
24 as determined by the superintendent of insurance pursuant to paragraph  
25 (b) of this subdivision, excess insurance coverage or equivalent excess  
26 coverage purchased for such physician or dentist in accordance with this  
27 section for such coverage period shall be cancelled and shall be null  
28 and void as of the first day on or after the commencement of a policy  
29 period where the liability for payment pursuant to this subdivision has  
30 not been met.

31 (d) Each provider of excess insurance coverage or equivalent excess  
32 coverage shall notify the superintendent of insurance and the commis-  
33 sioner of health or their designee of each physician and dentist eligi-  
34 ble for purchase of a policy for excess insurance coverage or equivalent  
35 excess coverage covering the period July 1, 1992 to June 30, 1993, or  
36 covering the period July 1, 1993 to June 30, 1994, or covering the peri-  
37 od July 1, 1994 to June 30, 1995, or covering the period July 1, 1995 to  
38 June 30, 1996, or covering the period July 1, 1996 to June 30, 1997, or  
39 covering the period July 1, 1997 to June 30, 1998, or covering the peri-  
40 od July 1, 1998 to June 30, 1999, or covering the period July 1, 1999 to  
41 June 30, 2000, or covering the period July 1, 2000 to June 30, 2001, or  
42 covering the period July 1, 2001 to October 29, 2001, or covering the  
43 period April 1, 2002 to June 30, 2002, or covering the period July 1,  
44 2002 to June 30, 2003, or covering the period July 1, 2003 to June 30,  
45 2004, or covering the period July 1, 2004 to June 30, 2005, or covering  
46 the period July 1, 2005 to June 30, 2006, or covering the period July 1,  
47 2006 to June 30, 2007, or covering the period July 1, 2007 to June 30,  
48 2008, or covering the period July 1, 2008 to June 30, 2009, or covering  
49 the period July 1, 2009 to June 30, 2010, or covering the period July 1,  
50 2010 to June 30, 2011, or covering the period July 1, 2011 to June 30,  
51 2012, or covering the period July 1, 2012 to June 30, 2013, or covering  
52 the period July 1, 2013 to June 30, 2014, OR COVERING THE PERIOD JULY 1,  
53 2014 TO JUNE 30, 2015 that has made payment to such provider of excess  
54 insurance coverage or equivalent excess coverage in accordance with  
55 paragraph (b) of this subdivision and of each physician and dentist who  
56 has failed, refused or neglected to make such payment.

1 (e) A provider of excess insurance coverage or equivalent excess  
2 coverage shall refund to the hospital excess liability pool any amount  
3 allocable to the period July 1, 1992 to June 30, 1993, and to the period  
4 July 1, 1993 to June 30, 1994, and to the period July 1, 1994 to June  
5 30, 1995, and to the period July 1, 1995 to June 30, 1996, and to the  
6 period July 1, 1996 to June 30, 1997, and to the period July 1, 1997 to  
7 June 30, 1998, and to the period July 1, 1998 to June 30, 1999, and to  
8 the period July 1, 1999 to June 30, 2000, and to the period July 1, 2000  
9 to June 30, 2001, and to the period July 1, 2001 to October 29, 2001,  
10 and to the period April 1, 2002 to June 30, 2002, and to the period July  
11 1, 2002 to June 30, 2003, and to the period July 1, 2003 to June 30,  
12 2004, and to the period July 1, 2004 to June 30, 2005, and to the period  
13 July 1, 2005 to June 30, 2006, and to the period July 1, 2006 to June  
14 30, 2007, and to the period July 1, 2007 to June 30, 2008, and to the  
15 period July 1, 2008 to June 30, 2009, and to the period July 1, 2009 to  
16 June 30, 2010, and to the period July 1, 2010 to June 30, 2011, and to  
17 the period July 1, 2011 to June 30, 2012, and to the period July 1, 2012  
18 to June 30, 2013, and to the period July 1, 2013 to June 30, 2014, AND  
19 TO THE PERIOD JULY 1, 2014 TO JUNE 30, 2015 received from the hospital  
20 excess liability pool for purchase of excess insurance coverage or  
21 equivalent excess coverage covering the period July 1, 1992 to June 30,  
22 1993, and covering the period July 1, 1993 to June 30, 1994, and cover-  
23 ing the period July 1, 1994 to June 30, 1995, and covering the period  
24 July 1, 1995 to June 30, 1996, and covering the period July 1, 1996 to  
25 June 30, 1997, and covering the period July 1, 1997 to June 30, 1998,  
26 and covering the period July 1, 1998 to June 30, 1999, and covering the  
27 period July 1, 1999 to June 30, 2000, and covering the period July 1,  
28 2000 to June 30, 2001, and covering the period July 1, 2001 to October  
29 29, 2001, and covering the period April 1, 2002 to June 30, 2002, and  
30 covering the period July 1, 2002 to June 30, 2003, and covering the  
31 period July 1, 2003 to June 30, 2004, and covering the period July 1,  
32 2004 to June 30, 2005, and covering the period July 1, 2005 to June 30,  
33 2006, and covering the period July 1, 2006 to June 30, 2007, and cover-  
34 ing the period July 1, 2007 to June 30, 2008, and covering the period  
35 July 1, 2008 to June 30, 2009, and covering the period July 1, 2009 to  
36 June 30, 2010, and covering the period July 1, 2010 to June 30, 2011,  
37 and covering the period July 1, 2011 to June 30, 2012, and covering the  
38 period July 1, 2012 to June 30, 2013, and covering the period July 1,  
39 2013 to June 30, 2014, AND COVERING THE PERIOD JULY 1, 2014 TO JUNE 30,  
40 2015 for a physician or dentist where such excess insurance coverage or  
41 equivalent excess coverage is cancelled in accordance with paragraph (c)  
42 of this subdivision.

43 S 21. Section 40 of chapter 266 of the laws of 1986, amending the  
44 civil practice law and rules and other laws relating to malpractice and  
45 professional medical conduct, as amended by section 18 of part C of  
46 chapter 59 of the laws of 2011, is amended to read as follows:

47 S 40. The superintendent of insurance shall establish rates for poli-  
48 cies providing coverage for physicians and surgeons medical malpractice  
49 for the periods commencing July 1, 1985 and ending June 30, [2014] 2015;  
50 provided, however, that notwithstanding any other provision of law, the  
51 superintendent shall not establish or approve any increase in rates for  
52 the period commencing July 1, 2009 and ending June 30, 2010. The super-  
53 intendent shall direct insurers to establish segregated accounts for  
54 premiums, payments, reserves and investment income attributable to such  
55 premium periods and shall require periodic reports by the insurers  
56 regarding claims and expenses attributable to such periods to monitor

1 whether such accounts will be sufficient to meet incurred claims and  
2 expenses. On or after July 1, 1989, the superintendent shall impose a  
3 surcharge on premiums to satisfy a projected deficiency that is attrib-  
4 utable to the premium levels established pursuant to this section for  
5 such periods; provided, however, that such annual surcharge shall not  
6 exceed eight percent of the established rate until July 1, [2014] 2015,  
7 at which time and thereafter such surcharge shall not exceed twenty-five  
8 percent of the approved adequate rate, and that such annual surcharges  
9 shall continue for such period of time as shall be sufficient to satisfy  
10 such deficiency. The superintendent shall not impose such surcharge  
11 during the period commencing July 1, 2009 and ending June 30, 2010. On  
12 and after July 1, 1989, the surcharge prescribed by this section shall  
13 be retained by insurers to the extent that they insured physicians and  
14 surgeons during the July 1, 1985 through June 30, [2014] 2015 policy  
15 periods; in the event and to the extent physicians and surgeons were  
16 insured by another insurer during such periods, all or a pro rata share  
17 of the surcharge, as the case may be, shall be remitted to such other  
18 insurer in accordance with rules and regulations to be promulgated by  
19 the superintendent. Surcharges collected from physicians and surgeons  
20 who were not insured during such policy periods shall be apportioned  
21 among all insurers in proportion to the premium written by each insurer  
22 during such policy periods; if a physician or surgeon was insured by an  
23 insurer subject to rates established by the superintendent during such  
24 policy periods, and at any time thereafter a hospital, health mainte-  
25 nance organization, employer or institution is responsible for respond-  
26 ing in damages for liability arising out of such physician's or  
27 surgeon's practice of medicine, such responsible entity shall also remit  
28 to such prior insurer the equivalent amount that would then be collected  
29 as a surcharge if the physician or surgeon had continued to remain  
30 insured by such prior insurer. In the event any insurer that provided  
31 coverage during such policy periods is in liquidation, the  
32 property/casualty insurance security fund shall receive the portion of  
33 surcharges to which the insurer in liquidation would have been entitled.  
34 The surcharges authorized herein shall be deemed to be income earned for  
35 the purposes of section 2303 of the insurance law. The superintendent,  
36 in establishing adequate rates and in determining any projected defi-  
37 ciency pursuant to the requirements of this section and the insurance  
38 law, shall give substantial weight, determined in his discretion and  
39 judgment, to the prospective anticipated effect of any regulations  
40 promulgated and laws enacted and the public benefit of stabilizing  
41 malpractice rates and minimizing rate level fluctuation during the peri-  
42 od of time necessary for the development of more reliable statistical  
43 experience as to the efficacy of such laws and regulations affecting  
44 medical, dental or podiatric malpractice enacted or promulgated in 1985,  
45 1986, by this act and at any other time. Notwithstanding any provision  
46 of the insurance law, rates already established and to be established by  
47 the superintendent pursuant to this section are deemed adequate if such  
48 rates would be adequate when taken together with the maximum authorized  
49 annual surcharges to be imposed for a reasonable period of time whether  
50 or not any such annual surcharge has been actually imposed as of the  
51 establishment of such rates.

52 S 22. Section 5 and subdivisions (a) and (e) of section 6 of part J of  
53 chapter 63 of the laws of 2001, amending chapter 20 of the laws of 2001  
54 amending the military law and other laws relating to making appropri-  
55 ations for the support of government, as amended by section 20 of part C  
56 of chapter 59 of the laws of 2011, are amended to read as follows:

1 S 5. The superintendent of insurance and the commissioner of health  
2 shall determine, no later than June 15, 2002, June 15, 2003, June 15,  
3 2004, June 15, 2005, June 15, 2006, June 15, 2007, June 15, 2008, June  
4 15, 2009, June 15, 2010, June 15, 2011, June 15, 2012, June 15, 2013,  
5 [and] June 15, 2014, AND JUNE 15, 2015 the amount of funds available in  
6 the hospital excess liability pool, created pursuant to section 18 of  
7 chapter 266 of the laws of 1986, and whether such funds are sufficient  
8 for purposes of purchasing excess insurance coverage for eligible  
9 participating physicians and dentists during the period July 1, 2001 to  
10 June 30, 2002, or July 1, 2002 to June 30, 2003, or July 1, 2003 to June  
11 30, 2004, or July 1, 2004 to June 30, 2005, or July 1, 2005 to June 30,  
12 2006, or July 1, 2006 to June 30, 2007, or July 1, 2007 to June 30,  
13 2008, or July 1, 2008 to June 30, 2009, or July 1, 2009 to June 30,  
14 2010, or July 1, 2010 to June 30, 2011, or July 1, 2011 to June 30,  
15 2012, or July 1, 2012 to June 30, 2013, or July 1, 2013 to June 30,  
16 2014, OR JULY 1, 2014 TO JUNE 30, 2015, as applicable.

17 (a) This section shall be effective only upon a determination, pursu-  
18 ant to section five of this act, by the superintendent of insurance and  
19 the commissioner of health, and a certification of such determination to  
20 the state director of the budget, the chair of the senate committee on  
21 finance and the chair of the assembly committee on ways and means, that  
22 the amount of funds in the hospital excess liability pool, created  
23 pursuant to section 18 of chapter 266 of the laws of 1986, is insuffi-  
24 cient for purposes of purchasing excess insurance coverage for eligible  
25 participating physicians and dentists during the period July 1, 2001 to  
26 June 30, 2002, or July 1, 2002 to June 30, 2003, or July 1, 2003 to June  
27 30, 2004, or July 1, 2004 to June 30, 2005, or July 1, 2005 to June 30,  
28 2006, or July 1, 2006 to June 30, 2007, or July 1, 2007 to June 30,  
29 2008, or July 1, 2008 to June 30, 2009, or July 1, 2009 to June 30,  
30 2010, or July 1, 2010 to June 30, 2011, or July 1, 2011 to June 30,  
31 2012, or July 1, 2012 to June 30, 2013, or July 1, 2013 to June 30,  
32 2014, OR JULY 1, 2014 TO JUNE 30, 2015, as applicable.

33 (e) The commissioner of health shall transfer for deposit to the  
34 hospital excess liability pool created pursuant to section 18 of chapter  
35 266 of the laws of 1986 such amounts as directed by the superintendent  
36 of insurance for the purchase of excess liability insurance coverage for  
37 eligible participating physicians and dentists for the policy year July  
38 1, 2001 to June 30, 2002, or July 1, 2002 to June 30, 2003, or July 1,  
39 2003 to June 30, 2004, or July 1, 2004 to June 30, 2005, or July 1, 2005  
40 to June 30, 2006, or July 1, 2006 to June 30, 2007, as applicable, and  
41 the cost of administering the hospital excess liability pool for such  
42 applicable policy year, pursuant to the program established in chapter  
43 266 of the laws of 1986, as amended, no later than June 15, 2002, June  
44 15, 2003, June 15, 2004, June 15, 2005, June 15, 2006, June 15, 2007,  
45 June 15, 2008, June 15, 2009, June 15, 2010, June 15, 2011, June 15,  
46 2012, June 15, 2013, [and] June 15, 2014, AND JUNE 15, 2015, as applica-  
47 ble.

48 S 23. Notwithstanding any law, rule or regulation to the contrary,  
49 only physicians or dentists who were eligible, and for whom the super-  
50 intendent of financial services and the commissioner of health, or their  
51 designee, purchased, with funds available in the hospital excess liabil-  
52 ity pool, a full or partial policy for excess coverage or equivalent  
53 excess coverage for the coverage period ending the thirtieth of June,  
54 two thousand fourteen, shall be eligible to apply for such coverage for  
55 the coverage period beginning the first of July, two thousand fourteen;  
56 provided, however, if the total number of physicians or dentists for

1 whom such excess coverage or equivalent excess coverage was purchased  
2 for the policy year ending the thirtieth of June, two thousand fourteen  
3 exceeds the total number of physicians or dentists certified as eligible  
4 for the coverage period beginning the first of July, two thousand four-  
5 teen, then the general hospitals may certify additional eligible physi-  
6 cians or dentists in a number equal to such general hospital's propor-  
7 tional share of the total number of physicians or dentists for whom  
8 excess coverage or equivalent excess coverage was purchased with funds  
9 available in the hospital excess liability pool as of the thirtieth of  
10 June, two thousand fourteen, as applied to the difference between the  
11 number of eligible physicians or dentists for whom a policy for excess  
12 coverage or equivalent excess coverage was purchased for the coverage  
13 period ending the thirtieth of June, two thousand fourteen and the  
14 number of such eligible physicians or dentists who have applied for  
15 excess coverage or equivalent excess coverage for the coverage period  
16 beginning the first of July, two thousand fourteen.

17 S 24. Notwithstanding any inconsistent provision of law, rule or regu-  
18 lation, for purposes of implementing the provisions of the public health  
19 law and the social services law, references to titles XIX and XXI of the  
20 federal social security act in the public health law and the social  
21 services law shall be deemed to include and also to mean any successor  
22 titles thereto under the federal social security act.

23 S 25. Notwithstanding any inconsistent provision of law, rule or regu-  
24 lation, the effectiveness of the provisions of sections 2807 and 3614 of  
25 the public health law, section 18 of chapter 2 of the laws of 1988, and  
26 18 NYCRR 505.14(h), as they relate to time frames for notice, approval  
27 or certification of rates of payment, are hereby suspended and without  
28 force or effect for purposes of implementing the provisions of this act.

29 S 26. Severability clause. If any clause, sentence, paragraph, subdivi-  
30 sion, section or part of this act shall be adjudged by any court of  
31 competent jurisdiction to be invalid, such judgment shall not affect,  
32 impair or invalidate the remainder thereof, but shall be confined in its  
33 operation to the clause, sentence, paragraph, subdivision, section or  
34 part thereof directly involved in the controversy in which such judgment  
35 shall have been rendered. It is hereby declared to be the intent of the  
36 legislature that this act would have been enacted even if such invalid  
37 provisions had not been included herein.

38 S 27. This act shall take effect immediately and shall be deemed to  
39 have been in full force and effect on and after April 1, 2014, provided  
40 that:

41 (a) any rules or regulations necessary to implement the provisions of  
42 this act may be promulgated and any procedures, forms, or instructions  
43 necessary for such implementation may be adopted and issued on or after  
44 the date this act shall have become a law;

45 (b) this act shall not be construed to alter, change, affect, impair  
46 or defeat any right, obligations, duties or interests accrued, incurred  
47 or conferred prior to the effective date of this act;

48 (c) the commissioner of health and the superintendent of financial  
49 services and any appropriate council may take any steps necessary to  
50 implement this act prior to its effective date;

51 (d) notwithstanding any inconsistent provision of the state adminis-  
52 trative procedure act or any other provision of law, rule or regulation,  
53 the commissioner of health and the superintendent of financial services  
54 and any appropriate council is authorized to adopt or amend or promul-  
55 gate on an emergency basis any regulation he or she or such council

1 determines necessary to implement any provision of this act on its  
2 effective date;

3 (e) the provisions of this act shall become effective notwithstanding  
4 the failure of the commissioner of health or the superintendent of  
5 financial services or any council to adopt or amend or promulgate regu-  
6 lations implementing this act;

7 (f) the amendments to sections 2807-s and 2807-j of the public health  
8 law made by sections three, four and five, respectively, of this act  
9 shall not affect the expiration of such sections and shall expire there-  
10 with;

11 (g) the amendments to paragraph (i-1) of subdivision 1 of section  
12 2807-v of the public health law made by section eight of this act shall  
13 not affect the repeal of such paragraph and shall be deemed repealed  
14 therewith; and

15 (h) the amendments to subdivision 6 of section 2807-t of the public  
16 health law made by section fifteen of this act shall not affect the  
17 expiration of such section and shall be deemed to expire therewith.

18

## PART C

19 Section 1. Notwithstanding any provision of law to the contrary, the  
20 department of health is directed to consult with all interested stake-  
21 holders, for the purpose of developing a new methodology of reimburse-  
22 ment for pharmacies. The department of health shall develop a transpar-  
23 ent methodology that provides an adequate level of reimbursement for  
24 pharmacies.

25 S 2. Subparagraphs (i) and (ii) of paragraph (b) of subdivision 9 of  
26 section 367-a of the social services law, as amended by section 10 of  
27 part H of chapter 59 of the laws of 2011, is amended to read as follows:

28 (i) if the drug dispensed is a multiple source prescription drug for  
29 which an upper limit has been set by the federal centers for medicare  
30 and medicaid services, the lower of: (A) an amount equal to the specific  
31 upper limit set by such federal agency for the multiple source  
32 prescription drug; (B) the estimated acquisition cost of such drug to  
33 pharmacies which, for purposes of this subparagraph, shall mean the  
34 average wholesale price of a prescription drug based on the package size  
35 dispensed from, as reported by the prescription drug pricing service  
36 used by the department, less twenty-five percent thereof; (C) the maxi-  
37 mum acquisition cost, if any, established pursuant to paragraph (e) of  
38 this subdivision, PROVIDED THAT THE METHODOLOGY USED BY THE DEPARTMENT  
39 TO ESTABLISH A MAXIMUM ACQUISITION COST SHALL NOT INCLUDE AVERAGE ACQUI-  
40 SITION COST AS DETERMINED BY DEPARTMENT SURVEYS; OR (D) the dispensing  
41 pharmacy's usual and customary price charged to the general public; [or  
42 (E) the average acquisition cost if available;] and

43 (ii) if the drug dispensed is a multiple source prescription drug or a  
44 brand-name prescription drug for which no specific upper limit has been  
45 set by such federal agency, the lower of the estimated acquisition cost  
46 of such drug to pharmacies[, the average acquisition cost if available]  
47 or the dispensing pharmacy's usual and customary price charged to the  
48 general public. For sole and multiple source brand name drugs, estimated  
49 acquisition cost means the average wholesale price of a prescription  
50 drug based upon the package size dispensed from, as reported by the  
51 prescription drug pricing service used by the department, less seventeen  
52 percent thereof or the wholesale acquisition cost of a prescription drug  
53 based upon package size dispensed from, as reported by the prescription  
54 drug pricing service used by the department, minus zero and forty-one



1 hundredths percent thereof, and updated monthly by the department. For  
2 multiple source generic drugs, estimated acquisition cost means the  
3 lower of [the average acquisition cost,] the average wholesale price of  
4 a prescription drug based on the package size dispensed from, as  
5 reported by the prescription drug pricing service used by the depart-  
6 ment, less twenty-five percent thereof, or the maximum acquisition cost,  
7 if any, established pursuant to paragraph (e) of this subdivision,  
8 PROVIDED THAT THE METHODOLOGY USED BY THE DEPARTMENT TO ESTABLISH A  
9 MAXIMUM ACQUISITION COST SHALL NOT INCLUDE AVERAGE ACQUISITION COST AS  
10 DETERMINED BY DEPARTMENT SURVEYS.

11 S 3. Paragraph (f) of subdivision 9 of section 367-a of the social  
12 services law, as added by section 10-b of part H of chapter 59 of the  
13 laws of 2011, is amended to read as follows:

14 [(f) Notwithstanding any inconsistent provision of law or regulation  
15 to the contrary, the commissioner shall have the authority to establish  
16 the amount of payments and dispensing fees under this title for those  
17 drugs which may not be dispensed without a prescription as required by  
18 section sixty-eight hundred ten of the education law and for which  
19 payment is authorized pursuant to paragraph (g) of subdivision two of  
20 section three hundred sixty-five-a of this title. The commissioner shall  
21 not change the amounts of or method for such payments or dispensing fees  
22 on or after April first, two thousand eleven unless notice is given  
23 sixty days in advance of such change to the chairs of the committees on  
24 senate finance, assembly ways and means, senate health, and assembly  
25 health.]

26 S 4. Intentionally omitted.

27 S 5. Paragraph (g-1) of subdivision 2 of section 365-a of the social  
28 services law, as amended by section 23 of part H of chapter 59 of the  
29 laws of 2011, is amended to read as follows:

30 (g-1) drugs provided on an in-patient basis, those drugs contained on  
31 the list established by regulation of the commissioner of health pursu-  
32 ant to subdivision four of this section, and those drugs which may not  
33 be dispensed without a prescription as required by section sixty-eight  
34 hundred ten of the education law and which the commissioner of health  
35 shall determine to be reimbursable based upon such factors as the avail-  
36 ability of such drugs or alternatives at low cost if purchased by a  
37 medicaid recipient, or the essential nature of such drugs as described  
38 by such commissioner in regulations, provided, however, that such drugs,  
39 exclusive of long-term maintenance drugs, shall be dispensed in quanti-  
40 ties no greater than a thirty day supply or one hundred doses, whichever  
41 is greater; provided further that the commissioner of health is author-  
42 ized to require prior authorization for any refill of a prescription  
43 when [less than seventy-five percent of the previously dispensed amount  
44 per fill should have been used] MORE THAN A TEN DAY SUPPLY OF THE PREVI-  
45 OUSLY DISPENSED AMOUNT SHOULD REMAIN were the product used as normally  
46 indicated; provided further that the commissioner of health is author-  
47 ized to require prior authorization of prescriptions of opioid analges-  
48 ics in excess of four prescriptions in a thirty-day period in accordance  
49 with section two hundred seventy-three of the public health law; medical  
50 assistance shall not include any drug provided on other than an in-pa-  
51 tient basis for which a recipient is charged or a claim is made in the  
52 case of a prescription drug, in excess of the maximum reimbursable  
53 amounts to be established by department regulations in accordance with  
54 standards established by the secretary of the United States department  
55 of health and human services, or, in the case of a drug not requiring a  
56 prescription, in excess of the maximum reimbursable amount established

1 by the commissioner of health pursuant to paragraph (a) of subdivision  
2 four of this section;

3 S 6. Paragraph (i) of subdivision 9 of section 367-a of the social  
4 services law is REPEALED.

5 S 7. Section 365-h of the social services law is amended by adding a  
6 new subdivision 5 to read as follows:

7 5. NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW, AND SUBJECT TO  
8 FEDERAL FINANCIAL PARTICIPATION, THE COMMISSIONER OF HEALTH SHALL MAKE  
9 ADJUSTMENTS TO PAYMENTS UNDER THIS SECTION, FOR THE PURPOSES OF PROVID-  
10 ING INCREASED ACCESS TO MEDICAID NON-EMERGENCY TRANSPORTATION IN RURAL  
11 COMMUNITIES. UP TO TWO MILLION DOLLARS SHALL BE AVAILABLE FOR SUCH  
12 PURPOSES.

13 S 8. The opening paragraph of subdivision 1 and subdivision 3 of  
14 section 367-s of the social services law, as amended by section 38 of  
15 part C of chapter 58 of the laws of 2008, are amended to read as  
16 follows:

17 Notwithstanding any provision of law to the contrary, a supplemental  
18 medical assistance payment shall be made on an annual basis to providers  
19 of emergency medical transportation services in an aggregate amount not  
20 to exceed four million dollars for two thousand six, six million dollars  
21 for two thousand seven [and], six million dollars for two thousand  
22 eight, AND SIX MILLION DOLLARS FOR THE PERIOD MAY FIRST, TWO THOUSAND  
23 FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND FIFTEEN pursuant to  
24 the following methodology:

25 3. If all necessary approvals under federal law and regulation are not  
26 obtained to receive federal financial participation in the payments  
27 authorized by this section, payments under this section shall be made in  
28 an aggregate amount not to exceed two million dollars for two thousand  
29 six, three million dollars for two thousand seven [and], three million  
30 dollars for two thousand eight AND THREE MILLION DOLLARS FOR THE PERIOD  
31 MAY FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOU-  
32 SAND FIFTEEN. In such case, the multiplier set forth in paragraph (b)  
33 of subdivision one of this section shall be deemed to be two million  
34 dollars or three million dollars as applicable to the annual period.

35 S 9. Subparagraph (iii) of paragraph (c) of subdivision 6 of section  
36 367-a of the social services law, as amended by section 47 of part C of  
37 chapter 58 of the laws of 2009, is amended to read as follows:

38 (iii) Notwithstanding any other provision of this paragraph, co-  
39 payments charged for each generic prescription drug dispensed shall be  
40 one dollar and for each brand name prescription drug dispensed shall be  
41 three dollars; provided, however, that the co-payments charged for each  
42 brand name prescription drug on the preferred drug list established  
43 pursuant to section two hundred seventy-two of the public health law OR,  
44 FOR MANAGED CARE PROVIDERS OPERATING PURSUANT TO SECTION THREE HUNDRED  
45 SIXTY-FOUR-J OF THIS TITLE, FOR EACH BRAND NAME PRESCRIPTION DRUG ON A  
46 MANAGED CARE PROVIDER'S FORMULARY THAT SUCH PROVIDER HAS DESIGNATED AS A  
47 PREFERRED DRUG, and the co-payments charged for each brand name  
48 prescription drug reimbursed pursuant to subparagraph (ii) of paragraph  
49 (a-1) of subdivision four of section three hundred sixty-five-a of this  
50 title shall be one dollar.

51 S 10. Notwithstanding any inconsistent provision of law to the contra-  
52 ry, funds shall be made available to the commissioner of the office of  
53 mental health and the commissioner of the office of alcoholism and  
54 substance abuse services, in consultation with the commissioner of  
55 health and approved by the director of the budget, and pursuant to  
56 appropriations made therefor in an amount equal to the savings achieved

1 by the reductions described herein, to implement allocation plans devel-  
2 oped by such commissioners, in consultation with the voluntary agencies  
3 providing behavioral health services and local governmental units, as  
4 defined in section 41.03 of the mental hygiene law, of the areas  
5 impacted by reductions of inpatient behavioral health services, and  
6 which shall describe behavioral health services, including mental health  
7 and substance use disorder services, that are designed to amend service  
8 needs resulting from the reduction of inpatient behavioral health  
9 services provided under the Medicaid program by programs licensed pursu-  
10 ant to article 31 or 32 of the mental hygiene law. Such programs may  
11 include programs that are licensed pursuant to both article 31 of the  
12 mental hygiene law and article 28 of the public health law, or certified  
13 under both article 32 of the mental hygiene law and article 28 of the  
14 public health law. The commissioner of health shall include details  
15 regarding the implementation of reinvestment allocation plans pursuant  
16 to reductions of inpatient behavioral health services in the annual  
17 report required under section 45-c of part A of chapter 56 of the laws  
18 of 2013.

19 S 11. Section 365-m of the social services law is amended by adding a  
20 new subdivision 5 to read as follows:

21 5. PURSUANT TO APPROPRIATIONS, THE DEPARTMENT OF HEALTH SHALL REINVEST  
22 FUNDS ALLOCATED FOR BEHAVIORAL HEALTH SERVICES, WHICH ARE GENERAL FUND  
23 SAVINGS DIRECTLY RELATED TO SAVINGS REALIZED THROUGH THE TRANSITION OF  
24 POPULATIONS COVERED BY THIS SECTION FROM THE APPLICABLE MEDICAID  
25 FEE-FOR-SERVICE SYSTEM TO A MANAGED CARE MODEL, INCLUDING SAVINGS  
26 RESULTING FROM THE REDUCTION OF INPATIENT AND OUTPATIENT BEHAVIORAL  
27 HEALTH SERVICES PROVIDED UNDER THE MEDICAID PROGRAMS LICENSED OR CERTI-  
28 FIED PURSUANT TO ARTICLE THIRTY-ONE OR THIRTY-TWO OF THE MENTAL HYGIENE  
29 LAW, OR PROGRAMS THAT ARE LICENSED PURSUANT TO BOTH ARTICLE THIRTY-ONE  
30 OF THE MENTAL HYGIENE LAW AND ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH  
31 LAW, OR CERTIFIED UNDER BOTH ARTICLE THIRTY-TWO OF THE MENTAL HYGIENE  
32 LAW AND ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, FOR THE PURPOSE  
33 OF INCREASING INVESTMENT IN COMMUNITY BASED BEHAVIORAL HEALTH SERVICES,  
34 INCLUDING RESIDENTIAL SERVICES CERTIFIED BY THE OFFICE OF ALCOHOLISM AND  
35 SUBSTANCE ABUSE SERVICES. THE METHODOLOGIES USED TO CALCULATE THE  
36 SAVINGS SHALL BE DEVELOPED BY THE COMMISSIONER OF HEALTH AND THE DIREC-  
37 TOR OF THE BUDGET IN CONSULTATION WITH THE COMMISSIONERS OF THE OFFICE  
38 OF MENTAL HEALTH AND THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE  
39 SERVICES. IN NO EVENT SHALL THE FULL ANNUAL VALUE OF THE COMMUNITY BASED  
40 BEHAVIORAL HEALTH SERVICE REINVESTMENT SAVINGS ATTRIBUTABLE TO THE TRAN-  
41 SITION TO MANAGED CARE EXCEED THE TWELVE MONTH VALUE OF THE DEPARTMENT  
42 OF HEALTH GENERAL FUND REDUCTIONS RESULTING FROM SUCH TRANSITION. WITHIN  
43 ANY FISCAL YEAR WHERE APPROPRIATION INCREASES ARE RECOMMENDED FOR REIN-  
44 VESTMENT, INSOFAR AS MANAGED CARE TRANSITION SAVINGS DO NOT OCCUR AS  
45 ESTIMATED, AND GENERAL FUND SAVINGS DO NOT RESULT, THEN SPENDING FOR  
46 SUCH REINVESTMENT MAY BE REDUCED IN THE NEXT YEAR'S ANNUAL BUDGET ITEMI-  
47 ZATION. THE COMMISSIONER OF HEALTH SHALL PROMULGATE REGULATIONS, AND  
48 PRIOR TO OCTOBER FIRST, TWO THOUSAND FIFTEEN, MAY PROMULGATE EMERGENCY  
49 REGULATIONS AS REQUIRED TO DISTRIBUTE FUNDS PURSUANT TO THIS SUBDIVI-  
50 SION; PROVIDED, HOWEVER, THAT ANY EMERGENCY REGULATIONS PROMULGATED  
51 PURSUANT TO THIS SECTION SHALL EXPIRE NO LATER THAN DECEMBER  
52 THIRTY-FIRST, TWO THOUSAND FIFTEEN. THE COMMISSIONER SHALL INCLUDE  
53 DETAILED DESCRIPTIONS OF THE METHODOLOGY USED TO CALCULATE SAVINGS FOR  
54 REINVESTMENT, THE RESULTS OF APPLYING SUCH METHODOLOGIES, THE DETAILS  
55 REGARDING IMPLEMENTATION OF SUCH REINVESTMENT PURSUANT TO THIS SECTION,  
56 AND ANY REGULATIONS PROMULGATED UNDER THIS SUBDIVISION, IN THE ANNUAL

1 REPORT REQUIRED UNDER SECTION FORTY-FIVE-C OF PART A OF CHAPTER  
2 FIFTY-SIX OF THE LAWS OF TWO THOUSAND THIRTEEN.

3 S 12. Notwithstanding any law, rule, or regulation to the contrary,  
4 the commissioner of health, in consultation with the commissioner of the  
5 office of mental health and the commissioner of the office of alcoholism  
6 and substance abuse services, is authorized to establish an evidence-  
7 based, collaborative care clinical delivery model in clinics licensed  
8 under article 28 of the public health law, for the purpose of improving  
9 the detection of depression and other diagnosed mental or substance use  
10 disorders and the treatment of individuals with such conditions in an  
11 integrated manner. Such commissioner shall be authorized to develop  
12 criteria for the designation of clinics to be providers of collaborative  
13 care services. At a minimum, such designated clinics shall provide  
14 screening for depression and substance use disorders, medical diagnosis  
15 of patients who screen positive, evidence-based depression care and  
16 substance use disorder referrals, ongoing tracking of patient progress,  
17 care management, and a designated behavioral health practitioner who  
18 consults with the care manager and primary care physician. The rates of  
19 payment and billing rules for this service will be developed by the  
20 commissioner of health, in consultation with the commissioner of the  
21 office of mental health and the commissioner of the office of alcoholism  
22 and substance abuse services, and with the approval of the director of  
23 the budget. Such commissioners are authorized to waive any duplicative  
24 regulatory requirements as may be necessary to allow this service to  
25 function in an effective and efficient manner; provided, however, that  
26 regulations pertaining to patient safety may not be waived, nor shall  
27 any regulation be waived if such waiver would risk patient safety. Such  
28 waiver shall not exceed the life of the project, or such shorter time  
29 period as the authorizing commissioner may determine. The commissioner  
30 of health shall include details regarding the implementation of the  
31 collaborative care clinical delivery model, including any regulations  
32 waived and the frequency and rationale for such waivers, in the annual  
33 report under section 45-c of part A of chapter 56 of the laws of 2013.

34 S 12-a. Paragraph (c) of subdivision 2 of section 365-a of the social  
35 services law, as amended by section 24 of part A of chapter 56 of the  
36 laws of 2013, is amended to read as follows:

37 (c) out-patient hospital or clinic services in facilities operated in  
38 compliance with applicable provisions of this chapter, the public health  
39 law, the mental hygiene law and other laws, including any provisions  
40 thereof requiring an operating certificate or license, including facili-  
41 ties authorized by the appropriate licensing authority to provide inte-  
42 grated mental health services, and/or alcoholism and substance abuse  
43 services, and/or physical health services, and/or services to persons  
44 with developmental disabilities, when such services are provided at a  
45 single location or service site, or where such facilities are not  
46 conveniently accessible, in any hospital located [without] WITHIN the  
47 state and care and services in a day treatment program operated by the  
48 department of mental hygiene or by a voluntary agency under an agreement  
49 with such department in that part of a public institution operated and  
50 approved pursuant to law as an intermediate care facility for persons  
51 with developmental disabilities; AND PROVIDED, THAT THE COMMISSIONERS OF  
52 HEALTH, MENTAL HEALTH, ALCOHOLISM AND SUBSTANCE ABUSE SERVICES AND THE  
53 OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES MAY ISSUE REGULATIONS,  
54 INCLUDING EMERGENCY REGULATIONS PROMULGATED PRIOR TO OCTOBER FIRST, TWO  
55 THOUSAND FIFTEEN THAT ARE REQUIRED TO FACILITATE THE ESTABLISHMENT OF  
56 INTEGRATED SERVICES CLINICS. ANY SUCH REGULATIONS PROMULGATED UNDER THIS

1 PARAGRAPH SHALL BE DESCRIBED IN THE ANNUAL REPORT REQUIRED PURSUANT TO  
2 SECTION FORTY-FIVE-C OF PART A OF CHAPTER FIFTY-SIX OF THE LAWS OF TWO  
3 THOUSAND THIRTEEN;

4 S 13. Section 48-a of part A of chapter 56 of the laws of 2013 amend-  
5 ing chapter 59 of the laws of 2011 amending the public health law and  
6 other laws relating to general hospital reimbursement for annual rates  
7 relating to the cap on local Medicaid expenditures, is amended to read  
8 as follows:

9 S 48-a. Notwithstanding any contrary provision of law, the [commis-  
10 sioner] COMMISSIONERS OF THE OFFICE of alcoholism and substance abuse  
11 services [is] AND THE OFFICE OF MENTAL HEALTH ARE authorized, subject to  
12 the approval of the director of the budget, to transfer to the commis-  
13 sioner of health state funds to be utilized as the state share for the  
14 purpose of increasing payments under the medicaid program to managed  
15 care organizations licensed under article 44 of the public health law or  
16 under article 43 of the insurance law. Such managed care organizations  
17 shall utilize such funds for the purpose of reimbursing [hospital-based  
18 and free-standing chemical dependence outpatient and opioid treatment  
19 clinics] PROVIDERS licensed pursuant to article 28 of the public health  
20 law or article 31 OR 32 of the mental hygiene law for [chemical depend-  
21 ency] AMBULATORY BEHAVIORAL HEALTH services, as determined by the  
22 commissioner of health, in consultation with the commissioner of alco-  
23 holism and substance abuse services AND THE COMMISSIONER OF THE OFFICE  
24 OF MENTAL HEALTH, provided to medicaid eligible outpatients. Such  
25 reimbursement shall be in the form of fees for such services which are  
26 equivalent to the payments established for such services under the ambu-  
27 latory patient group (APG) rate-setting methodology as utilized by the  
28 department of health [or by], the office of alcoholism and substance  
29 abuse services, OR THE OFFICE OF MENTAL HEALTH for rate-setting  
30 purposes; provided, however, that the increase to such fees that shall  
31 result from the provisions of this section shall not, in the aggregate  
32 and as determined by the commissioner of health, in consultation with  
33 the commissioner of alcoholism and substance abuse services AND THE  
34 COMMISSIONER OF THE OFFICE OF MENTAL HEALTH, be greater than the  
35 increased funds made available pursuant to this section. THE INCREASE  
36 OF SUCH AMBULATORY BEHAVIORAL HEALTH FEES TO PROVIDERS AVAILABLE UNDER  
37 THIS SECTION SHALL BE FOR ALL RATE PERIODS ON AND AFTER THE EFFECTIVE  
38 DATE OF THE CHAPTER OF THE LAWS OF 2014 WHICH AMENDED THIS SECTION  
39 THROUGH DECEMBER 31, 2016 FOR PATIENTS IN THE CITY OF NEW YORK, FOR ALL  
40 RATE PERIODS ON AND AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS  
41 OF 2014 WHICH AMENDED THIS SECTION THROUGH JUNE 30, 2017 FOR PATIENTS  
42 OUTSIDE THE CITY OF NEW YORK, AND FOR ALL RATE PERIODS ON AND AFTER THE  
43 EFFECTIVE DATE OF SUCH CHAPTER OF THE LAWS OF 2014 WHICH AMENDED THIS  
44 SECTION THROUGH DECEMBER 31, 2017 FOR ALL SERVICES PROVIDED TO PERSONS  
45 UNDER THE AGE OF TWENTY-ONE; PROVIDED, HOWEVER, THAT MANAGED CARE ORGAN-  
46 IZATIONS AND PROVIDERS MAY NEGOTIATE DIFFERENT RATES AND METHODS OF  
47 PAYMENT DURING SUCH PERIODS DESCRIBED ABOVE, SUBJECT TO THE APPROVAL OF  
48 THE DEPARTMENT OF HEALTH. THE DEPARTMENT OF HEALTH SHALL CONSULT WITH  
49 THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES AND THE OFFICE OF  
50 MENTAL HEALTH IN DETERMINING WHETHER SUCH ALTERNATIVE RATES SHALL BE  
51 APPROVED. The commissioner of health may, in consultation with the  
52 commissioner of alcoholism and substance abuse services AND THE COMMIS-  
53 SIONER OF THE OFFICE OF MENTAL HEALTH, promulgate regulations, including  
54 emergency regulations PROMULGATED PRIOR TO OCTOBER 1, 2015 TO ESTABLISH  
55 RATES FOR AMBULATORY BEHAVIORAL HEALTH SERVICES, as are necessary to  
56 implement the provisions of this section. RATES PROMULGATED UNDER THIS

1 SECTION SHALL BE INCLUDED IN THE REPORT REQUIRED UNDER SECTION 45-C OF  
2 PART A OF THIS CHAPTER.

3 S 14. Subdivision 8 of section 84 of part A of chapter 56 of the laws  
4 of 2013, amending chapter 59 of the laws of 2011 amending the public  
5 health law and other laws relating to general hospital reimbursement for  
6 annual rates relating to the cap on local Medicaid expenditures, is  
7 amended to read as follows:

8 8. section forty-eight-a of this act shall expire and be deemed  
9 repealed [March 31, 2016] JANUARY 1, 2018;

10 S 15. Section 1 of part H of chapter 111 of the laws of 2010 relating  
11 to increasing Medicaid payments to providers through managed care organ-  
12 izations and providing equivalent fees through an ambulatory patient  
13 group methodology, is amended to read as follows:

14 Section 1. Notwithstanding any contrary provision of law, the  
15 [commissioner] COMMISSIONERS of mental health [is] AND ALCOHOLISM AND  
16 SUBSTANCE ABUSE SERVICES ARE authorized, subject to the approval of the  
17 director of the budget, to transfer to the commissioner of health state  
18 funds to be utilized as the state share for the purpose of increasing  
19 payments under the medicaid program to managed care organizations  
20 licensed under article 44 of the public health law or under article 43  
21 of the insurance law. Such managed care organizations shall utilize such  
22 funds for the purpose of reimbursing [hospital-based and free-standing  
23 clinics] PROVIDERS licensed pursuant to article 28 of the public health  
24 law, OR pursuant to article 31 OR ARTICLE 32 of the mental hygiene law  
25 [or pursuant to both such provisions of law for outpatient mental health  
26 services] FOR AMBULATORY BEHAVIORAL HEALTH SERVICES, as determined by  
27 the commissioner of health in consultation with the commissioner of  
28 mental health AND COMMISSIONER OF ALCOHOLISM AND SUBSTANCE ABUSE  
29 SERVICES, provided to medicaid eligible outpatients. Such reimbursement  
30 shall be in the form of fees for such services which are equivalent to  
31 the payments established for such services under the ambulatory patient  
32 group (APG) rate-setting methodology as utilized by the department of  
33 health or by the office of mental health OR OFFICE OF ALCOHOLISM AND  
34 SUBSTANCE ABUSE SERVICES for rate-setting purposes; provided, however,  
35 that the increase to such fees that shall result from the provisions of  
36 this section shall not, in the aggregate and as determined by the  
37 commissioner of health in consultation with the [commissioner] COMMIS-  
38 SIONERS of mental health AND ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, be  
39 greater than the increased funds made available pursuant to this  
40 section. THE INCREASE OF SUCH BEHAVIORAL HEALTH FEES TO PROVIDERS AVAIL-  
41 ABLE UNDER THIS SECTION SHALL BE FOR ALL RATE PERIODS ON AND AFTER THE  
42 EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF 2014 WHICH AMENDED THIS  
43 SECTION THROUGH DECEMBER 31, 2016 FOR PATIENTS IN THE CITY OF NEW YORK,  
44 FOR ALL RATE PERIODS ON AND AFTER THE EFFECTIVE DATE OF THE CHAPTER OF  
45 THE LAWS OF 2014 WHICH AMENDED THIS SECTION THROUGH JUNE 30, 2017 FOR  
46 PATIENTS OUTSIDE THE CITY OF NEW YORK, AND FOR ALL RATE PERIODS ON AND  
47 AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF 2014 WHICH  
48 AMENDED THIS SECTION THROUGH DECEMBER 31, 2017 FOR ALL SERVICES PROVIDED  
49 TO PERSONS UNDER THE AGE OF TWENTY-ONE; PROVIDED, HOWEVER, THAT MANAGED  
50 CARE ORGANIZATIONS AND PROVIDERS MAY NEGOTIATE DIFFERENT RATES AND METH-  
51 ODS OF PAYMENT DURING SUCH PERIODS DESCRIBED, SUBJECT TO THE APPROVAL OF  
52 THE DEPARTMENT OF HEALTH. THE DEPARTMENT OF HEALTH SHALL CONSULT WITH  
53 THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES AND THE OFFICE OF  
54 MENTAL HEALTH IN DETERMINING WHETHER SUCH ALTERNATIVE RATES SHALL BE  
55 APPROVED. The commissioner of health may, in consultation with the  
56 [commissioner] COMMISSIONERS of mental health AND ALCOHOLISM AND

1 SUBSTANCE ABUSE SERVICES, promulgate regulations, including emergency  
2 regulations PROMULGATED PRIOR TO OCTOBER 1, 2013 THAT ESTABLISH RATES  
3 FOR BEHAVIORAL HEALTH SERVICES, as are necessary to implement the  
4 provisions of this section. RATES PROMULGATED UNDER THIS SECTION SHALL  
5 BE INCLUDED IN THE REPORT REQUIRED UNDER SECTION 45-C OF PART A OF CHAP-  
6 TER 56 OF THE LAWS OF 2013.

7 S 16. Section 2 of part H of chapter 111 of the laws of 2010, relating  
8 to increasing Medicaid payments to providers through managed care organ-  
9 izations and providing equivalent fees through an ambulatory patient  
10 group methodology, as amended by section 49 of part A of chapter 56 of  
11 the laws of 2013, is amended to read as follows:

12 S 2. This act shall take effect immediately and shall be deemed to  
13 have been in full force and effect on and after April 1, 2010, and shall  
14 expire on [March 31, 2016] JANUARY 1, 2018.

15 S 16-a. Section 45-c of part A of chapter 56 of the laws of 2013,  
16 relating to the report on the transition of behavioral health services  
17 as a managed care benefit in the medical assistance program, is amended  
18 to read as follows:

19 S 45-c. The commissioner of health in consultation with the commis-  
20 sioners of the office of mental health and the office of alcoholism and  
21 substance abuse SERVICES shall prepare a report on the transition of  
22 behavioral health services as a managed care benefit in the medical  
23 assistance program. Such report shall examine (i) the adequacy of  
24 rates; (ii) the ability of managed care plans to arrange and manage  
25 covered services for eligible enrollees; (iii) the ability of managed  
26 care plans to provide an adequate network of providers to meet the needs  
27 of enrollees; (iv) the use of evidence based tools or guidelines by  
28 managed care plans when determining the appropriate level of care or  
29 coverage for enrollees; (v) the ability of managed care plans to provide  
30 eligible enrollees with both the appropriate amount and type of  
31 services; (vi) the quality assurance mechanisms used by managed care  
32 plans, including processes to ensure enrollee satisfaction; (vii) the  
33 manner in which managed care plans address the cultural and linguistic  
34 needs of enrollees; [and] (viii) any other quality of care criteria  
35 deemed appropriate by the commissioners to ensure the adequacy of rates,  
36 continuity of care and the quality of life, health, and safety of enrol-  
37 lees during the transition of the behavioral health benefit; (IX)  
38 DETAILS REGARDING THE IMPLEMENTATION OF REINVESTMENT ALLOCATION PLANS  
39 PURSUANT TO REDUCTIONS OF INPATIENT BEHAVIORAL HEALTH SERVICES INCLUD-  
40 ING, BUT NOT LIMITED, TO THE LOCATION AND SCOPE OF SERVICE REDUCTIONS  
41 RESULTING FROM THE REDUCTION OR CLOSURE OF PROGRAMS LICENSED PURSUANT TO  
42 ARTICLE 31 OR 32 OF THE MENTAL HYGIENE LAW AND A DESCRIPTION OF SERVICES  
43 TO BE FUNDED PURSUANT TO ALLOCATION PLANS; (X) DETAILED DESCRIPTIONS OF  
44 THE METHODOLOGY USED TO CALCULATE THE AMOUNT OF SAVINGS RESULTING FROM  
45 THE TRANSITION OF INDIVIDUALS INTO MANAGED CARE REALIZED UNDER SUBDIVI-  
46 SION 5 OF SECTION 365-M OF THE SOCIAL SERVICES LAW, AND THE MANNER IN  
47 WHICH THE REINVESTMENT WILL ADDRESS THE SERVICE NEEDS; (XI) DETAILS  
48 REGARDING THE IMPLEMENTATION OF THE COLLABORATIVE CARE CLINICAL DELIVERY  
49 MODEL; (XII) A DESCRIPTION OF, AND RATIONALE FOR, ANY WAIVER OF EXISTING  
50 REGULATIONS OR ANY PROMULGATION OF EMERGENCY REGULATIONS PURSUANT TO THE  
51 BEHAVIORAL HEALTH SERVICES TRANSITION AUTHORIZED BY SECTIONS 10 THROUGH  
52 17 OF PART C OF A CHAPTER OF THE LAWS OF 2014 WHICH AMENDED THIS  
53 SECTION, RELATING TO THE IMPLEMENTATION OF THE HEALTH AND MENTAL HYGIENE  
54 BUDGET; (XIII) IMPLEMENTATION OF INFRASTRUCTURE AND ORGANIZATIONAL  
55 MODIFICATIONS AND INVESTMENTS IN HEALTH INFORMATION TECHNOLOGY AND  
56 TRAINING AND TECHNICAL ASSISTANCE; AND (XIV) DETAILS REGARDING THE

1 IMPLEMENTATION OF THE PLAN TO TRANSITION ADULT AND CHILDREN'S BEHAVIORAL  
2 HEALTH PROVIDERS AND SERVICES INTO MANAGED CARE. [The report shall be  
3 submitted no later than April first, two thousand sixteen to the gover-  
4 nor, the temporary president of the senate, the speaker of the assembly,  
5 the minority leader of the senate, and the minority leader of the assem-  
6 bly.] THE REPORT SHALL BE SUBMITTED ON AN ANNUAL BASIS TO THE GOVERNOR,  
7 THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE  
8 MINORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE ASSEMBLY, AND  
9 THE BEHAVIORAL HEALTH SUBCOMMITTEE OF THE MEDICAID REDESIGN TEAM, NO  
10 LATER THAN JANUARY FIRST OF EACH YEAR.

11 S 16-b. Section 84 of part A of chapter 56 of the laws of 2013, amend-  
12 ing the public health law and other laws relating to state health mental  
13 hygiene budget for the 2013-14 state fiscal year, is amended by adding a  
14 new subdivision 7-a to read as follows:

15 7-A. SECTION FORTY-FIVE-C OF THIS ACT SHALL EXPIRE AND BE DEEMED  
16 REPEALED JANUARY 1, 2018;

17 S 17. Subject to the availability of federal financial participation,  
18 the commissioner of health is authorized, within amounts appropriated,  
19 to distribute funds to local governmental units, as defined in section  
20 41.03 of the mental hygiene law, to Medicaid managed care plans certi-  
21 fied by the department of health, health homes designated by such  
22 department, and individual behavioral health providers and consortiums  
23 of such providers licensed or certified by the office of mental health  
24 or the office of alcoholism and substance abuse services to prepare for  
25 the transition of adult and children's behavioral health providers and  
26 services into managed care. The use of such funds may include, but not  
27 be limited to, infrastructure and organizational modifications and  
28 investments in health information technology and training and technical  
29 assistance. Such funds shall be distributed pursuant to a plan to be  
30 developed by the commissioner of health, in consultation with the  
31 commissioners of the office of mental health and the office of alcohol-  
32 ism and substance abuse services. In developing such plan, such commis-  
33 sioners may take into account the size and scope of a grantee's oper-  
34 ations as a factor relevant to eligibility for, and the amount of, such  
35 funds. The commissioner of health is authorized to audit recipients of  
36 funds under this section to ensure compliance and to recoup any funds  
37 determined to have been used for purposes other than as described herein  
38 or otherwise approved by such commissioners. The commissioners shall  
39 include details regarding the implementation of the plan to transition  
40 adult and children's behavioral health providers and services into  
41 managed care in the annual report required under section 45-c of part A  
42 of chapter 56 of the laws of 2013.

43 S 18. The commissioner of health is authorized to establish a disabil-  
44 ity clinician advisory group of experienced clinicians and clinic admin-  
45 istrators who have an understanding of the comprehensive needs of people  
46 with disabilities. Such group shall provide the commissioner and the  
47 department of health with information and data on the effect of poli-  
48 cies, including proposed regulations or statutes, and of fiscal  
49 proposals, including rate setting and appropriations, on the delivery of  
50 supports and services for individuals with disabilities including but  
51 not limited to the role of specialty services.

52 S 19. Paragraph (i) of subdivision 38 of section 2 of the social  
53 services law, as added by section 63 of part H of chapter 59 of the laws  
54 of 2011, is amended to read as follows:

55 (i) "Participating provider" means a certified home health agency,  
56 long term home health agency or personal care provider with total medi-



1 paid reimbursements, INCLUDING REIMBURSEMENTS THROUGH THE MANAGED CARE  
2 PROGRAM ESTABLISHED PURSUANT TO SECTION THREE HUNDRED SIXTY-FOUR-J OF  
3 THIS CHAPTER, exceeding fifteen million dollars per calendar year.

4 S 20. The opening paragraph of section 363-e of the social services  
5 law, as added by section 64 of part H of chapter 59 of the laws of 2011,  
6 is amended to read as follows:

7 THE DEPARTMENT OF HEALTH AND THE OFFICE OF THE MEDICAID INSPECTOR  
8 GENERAL SHALL JOINTLY DEVELOP REQUIREMENTS FOR PRECLAIM REVIEW. Every  
9 service or item within a claim OR ENCOUNTER submitted by a participating  
10 provider shall be reviewed and verified by a verification organization  
11 prior to submission of a claim OR ENCOUNTER to the department of health  
12 OR TO A MANAGED CARE PROVIDER AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION  
13 ONE OF SECTION THREE HUNDRED SIXTY-FOUR-J OF THIS TITLE. The verifica-  
14 tion organization shall declare each service or item to be verified or  
15 unverified. Each participating provider shall receive and maintain  
16 reports from the verification organization which shall contain data on:

17 S 21. The opening paragraph of subdivision 1 of section 20-c of the  
18 social services law, as added by section 151 of part B of chapter 436 of  
19 the laws of 1997, is amended to read as follows:

20 (A) Except as otherwise specified in the appropriation for system  
21 support and information services program in the office of temporary  
22 disability assistance within the department of family assistance, OR AS  
23 AUTHORIZED BY SUBDIVISION TWO-A OF SECTION TWENTY-TWO OF THIS ARTICLE,  
24 the department shall not enter into any contract with a private entity  
25 under which that entity would perform any of the public assistance and  
26 care eligibility determination functions, duties or obligations of the  
27 department as set forth in this chapter.

28 S 22. Section 22 of the social services law is amended by adding a new  
29 subdivision 2-a to read as follows:

30 2-A. WITH REGARD TO FAIR HEARINGS HELD IN CONNECTION WITH APPEALS  
31 UNDER THE FULLY INTEGRATED DUALS ADVANTAGE DEMONSTRATION PROGRAM, THE  
32 COMMISSIONER MAY CONTRACT FOR THE SOLE PURPOSE OF ASSISTING STAFF OF THE  
33 OFFICE FOR SUCH PURPOSE.

34 S 23. Subdivision 2-c of section 2808 of the public health law is  
35 amended by adding a new paragraph (e) to read as follows:

36 (E) WITH THE EXCEPTION OF THOSE ENROLLEES COVERED UNDER A PAYMENT RATE  
37 METHODOLOGY AGREEMENT NEGOTIATED WITH A RESIDENTIAL HEALTH CARE FACILI-  
38 TY, PAYMENTS FOR INPATIENT RESIDENTIAL HEALTH CARE FACILITY SERVICES  
39 PROVIDED TO PATIENTS ELIGIBLE FOR MEDICAL ASSISTANCE PURSUANT TO TITLE  
40 ELEVEN OF ARTICLE FIVE OF THE SOCIAL SERVICES LAW MADE BY ORGANIZATIONS  
41 OPERATING IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE FORTY-FOUR OF  
42 THIS CHAPTER OR BY HEALTH MAINTENANCE ORGANIZATIONS ORGANIZED AND OPER-  
43 ATING IN ACCORDANCE WITH ARTICLE FORTY-THREE OF THE INSURANCE LAW, SHALL  
44 BE THE RATES OF PAYMENT THAT WOULD BE PAID FOR SUCH PATIENTS UNDER THE  
45 MEDICAL ASSISTANCE PROGRAM AS DETERMINED PURSUANT TO THIS SECTION AND  
46 SUBDIVISION TEN OF SECTION TWENTY-EIGHT HUNDRED SEVEN-D OF THIS ARTICLE  
47 AND AS IN EFFECT AT THE TIME SUCH SERVICES WERE PROVIDED. THE PROVISIONS  
48 OF THIS PARAGRAPH SHALL NOT APPLY TO PAYMENTS FOR PATIENTS WHOSE PLACE-  
49 MENT IN A RESIDENTIAL HEALTH CARE FACILITY IS FOR THE PURPOSE OF RECEIV-  
50 ING TIME-LIMITED REHABILITATION, TO BE FOLLOWED BY DISCHARGE FROM THE  
51 FACILITY, DURING THE PERIOD SUCH TIME-LIMITED SERVICES ARE PROVIDED.

52 S 24. Section 365-f of the social services law is amended by adding a  
53 new subdivision 9 to read as follows:

54 9. NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW AND SUBJECT TO THE  
55 AVAILABILITY OF FEDERAL FINANCIAL PARTICIPATION, FOR PERIODS ON AND  
56 AFTER APRIL FIRST, TWO THOUSAND FOURTEEN, THE COMMISSIONER IS AUTHORIZED

1 TO MAKE TEMPORARY PERIODIC LUMP-SUM MEDICAID PAYMENTS TO FISCAL INTERME-  
2 DIARIES PRINCIPALLY ENGAGED IN PROVIDING CONSUMER DIRECTED PERSONAL  
3 ASSISTANCE SERVICES TO MEDICAID PATIENTS, IN ACCORDANCE WITH THE FOLLOW-  
4 ING:

5 (A) ELIGIBLE FISCAL INTERMEDIARIES SHALL INCLUDE:

6 (I) PROVIDERS UNDERGOING CLOSURE OR SUBSTANTIAL REDUCTION IN THE  
7 VOLUME OF CARE;

8 (II) PROVIDERS IMPACTED BY THE CLOSURE OF OTHER HEALTH CARE PROVIDERS;

9 (III) PROVIDERS SUBJECT TO MERGERS, ACQUISITIONS, CONSOLIDATIONS OR  
10 RESTRUCTURING;

11 (IV) PROVIDERS IMPACTED BY THE MERGER, ACQUISITION, CONSOLIDATION OR  
12 RESTRUCTURING OF OTHER HEALTH CARE PROVIDERS;

13 (V) PROVIDERS SEEKING TO ENSURE THAT ACCESS TO CARE IS MAINTAINED OR  
14 INCREASED; OR

15 (VI) ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, PROVIDERS  
16 IMPACTED BY CHANGES TO THE FAIR LABOR STANDARDS ACT REQUIRING OVERTIME  
17 PAY FOR PERSONAL ASSISTANTS WORKING IN EXCESS OF FORTY HOURS PER WEEK.

18 (B) PROVIDERS SEEKING MEDICAID PAYMENTS UNDER THIS SUBDIVISION SHALL  
19 DEMONSTRATE THROUGH SUBMISSION OF A WRITTEN PROPOSAL TO THE COMMISSIONER  
20 THAT THE ADDITIONAL RESOURCES PROVIDED BY SUCH MEDICAID PAYMENTS WILL  
21 ACHIEVE ONE OR MORE OF THE FOLLOWING:

22 (I) PROTECT OR ENHANCE ACCESS TO CARE;

23 (II) PROTECT OR ENHANCE QUALITY OF CARE;

24 (III) IMPROVE THE COST EFFECTIVENESS OF THE DELIVERY OF HEALTH CARE  
25 SERVICES; OR

26 (IV) OTHERWISE PROTECT OR ENHANCE THE HEALTH CARE DELIVERY SYSTEM, AS  
27 DETERMINED BY THE COMMISSIONER.

28 (C)(I) SUCH WRITTEN PROPOSAL SHALL BE SUBMITTED TO THE COMMISSIONER AT  
29 LEAST SIXTY DAYS PRIOR TO THE REQUESTED COMMENCEMENT OF SUCH MEDICAID  
30 PAYMENTS AND SHALL INCLUDE A PROPOSED BUDGET TO ACHIEVE THE GOALS OF THE  
31 PROPOSAL. ANY MEDICAID PAYMENTS ISSUED PURSUANT TO THIS SUBDIVISION  
32 SHALL BE MADE OVER A SPECIFIED PERIOD OF TIME, AS DETERMINED BY THE  
33 COMMISSIONER, OF UP TO THREE YEARS. AT THE END OF THE SPECIFIED  
34 TIME-FRAME SUCH PAYMENTS SHALL CEASE. THE COMMISSIONER MAY ESTABLISH, AS  
35 A CONDITION OF RECEIVING SUCH MEDICAID PAYMENTS, BENCHMARKS AND GOALS TO  
36 BE ACHIEVED IN CONFORMITY WITH THE PROVIDER'S WRITTEN PROPOSAL AS  
37 APPROVED BY THE COMMISSIONER AND MAY ALSO REQUIRE THAT THE PROVIDER  
38 SUBMIT SUCH PERIODIC REPORTS CONCERNING THE ACHIEVEMENT OF SUCH BENCH-  
39 MARKS AND GOALS AS THE COMMISSIONER DEEMS NECESSARY. FAILURE TO ACHIEVE  
40 SATISFACTORY PROGRESS, AS DETERMINED BY THE COMMISSIONER, IN ACCOMPLISH-  
41 ING SUCH BENCHMARKS AND GOALS SHALL BE A BASIS FOR ENDING THE PROVIDER'S  
42 MEDICAID PAYMENTS PRIOR TO THE END OF THE SPECIFIED TIMEFRAME.

43 (II) THE COMMISSIONER MAY REQUIRE THAT APPLICATIONS SUBMITTED PURSUANT  
44 TO THIS SUBDIVISION BE SUBMITTED IN RESPONSE TO AND IN ACCORDANCE WITH A  
45 REQUEST FOR APPLICATIONS OR A REQUEST FOR PROPOSALS ISSUED BY THE  
46 COMMISSIONER.

47 S 25. Section 3605 of the public health law is amended by adding a new  
48 subdivision 14 to read as follows:

49 14. NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW AND SUBJECT TO THE  
50 AVAILABILITY OF FEDERAL FINANCIAL PARTICIPATION, FOR PERIODS ON AND  
51 AFTER APRIL FIRST, TWO THOUSAND FOURTEEN, THE COMMISSIONER IS AUTHORIZED  
52 TO MAKE TEMPORARY PERIODIC LUMP-SUM MEDICAID PAYMENTS TO LICENSED HOME  
53 CARE SERVICE AGENCIES ("LHCSA") PRINCIPALLY ENGAGED IN PROVIDING HOME  
54 HEALTH SERVICES TO MEDICAID PATIENTS, IN ACCORDANCE WITH THE FOLLOWING:

55 (A) ELIGIBLE LHCSA PROVIDERS SHALL INCLUDE:

56 (I) PROVIDERS UNDERGOING CLOSURE;

1 (II) PROVIDERS IMPACTED BY THE CLOSURE OF OTHER HEALTH CARE PROVIDERS;  
2 (III) PROVIDERS SUBJECT TO MERGERS, ACQUISITIONS, CONSOLIDATIONS OR  
3 RESTRUCTURING;

4 (IV) PROVIDERS IMPACTED BY THE MERGER, ACQUISITION, CONSOLIDATION OR  
5 RESTRUCTURING OF OTHER HEALTH CARE PROVIDERS; OR

6 (V) PROVIDERS SEEKING TO ENSURE THAT ACCESS TO CARE IS MAINTAINED.

7 (B) PROVIDERS SEEKING MEDICAID PAYMENTS UNDER THIS SUBDIVISION SHALL  
8 DEMONSTRATE THROUGH SUBMISSION OF A WRITTEN PROPOSAL TO THE COMMISSIONER  
9 THAT THE ADDITIONAL RESOURCES PROVIDED BY SUCH MEDICAID PAYMENTS WILL  
10 ACHIEVE ONE OR MORE OF THE FOLLOWING:

11 (I) PROTECT OR ENHANCE ACCESS TO CARE;

12 (II) PROTECT OR ENHANCE QUALITY OF CARE;

13 (III) IMPROVE THE COST EFFECTIVENESS OF THE DELIVERY OF HEALTH CARE  
14 SERVICES; OR

15 (IV) OTHERWISE PROTECT OR ENHANCE THE HEALTH CARE DELIVERY SYSTEM, AS  
16 DETERMINED BY THE COMMISSIONER.

17 (C) (I) SUCH WRITTEN PROPOSAL SHALL BE SUBMITTED TO THE COMMISSIONER  
18 AT LEAST SIXTY DAYS PRIOR TO THE REQUESTED COMMENCEMENT OF SUCH MEDICAID  
19 PAYMENTS AND SHALL INCLUDE A PROPOSED BUDGET TO ACHIEVE THE GOALS OF THE  
20 PROPOSAL. ANY MEDICAID PAYMENTS ISSUED PURSUANT TO THIS SUBDIVISION  
21 SHALL BE MADE OVER A SPECIFIED PERIOD OF TIME, AS DETERMINED BY THE  
22 COMMISSIONER, OF UP TO THREE YEARS. AT THE END OF THE SPECIFIED TIME-  
23 FRAME SUCH PAYMENTS SHALL CEASE. THE COMMISSIONER MAY ESTABLISH, AS A  
24 CONDITION OF RECEIVING SUCH MEDICAID PAYMENTS, BENCHMARKS AND GOALS TO  
25 BE ACHIEVED IN CONFORMITY WITH THE PROVIDER'S WRITTEN PROPOSAL AS  
26 APPROVED BY THE COMMISSIONER AND MAY ALSO REQUIRE THAT THE PROVIDER  
27 SUBMIT SUCH PERIODIC REPORTS CONCERNING THE ACHIEVEMENT OF SUCH BENCH-  
28 MARKS AND GOALS AS THE COMMISSIONER DEEMS NECESSARY. FAILURE TO ACHIEVE  
29 SATISFACTORY PROGRESS, AS DETERMINED BY THE COMMISSIONER, IN ACCOMPLISH-  
30 ING SUCH BENCHMARKS AND GOALS SHALL BE A BASIS FOR ENDING THE PROVIDER'S  
31 MEDICAID PAYMENTS PRIOR TO THE END OF THE SPECIFIED TIMEFRAME.

32 (II) THE COMMISSIONER MAY REQUIRE THAT APPLICATIONS SUBMITTED PURSUANT  
33 TO THIS SUBDIVISION BE SUBMITTED IN RESPONSE TO AND IN ACCORDANCE WITH A  
34 REQUEST FOR APPLICATIONS OR A REQUEST FOR PROPOSALS ISSUED BY THE  
35 COMMISSIONER.

36 S 26. Section 3614 of the public health law is amended by adding a new  
37 subdivision 14 to read as follows:

38 14. (A) NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW AND SUBJECT TO  
39 THE AVAILABILITY OF FEDERAL FINANCIAL PARTICIPATION, FOR PERIODS ON AND  
40 AFTER MARCH FIRST, TWO THOUSAND FOURTEEN THE COMMISSIONER SHALL ADJUST  
41 MEDICAID RATES OF PAYMENT FOR SERVICES PROVIDED BY CERTIFIED HOME HEALTH  
42 AGENCIES TO ADDRESS COST INCREASES STEMMING FROM THE WAGE INCREASES  
43 REQUIRED BY IMPLEMENTATION OF THE PROVISIONS OF SECTION THIRTY-SIX  
44 HUNDRED FOURTEEN-C OF THIS ARTICLE. SUCH RATE ADJUSTMENTS SHALL BE BASED  
45 ON A COMPARISON, AS DETERMINED BY THE COMMISSIONER, OF THE HOURLY  
46 COMPENSATION LEVELS FOR HOME HEALTH AIDES AND PERSONAL CARE AIDES AS  
47 REFLECTED IN THE EXISTING MEDICAID RATES FOR CERTIFIED HOME HEALTH AGEN-  
48 CIES TO THE HOURLY COMPENSATION LEVELS INCURRED AS A RESULT OF COMPLYING  
49 WITH THE PROVISIONS OF SECTION THIRTY-SIX HUNDRED FOURTEEN-C OF THIS  
50 ARTICLE.

51 (B) NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW AND SUBJECT TO THE  
52 AVAILABILITY OF FEDERAL FINANCIAL PARTICIPATION, FOR PERIODS ON AND  
53 AFTER MARCH FIRST, TWO THOUSAND FOURTEEN THE COMMISSIONER SHALL ADJUST  
54 MEDICAID RATES OF PAYMENT FOR SERVICES PROVIDED BY LONG TERM HOME HEALTH  
55 CARE PROGRAMS TO ADDRESS COST INCREASES STEMMING FROM THE WAGE INCREASES  
56 REQUIRED BY IMPLEMENTATION OF THE PROVISIONS OF SECTION THIRTY-SIX

1 HUNDRED FOURTEEN-C OF THIS ARTICLE. SUCH RATE ADJUSTMENTS SHALL BE BASED  
2 ON A COMPARISON, AS DETERMINED BY THE COMMISSIONER, OF THE HOURLY  
3 COMPENSATION LEVELS FOR HOME HEALTH AIDES AND PERSONAL CARE AIDES AS  
4 REFLECTED IN THE EXISTING MEDICAID RATES FOR LONG TERM HOME HEALTH CARE  
5 PROGRAMS TO THE HOURLY COMPENSATION LEVELS INCURRED AS A RESULT OF  
6 COMPLYING WITH THE PROVISIONS OF SECTION THIRTY-SIX HUNDRED FOURTEEN-C  
7 OF THIS ARTICLE.

8 S 26-a. Paragraph (d) of subdivision 2-c of section 2808 of the public  
9 health law, as added by section 95 of part H of chapter 59 of the laws  
10 of 2011, is amended to read as follows:

11 (d) The commissioner shall promulgate regulations, and may promulgate  
12 emergency regulations, to implement the provisions of this subdivision.  
13 Such regulations shall be developed in consultation with the nursing  
14 home industry and advocates for residential health care facility resi-  
15 dents and, further, the commissioner shall provide notification concern-  
16 ing such regulations to the chairs of the senate and assembly health  
17 committees, the chair of the senate finance committee and the chair of  
18 the assembly ways and means committee. Such regulations shall include  
19 provisions for rate adjustments or payment enhancements to facilitate a  
20 minimum four-year transition of facilities to the rate-setting methodol-  
21 ogy established by this subdivision and may also include, but not be  
22 limited to, provisions for facilitating quality improvements in residen-  
23 tial health care facilities. FOR PURPOSES OF FACILITATING QUALITY  
24 IMPROVEMENTS THROUGH THE ESTABLISHMENT OF A NURSING HOME QUALITY POOL,  
25 THOSE FACILITIES THAT CONTRIBUTE TO THE QUALITY POOL, BUT ARE DEEMED  
26 INELIGIBLE FOR QUALITY POOL PAYMENTS DUE EXCLUSIVELY TO A SPECIFIC CASE  
27 OF EMPLOYEE MISCONDUCT, SHALL NEVERTHELESS BE ELIGIBLE FOR A QUALITY  
28 POOL PAYMENT IF THE FACILITY PROPERLY REPORTED THE INCIDENT, DID NOT  
29 RECEIVE A SURVEY CITATION FROM THE COMMISSIONER OR THE CENTERS FOR MEDI-  
30 CARE AND MEDICAID SERVICES ESTABLISHING THE FACILITY'S CULPABILITY WITH  
31 REGARD TO SUCH MISCONDUCT AND, BUT FOR THE SPECIFIC CASE OF EMPLOYEE  
32 MISCONDUCT, THE FACILITY WOULD HAVE OTHERWISE RECEIVED A QUALITY POOL  
33 PAYMENT. REGULATIONS PERTAINING TO THE FACILITATION OF QUALITY IMPROVE-  
34 MENT MAY BE MADE EFFECTIVE FOR PERIODS ON AND AFTER JANUARY FIRST, TWO  
35 THOUSAND THIRTEEN.

36 S 27. The public health law is amended by adding a new section 2826 to  
37 read as follows:

38 S 2826. TEMPORARY ADJUSTMENT TO REIMBURSEMENT RATES. (A) NOTWITH-  
39 STANDING ANY PROVISION OF LAW TO THE CONTRARY, WITHIN FUNDS APPROPRIATED  
40 AND SUBJECT TO THE AVAILABILITY OF FEDERAL FINANCIAL PARTICIPATION, THE  
41 COMMISSIONER MAY GRANT APPROVAL OF A TEMPORARY ADJUSTMENT TO THE NON-CA-  
42 PITAL COMPONENTS OF RATES, OR MAKE TEMPORARY LUMP-SUM MEDICAID PAYMENTS,  
43 TO ELIGIBLE GENERAL HOSPITALS, SKILLED NURSING FACILITIES, CLINICS AND  
44 HOME CARE PROVIDERS, PROVIDED HOWEVER, THAT SHOULD FEDERAL FINANCIAL  
45 PARTICIPATION NOT BE AVAILABLE FOR ANY ELIGIBLE PROVIDER, THEN PAYMENTS  
46 PURSUANT TO THIS SUBDIVISION MAY BE MADE AS GRANTS AND SHALL NOT BE  
47 DEEMED TO BE MEDICAL ASSISTANCE PAYMENTS.

48 (B) ELIGIBLE PROVIDERS SHALL INCLUDE:

49 (I) PROVIDERS UNDERGOING CLOSURE;

50 (II) PROVIDERS IMPACTED BY THE CLOSURE OF OTHER HEALTH CARE PROVIDERS;

51 (III) PROVIDERS SUBJECT TO MERGERS, ACQUISITIONS, CONSOLIDATIONS OR  
52 RESTRUCTURING; OR

53 (IV) PROVIDERS IMPACTED BY THE MERGER, ACQUISITION, CONSOLIDATION OR  
54 RESTRUCTURING OF OTHER HEALTH CARE PROVIDERS.

55 (C) PROVIDERS SEEKING TEMPORARY RATE ADJUSTMENTS UNDER THIS SECTION  
56 SHALL DEMONSTRATE THROUGH SUBMISSION OF A WRITTEN PROPOSAL TO THE

1 COMMISSIONER THAT THE ADDITIONAL RESOURCES PROVIDED BY A TEMPORARY RATE  
2 ADJUSTMENT WILL ACHIEVE ONE OR MORE OF THE FOLLOWING:

- 3 (I) PROTECT OR ENHANCE ACCESS TO CARE;
- 4 (II) PROTECT OR ENHANCE QUALITY OF CARE;
- 5 (III) IMPROVE THE COST EFFECTIVENESS OF THE DELIVERY OF HEALTH CARE  
6 SERVICES; OR
- 7 (IV) OTHERWISE PROTECT OR ENHANCE THE HEALTH CARE DELIVERY SYSTEM, AS  
8 DETERMINED BY THE COMMISSIONER.

9 (D) (I) SUCH WRITTEN PROPOSAL SHALL BE SUBMITTED TO THE COMMISSIONER  
10 AT LEAST SIXTY DAYS PRIOR TO THE REQUESTED EFFECTIVE DATE OF THE TEMPO-  
11 RARY RATE ADJUSTMENT, AND SHALL INCLUDE A PROPOSED BUDGET TO ACHIEVE THE  
12 GOALS OF THE PROPOSAL. ANY MEDICAID PAYMENT ISSUED PURSUANT TO THIS  
13 SECTION SHALL BE IN EFFECT FOR A SPECIFIED PERIOD OF TIME AS DETERMINED  
14 BY THE COMMISSIONER, OF UP TO THREE YEARS. AT THE END OF THE SPECIFIED  
15 TIMEFRAME SUCH PAYMENTS OR ADJUSTMENTS TO THE NON-CAPITAL COMPONENT OF  
16 RATES SHALL CEASE, AND THE PROVIDER SHALL BE REIMBURSED IN ACCORDANCE  
17 WITH THE OTHERWISE APPLICABLE RATE-SETTING METHODOLOGY AS SET FORTH IN  
18 APPLICABLE STATUTES AND REGULATIONS. THE COMMISSIONER MAY ESTABLISH, AS  
19 A CONDITION OF RECEIVING SUCH TEMPORARY RATE ADJUSTMENTS OR GRANTS,  
20 BENCHMARKS AND GOALS TO BE ACHIEVED IN CONFORMITY WITH THE PROVIDER'S  
21 WRITTEN PROPOSAL AS APPROVED BY THE COMMISSIONER AND MAY ALSO REQUIRE  
22 THAT THE FACILITY SUBMIT SUCH PERIODIC REPORTS CONCERNING THE ACHIEVE-  
23 MENT OF SUCH BENCHMARKS AND GOALS AS THE COMMISSIONER DEEMS NECESSARY.  
24 FAILURE TO ACHIEVE SATISFACTORY PROGRESS, AS DETERMINED BY THE COMMIS-  
25 SIONER, IN ACCOMPLISHING SUCH BENCHMARKS AND GOALS SHALL BE A BASIS FOR  
26 ENDING THE FACILITY'S TEMPORARY RATE ADJUSTMENT OR GRANT PRIOR TO THE  
27 END OF THE SPECIFIED TIMEFRAME. (II) THE COMMISSIONER MAY REQUIRE THAT  
28 APPLICATIONS SUBMITTED PURSUANT TO THIS SECTION BE SUBMITTED IN RESPONSE  
29 TO AND IN ACCORDANCE WITH A REQUEST FOR APPLICATIONS OR A REQUEST FOR  
30 PROPOSALS ISSUED BY THE COMMISSIONER.

31 (E) NOTWITHSTANDING ANY LAW TO THE CONTRARY, GENERAL HOSPITALS DEFINED  
32 AS CRITICAL ACCESS HOSPITALS PURSUANT TO TITLE XVIII OF THE FEDERAL  
33 SOCIAL SECURITY ACT SHALL BE ALLOCATED NO LESS THAN FIVE MILLION DOLLARS  
34 ANNUALLY PURSUANT TO THIS SECTION. THE DEPARTMENT OF HEALTH SHALL  
35 PROVIDE A REPORT TO THE GOVERNOR AND LEGISLATURE NO LATER THAN DECEMBER  
36 FIRST, TWO THOUSAND FOURTEEN PROVIDING RECOMMENDATIONS ON HOW TO ENSURE  
37 THE FINANCIAL STABILITY OF, AND PRESERVE PATIENT ACCESS TO, CRITICAL  
38 ACCESS HOSPITALS.

39 S 27-a. Subdivision 2 of section 365-a of the social services law is  
40 amended by adding a new paragraph (bb) to read as follows:

41 (BB) SUBJECT TO THE AVAILABILITY OF FEDERAL FINANCIAL PARTICIPATION,  
42 SERVICES AND SUPPORTS AUTHORIZED BY THE FEDERAL REGULATIONS GOVERNING  
43 THE HOME AND COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS STATE PLAN  
44 OPTION (COMMUNITY FIRST CHOICE) PURSUANT TO 42 U.S.C. S 1396N(K).

45 S 27-b. Section 365-f of the social services law is amended by adding  
46 a new subdivision 8 to read as follows:

47 8. SUBJECT TO THE AVAILABILITY OF FEDERAL FINANCIAL PARTICIPATION, THE  
48 PROVISIONS OF THIS SECTION GOVERNING CONSUMER DIRECTED PERSONAL ASSIST-  
49 ANCE SERVICES SHALL ALSO APPLY TO SUCH SERVICES WHEN OFFERED UNDER THE  
50 HOME AND COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS STATE PLAN  
51 OPTION (COMMUNITY FIRST CHOICE) PURSUANT TO 42 U.S.C. S 1396N(K).

52 S 27-c. Subparagraph (iii) of paragraph a of subdivision 1 of section  
53 6908 of the education law, as amended by chapter 160 of the laws of  
54 2003, is amended to read as follows:

55 (iii) the providing of care by a person acting in the place of a  
56 person exempt under clause (i) of this paragraph, but who does hold

1 himself or herself out as one who accepts employment for performing such  
2 care, where nursing services are under the instruction of a licensed  
3 nurse, or under the instruction of a patient or family or household  
4 member determined by a registered professional nurse to be self-direct-  
5 ing and capable of providing such instruction, and [any remuneration is]  
6 SERVICES ARE provided under section three hundred sixty-five-f of the  
7 social services law; or

8 S 27-d. Intentionally omitted.

9 S 27-e. Intentionally omitted.

10 S 27-f. Intentionally omitted.

11 S 27-h. Section 57-c of part A of chapter 56 of the laws of 2013,  
12 relating to establishing the home and community-based care work group,  
13 is amended to read as follows:

14 S 57-c. Home and community based care workgroup. The commissioner of  
15 health shall convene a home and community based care workgroup to exam-  
16 ine and make recommendations on issues which include, but are not limit-  
17 ed to:

18 a. State and federal regulatory requirements and related policy guide-  
19 lines (including the applicability of the federal conditions of partic-  
20 ipation);

21 b. Efficient home and community based care delivery, including tele-  
22 health and hospice services; [and]

23 c. Alignment of functions between managed care entities and home and  
24 community based providers[.]; AND

25 D. BEST PRACTICE FOR CLEAN CLAIMS AND RELATED DISPUTE RESOLUTION.

26 The workgroup shall be 11 members. The members of the workgroup shall  
27 including providers, plans and representatives of consumers and direct  
28 caregivers with relevant expertise.

29 The commissioner of health, or his or her designee shall chair the  
30 workgroup and department of health and other executive agencies and  
31 offices shall provide relevant data and other information as is neces-  
32 sary for the group to perform its duties.

33 The commissioner of health shall convene this workgroup by May 15,  
34 [2013] 2014 and the group shall issue [a report] PERIODIC REPORTS with  
35 recommendations by March 1, 2014, SEPTEMBER 1, 2014 AND FEBRUARY 28,  
36 2015.

37 S 28. Subdivision 35 of section 2807-c of the public health law is  
38 amended by adding a new paragraph (j) to read as follows:

39 (J) NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW, WITH REGARD TO  
40 INPATIENT AND OUTPATIENT MEDICAID RATES OF PAYMENT FOR GENERAL HOSPITAL  
41 SERVICES, THE COMMISSIONER MAY MAKE SUCH ADJUSTMENTS TO SUCH RATES AND  
42 TO THE METHODOLOGY FOR COMPUTING SUCH RATES AS IS NECESSARY TO ACHIEVE  
43 NO AGGREGATE, NET INCREASE OR DECREASE IN OVERALL MEDICAID EXPENDITURES  
44 RELATED TO THE IMPLEMENTATION OF THE INTERNATIONAL CLASSIFICATION OF  
45 DISEASES VERSION 10 (ICD-10) CODING SYSTEM ON OR ABOUT OCTOBER FIRST,  
46 TWO THOUSAND FOURTEEN, AS COMPARED TO SUCH AGGREGATE EXPENDITURES FROM  
47 THE TWELVE-MONTH PERIOD IMMEDIATELY PRIOR TO SUCH IMPLEMENTATION.

48 S 29. Subparagraph (i) of paragraph (e-1) of subdivision 4 of section  
49 2807-c of the public health law, as amended by section 41 of part B of  
50 chapter 58 of the laws of 2010, is amended to read as follows:

51 (i) For rate periods on and after April first, two thousand ten, the  
52 commissioner, in consultation with the commissioner of the office of  
53 mental health, shall promulgate regulations, and may promulgate emergen-  
54 cy regulations, establishing methodologies for determining the operating  
55 cost components of rates of payments for services described in this  
56 paragraph. Such regulations shall utilize two thousand five operating

1 costs as submitted to the department prior to July first, two thousand  
2 nine and shall provide for methodologies establishing per diem inpatient  
3 rates that utilize case mix adjustment mechanisms. Such regulations  
4 shall contain criteria for adjustments based on length of stay AND MAY  
5 ALSO PROVIDE FOR A BASE YEAR UPDATE, PROVIDED, HOWEVER, THAT SUCH BASE  
6 YEAR UPDATE SHALL TAKE EFFECT NO EARLIER THAN APRIL FIRST, TWO THOUSAND  
7 FIFTEEN, AND PROVIDED FURTHER, HOWEVER, THAT THE COMMISSIONER MAY MAKE  
8 SUCH ADJUSTMENTS TO SUCH UTILIZATION AND TO THE METHODOLOGY FOR COMPUT-  
9 ING SUCH RATES AS IS NECESSARY TO ACHIEVE NO AGGREGATE, NET GROWTH IN  
10 OVERALL MEDICAID EXPENDITURES RELATED TO SUCH RATES, AS COMPARED TO SUCH  
11 AGGREGATE EXPENDITURES FROM THE PRIOR YEAR. IN DETERMINING THE UPDATED  
12 BASE YEAR TO BE UTILIZED PURSUANT TO THIS SUBPARAGRAPH, THE COMMISSIONER  
13 SHALL TAKE INTO ACCOUNT THE BASE YEAR DETERMINED IN ACCORDANCE WITH  
14 PARAGRAPH (C) OF SUBDIVISION THIRTY-FIVE OF THIS SECTION.

15 S 30. Subparagraph (vii) of paragraph (e-2) of subdivision 4 of  
16 section 2807-c of the public health law, as added by section 13 of part  
17 C of chapter 58 of the laws of 2009, is amended to read as follows:

18 (vii) The commissioner may promulgate regulations, including emergency  
19 regulations, implementing the provisions of this paragraph, AND,  
20 FURTHER, SUCH REGULATIONS MAY PROVIDE FOR AN UPDATE OF THE BASE YEAR  
21 COSTS AND STATISTICS USED TO COMPUTE SUCH RATES, PROVIDED, HOWEVER, THAT  
22 SUCH BASE YEAR UPDATE SHALL TAKE EFFECT NO EARLIER THAN APRIL FIRST, TWO  
23 THOUSAND FIFTEEN, AND PROVIDED FURTHER, HOWEVER, THAT THE COMMISSIONER  
24 MAY MAKE SUCH ADJUSTMENTS TO SUCH UTILIZATION AND TO THE METHODOLOGY FOR  
25 COMPUTING SUCH RATES AS IS NECESSARY TO ACHIEVE NO AGGREGATE, NET GROWTH  
26 IN OVERALL MEDICAID EXPENDITURES RELATED TO SUCH RATES, AS COMPARED TO  
27 SUCH AGGREGATE EXPENDITURES FROM THE PRIOR YEAR. IN DETERMINING THE  
28 UPDATED BASE YEAR TO BE UTILIZED PURSUANT TO THIS SUBPARAGRAPH, THE  
29 COMMISSIONER SHALL TAKE INTO ACCOUNT THE BASE YEAR DETERMINED IN ACCORD-  
30 ANCE WITH PARAGRAPH (C) OF SUBDIVISION THIRTY-FIVE OF THIS SECTION.

31 S 31. Paragraph (l) of subdivision 4 of section 2807-c of the public  
32 health law is amended by adding a new subparagraph (v) to read as  
33 follows:

34 (V) THE COMMISSIONER MAY PROMULGATE REGULATIONS, INCLUDING EMERGENCY  
35 REGULATIONS, PROVIDING FOR AN UPDATE OF THE BASE YEAR COSTS AND STATIS-  
36 TICS USED TO COMPUTE RATES OF PAYMENT PURSUANT TO THIS PARAGRAPH,  
37 PROVIDED, HOWEVER, THAT SUCH BASE YEAR UPDATE SHALL TAKE EFFECT NO  
38 EARLIER THAN APRIL FIRST, TWO THOUSAND FIFTEEN, AND PROVIDED FURTHER,  
39 HOWEVER, THAT THE COMMISSIONER MAY MAKE SUCH ADJUSTMENTS TO SUCH UTILI-  
40 ZATION AND TO THE METHODOLOGY FOR COMPUTING SUCH RATES AS IS NECESSARY  
41 TO ACHIEVE NO AGGREGATE, NET GROWTH IN OVERALL MEDICAID EXPENDITURES  
42 RELATED TO SUCH RATES, AS COMPARED TO SUCH AGGREGATE EXPENDITURES FROM  
43 THE PRIOR YEAR. IN DETERMINING THE UPDATED BASE YEAR TO BE UTILIZED  
44 PURSUANT TO THIS SUBPARAGRAPH, THE COMMISSIONER SHALL TAKE INTO ACCOUNT  
45 THE BASE YEAR DETERMINED IN ACCORDANCE WITH PARAGRAPH (C) OF SUBDIVISION  
46 THIRTY-FIVE OF THIS SECTION.

47 S 32. Paragraph (c) of subdivision 35 of section 2807-c of the public  
48 health law, as amended by section 26 of part A of chapter 56 of the laws  
49 of 2013, is amended to read as follows:

50 (c) The base period reported costs and statistics used for rate-set-  
51 ting for operating cost components, including the weights assigned to  
52 diagnostic related groups, shall be updated no less frequently than  
53 every four years and the new base period shall be no more than four  
54 years prior to the first applicable rate period that utilizes such new  
55 base period provided, however, that the first updated base period shall

1 begin on [January] OR AFTER APRIL first, two thousand fourteen, BUT NO  
2 LATER THAN JULY FIRST, TWO THOUSAND FOURTEEN.

3 S 32-a. Notwithstanding any contrary provision of law, the commission-  
4 er of health shall establish a workgroup to review and investigate Medi-  
5 caid inpatient rate-setting methodologies with regard to hospitals whose  
6 rates are governed by paragraphs (e-1), (e-2) and (l) of subdivision 4  
7 of section 2807-c of the public health law and with particular regard to  
8 the impact of the utilization of updated base years in the computation  
9 of such rates. The workgroup shall contain designated staff of the  
10 department of health, representatives of hospital associations and such  
11 other interested stakeholders as determined by the commissioner. The  
12 commissioner shall consider the recommendations of such workgroup in  
13 determining proposed revised rates reflecting the utilization of such  
14 updated base years and shall make such proposed revised rates available  
15 to the chairs of the senate and assembly health committees no less than  
16 thirty days prior to the effective date for such rates. Such updated  
17 base years shall be implemented for rate periods commencing no earlier  
18 than April 1, 2015.

19 S 33. Subdivision 1 of section 92 of part H of chapter 59 of the laws  
20 of 2011, amending the public health law and other laws relating to known  
21 and projected department of health state fund medicaid expenditures, as  
22 amended by section 3 of part A of chapter 56 of the laws of 2013, is  
23 amended to read as follows:

24 1. For state fiscal years 2011-12 through [2014-15] 2015-16, the  
25 director of the budget, in consultation with the commissioner of health  
26 referenced as "commissioner" for purposes of this section, shall assess  
27 on a monthly basis, as reflected in monthly reports pursuant to subdivi-  
28 sion five of this section known and projected department of health state  
29 funds medicaid expenditures by category of service and by geographic  
30 regions, as defined by the commissioner, and if the director of the  
31 budget determines that such expenditures are expected to cause medicaid  
32 disbursements for such period to exceed the projected department of  
33 health medicaid state funds disbursements in the enacted budget finan-  
34 cial plan pursuant to subdivision 3 of section 23 of the state finance  
35 law, the commissioner of health, in consultation with the director of  
36 the budget, shall develop a medicaid savings allocation plan to limit  
37 such spending to the aggregate limit level specified in the enacted  
38 budget financial plan, provided, however, such projections may be  
39 adjusted by the director of the budget to account for any changes in the  
40 New York state federal medical assistance percentage amount established  
41 pursuant to the federal social security act, changes in provider reven-  
42 ues, reductions to local social services district medical assistance  
43 administration, and beginning April 1, 2012 the operational costs of the  
44 New York state medical indemnity fund. Such projections may be adjusted  
45 by the director of the budget to account for increased or expedited  
46 department of health state funds medicaid expenditures as a result of a  
47 natural or other type of disaster, including a governmental declaration  
48 of emergency.

49 S 33-a. Subdivision 5 of section 92 of part H of chapter 59 of the  
50 laws of 2011, amending the public health law and other laws relating to  
51 known and projected department of health state fund medicaid expendi-  
52 tures, as amended by section 3 of part A of chapter 56 of the laws of  
53 2013, is amended and three new subdivisions 6, 7, and 8 are added to  
54 read as follows:



1 5. The [department of health] COMMISSIONER OF HEALTH, IN CONSULTATION  
2 WITH THE DIRECTOR OF BUDGET, shall prepare a monthly report that sets  
3 forth:

4 (a) known and projected department of health medicaid expenditures as  
5 described in subdivision one of this section, and factors that could  
6 result in medicaid disbursements for the relevant state fiscal year to  
7 exceed the projected department of health state funds disbursements in  
8 the enacted budget financial plan pursuant to subdivision 3 of section  
9 23 of the state finance law, including spending increases or decreases  
10 due to: enrollment fluctuations, rate changes, utilization changes, MRT  
11 investments, and shift of beneficiaries to managed care; and variations  
12 in offline medicaid payments; [and]

13 (b) the actions taken to implement any medicaid savings allocation  
14 plan implemented pursuant to subdivision four of this section, including  
15 information concerning the impact of such actions on each category of  
16 service and each geographic region of the state. [Each such monthly  
17 report shall be provided to the chairs of the senate finance and the  
18 assembly ways and means committees and shall be posted on the department  
19 of health's website in a timely manner.]

20 (C) THE PRICE, TO INCLUDE THE BASE RATE PLUS ANY UPCOMING RATE ADJUST-  
21 MENT; UTILIZATION, TO INCLUDE CURRENT ENROLLMENT, PROJECTED ENROLLMENT  
22 CHANGES AND ACUITY; AND MEDICAID REDESIGN TEAM INITIATIVES, ONE-TIME  
23 INITIATIVES AND OTHER INITIATIVES DESCRIBING THE PROPOSED BUDGET ACTION  
24 IMPACT, ANY PRIOR YEAR INITIATIVE WITH CURRENT AND FUTURE YEAR IMPACTS  
25 FOR THE FOLLOWING CATEGORIES OF SPENDING:

26 (I) INPATIENT;  
27 (II) OUTPATIENT;  
28 (III) EMERGENCY ROOM;  
29 (IV) CLINIC;  
30 (V) NURSING HOMES;  
31 (VI) OTHER LONG TERM CARE;  
32 (VII) MEDICAID MANAGED CARE;  
33 (VIII) FAMILY HEALTH PLUS;  
34 (IX) PHARMACY;  
35 (X) TRANSPORTATION;  
36 (XI) DENTAL;  
37 (XII) NON-INSTITUTIONAL AND ALL OTHER CATEGORIES;  
38 (XIII) AFFORDABLE HOUSING;  
39 (XIV) VITAL ACCESS PROVIDER SERVICES;  
40 (XV) BEHAVIORAL HEALTH VITAL ACCESS PROVIDER SERVICES;  
41 (XVI) HEALTH HOME ESTABLISHMENT GRANTS;  
42 (XVII) GRANTS FOR FACILITATING TRANSITION OF BEHAVIORAL HEALTH SERVICE  
43 TO MANAGED CARE;

44 (XVIII) FINGER LAKES HEALTH SERVICES AGENCY;  
45 (XIX) THE TRANSITION OF VULNERABLE POPULATIONS TO MANAGED CARE;  
46 (XX) AUDIT RECOVERIES AND SETTLEMENTS; AND  
47 (D) WHERE PRICE AND UTILIZATION ARE NOT APPLICABLE, DETAIL SHALL BE  
48 PROVIDED ON SPENDING, TO INCLUDE BUT NOT BE LIMITED TO:

49 (I) DEMOGRAPHIC INFORMATION OF TARGETED RECIPIENTS;  
50 (II) NUMBER OF RECIPIENTS;  
51 (III) AWARD AMOUNTS;  
52 (IV) TIMING OF AWARDS; AND  
53 (V) THE IMPACT OF MEDICAID REDESIGN TEAM AND/OR ONE-TIME INITIATIVES.  
54 INFORMATION REQUIRED BY PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION  
55 SHALL BE PROVIDED TO THE CHAIRS OF THE SENATE FINANCE AND THE ASSEMBLY

1 WAYS AND MEANS COMMITTEES, AND SHALL BE POSTED ON THE DEPARTMENT OF  
2 HEALTH'S WEBSITE IN THE TIMELY MANNER.

3 (E) BEGINNING ON JULY 1, 2014, ADDITIONAL INFORMATION REQUIRED BY  
4 PARAGRAPHS (C) AND (D) OF THIS SUBDIVISION SHALL BE PROVIDED TO THE  
5 GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE  
6 ASSEMBLY, THE CHAIR OF THE SENATE FINANCE COMMITTEE, THE CHAIR OF THE  
7 ASSEMBLY WAYS AND MEANS COMMITTEE, AND THE CHAIRS OF THE SENATE AND  
8 ASSEMBLY HEALTH COMMITTEES.

9 (F) ANY PROJECTED MEDICAID SAVINGS DETERMINED BY THE COMMISSIONER OF  
10 HEALTH PURSUANT TO SECTION 34 OF PART C OF A CHAPTER OF THE LAWS OF  
11 2014, RELATING TO THE IMPLEMENTATION OF THE HEALTH AND MENTAL HYGIENE  
12 BUDGET, AND THE PROPOSED ALLOCATION PLAN WITH REGARD TO SUCH SAVINGS.

13 6. THE COMMISSIONER OF HEALTH AND THE DIRECTOR OF THE BUDGET SHALL  
14 MAKE APPROPRIATE STAFF AVAILABLE TO MEET WITH THE CHAIRS OF THE HEALTH  
15 COMMITTEES OF THE NEW YORK STATE SENATE AND THE NEW YORK STATE ASSEMBLY,  
16 OR THEIR DESIGNEES, UPON THEIR REQUEST AND WITH REASONABLE NOTICE, TO  
17 REVIEW EACH MONTHLY REPORT, AS DESCRIBED IN THIS SUBDIVISION.

18 7. THE COMMISSIONER OF HEALTH SHALL MAKE TRAINING AVAILABLE TO DESIG-  
19 NATED LEGISLATIVE STAFF WITH REGARD TO THE SKILLS AND TECHNIQUES NEEDED  
20 TO EFFECTIVELY ACCESS AND REVIEW RELEVANT MEDICAID DATA BASES UNDER THE  
21 CONTROL OF THE DEPARTMENT OF HEALTH, UPON THEIR REQUEST AND WITH REASON-  
22 ABLE NOTICE.

23 8. THE MONTHLY REPORTS AS DESCRIBED IN SUBDIVISION FIVE OF THIS  
24 SECTION AND RELATED DOCUMENTS PROVIDED TO THE NEW YORK STATE LEGISLATURE  
25 SHALL BE POSTED ON THE WEBSITE MAINTAINED BY THE DEPARTMENT OF HEALTH.

26 S 34. Notwithstanding any contrary provision of law and subject to the  
27 availability of federal financial participation, for state fiscal years  
28 beginning on and after April 1, 2014, the commissioner of health, in  
29 consultation with the director of the budget, shall, prior to January  
30 first of each year, determine the extent of savings that have been  
31 achieved as a result of the application of the provisions of sections 91  
32 and 92 of part H of chapter 59 of the laws of 2011, as amended, and  
33 shall further determine the availability of such savings for distrib-  
34 ution during the last quarter of such state fiscal year. In determining  
35 such savings the commissioner of health, in consultation with the direc-  
36 tor of the budget, may exempt the medical assistance administration  
37 program from distributions under this section. The commissioner of  
38 health, in consultation with the director of the budget, may distribute  
39 funds up to an amount equal to such available savings in accordance with  
40 an allocation plan that utilizes a methodology that distributes such  
41 funds proportionately among providers and plans in New York's Medicaid  
42 program. In developing such allocation plan the commissioner of health  
43 shall seek the input of the legislature, as well as organizations  
44 representing health care providers, consumers, businesses, workers,  
45 health care insurers and others with relevant expertise. Such allocation  
46 plan shall utilize three years of the most recently available system-  
47 wide expenditure data reflecting both MMIS and managed care encounters.  
48 Distributions to managed care plans shall be based on the administrative  
49 outlays stemming from participation in the Medicaid program. The commis-  
50 sioner of health may impose minimum threshold amounts in determining  
51 provider eligibility for distributions pursuant to this section. No less  
52 than fifty percent of the amount available for distribution shall be  
53 made available for the purpose of assisting eligible providers utilizing  
54 the methodology outlined above. The remainder of the distributions  
55 pursuant to this section shall be made available for the purposes of  
56 ensuring a minimum level of assistance to financially distressed and

1 critically needed providers as identified by the commissioner. The  
2 commissioner of health shall post the Medicaid savings allocation plan  
3 on the department of health's website and shall provide written copies  
4 of such plan to the chairs of the senate finance and the assembly ways  
5 and means committees at least 30 days before the date on which implemen-  
6 tation is expected to begin. The commissioner of health is authorized to  
7 seek such federal approvals as may be required to effectuate the  
8 provisions of this section, including, but not limited to, to permit  
9 payment of such distributions as lumps sums and to secure waivers from  
10 otherwise applicable federal upper payment limit restrictions on such  
11 payments. The provisions of this section are subject to the reporting  
12 requirements set forth in paragraph (e) of subdivision 5 of section 92  
13 of part H of chapter 59 of the laws of 2011, as amended by section 33-a  
14 of part C of a chapter of the laws of 2014, relating to implementation  
15 of the health and mental hygiene budget.

16 S 34-a. Subdivision 1 of section 206 of the public health law is  
17 amended by adding a new paragraph (u) to read as follows:

18 (U) THE COMMISSIONER SHALL PROVIDE A WRITTEN OR ELECTRONIC COPY OF ANY  
19 STATE PLAN AMENDMENT SUBMITTED TO THE CENTERS FOR MEDICARE AND MEDICAID  
20 SERVICES TO THE CHAIR OF THE SENATE STANDING COMMITTEE ON HEALTH AND THE  
21 CHAIR OF THE ASSEMBLY HEALTH COMMITTEE, NO LATER THAN FIVE BUSINESS DAYS  
22 FROM THE DATE OF MAILING OR SUBMISSION.

23 S 35. Subdivision 9 of section 365-1 of the social services law, as  
24 added by section 6 of part A of chapter 56 of the laws of 2013, is  
25 amended to read as follows:

26 9. [Any] THE contract [or contracts] entered into by the commissioner  
27 of health prior to January first, two thousand thirteen pursuant to  
28 subdivision eight of this section may be amended or modified without the  
29 need for a competitive bid or request for proposal process, and without  
30 regard to the provisions of sections one hundred twelve and one hundred  
31 sixty-three of the state finance law, section one hundred forty-two of  
32 the economic development law, or any other provision of law, to allow  
33 the purchase of additional personnel and services, subject to available  
34 funding, for the limited purpose of assisting the department of health  
35 with implementing the Balancing Incentive Program, the Fully Integrated  
36 Duals Advantage Program, the Vital Access Provider Program, the Medicaid  
37 waiver amendment associated with the public hospital transformation, the  
38 addition of behavioral health services as a managed care plan benefit,  
39 THE DELIVERY SYSTEM REFORM INCENTIVE PAYMENT PLAN, ACTIVITIES TO FACILI-  
40 TATE THE TRANSITION OF VULNERABLE POPULATIONS TO MANAGED CARE and/or any  
41 workgroups required to be established by the chapter of the laws of two  
42 thousand thirteen that added this subdivision.

43 S 36. Section 92 of part H of chapter 59 of the laws of 2011, amending  
44 the public health law and other laws relating to known and projected  
45 department of health state fund medicaid expenditures, is amended by  
46 adding a new subdivision 6 to read as follows:

47 6. THE COMMISSIONER OF HEALTH, IN CONSULTATION WITH THE DIVISION OF  
48 THE BUDGET SHALL, UPON SUBMISSION OF THE EXECUTIVE BUDGET TO THE LEGIS-  
49 LATURE, PROVIDE A DETAILED ACCOUNTING OF THE STATE MEDICAID GLOBAL CAP  
50 ON THE CLOSE OUT OF THE PRIOR YEAR, A CURRENT YEAR RE-ESTIMATE, THE  
51 PROSPECTIVE TWO-YEAR ESTIMATE AND ANY OTHER INFORMATION DEEMED NECESSARY  
52 AND APPROPRIATE.

53 S 37. Notwithstanding any provision of law to the contrary, the  
54 department of health and its designees, in consultation with the assem-  
55 bly and the senate health committees and their designees, and the divi-  
56 sion of budget and its designees, shall explore the feasibility and

1 efficacy of codifying in consolidated law the provisions of section 92  
2 of part H of chapter 59 of the laws of 2011, and other such related laws  
3 and shall make such recommendations regarding codification by no later  
4 than June 1, 2014.

5 S 38. Subdivision (a) of section 90 of part H of chapter 59 of the  
6 laws of 2011, amending the public health law and other laws, relating to  
7 general hospital inpatient reimbursement for annual rates, as amended by  
8 section 1 of part A of chapter 56 of the laws of 2013, is amended to  
9 read as follows:

10 (a) (1) Notwithstanding any other provision of law to the contrary,  
11 for the state fiscal years beginning April 1, 2011 and ending on March  
12 31, [2015] 2014, all Medicaid payments made for services provided on and  
13 after April 1, 2011, shall, except as hereinafter provided, be subject  
14 to a uniform two percent reduction and such reduction shall be applied,  
15 to the extent practicable, in equal amounts during the fiscal year,  
16 provided, however, that an alternative method may be considered at the  
17 discretion of the commissioner of health and the director of the budget  
18 based upon consultation with the health care industry including but not  
19 limited to, a uniform reduction in Medicaid rates of payments or other  
20 reductions provided that any method selected achieves up to \$345,000,000  
21 in Medicaid state share savings in state fiscal year 2011-12 and up to  
22 \$357,000,000 annually in state fiscal years 2012-13[,] AND 2013-14 [and  
23 2014-15] except as hereinafter provided, for services provided on and  
24 after April 1, 2011 through March 31, [2015] 2014. Any alternative meth-  
25 ods to achieve the reduction must be provided in writing and shall be  
26 filed with the senate finance committee and the assembly ways and means  
27 committee not less than thirty days before the date on which implementa-  
28 tion is expected to begin. Nothing in this section shall be deemed to  
29 prevent all or part of such alternative reduction plan from taking  
30 effect retroactively, to the extent permitted by the federal centers for  
31 medicare and medicaid services.

32 (2) ALTERNATIVE METHODS OF COST CONTAINMENT AS AUTHORIZED AND IMPLE-  
33 MENTED PURSUANT TO PARAGRAPH ONE OF THIS SUBDIVISION SHALL CONTINUE TO  
34 BE APPLIED AND MAINTAINED FOR PERIODS ON AND AFTER APRIL 1, 2014,  
35 PROVIDED, HOWEVER, THAT THE COMMISSIONER OF HEALTH, IN CONSULTATION WITH  
36 THE DIRECTOR OF THE BUDGET, IS AUTHORIZED TO TERMINATE SUCH ALTERNATIVE  
37 METHODS UPON A FINDING THAT THEY ARE NO LONGER NECESSARY TO MAINTAIN  
38 ESSENTIAL COST SAVINGS.

39 S 39. Subdivisions (a) and (b) of section 364-jj of the social  
40 services law, as amended by section 80-a of part A of chapter 56 of the  
41 laws of 2013, are amended to read as follows:

42 (a) There is hereby established a special advisory review panel on  
43 Medicaid managed care. The panel shall consist of [twelve] SIXTEEN  
44 members who shall be appointed as follows: [four] SIX by the governor,  
45 one of which shall serve as the chair; [three] FOUR each by the tempo-  
46 rary president of the senate and the speaker of the assembly; and one  
47 each by the minority leader of the senate and the minority leader of the  
48 assembly. At least three members of such panel shall be members of the  
49 joint advisory panel established under section 13.40 of the mental  
50 hygiene law. THE PANEL SHALL INCLUDE A CONSUMER REPRESENTATIVE FOR INDI-  
51 VIDUALS WITH BEHAVIORAL HEALTH NEEDS, A CONSUMER REPRESENTATIVE FOR  
52 INDIVIDUALS WHO ARE DUALY ELIGIBLE FOR MEDICARE AND MEDICAID, A REPRE-  
53 SENTATIVE OF ENTITIES THAT PROVIDE OR ARRANGE FOR THE PROVISION OF  
54 SERVICES TO INDIVIDUALS WITH BEHAVIORAL HEALTH NEEDS, AND A REPRESEN-  
55 TATIVE OF ENTITIES THAT PROVIDE OR ARRANGE FOR THE PROVISION OF SERVICES  
56 TO INDIVIDUALS WHO ARE DUALY ELIGIBLE FOR MEDICARE AND MEDICAID.

1 Members shall serve without compensation but shall be reimbursed for  
2 appropriate expenses. The department shall provide technical assistance  
3 and access to data as is required for the panel to effectuate the  
4 mission and purposes established herein.

5 (b) The panel shall:

6 (i) determine whether there is sufficient managed care provider  
7 participation in the Medicaid managed care program;

8 (ii) determine whether managed care providers meet proper enrollment  
9 targets that permit as many Medicaid recipients as possible to make  
10 their own health plan decisions, thus minimizing the number of automatic  
11 assignments;

12 (iii) review the phase-in schedule for enrollment, of managed care  
13 providers under both the voluntary and mandatory programs;

14 (iv) assess the impact of managed care provider marketing and enroll-  
15 ment strategies, and the public education campaign conducted in New York  
16 city, on enrollees participation in Medicaid managed care plans;

17 (v) evaluate the adequacy of managed care provider capacity by review-  
18 ing established capacity measurements and monitoring actual access to  
19 plan practitioners;

20 (vi) examine the cost implications of populations excluded and  
21 exempted from Medicaid managed care;

22 (vii) EVALUATE THE ADEQUACY AND APPROPRIATENESS OF PROGRAM MATERIALS;

23 (VIII) EXAMINE TRENDS IN SERVICE DENIALS;

24 (IX) ASSESS THE ACCESS TO CARE FOR PEOPLE WITH DISABILITIES;

25 (X) in accordance with the recommendations of the joint advisory coun-  
26 cil established pursuant to section 13.40 of the mental hygiene law,  
27 advise the commissioners of health and developmental disabilities with  
28 respect to the oversight of DISCOs and of health maintenance organiza-  
29 tions and managed long term care plans providing services authorized,  
30 funded, approved or certified by the office for people with develop-  
31 mental disabilities, and review all managed care options provided to  
32 persons with developmental disabilities, including: the adequacy of  
33 support for habilitation services; the record of compliance with  
34 requirements for person-centered planning, person-centered services and  
35 community integration; the adequacy of rates paid to providers in  
36 accordance with the provisions of paragraph 1 of subdivision four of  
37 section forty-four hundred three of the public health law, paragraph  
38 (a-2) of subdivision eight of section forty-four hundred three of the  
39 public health law or paragraph (a-2) of subdivision twelve of section  
40 forty-four hundred three-f of the public health law; and the quality of  
41 life, health, safety and community integration of persons with develop-  
42 mental disabilities enrolled in managed care; and

43 [(viii)] (XI) examine other issues as it deems appropriate.

44 S 40. Subdivision 6 of section 368-d of the social services law, as  
45 amended by section 37 of part D of chapter 56 of the laws of 2012, is  
46 amended to read as follows:

47 6. The commissioner shall evaluate the results of the study conducted  
48 pursuant to subdivision four of this section to determine, after iden-  
49 tification of actual direct and indirect costs incurred by public school  
50 districts [and state operated and state supported schools for blind and  
51 deaf students], whether it is advisable to claim federal reimbursement  
52 for expenditures under this section as certified public expenditures. In  
53 the event such claims are submitted, if federal reimbursement received  
54 for certified public expenditures on behalf of medical assistance recip-  
55 ients whose assistance and care are the responsibility of a social  
56 services district results in a decrease in the state share of annual

1 expenditures pursuant to this section for such recipients, then to the  
2 extent that the amount of any such decrease when combined with any  
3 decrease in the state share of annual expenditures described in subdivi-  
4 sion five of section three hundred sixty-eight-e of this title exceeds  
5 one hundred fifty million dollars for the period April 1, 2011 through  
6 March 31, 2013, or exceeds one hundred million dollars in state fiscal  
7 [year 2012-13 or any fiscal year thereafter] YEARS 2013-14 AND 2014-15,  
8 the excess amount shall be transferred to such public school districts  
9 [and state operated and state supported schools for blind and deaf  
10 students] in amounts proportional to their percentage contribution to  
11 the statewide savings; AN AMOUNT EQUAL TO THIRTEEN AND FIVE HUNDREDTHS  
12 PERCENT OF ANY DECREASE IN THE STATE SHARE OF ANNUAL EXPENDITURES PURSU-  
13 ANT TO THIS SECTION FOR SUCH RECIPIENTS IN STATE FISCAL YEAR 2015-16 AND  
14 ANY FISCAL YEAR THEREAFTER SHALL BE TRANSFERRED TO SUCH PUBLIC SCHOOL  
15 DISTRICTS IN AMOUNTS PROPORTIONAL TO THEIR PERCENTAGE CONTRIBUTION TO  
16 THE STATEWIDE SAVINGS. Any [such excess] amount transferred PURSUANT TO  
17 THIS SECTION shall not be considered a revenue received by such social  
18 services district in determining the district's actual medical assist-  
19 ance expenditures for purposes of paragraph (b) of section one of part C  
20 of chapter fifty-eight of the laws of two thousand five.

21 S 41. Subdivision 5 of section 368-e of the social services law, as  
22 amended by section 38 of part D of chapter 56 of the laws of 2012, is  
23 amended to read as follows:

24 5. The commissioner shall evaluate the results of the study conducted  
25 pursuant to subdivision three of this section to determine, after iden-  
26 tification of actual direct and indirect costs incurred by counties for  
27 medical care, services, and supplies furnished to pre-school children  
28 with handicapping conditions, whether it is advisable to claim federal  
29 reimbursement for expenditures under this section as certified public  
30 expenditures. In the event such claims are submitted, if federal  
31 reimbursement received for certified public expenditures on behalf of  
32 medical assistance recipients whose assistance and care are the respon-  
33 sibility of a social services district, results in a decrease in the  
34 state share of annual expenditures pursuant to this section for such  
35 recipients, then to the extent that the amount of any such decrease when  
36 combined with any decrease in the state share of annual expenditures  
37 described in subdivision six of section three hundred sixty-eight-d of  
38 this title exceeds one hundred fifty million dollars for the period  
39 April 1, 2011 through March 31, 2013, or exceeds one hundred million  
40 dollars in state fiscal [year 2012-13 or any fiscal year thereafter]  
41 YEARS 2013-14 AND 2014-15, the excess amount shall be transferred to  
42 such counties in amounts proportional to their percentage contribution  
43 to the statewide savings; AN AMOUNT EQUAL TO THIRTEEN AND FIVE  
44 HUNDREDTHS PERCENT OF ANY DECREASE IN THE STATE SHARE OF ANNUAL EXPENDI-  
45 TURES PURSUANT TO THIS SECTION FOR SUCH RECIPIENTS IN STATE FISCAL YEAR  
46 2015-16 AND ANY FISCAL YEAR THEREAFTER SHALL BE TRANSFERRED TO SUCH  
47 COUNTIES IN AMOUNTS PROPORTIONAL TO THEIR PERCENTAGE CONTRIBUTION TO THE  
48 STATEWIDE SAVINGS. Any [such excess] amount transferred PURSUANT TO  
49 THIS SECTION shall not be considered a revenue received by such social  
50 services district in determining the district's actual medical assist-  
51 ance expenditures for purposes of paragraph (b) of section one of part C  
52 of chapter fifty-eight of the laws of two thousand five.

53 S 42. Subdivision 8 of section 365-a of the social services law, as  
54 added by section 46-a of part B of chapter 58 of the laws of 2009, is  
55 amended to read as follows:

1 8. When a non-governmental entity is authorized by the department  
2 pursuant to contract or subcontract to make prior authorization or prior  
3 approval determinations that may be required for any item of medical  
4 assistance, a recipient may challenge any action taken or failure to act  
5 in connection with a prior authorization or prior approval determination  
6 as if such determination were made by a government entity, and shall be  
7 entitled to the same medical assistance benefits and standards and to  
8 the same notice and procedural due process rights, including a right to  
9 a fair hearing and aid continuing pursuant to section twenty-two of this  
10 chapter, as if the prior authorization or prior approval determination  
11 were made by a government entity, WITHOUT REGARD TO EXPIRATION OF THE  
12 PRIOR SERVICE AUTHORIZATION.

13 S 43. Subparagraph (ii) of paragraph (a) of subdivision 7 of section  
14 4403-f of the public health law, as amended by section 41-b of part H of  
15 chapter 59 of the laws of 2011, is amended to read as follows:

16 (ii) Notwithstanding any inconsistent provision of the social services  
17 law to the contrary, the commissioner shall, pursuant to regulation,  
18 determine whether and the extent to which the applicable provisions of  
19 the social services law or regulations relating to approvals and author-  
20 izations of, and utilization limitations on, health and long term care  
21 services reimbursed pursuant to title XIX of the federal social security  
22 act, including, but not limited to, fiscal assessment requirements, are  
23 inconsistent with the flexibility necessary for the efficient adminis-  
24 tration of managed long term care plans and such regulations shall  
25 provide that such provisions shall not be applicable to enrollees or  
26 managed long term care plans, provided that such determinations are  
27 consistent with applicable federal law and regulation, AND SUBJECT TO  
28 THE PROVISIONS OF SUBDIVISION EIGHT OF SECTION THREE HUNDRED  
29 SIXTY-FIVE-A OF THE SOCIAL SERVICES LAW.

30 S 44. The social services law is amended by adding a new section 398-b  
31 to read as follows:

32 S 398-B. TRANSITION TO MANAGED CARE. 1. NOTWITHSTANDING ANY INCONSIST-  
33 ENT PROVISION OF LAW TO THE CONTRARY AND SUBJECT TO THE AVAILABILITY OF  
34 FEDERAL FINANCIAL PARTICIPATION, THE COMMISSIONER IS AUTHORIZED TO MAKE  
35 GRANTS FROM A GROSS AMOUNT OF FIVE MILLION DOLLARS TO FACILITATE THE  
36 TRANSITION OF FOSTER CARE CHILDREN PLACED WITH VOLUNTARY FOSTER CARE  
37 AGENCIES TO MANAGED CARE. THE USE OF SUCH FUNDS MAY INCLUDE PROVIDING  
38 TRAINING AND CONSULTING SERVICES TO VOLUNTARY AGENCIES TO ACCESS READ-  
39 INESS AND MAKE NECESSARY INFRASTRUCTURE AND ORGANIZATIONAL MODIFICA-  
40 TIONS, COLLECTING SERVICE UTILIZATION AND OTHER DATA FROM VOLUNTARY  
41 AGENCIES AND OTHER ENTITIES, AND MAKING INVESTMENTS IN HEALTH INFORMA-  
42 TION TECHNOLOGY, INCLUDING THE INFRASTRUCTURE NECESSARY TO ESTABLISH AND  
43 MAINTAIN ELECTRONIC HEALTH RECORDS. SUCH FUNDS SHALL BE DISTRIBUTED  
44 PURSUANT TO A FORMULA TO BE DEVELOPED BY THE COMMISSIONER OF HEALTH, IN  
45 CONSULTATION WITH THE COMMISSIONER OF THE OFFICE OF FAMILY AND CHILD  
46 SERVICES. IN DEVELOPING SUCH FORMULA THE COMMISSIONERS MAY TAKE INTO  
47 ACCOUNT SIZE AND SCOPE OF PROVIDER OPERATIONS AS A FACTOR RELEVANT TO  
48 ELIGIBILITY FOR SUCH FUNDS. EACH RECIPIENT OF SUCH FUNDS SHALL BE  
49 REQUIRED TO DOCUMENT AND DEMONSTRATE THE EFFECTIVE USE OF FUNDS DISTRIB-  
50 UTED HEREIN.

51 2. DATA PROVIDED BY VOLUNTARY FOSTER CARE AGENCIES SHALL BE COMPLIANT  
52 WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT, AND SHALL  
53 BE TRANSMITTED SECURELY USING EMEDS OR OTHER MECHANISM TO BE DETERMINED  
54 BY THE DEPARTMENT OF HEALTH. SUCH DATA MAY BE USED BY THE DEPARTMENT OF  
55 HEALTH TO ESTABLISH RATES OF PAYMENT FOR MANAGED CARE ORGANIZATIONS FOR  
56 SERVICES PROVIDED TO CHILDREN IN FOSTER CARE. IN ESTABLISHING SUCH RATES

1 THE COMMISSIONER OF HEALTH SHALL ALSO TAKE INTO ACCOUNT CARE COORDI-  
2 NATION SERVICES THAT WILL CONTINUE TO BE PROVIDED BY THE VOLUNTARY  
3 FOSTER CARE AGENCIES.

4 3. THE COMMISSIONER OF HEALTH SHALL ISSUE A REPORT TO BE MADE PUBLIC  
5 ON THE DEPARTMENT OF HEALTH'S WEBSITE. SUCH REPORT SHALL CONFORM TO THE  
6 REQUIREMENTS OF SUBDIVISION FIVE OF SECTION NINETY-TWO OF PART H OF  
7 CHAPTER FIFTY-NINE OF THE LAWS OF TWO THOUSAND ELEVEN.

8 S 45. Subdivision 3 of section 365-n of the social services law, as  
9 added by section 6 of part F of chapter 56 of the laws of 2012, is  
10 amended to read as follows:

11 3. Notwithstanding sections sixty-one, sixty-three, seventy, seventy-  
12 eight, seventy-nine, eighty-one and [eight-one-a] EIGHTY-ONE-A of the  
13 civil service law or any provisions to the contrary contained in any  
14 general, special, or local laws, all lawful appointees of a county  
15 performing the functions established in subdivision two of this section  
16 as of the effective date of this section OR ANY SUCH APPOINTEES WHO MEET  
17 THE OPEN COMPETITIVE QUALIFICATIONS FOR POSITIONS ESTABLISHED TO PERFORM  
18 THESE FUNCTIONS will be eligible for voluntary transfer to appropriate  
19 positions, in the department, that are classified to perform such func-  
20 tions without further examination, qualification, or probationary peri-  
21 od; and, upon such transfer, will have all the rights and privileges of  
22 the jurisdictional classification to which such positions are allocated  
23 in the classified service of the state.

24 S 46. Section 365-n of the social services law is amended by adding a  
25 new subdivision 5-a to read as follows:

26 5-A. (A) THE COMMISSIONER MAY TAKE NECESSARY ACTION TO REVIEW THE  
27 ACCURACY OF DETERMINATIONS OF INITIAL AND ONGOING ELIGIBILITY UNDER THE  
28 MEDICAL ASSISTANCE PROGRAM, AND TO IDENTIFY AND ELIMINATE INAPPROPRIATE  
29 INSTANCES OF CONCURRENT OR DUPLICATE BENEFITS AND AUTHORIZATIONS. THE  
30 COMMISSIONER IS AUTHORIZED TO CONTRACT WITH ONE OR MORE ENTITIES TO  
31 ASSIST THE STATE IN IMPLEMENTING THE PROVISIONS OF THIS SUBDIVISION.

32 (B) NOTWITHSTANDING THE PROVISIONS OF SECTIONS ONE HUNDRED TWELVE AND  
33 ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW, OR SECTION ONE HUNDRED  
34 FORTY-TWO OF THE ECONOMIC DEVELOPMENT LAW, OR ANY CONTRARY PROVISION OF  
35 LAW, THE COMMISSIONER IS AUTHORIZED TO ENTER INTO A CONTRACT OR  
36 CONTRACTS UNDER PARAGRAPH (A) OF THIS SUBDIVISION WITHOUT A COMPETITIVE  
37 BID OR REQUEST FOR PROPOSAL PROCESS, PROVIDED, HOWEVER, THAT:

38 (I) THE DEPARTMENT OF HEALTH SHALL POST ON ITS WEBSITE, FOR A PERIOD  
39 OF NO LESS THAN THIRTY DAYS:

40 (1) A DESCRIPTION OF THE PROPOSED SERVICES TO BE PROVIDED PURSUANT TO  
41 THE CONTRACT OR CONTRACTS;

42 (2) THE CRITERIA FOR SELECTION OF A CONTRACTOR OR CONTRACTORS;

43 (3) THE PERIOD OF TIME DURING WHICH A PROSPECTIVE CONTRACTOR MAY SEEK  
44 SELECTION, WHICH SHALL BE NO LESS THAN THIRTY DAYS AFTER SUCH INFORMA-  
45 TION IS FIRST POSTED ON THE WEBSITE; AND

46 (4) THE MANNER BY WHICH A PROSPECTIVE CONTRACTOR MAY SEEK SUCH  
47 SELECTION, WHICH MAY INCLUDE SUBMISSION BY ELECTRONIC MEANS;

48 (II) ALL REASONABLE AND RESPONSIVE SUBMISSIONS THAT ARE RECEIVED FROM  
49 PROSPECTIVE CONTRACTORS IN TIMELY FASHION SHALL BE REVIEWED BY THE  
50 COMMISSIONER; AND

51 (III) THE COMMISSIONER SHALL SELECT SUCH CONTRACTOR OR CONTRACTORS  
52 THAT, IN HIS OR HER DISCRETION, ARE BEST SUITED TO SERVE THE PURPOSES OF  
53 THIS SECTION; AND

54 (IV) NO CONTRACT ENTERED PURSUANT TO THIS PARAGRAPH SHALL HAVE A TERM  
55 THAT ENDS LATER THAN MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN.



1 S 47. Subparagraph (iv) of paragraph (e-2) of subdivision 4 of  
2 section 2807-c of the public health law is amended by adding a new  
3 clause (E) to read as follows:

4 (E) FOR FACILITIES SUBJECT TO THE PROVISIONS OF THIS SUBPARAGRAPH, THE  
5 DEPARTMENT SHALL EXAMINE THE FEASIBILITY OF REIMBURSING SUCH FACILITIES  
6 FOR SERVICES PROVIDED TO CHILDREN ELIGIBLE FOR MEDICAL ASSISTANCE ON A  
7 NON-FEE-FOR-SERVICE BASIS. FOR PURPOSES OF THIS CLAUSE,  
8 "NON-FEE-FOR-SERVICE" SHALL BE DEFINED AS AN ALTERNATIVE PAYMENT METHOD  
9 TO BUNDLE CERTAIN SERVICES RENDERED BY SUCH FACILITY, INCLUDING INPA-  
10 TIENT, OUTPATIENT, SPECIALTY OUTPATIENT AND PHYSICIAN SERVICES, IN  
11 AMOUNTS DETERMINED BY THE COMMISSIONER. THE DEPARTMENT SHALL EXAMINE:

12 (A) WHAT SERVICES COULD BE PROVIDED PURSUANT TO THE NON-FEE-FOR-SER-  
13 VICE BASIS;

14 (B) HOW TO ENSURE, FOR CHILDREN ENROLLED IN MEDICAID MANAGED CARE,  
15 THAT THEIR HEALTH PLANS CAN CONTINUE TO ASSIST IN THE COORDINATION OF  
16 THEIR CARE, PARTICULARLY UPON DISCHARGE FROM INPATIENT, OUTPATIENT OR  
17 SPECIALTY OUTPATIENT SERVICES; AND

18 (C) WHETHER INCENTIVES SHOULD BE INCORPORATED FOR MEETING QUALITY  
19 BENCHMARKS OR ACHIEVING EFFICIENCIES IN THE DELIVERY AND COORDINATION OF  
20 CARE OR WHETHER OTHER MEANS SHOULD BE CONSIDERED TO ACHIEVE THESE OBJEC-  
21 TIVES.

22 THE DEPARTMENT SHALL PROVIDE A REPORT OF ITS FINDINGS AND RECOMMENDA-  
23 TIONS TO THE GOVERNOR AND LEGISLATURE NO LATER THAN MARCH FIRST, TWO  
24 THOUSAND FIFTEEN.

25 S 48. Notwithstanding sections 112 and 163 of the state finance law,  
26 or any other contrary provision of law, the commissioner of health is  
27 authorized to negotiate an extension of the terms of the contract  
28 executed by the department of health for actuarial and consulting  
29 services, on September 18, 2009, without a competitive bid or request  
30 for proposal process; provided, however, such extension shall not extend  
31 beyond December 31, 2016.

32 S 49. Section 364-j of the social services law is amended by adding a  
33 new subdivision 29 to read as follows:

34 29. IN THE EVENT THAT THE DEPARTMENT RECEIVES APPROVAL FROM THE  
35 CENTERS FOR MEDICARE AND MEDICAID SERVICES TO AMEND ITS 1115 WAIVER  
36 KNOWN AS THE PARTNERSHIP PLAN OR RECEIVES APPROVAL FOR A NEW 1115 WAIVER  
37 FOR THE PURPOSE OF REINVESTING SAVINGS RESULTING FROM THE REDESIGN OF  
38 THE MEDICAL ASSISTANCE PROGRAM, THE COMMISSIONER IS AUTHORIZED TO ENTER  
39 INTO CONTRACTS, AND/OR TO AMEND THE TERMS OF CONTRACTS AWARDED PRIOR TO  
40 THE EFFECTIVE DATE OF THIS SUBDIVISION, FOR THE PURPOSE OF ASSISTING THE  
41 DEPARTMENT OF HEALTH WITH IMPLEMENTING PROJECTS AUTHORIZED UNDER SUCH  
42 WAIVER APPROVAL. NOTWITHSTANDING THE PROVISIONS OF SECTIONS ONE HUNDRED  
43 TWELVE AND ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW, OR SECTIONS  
44 ONE HUNDRED FORTY-TWO AND ONE HUNDRED FORTY-THREE OF THE ECONOMIC DEVEL-  
45 OPMENT LAW, OR ANY CONTRARY PROVISION OF LAW, CONTRACTS MAY BE ENTERED  
46 OR CONTRACT AMENDMENTS MAY BE MADE PURSUANT TO THIS SUBDIVISION WITHOUT  
47 A COMPETITIVE BID OR REQUEST FOR PROPOSAL PROCESS IF THE TERM OF ANY  
48 SUCH CONTRACT OR CONTRACT AMENDMENT DOES NOT EXTEND BEYOND MARCH THIR-  
49 TY-FIRST, TWO THOUSAND NINETEEN; PROVIDED, HOWEVER, IN THE CASE OF A  
50 CONTRACT ENTERED INTO AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION,  
51 THAT:

52 (A) THE DEPARTMENT OF HEALTH SHALL POST ON ITS WEBSITE, FOR A PERIOD  
53 OF NO LESS THAN THIRTY DAYS:

54 (I) A DESCRIPTION OF THE PROPOSED SERVICES TO BE PROVIDED PURSUANT TO  
55 THE CONTRACT OR CONTRACTS;

56 (II) THE CRITERIA FOR SELECTION OF A CONTRACTOR OR CONTRACTORS;

1 (III) THE PERIOD OF TIME DURING WHICH A PROSPECTIVE CONTRACTOR MAY  
2 SEEK SELECTION, WHICH SHALL BE NO LESS THAN THIRTY DAYS AFTER SUCH  
3 INFORMATION IS FIRST POSTED ON THE WEBSITE; AND

4 (IV) THE MANNER BY WHICH A PROSPECTIVE CONTRACTOR MAY SEEK SUCH  
5 SELECTION, WHICH MAY INCLUDE SUBMISSION BY ELECTRONIC MEANS;

6 (B) ALL REASONABLE AND RESPONSIVE SUBMISSIONS THAT ARE RECEIVED FROM  
7 PROSPECTIVE CONTRACTORS IN TIMELY FASHION SHALL BE REVIEWED BY THE  
8 COMMISSIONER OF HEALTH; AND

9 (C) THE COMMISSIONER OF HEALTH SHALL SELECT SUCH CONTRACTOR OR  
10 CONTRACTORS THAT, IN HIS OR HER DISCRETION, ARE BEST SUITED TO SERVE THE  
11 PURPOSES OF THIS SECTION.

12 S 50. Subdivision 1 of section 366 of the social services law is  
13 amended by adding a new paragraph (g) to read as follows:

14 (G) COVERAGE OF CERTAIN NONCITIZENS. (1) APPLICANTS AND RECIPIENTS WHO  
15 ARE LAWFULLY ADMITTED FOR PERMANENT RESIDENCE, OR WHO ARE PERMANENTLY  
16 RESIDING IN THE UNITED STATES UNDER COLOR OF LAW; WHO ARE MAGI ELIGIBLE  
17 PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION; AND WHO WOULD BE INELIGI-  
18 BLE FOR MEDICAL ASSISTANCE COVERAGE UNDER SUBDIVISIONS ONE AND TWO OF  
19 SECTION THREE HUNDRED SIXTY-FIVE-A OF THIS TITLE SOLELY DUE TO THEIR  
20 IMMIGRATION STATUS IF THE PROVISIONS OF SECTION ONE HUNDRED TWENTY-TWO  
21 OF THIS CHAPTER WERE APPLIED, SHALL ONLY BE ELIGIBLE FOR ASSISTANCE  
22 UNDER THIS TITLE IF ENROLLED IN A STANDARD HEALTH PLAN OFFERED BY A  
23 BASIC HEALTH PROGRAM ESTABLISHED PURSUANT TO SECTION THREE HUNDRED  
24 SIXTY-NINE-GG OF THIS ARTICLE IF SUCH PROGRAM IS ESTABLISHED AND OPERAT-  
25 ING.

26 (2) WITH RESPECT TO A PERSON DESCRIBED IN SUBPARAGRAPH ONE OF THIS  
27 PARAGRAPH WHO IS ENROLLED IN A STANDARD HEALTH PLAN, MEDICAL ASSISTANCE  
28 COVERAGE SHALL MEAN:

29 (I) PAYMENT OF REQUIRED PREMIUMS AND OTHER COST-SHARING OBLIGATIONS  
30 UNDER THE STANDARD HEALTH PLAN THAT EXCEED THE PERSON'S CO-PAYMENT OBLI-  
31 GATION UNDER SUBDIVISION SIX OF SECTION THREE HUNDRED SIXTY-SEVEN-A OF  
32 THIS TITLE; AND

33 (II) PAYMENT FOR SERVICES AND SUPPLIES DESCRIBED IN SUBDIVISION ONE OR  
34 TWO OF SECTION THREE HUNDRED SIXTY-FIVE-A OF THIS TITLE, AS APPLICABLE,  
35 BUT ONLY TO THE EXTENT THAT SUCH SERVICES AND SUPPLIES ARE NOT COVERED  
36 BY THE STANDARD HEALTH PLAN.

37 (3) NOTHING IN THIS SUBDIVISION SHALL PREVENT A PERSON DESCRIBED IN  
38 SUBPARAGRAPH ONE OF THIS PARAGRAPH FROM QUALIFYING FOR OR RECEIVING  
39 MEDICAL ASSISTANCE WHILE HIS OR HER ENROLLMENT IN A STANDARD HEALTH PLAN  
40 IS PENDING, IN ACCORDANCE WITH APPLICABLE PROVISIONS OF THIS TITLE.

41 S 51. The social services law is amended by adding a new section 369-  
42 gg to read as follows:

43 S 369-GG. BASIC HEALTH PROGRAM. 1. DEFINITIONS. FOR PURPOSES OF THIS  
44 SECTION:

45 (A) "ELIGIBLE ORGANIZATION" MEANS AN INSURER LICENSED PURSUANT TO  
46 ARTICLE THIRTY-TWO OR FORTY-TWO OF THE INSURANCE LAW, A CORPORATION OR  
47 AN ORGANIZATION UNDER ARTICLE FORTY-THREE OF THE INSURANCE LAW, OR AN  
48 ORGANIZATION CERTIFIED UNDER ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH  
49 LAW, INCLUDING PROVIDERS CERTIFIED UNDER SECTION FORTY-FOUR HUNDRED  
50 THREE-E OF THE PUBLIC HEALTH LAW;

51 (B) "APPROVED ORGANIZATION" MEANS AN ELIGIBLE ORGANIZATION APPROVED BY  
52 THE COMMISSIONER TO UNDERWRITE A BASIC HEALTH INSURANCE PLAN PURSUANT TO  
53 THIS TITLE;

54 (C) "HEALTH CARE SERVICES" MEANS THE SERVICES AND SUPPLIES AS DEFINED  
55 BY THE COMMISSIONER IN CONSULTATION WITH THE SUPERINTENDENT OF FINANCIAL  
56 SERVICES, AND SHALL BE CONSISTENT WITH AND SUBJECT TO THE ESSENTIAL

1 HEALTH BENEFITS AS DEFINED BY THE COMMISSIONER IN ACCORDANCE WITH THE  
2 PROVISIONS OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT (P.L. 111-  
3 148) AND CONSISTENT WITH THE BENEFITS PROVIDED BY THE REFERENCE PLAN  
4 SELECTED BY THE COMMISSIONER FOR THE PURPOSES OF DEFINING SUCH BENEFITS;

5 (D) "QUALIFIED HEALTH PLAN" MEANS A HEALTH PLAN THAT MEETS THE CRITE-  
6 RIA FOR CERTIFICATION DESCRIBED IN S 1311(C) OF THE PATIENT PROTECTION  
7 AND AFFORDABLE CARE ACT (P.L. 111-148), AND IS OFFERED TO INDIVIDUALS  
8 THROUGH THE HEALTH INSURANCE EXCHANGE MARKETPLACE; AND

9 (E) "BASIC HEALTH INSURANCE PLAN" MEANS A STANDARD HEALTH PLAN, SEPA-  
10 RATE AND APART FROM QUALIFIED HEALTH PLANS, THAT IS ISSUED BY AN  
11 APPROVED ORGANIZATION AND CERTIFIED IN ACCORDANCE WITH THIS SECTION.

12 2. AUTHORIZATION. IF IT IS IN THE FINANCIAL INTEREST OF THE STATE TO  
13 DO SO, THE COMMISSIONER OF HEALTH IS AUTHORIZED, WITH THE APPROVAL OF  
14 THE DIRECTOR OF THE BUDGET, TO ESTABLISH A BASIC HEALTH PROGRAM. THE  
15 COMMISSIONER'S AUTHORITY PURSUANT TO THIS SECTION IS CONTINGENT UPON  
16 OBTAINING AND MAINTAINING ALL NECESSARY APPROVALS FROM THE SECRETARY OF  
17 HEALTH AND HUMAN SERVICES TO OFFER A BASIC HEALTH PROGRAM IN ACCORDANCE  
18 WITH 42 U.S.C. 18051. THE COMMISSIONER MAY TAKE ANY AND ALL ACTIONS  
19 NECESSARY TO OBTAIN SUCH APPROVALS.

20 3. ELIGIBILITY. A PERSON IS ELIGIBLE TO RECEIVE COVERAGE FOR HEALTH  
21 CARE SERVICES PURSUANT TO THIS TITLE IF HE OR SHE:

22 (A) RESIDES IN NEW YORK STATE AND IS UNDER SIXTY-FIVE YEARS OF AGE;

23 (B) IS NOT ELIGIBLE FOR MEDICAL ASSISTANCE UNDER TITLE ELEVEN OF THIS  
24 ARTICLE OR FOR THE CHILD HEALTH INSURANCE PLAN DESCRIBED IN TITLE ONE-A  
25 OF ARTICLE TWENTY-FIVE OF THE PUBLIC HEALTH LAW;

26 (C) IS NOT ELIGIBLE FOR MINIMUM ESSENTIAL COVERAGE, AS DEFINED IN  
27 SECTION 5000A(F) OF THE INTERNAL REVENUE SERVICE CODE OF 1986, OR IS  
28 ELIGIBLE FOR AN EMPLOYER-SPONSORED PLAN THAT IS NOT AFFORDABLE, IN  
29 ACCORDANCE WITH SECTION 5000A OF SUCH CODE; AND

30 (D) (I) HAS HOUSEHOLD INCOME AT OR BELOW TWO HUNDRED PERCENT OF THE  
31 FEDERAL POVERTY LINE DEFINED AND ANNUALLY REVISED BY THE UNITED STATES  
32 DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR A HOUSEHOLD OF THE SAME  
33 SIZE; AND (II) HAS HOUSEHOLD INCOME THAT EXCEEDS ONE HUNDRED  
34 THIRTY-THREE PERCENT OF THE FEDERAL POVERTY LINE DEFINED AND ANNUALLY  
35 REVISED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR  
36 A HOUSEHOLD OF THE SAME SIZE; HOWEVER, MAGI ELIGIBLE ALIENS LAWFULLY  
37 PRESENT IN THE UNITED STATES WITH HOUSEHOLD INCOMES AT OR BELOW ONE  
38 HUNDRED THIRTY-THREE PERCENT OF THE FEDERAL POVERTY LINE SHALL BE ELIGI-  
39 BLE TO RECEIVE COVERAGE FOR HEALTH CARE SERVICES PURSUANT TO THE  
40 PROVISIONS OF THIS TITLE IF SUCH ALIEN WOULD BE INELIGIBLE FOR MEDICAL  
41 ASSISTANCE UNDER TITLE ELEVEN OF THIS ARTICLE DUE TO HIS OR HER IMMI-  
42 GRATION STATUS.

43 AN APPLICANT WHO FAILS TO MAKE AN APPLICABLE PREMIUM PAYMENT SHALL  
44 LOSE ELIGIBILITY TO RECEIVE COVERAGE FOR HEALTH CARE SERVICES IN ACCORD-  
45 ANCE WITH TIME FRAMES AND PROCEDURES DETERMINED BY THE COMMISSIONER.

46 4. ENROLLMENT. (A) SUBJECT TO FEDERAL APPROVAL, THE COMMISSIONER IS  
47 AUTHORIZED TO ESTABLISH AN APPLICATION AND ENROLLMENT PROCEDURE FOR  
48 PROSPECTIVE ENROLLEES. SUCH PROCEDURE SHALL INCLUDE A VERIFICATION  
49 SYSTEM FOR APPLICANTS, WHICH SHALL BE CONSISTENT WITH 42 USC S 1320B-7.

50 (B) SUCH PROCEDURE SHALL ALLOW FOR CONTINUOUS ENROLLMENT FOR ENROLLEES  
51 TO THE BASIC HEALTH PROGRAM WHERE AN INDIVIDUAL MAY APPLY AND ENROLL FOR  
52 COVERAGE AT ANY POINT.

53 (C) UPON AN APPLICANT'S ENROLLMENT IN A BASIC HEALTH INSURANCE PLAN,  
54 COVERAGE FOR HEALTH CARE SERVICES PURSUANT TO THE PROVISIONS OF THIS  
55 TITLE SHALL BE PROSPECTIVE. COVERAGE SHALL BEGIN IN A MANNER CONSISTENT  
56 WITH THE REQUIREMENTS FOR QUALIFIED HEALTH PLANS OFFERED THROUGH THE

1 HEALTH INSURANCE EXCHANGE MARKETPLACE, AS DELINEATED IN FEDERAL REGU-  
2 LATION AT 42 CFR 155.420(B)(1) OR ANY SUCCESSOR REGULATION THEREOF.

3 (D) A PERSON WHO HAS ENROLLED FOR COVERAGE PURSUANT TO THIS TITLE, AND  
4 WHO LOSES ELIGIBILITY TO ENROLL IN THE BASIC HEALTH PROGRAM FOR A REASON  
5 OTHER THAN CITIZENSHIP STATUS, LACK OF STATE RESIDENCE, FAILURE TO  
6 PROVIDE A VALID SOCIAL SECURITY NUMBER, PROVIDING INACCURATE INFORMATION  
7 THAT WOULD AFFECT ELIGIBILITY WHEN REQUESTING OR RENEWING HEALTH COVER-  
8 AGE PURSUANT TO THIS TITLE, OR FAILURE TO MAKE AN APPLICABLE PREMIUM  
9 PAYMENT, BEFORE THE END OF A TWELVE MONTH PERIOD BEGINNING ON THE EFFEC-  
10 TIVE DATE OF THE PERSON'S INITIAL ELIGIBILITY FOR COVERAGE, OR BEFORE  
11 THE END OF A TWELVE MONTH PERIOD BEGINNING ON THE DATE OF ANY SUBSEQUENT  
12 DETERMINATION OF ELIGIBILITY, SHALL HAVE HIS OR HER ELIGIBILITY FOR  
13 COVERAGE CONTINUED UNTIL THE END OF SUCH TWELVE MONTH PERIOD, PROVIDED  
14 THAT THE STATE RECEIVES FEDERAL APPROVAL FOR USING FUNDS FROM THE BASIC  
15 HEALTH PROGRAM TRUST FUND, ESTABLISHED UNDER SECTION 97-0000 OF THE  
16 STATE FINANCE LAW, FOR THE COSTS ASSOCIATED WITH SUCH ASSISTANCE.

17 5. PREMIUMS AND COST SHARING. (A) SUBJECT TO FEDERAL APPROVAL, THE  
18 COMMISSIONER SHALL ESTABLISH PREMIUM PAYMENTS ENROLLEES SHALL PAY TO  
19 APPROVED ORGANIZATIONS FOR COVERAGE OF HEALTH CARE SERVICES PURSUANT TO  
20 THIS TITLE. SUCH PREMIUM PAYMENTS SHALL BE ESTABLISHED IN THE FOLLOWING  
21 MANNER:

22 (I) UP TO TWENTY DOLLARS MONTHLY FOR AN INDIVIDUAL WITH A HOUSEHOLD  
23 INCOME ABOVE ONE HUNDRED AND FIFTY PERCENT OF THE FEDERAL POVERTY LINE  
24 BUT AT OR BELOW TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LINE DEFINED  
25 AND ANNUALLY REVISED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN  
26 SERVICES FOR A HOUSEHOLD OF THE SAME SIZE; AND

27 (II) NO PAYMENT IS REQUIRED FOR INDIVIDUALS WITH A HOUSEHOLD INCOME AT  
28 OR BELOW ONE HUNDRED AND FIFTY PERCENT OF THE FEDERAL POVERTY LINE  
29 DEFINED AND ANNUALLY REVISED BY THE UNITED STATES DEPARTMENT OF HEALTH  
30 AND HUMAN SERVICES FOR A HOUSEHOLD OF THE SAME SIZE.

31 (B) THE COMMISSIONER SHALL ESTABLISH COST SHARING OBLIGATIONS FOR  
32 ENROLLEES, SUBJECT TO FEDERAL APPROVAL.

33 6. ANY FUNDS TRANSFERRED BY THE SECRETARY OF HEALTH AND HUMAN SERVICES  
34 TO THE STATE PURSUANT TO 42 U.S.C. 18051(D) SHALL BE DEPOSITED IN TRUST.  
35 FUNDS FROM THE TRUST SHALL BE USED FOR PROVIDING HEALTH BENEFITS THROUGH  
36 AN APPROVED ORGANIZATION, WHICH, AT A MINIMUM, SHALL INCLUDE ESSENTIAL  
37 HEALTH BENEFITS AS DEFINED IN 42 U.S.C. 18022(B); TO REDUCE THE PREMIUMS  
38 AND COST SHARING OF PARTICIPANTS IN THE BASIC HEALTH PROGRAM; OR FOR  
39 SUCH OTHER PURPOSES AS MAY BE ALLOWED BY THE SECRETARY OF HEALTH AND  
40 HUMAN SERVICES. HEALTH BENEFITS AVAILABLE THROUGH THE BASIC HEALTH  
41 PROGRAM SHALL BE PROVIDED BY ONE OR MORE APPROVED ORGANIZATIONS PURSUANT  
42 TO AN AGREEMENT WITH THE DEPARTMENT OF HEALTH AND SHALL MEET THE  
43 REQUIREMENTS OF APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS.

44 7. AN INDIVIDUAL WHO IS LAWFULLY ADMITTED FOR PERMANENT RESIDENCE OR  
45 PERMANENTLY RESIDING IN THE UNITED STATES UNDER COLOR OF LAW, AND WHO  
46 WOULD BE INELIGIBLE FOR MEDICAL ASSISTANCE UNDER TITLE ELEVEN OF THIS  
47 ARTICLE DUE TO HIS OR HER IMMIGRATION STATUS IF THE PROVISIONS OF  
48 SECTION ONE HUNDRED TWENTY-TWO OF THIS CHAPTER WERE APPLIED, SHALL BE  
49 CONSIDERED TO BE INELIGIBLE FOR MEDICAL ASSISTANCE FOR PURPOSES OF PARA-  
50 GRAPHS (B) AND (C) OF SUBDIVISION THREE OF THIS SECTION.

51 S 52. Subparagraph 2 of paragraph (e) of subdivision 3 of section  
52 367-a of the social services law, as added by section 16 of part D of  
53 chapter 56 of the laws of 2013, is amended to read as follows:

54 (2) Payment pursuant to this paragraph shall be for premium obli-  
55 gations of the individual under the qualified health plan and shall  
56 continue only if and for so long as the individual's MAGI household

1 income exceeds one hundred thirty-three percent, but does not exceed one  
2 hundred fifty percent, of the federal poverty line for the applicable  
3 family size, OR, IF EARLIER, UNTIL THE INDIVIDUAL IS ELIGIBLE FOR  
4 ENROLLMENT IN A STANDARD HEALTH PLAN PURSUANT TO SECTION THREE HUNDRED  
5 SIXTY-NINE-GG OF THIS ARTICLE.

6 S 53. The state finance law is amended by adding a new section 97-0000  
7 to read as follows:

8 S 97-0000. BASIC HEALTH PROGRAM TRUST FUND. 1. THERE IS HEREBY ESTAB-  
9 LISHED IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE COMMISSIONER OF  
10 TAXATION AND FINANCE A FUND, TO BE KNOWN AS THE "BASIC HEALTH PROGRAM  
11 TRUST FUND".

12 2. SUCH FUND SHALL CONSIST OF MONEYS TRANSFERRED FROM THE FEDERAL  
13 GOVERNMENT PURSUANT TO 42 U.S.C. S 18051(D) FOR THE PURPOSE OF REDUCING  
14 THE PREMIUMS AND COST-SHARING OF, OR PROVIDING BENEFITS FOR, ELIGIBLE  
15 INDIVIDUALS ENROLLED IN THE BASIC HEALTH PROGRAM, ESTABLISHED PURSUANT  
16 TO SECTION THREE HUNDRED SIXTY-NINE-GG OF THE SOCIAL SERVICES LAW.

17 3. UPON FEDERAL APPROVAL, ALL MONIES IN SUCH FUND SHALL BE USED TO  
18 IMPLEMENT AND OPERATE THE BASIC HEALTH PLAN, PURSUANT TO SECTION THREE  
19 HUNDRED SIXTY-NINE-GG OF THE SOCIAL SERVICES LAW, EXCEPT TO THE EXTENT  
20 THAT THE PROVISIONS OF SUCH SECTION CONFLICT OR ARE INCONSISTENT WITH  
21 FEDERAL LAW, IN WHICH CASE THE PROVISIONS OF SUCH FEDERAL LAW SHALL  
22 SUPERSEDE SUCH STATE LAW PROVISIONS.

23 S 54. The state finance law is amended by adding a new section 97-xxxx  
24 to read as follows:

25 S 97-XXXX. STATE HEALTH INNOVATION PLAN ACCOUNT. 1. THERE IS HEREBY  
26 ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE  
27 COMMISSIONER OF THE DEPARTMENT OF HEALTH AN ACCOUNT OF THE MISCELLANEOUS  
28 SPECIAL REVENUE FUND TO BE KNOWN AS THE STATE HEALTH INNOVATION PLAN  
29 ACCOUNT.

30 2. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY,  
31 THE STATE COMPTROLLER IS HEREBY AUTHORIZED AND DIRECTED TO RECEIVE FOR  
32 DEPOSIT TO THE CREDIT OF THE STATE HEALTH INNOVATION PLAN ACCOUNT,  
33 MONIES RECEIVED PURSUANT TO THE STATE INNOVATION MODEL INITIATIVE FROM  
34 THE CENTERS FOR MEDICARE AND MEDICAID INNOVATION.

35 3. MONEYS OF THIS ACCOUNT, FOLLOWING APPROPRIATION BY THE LEGISLATURE,  
36 SHALL BE AVAILABLE TO THE DEPARTMENT OF HEALTH FOR SERVICES AND EXPENSES  
37 OF THE STATE HEALTH INNOVATION PLAN.

38 S 55. Section 364-i of the social services law is amended by adding a  
39 new subdivision 8 to read as follows:

40 8. (A) THE FOLLOWING INDIVIDUALS SHALL BE PRESUMED TO BE ELIGIBLE FOR  
41 MEDICAL ASSISTANCE UNDER THIS TITLE BEGINNING ON THE DATE THAT A QUALI-  
42 FIED HOSPITAL, AS DEFINED IN PARAGRAPH (B) OF THIS SUBDIVISION, DETER-  
43 MINES, ON THE BASIS OF PRELIMINARY INFORMATION, THAT:

44 (1) A CHILD HAS MAGI HOUSEHOLD INCOME THAT DOES NOT EXCEED THE APPLI-  
45 CABLE LEVEL FOR ELIGIBILITY AS PROVIDED FOR PURSUANT TO SUBPARAGRAPH TWO  
46 OR THREE OF PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION THREE HUNDRED  
47 SIXTY-SIX OF THIS TITLE;

48 (2) A PREGNANT WOMAN HAS MAGI HOUSEHOLD INCOME THAT DOES NOT EXCEED  
49 THE MAGI-EQUIVALENT OF TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LINE  
50 FOR THE APPLICABLE FAMILY SIZE;

51 (3) A PARENT OR CARETAKER RELATIVE HAS MAGI HOUSEHOLD INCOME THAT DOES  
52 NOT EXCEED THE MAGI-EQUIVALENT OF ONE HUNDRED THIRTY PERCENT OF THE  
53 HIGHEST AMOUNT THAT ORDINARILY WOULD HAVE BEEN PAID TO A PERSON WITHOUT  
54 ANY INCOME OR RESOURCES UNDER THE FAMILY ASSISTANCE PROGRAM AS IT  
55 EXISTED ON THE FIRST DAY OF NOVEMBER, NINETEEN HUNDRED NINETY-SEVEN, OR  
56 HAS NET AVAILABLE INCOME, INCLUDING AVAILABLE SUPPORT FROM RESPONSIBLE

1 RELATIVES, THAT DOES NOT EXCEED THE AMOUNTS SET FORTH IN PARAGRAPH (A)  
2 OF SUBDIVISION TWO OF SECTION THREE HUNDRED SIXTY-SIX OF THIS TITLE;

3 (4) AN INDIVIDUAL IN NEED OF TREATMENT OF BREAST, CERVICAL, COLON, OR  
4 PROSTATE CANCER MEETS THE REQUIREMENTS OF PARAGRAPH (D) OR (E) OF SUBDI-  
5 VISION FOUR OF SECTION THREE HUNDRED SIXTY-SIX OF THIS TITLE;

6 (5) AN INDIVIDUAL AGE NINETEEN OR OLDER AND UNDER AGE SIXTY-FIVE MEETS  
7 THE REQUIREMENTS OF SUBPARAGRAPH ONE OF PARAGRAPH (B) OF SUBDIVISION ONE  
8 OF SECTION THREE HUNDRED SIXTY-SIX OF THIS TITLE;

9 (6) AN INDIVIDUAL UNDER TWENTY-SIX YEARS OF AGE MEETS THE REQUIREMENTS  
10 OF SUBPARAGRAPH NINE OF PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION  
11 THREE HUNDRED SIXTY-SIX OF THIS TITLE; AND

12 (7) AN INDIVIDUAL HAS INCOME THAT DOES NOT EXCEED THE MAGI-EQUIVALENT  
13 OF TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LINE FOR THE APPLICABLE  
14 FAMILY SIZE, AND THE INDIVIDUAL MEETS THE REQUIREMENTS OF SUBPARAGRAPH  
15 SIX OF PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION THREE HUNDRED SIXTY-  
16 SIX OF THIS TITLE; COVERAGE PURSUANT TO THIS SUBPARAGRAPH SHALL BE  
17 LIMITED TO FAMILY PLANNING SERVICES REIMBURSED BY THE FEDERAL GOVERNMENT  
18 AT A RATE OF NINETY PERCENT.

19 (B) FOR THE PURPOSES OF THIS SUBDIVISION, "QUALIFIED HOSPITAL" MEANS A  
20 HOSPITAL THAT:

21 (1) IS LICENSED AS A GENERAL HOSPITAL UNDER ARTICLE TWENTY-EIGHT OF  
22 THE PUBLIC HEALTH LAW;

23 (2) IS ENROLLED AS A PROVIDER IN THE PROGRAM OF MEDICAL ASSISTANCE  
24 UNDER THIS TITLE;

25 (3) HAS NOTIFIED THE DEPARTMENT OF HEALTH OF ITS ELECTION TO MAKE  
26 PRESUMPTIVE ELIGIBILITY DETERMINATIONS UNDER THIS SUBDIVISION, AND  
27 AGREES TO MAKE SUCH DETERMINATIONS IN ACCORDANCE WITH POLICIES AND  
28 PROCEDURES ESTABLISHED BY THE DEPARTMENT;

29 (4) HAS BEEN DESIGNATED BY THE DEPARTMENT OF HEALTH AS A CERTIFIED  
30 APPLICATION COUNSELOR TO PROVIDE INFORMATION TO INDIVIDUALS CONCERNING  
31 QUALIFIED HEALTH PLANS OFFERED THROUGH A HEALTH INSURANCE EXCHANGE AND  
32 OTHER INSURANCE AFFORDABILITY PROGRAMS, ASSIST INDIVIDUALS TO APPLY FOR  
33 COVERAGE THROUGH A QUALIFIED HEALTH PLAN OR INSURANCE AFFORDABILITY  
34 PROGRAM, AND HELP FACILITATE THE ENROLLMENT OF ELIGIBLE INDIVIDUALS IN  
35 SUCH PLANS OR PROGRAMS; AND

36 (5) HAS NOT BEEN DISQUALIFIED BY THE DEPARTMENT OF HEALTH PURSUANT TO  
37 PARAGRAPH (C) OF THIS SUBDIVISION.

38 (C) THE DEPARTMENT OF HEALTH MAY DISQUALIFY A HOSPITAL AS A QUALIFIED  
39 HOSPITAL IF THE DEPARTMENT DETERMINES THAT THE HOSPITAL IS NOT:

40 (1) MAKING, OR IS NOT CAPABLE OF MAKING, PRESUMPTIVE ELIGIBILITY  
41 DETERMINATIONS IN ACCORDANCE WITH THE POLICIES AND PROCEDURES ESTAB-  
42 LISHED BY THE DEPARTMENT; OR

43 (2) MEETING SUCH STANDARDS AS MAY BE ESTABLISHED BY THE DEPARTMENT  
44 WITH RESPECT TO THE PROPORTION OF INDIVIDUALS DETERMINED PRESUMPTIVELY  
45 ELIGIBLE BY THE HOSPITAL WHO ARE FOUND BY THE MEDICAL ASSISTANCE PROGRAM  
46 TO BE ELIGIBLE FOR ONGOING MEDICAL ASSISTANCE AFTER THE END OF THE  
47 PRESUMPTIVE ELIGIBILITY PERIOD.

48 (D) CARE, SERVICES AND SUPPLIES, AS SET FORTH IN SECTION THREE HUNDRED  
49 SIXTY-FIVE-A OF THIS TITLE, THAT ARE FURNISHED TO AN INDIVIDUAL DURING A  
50 PRESUMPTIVE ELIGIBILITY PERIOD UNDER THIS SUBDIVISION BY AN ENTITY THAT  
51 IS ELIGIBLE FOR PAYMENTS UNDER THIS TITLE SHALL BE DEEMED TO BE MEDICAL  
52 ASSISTANCE FOR PURPOSES OF PAYMENT AND STATE REIMBURSEMENT.

53 S 56. Subdivision 1 of section 366 of the social services law is  
54 amended by adding a new paragraph (f) to read as follows:

55 (F) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS TITLE, FOR AN  
56 INDIVIDUAL WHO HAS INCOME IN EXCESS OF AN APPLICABLE INCOME ELIGIBILITY

1 STANDARD AND IS ALLOWED TO ACHIEVE ELIGIBILITY FOR MEDICAL ASSISTANCE  
2 UNDER THIS TITLE BY INCURRING MEDICAL EXPENSES EQUAL TO THE AMOUNT OF  
3 SUCH EXCESS INCOME, THE AMOUNT OF EXCESS INCOME MAY BE CALCULATED BY  
4 COMPARING THE INDIVIDUAL'S MAGI HOUSEHOLD INCOME TO THE MAGI-EQUIVALENT  
5 OF THE APPLICABLE INCOME ELIGIBILITY STANDARD; PROVIDED, HOWEVER, THAT  
6 MEDICAL ASSISTANCE SHALL BE FURNISHED PURSUANT TO THIS PARAGRAPH ONLY  
7 IF, FOR SO LONG AS, AND TO THE EXTENT THAT FEDERAL FINANCIAL PARTIC-  
8 IPATION IS AVAILABLE THEREFOR. THE COMMISSIONER OF HEALTH SHALL MAKE ANY  
9 AMENDMENTS TO THE STATE PLAN FOR MEDICAL ASSISTANCE, OR APPLY FOR ANY  
10 WAIVER OR APPROVAL UNDER THE FEDERAL SOCIAL SECURITY ACT THAT ARE NECES-  
11 SARY TO CARRY OUT THE PROVISIONS OF THIS PARAGRAPH.

12 S 56-a. Section 364-j of the social services law is amended by adding  
13 a new subdivision 30 to read as follows:

14 30. NOTWITHSTANDING THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-THREE  
15 OF THE STATE FINANCE LAW, OR SECTIONS ONE HUNDRED FORTY-TWO AND ONE  
16 HUNDRED FORTY-THREE OF THE ECONOMIC DEVELOPMENT LAW, OR ANY CONTRARY  
17 PROVISION OF LAW, IN THE EVENT THAT THE STATE RECEIVES PRIOR APPROVAL  
18 AND ENHANCED FINANCIAL PARTICIPATION FROM THE CENTERS FOR MEDICAID AND  
19 MEDICARE SERVICES, ADMINISTRATION FOR CHILDREN AND FAMILIES AND THE  
20 FEDERAL FOOD AND NUTRITION SERVICES FOR REIMBURSEMENT PURSUANT TO AN  
21 A-87 COST ALLOCATION WAIVER FOR ENHANCED FUNDING FOR INTEGRATED ELIGI-  
22 BILITY SYSTEMS, THE STATE IS AUTHORIZED TO ENTER INTO CONTRACTS, AND/OR  
23 TO AMEND THE TERMS OF CONTRACTS AWARDED PRIOR TO THE EFFECTIVE DATE OF  
24 THIS SUBDIVISION, WITHOUT A COMPETITIVE BID OR REQUEST FOR PROPOSAL  
25 PROCESS, CONSISTENT WITH FEDERAL REQUIREMENTS, FOR THE PURPOSE OF IMPL-  
26 MENTING PROJECTS AUTHORIZED UNDER SUCH WAIVER AMENDMENT; PROVIDED,  
27 HOWEVER, IN THE CASE OF A CONTRACT ENTERED INTO AFTER THE EFFECTIVE DATE  
28 OF THIS SUBDIVISION, THAT:

29 (A) THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE AND THE OFFICE  
30 OF GENERAL SERVICES, OR ANOTHER STATE AGENCY, SHALL POST ON ITS WEBSITE  
31 AND CONCURRENTLY PROVIDE TO THE CHAIR OF THE SENATE HEALTH COMMITTEE AND  
32 THE CHAIR OF THE ASSEMBLY HEALTH COMMITTEE, FOR A PERIOD OF NO LESS THAN  
33 THIRTY DAYS:

34 (I) A DESCRIPTION OF THE PROPOSED SERVICES TO BE PROVIDED PURSUANT TO  
35 THE CONTRACT OR CONTRACTS;

36 (II) THE CRITERIA FOR SELECTION OF A CONTRACTOR OR CONTRACTORS;

37 (III) THE PERIOD OF TIME DURING WHICH A PROSPECTIVE CONTRACTOR MAY  
38 SUBMIT AN OFFER, WHICH SHALL BE NO LESS THAN THIRTY DAYS AFTER SUCH  
39 INFORMATION IS FIRST POSTED ON THE WEBSITE; AND

40 (IV) THE MANNER BY WHICH A PROSPECTIVE CONTRACTOR MAY SUBMIT AN OFFER,  
41 WHICH MAY INCLUDE SUBMISSION BY ELECTRONIC MEANS;

42 (B) ALL RESPONSIVE AND REASONABLE OFFERS THAT ARE RECEIVED FROM  
43 PROSPECTIVE CONTRACTORS IN TIMELY FASHION SHALL BE REVIEWED BY THE  
44 COMMISSIONER OF TEMPORARY AND DISABILITY ASSISTANCE OR OTHER STATE AGEN-  
45 CY; AND

46 (C) THE COMMISSIONERS OF THE DEPARTMENT OF HEALTH, THE OFFICE OF  
47 TEMPORARY AND DISABILITY ASSISTANCE AND THE OFFICE OF CHILDREN AND FAMI-  
48 LY SERVICES, WORKING IN COOPERATION WITH THE STATE CHIEF INFORMATION  
49 OFFICER AND THE OFFICE OF GENERAL SERVICES, SHALL AWARD SUCH CONTRACT TO  
50 THE CONTRACTOR OR CONTRACTORS OFFER THAT PROVIDES THE BEST VALUE AS SUCH  
51 TERM IS DEFINED IN SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE  
52 LAW, TO THE STATE. AT NOTIFICATION THE COMMISSIONER OF HEALTH SHALL  
53 PROVIDE THIS INFORMATION TO THE CHAIR OF THE SENATE STANDING HEALTH  
54 COMMITTEE AND THE CHAIR OF THE ASSEMBLY HEALTH COMMITTEE.

1 (D) ALL DECISIONS MADE AND APPROACHES TAKEN PURSUANT TO THIS SUBDIVI-  
2 SION SHALL BE DOCUMENTED IN A PROCUREMENT RECORD AS DEFINED IN SECTION  
3 ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW.

4 (E) IN ACCORDANCE WITH ALL FEDERAL ADVANCE PLANNING DOCUMENT GUIDANCE  
5 AND WITHIN THE PARAMETERS ESTABLISHED BY THE ENHANCED FINANCIAL PARTIC-  
6 IPATION FROM THE CENTERS FOR MEDICAID AND MEDICARE SERVICES, ADMINIS-  
7 TRATION FOR CHILDREN AND FAMILIES AND THE FEDERAL FOOD AND NUTRITION  
8 SERVICES FOR REIMBURSEMENT TO AN A-87 COST ALLOCATION WAIVER FOR  
9 ENHANCED FUNDING FOR INTEGRATED ELIGIBILITY SYSTEMS, PHASE 1 WILL  
10 INCLUDE FOUNDATIONAL ALLOWABLE SHARED SERVICE COMPONENTS REQUIRED TO  
11 SUCCESSFULLY MEET THE REQUIREMENTS FOR NON-MAGI MEDICAID SUCH AS A  
12 COMMON CLIENT PORTAL, DOCUMENT MANAGEMENT, RULES ENGINES, WORKFLOW  
13 MANAGEMENT TOOLS, CASE MANAGEMENT, NOTICES AND TRAINING.

14 (F) THE CONTRACT WILL REQUIRE TRAINING TO BE PROVIDED AT NO COST TO  
15 THE SOCIAL SERVICES DISTRICTS.

16 (G) THE CONTRACT SHALL REQUIRE THE COMPLETION OF SHARED SERVICE COMPO-  
17 NENTS BY THE TIMELINES NECESSARY TO RECEIVE THE ENHANCED FINANCIAL  
18 PARTICIPATION FROM THE CENTERS FOR MEDICAID AND MEDICARE SERVICES,  
19 ADMINISTRATION FOR CHILDREN AND FAMILIES AND THE FEDERAL FOOD AND NUTRI-  
20 TION SERVICES FOR REIMBURSEMENT TO AN A-87 COST ALLOCATION WAIVER.

21 (H) THE COMMISSIONER SHALL PROVIDE, WITHIN THIRTY DAYS OF AWARD OF  
22 SUCH CONTRACT OR CONTRACTS, THE CHAIR OF THE SENATE STANDING COMMITTEE  
23 ON HEALTH AND THE CHAIR OF THE ASSEMBLY HEALTH COMMITTEE WITH A REPORT  
24 OUTLINING THE PROCUREMENT AND AWARDS.

25 S 57. Subdivision 8 of section 2511 of the public health law is  
26 amended by adding a new paragraph (h) to read as follows:

27 (H) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS TITLE, ARTICLES  
28 THIRTY-TWO AND FORTY-THREE OF THE INSURANCE LAW AND SUBSECTION (E) OF  
29 SECTION ELEVEN HUNDRED TWENTY OF THE INSURANCE LAW, FOR THE PERIOD APRIL  
30 FIRST, TWO THOUSAND FOURTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND  
31 FIFTEEN, SUBSIDY PAYMENTS MADE TO APPROVED ORGANIZATIONS SHALL BE AT  
32 AMOUNTS APPROVED PRIOR TO APRIL FIRST, TWO THOUSAND FOURTEEN.

33 S 58. Article 29-A of the public health law is amended by adding a new  
34 title 1-A to read as follows:

#### 35 TITLE 1-A

##### 36 RURAL DENTISTRY PILOT PROGRAM

37 SECTION 2958-A. RURAL DENTISTRY PILOT PROGRAM.

38 S 2958-A. RURAL DENTISTRY PILOT PROGRAM. 1. THE COMMISSIONER SHALL,  
39 WITHIN MONIES APPROPRIATED THEREFORE, ESTABLISH A RURAL DENTISTRY PILOT  
40 PROGRAM IN CHAUTAUQUA, ALLEGANY, AND CATTARAUGUS COUNTIES. THE COMMIS-  
41 SIONER SHALL, IN COORDINATION WITH THE UNIVERSITY OF BUFFALO SCHOOL OF  
42 DENTISTRY STUDY COST SAVINGS ACHIEVED THROUGH THE PROVISION OF DENTAL  
43 SERVICES IN GEOGRAPHICALLY ISOLATED AND UNDERSERVED AREAS. SUCH A STUDY  
44 SHALL DETERMINE:

45 (I) THE QUALITY OF CARE PROVIDED THROUGH A MOBILE DENTAL SYSTEM,  
46 INCLUDING MINIMIZING ANY ADVERSE EFFECTS ON DENTAL PRACTICES ALREADY  
47 SERVING OR SEEKING TO ENTER RURAL OR UNDERSERVED COMMUNITIES, THE  
48 INVOLVEMENT OF DENTAL PRACTICES SERVING RURAL OR UNDERSERVED COMMUNITIES  
49 IN SUCH A MOBILE DENTAL SYSTEM, AND THE ESTABLISHMENT OF REFERRAL  
50 SYSTEMS AND NETWORKS TO EXISTING DENTAL PRACTICES SERVING RURAL OR  
51 UNDERSERVED COMMUNITIES FOR REGULAR ONGOING CARE OF PATIENTS;

52 (II) COST SAVINGS ACHIEVED THROUGH TARGETED ORAL HEALTH INITIATIVES IN  
53 RURAL AREAS;

54 (III) COROLLARIES BETWEEN PREVENTATIVE DENTAL CARE AND IMPROVED  
55 PATIENT OUTCOMES IN RURAL AREAS;



1 (IV) KNOWLEDGE, ATTITUDE, AND BEHAVIOR OUTCOMES AMONG DENTAL STUDENTS  
2 AND RECOMMENDATIONS FOR RURAL DENTAL HEALTH EDUCATION CURRICULUM;

3 (V) A PROFILE OF THE PARTICIPANTS, THE NUMBER OF PERSONS SERVED, AND  
4 HEALTH CARE DISPARITIES;

5 (VI) A DESCRIPTION OF THE ACTIVITIES OF THE PROGRAM;

6 (VII) GUIDANCE ON FACILITATED PARTICIPATION IN RURAL AREAS;

7 (VIII) PROVIDER SHORTAGES IN RURAL AREAS;

8 (IX) A DESCRIPTION OF THE IMPACT OF THE PROGRAMS ON THE COMMUNITY AND  
9 RECOMMENDATIONS FOR REPLICATION/IMPROVEMENT IN OTHER RURAL AREAS; AND

10 (X) SUCH OTHER ACTIVITIES AS THE COMMISSIONER MAY DEEM NECESSARY AND  
11 APPROPRIATE TO THIS SECTION.

12 2. TWELVE MONTHS AFTER THE APPROVAL OF THE RURAL DENTISTRY PILOT  
13 PROGRAM, AND ANNUALLY THEREAFTER, THE PROGRAM SHALL REPORT TO THE  
14 COMMISSIONER ON THE PROGRESS OF THE PROGRAM. THE COMMISSIONER SHALL  
15 EVALUATE THE FINDINGS OF THE STUDY AND REPORT TO THE GOVERNOR, THE  
16 TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE  
17 CHAIR OF THE SENATE STANDING COMMITTEE ON HEALTH, THE CHAIR OF THE  
18 ASSEMBLY HEALTH COMMITTEE AND THE CHAIR OF THE LEGISLATIVE COMMISSION ON  
19 RURAL RESOURCES ON ITS FINDINGS.

20 3. ADDITIONALLY, TO THE EXTENT OF FUNDS APPROPRIATED THEREFORE,  
21 MEDICAL ASSISTANCE FUNDS, INCLUDING ANY FUNDING OR SHARED SAVINGS AS MAY  
22 BECOME AVAILABLE THROUGH FEDERAL WAIVERS OR OTHERWISE UNDER TITLES EIGH-  
23 TEEN AND NINETEEN OF THE FEDERAL SOCIAL SECURITY ACT, MAY BE USED FOR  
24 EXPENDITURES IN SUPPORT OF THE DEMONSTRATION PROGRAM.

25 4. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW TO THE CONTRARY,  
26 THE COMMISSIONER IS AUTHORIZED TO WAIVE, MODIFY OR SUSPEND THE  
27 PROVISIONS OF RULES AND REGULATIONS PROMULGATED PURSUANT TO ARTICLE  
28 TWENTY-EIGHT OF THIS CHAPTER IF THE COMMISSIONER DETERMINES THAT SUCH  
29 WAIVER, MODIFICATION OR SUSPENSION IS NECESSARY FOR THE SUCCESSFUL  
30 IMPLEMENTING OF THE RURAL DENTISTRY PILOT PROGRAM AUTHORIZED PURSUANT TO  
31 THIS SECTION AND PROVIDED THAT THE COMMISSIONER DETERMINES THAT THE  
32 HEALTH, SAFETY AND GENERAL WELFARE OF PEOPLE RECEIVING HEALTH CARE UNDER  
33 SUCH RURAL DENTISTRY PILOT PROGRAM WILL NOT BE IMPAIRED AS A RESULT OF  
34 SUCH WAIVER, MODIFICATION, OR SUSPENSION.

35 S 59. Paragraph (d) of subdivision 2 of section 2511 of the public  
36 health law is REPEALED.

37 S 60. Subparagraphs (iv) and (v) of paragraph (b) of subdivision 9 of  
38 section 2511 of the public health law, subparagraph (iv) as amended by  
39 section 33 of part D of chapter 56 of the laws of 2013 and subparagraph  
40 (v) as amended by chapter 2 of the laws of 1998, are amended to read as  
41 follows:

42 (iv) outstationing of persons who are authorized to provide assistance  
43 to families in completing the enrollment application process under this  
44 title and title eleven of article five of the social services law, in  
45 locations, such as community settings, which are geographically accessi-  
46 ble to large numbers of children who may be eligible for benefits under  
47 such titles, and at times, including evenings and weekends, when large  
48 numbers of children who may be eligible for benefits under such titles  
49 are likely to be encountered. Persons outstationed in accordance with  
50 this subparagraph shall be authorized to make determinations of presump-  
51 tive eligibility in accordance with paragraph [(g)] (F) of subdivision  
52 two of THIS section [two thousand five hundred and eleven of this  
53 title]; and

54 (v) notice by local social services districts to medical assistance  
55 applicants of the availability of benefits under paragraph [(g)] (F) of

1 subdivision two of THIS section [two thousand five hundred and eleven of  
2 this title].

3 S 61. Subdivisions 3, 4 and 5 of section 47 of chapter 2 of the laws  
4 of 1998, amending the public health law and other laws relating to  
5 expanding the child health insurance plan, as amended by section 19 of  
6 part D of chapter 59 of the laws of 2011, are amended to read as  
7 follows:

8 3. section six of this act shall take effect January 1, 1999;  
9 provided, however, that subparagraph (iii) of paragraph (c) of subdivi-  
10 sion 9 of section 2510 of the public health law, as added by this act,  
11 shall expire on July 1, [2014] 2017;

12 4. sections two, three, four, seven, eight, nine, fourteen, fifteen,  
13 sixteen, eighteen, eighteen-a, [twenty-three,] twenty-four, and twenty-  
14 nine of this act shall take effect January 1, 1999 and SECTION EIGH-  
15 TEEN-A shall expire on July 1, 2014; section twenty-five of this act  
16 shall take effect on January 1, 1999 and shall expire on April 1, 2005;

17 5. section twelve of this act shall take effect January 1, 1999;  
18 provided, however, paragraphs (g) and (h) of subdivision 2 of section  
19 2511 of the public health law, as added by such section, shall expire on  
20 July 1, [2014] 2017;

21 S 62. The opening paragraph of subparagraph (ii) of paragraph (a) of  
22 subdivision 2 of section 369 of the social services law, as amended by  
23 chapter 41 of the laws of 1992, is amended to read as follows:

24 with respect to the real property of an individual who is an inpatient  
25 in a nursing facility, intermediate care facility for the mentally  
26 retarded, or other medical institution, [and] who is not reasonably  
27 expected to be discharged from the medical institution and to return  
28 home, AND WHO IS REQUIRED, AS A CONDITION OF RECEIVING SERVICES IN SUCH  
29 INSTITUTION UNDER THE STATE PLAN FOR MEDICAL ASSISTANCE, TO SPEND FOR  
30 COSTS OF MEDICAL CARE ALL BUT A MINIMAL AMOUNT OF HIS OR HER INCOME  
31 REQUIRED FOR PERSONAL NEEDS; provided, however, any such lien will  
32 dissolve upon the individual's discharge from the medical institution  
33 and return home; in addition, no such lien may be imposed on the indi-  
34 vidual's home if one of the following persons is lawfully residing in  
35 the home:

36 S 62-a. Subparagraph (i) of paragraph (b) of subdivision 2 of section  
37 369 of the social services law, as amended by chapter 170 of the laws of  
38 1994, is amended to read as follows:

39 (i) Notwithstanding any inconsistent provision of this chapter or  
40 other law, no adjustment or recovery may be made against the property of  
41 any individual on account of any medical assistance correctly paid to or  
42 on behalf of an individual under this title, except that recoveries must  
43 be pursued:

44 (A) upon the sale of the property subject to a lien imposed on account  
45 of medical assistance paid to an individual described in clause (ii) of  
46 paragraph (a) of this subdivision, or from the estate of such individ-  
47 ual; and

48 (B) from the estate of an individual who was fifty-five years of age  
49 or older when he or she received such assistance, PROVIDED THAT FOR  
50 INDIVIDUALS WHOSE ELIGIBILITY FOR MEDICAL ASSISTANCE WAS BASED ON PARA-  
51 GRAPH (B) OF SUBDIVISION ONE OF SECTION THREE HUNDRED SIXTY-SIX OF THIS  
52 TITLE, RECOVERY SHALL BE LIMITED TO MEDICAL ASSISTANCE CONSISTING OF  
53 NURSING FACILITY SERVICES, HOME AND COMMUNITY-BASED SERVICES, AND  
54 RELATED HOSPITAL AND PRESCRIPTION DRUG SERVICES.

55 S 63. Section 4 of chapter 779 of the laws of 1986, amending the  
56 social services law relating to authorizing services for non-residents

1 in adult homes, residences for adults and enriched housing programs, as  
2 amended by chapter 108 of the laws of 2011, is amended to read as  
3 follows:

4 S 4. This act shall take effect on the one hundred twentieth day after  
5 it shall have become a law and shall remain in full force and effect  
6 until July 1, [2014] 2017, provided however, that effective immediately,  
7 the addition, amendment and/or repeal of any rules or regulations neces-  
8 sary for the implementation of the foregoing sections of this act on its  
9 effective date are authorized and directed to be made and completed on  
10 or before such effective date.

11 S 64. Subdivision (i-1) of section 79 of part C of chapter 58 of the  
12 laws of 2008, amending the social services law and the public health law  
13 relating to adjustments of rates, as amended by section 21 of part D of  
14 chapter 59 of the laws of 2011, is amended to read as follows:

15 (i-1) section thirty-one-a of this act shall be deemed repealed July  
16 1, [2014] 2017;

17 S 65. Section 4 of chapter 19 of the laws of 1998, amending the social  
18 services law relating to limiting the method of payment for prescription  
19 drugs under the medical assistance program, as amended by section 107 of  
20 part H of chapter 59 of the laws of 2011, is amended to read as follows:

21 S 4. This act shall take effect 120 days after it shall have become a  
22 law and shall expire and be deemed repealed March 31, [2014] 2017.

23 S 66. Paragraph (e-1) of subdivision 12 of section 2808 of the public  
24 health law, as amended by section 63 of part A of chapter 56 of the laws  
25 of 2013, is amended to read as follows:

26 (e-1) Notwithstanding any inconsistent provision of law or regulation,  
27 the commissioner shall provide, in addition to payments established  
28 pursuant to this article prior to application of this section, addi-  
29 tional payments under the medical assistance program pursuant to title  
30 eleven of article five of the social services law for non-state operated  
31 public residential health care facilities, including public residential  
32 health care facilities located in the county of Nassau, the county of  
33 Westchester and the county of Erie, but excluding public residential  
34 health care facilities operated by a town or city within a county, in  
35 aggregate annual amounts of up to one hundred fifty million dollars in  
36 additional payments for the state fiscal year beginning April first, two  
37 thousand six and for the state fiscal year beginning April first, two  
38 thousand seven and for the state fiscal year beginning April first, two  
39 thousand eight and of up to three hundred million dollars in such aggre-  
40 gate annual additional payments for the state fiscal year beginning  
41 April first, two thousand nine, and for the state fiscal year beginning  
42 April first, two thousand ten and for the state fiscal year beginning  
43 April first, two thousand eleven, and for the state fiscal years begin-  
44 ning April first, two thousand twelve and April first, two thousand  
45 thirteen, AND OF UP TO FIVE HUNDRED MILLION DOLLARS IN SUCH AGGREGATE  
46 ANNUAL ADDITIONAL PAYMENTS FOR THE STATE FISCAL YEARS BEGINNING APRIL  
47 FIRST, TWO THOUSAND FOURTEEN, APRIL FIRST, TWO THOUSAND FIFTEEN AND  
48 APRIL FIRST, TWO THOUSAND SIXTEEN. The amount allocated to each eligible  
49 public residential health care facility for this period shall be  
50 computed in accordance with the provisions of paragraph (f) of this  
51 subdivision, provided, however, that patient days shall be utilized for  
52 such computation reflecting actual reported data for two thousand three  
53 and each representative succeeding year as applicable, and provided  
54 further, however, that, in consultation with impacted providers, of the  
55 funds allocated for distribution in the state fiscal year beginning

1 April first, two thousand thirteen, up to thirty-two million dollars may  
2 be allocated in accordance with paragraph (f-1) of this subdivision.

3 S 67. Paragraph (i) of subdivision 3 of section 461-1 of the social  
4 services law, as amended by section 4 of part D of chapter 56 of the  
5 laws of 2012, is amended to read as follows:

6 (i) (A) The commissioner of health is authorized to add up to six  
7 thousand assisted living program beds to the gross number of assisted  
8 living program beds having been determined to be available as of April  
9 first, two thousand nine. Nothing herein shall be interpreted as prohib-  
10 iting any eligible applicant from submitting an application for any  
11 assisted living program bed so added. The commissioner of health shall  
12 not be required to review on a comparative basis applications submitted  
13 for assisted living program beds made available under this paragraph.  
14 The commissioner of health shall only authorize the addition of six  
15 thousand beds pursuant to a [five] SEVEN year plan ENDING PRIOR TO JANU-  
16 ARY FIRST, TWO THOUSAND SEVENTEEN.

17 (B) THE COMMISSIONER OF HEALTH SHALL PROVIDE AN ANNUAL WRITTEN REPORT  
18 TO THE CHAIR OF THE SENATE STANDING COMMITTEE ON HEALTH AND THE CHAIR OF  
19 THE ASSEMBLY HEALTH COMMITTEE NO LATER THAN JANUARY FIRST OF EACH YEAR.  
20 SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NUMBER OF ASSISTED  
21 LIVING PROGRAM BEDS MADE AVAILABLE PURSUANT TO THIS SECTION BY COUNTY,  
22 THE TOTAL NUMBER OF ASSISTED LIVING PROGRAM BEDS BY COUNTY, THE NUMBER  
23 OF VACANT ASSISTED LIVING PROGRAM BEDS BY COUNTY, AND ANY OTHER INFORMA-  
24 TION DEEMED NECESSARY AND APPROPRIATE.

25 S 67-a. Subparagraph (v) of paragraph (b) of subdivision 35 of section  
26 2807-c of the public health law, as amended by section 7 of part B of  
27 chapter 56 of the laws of 2013, is amended to read as follows:

28 (v) such regulations shall incorporate quality related measures,  
29 including, but not limited to, potentially preventable re-admissions  
30 (PPRs) and provide for rate adjustments or payment disallowances related  
31 to PPRs and other potentially preventable negative outcomes (PPNOs),  
32 which shall be calculated in accordance with methodologies as determined  
33 by the commissioner, provided, however, that such methodologies shall be  
34 based on a comparison of the actual and risk adjusted expected number of  
35 PPRs and other PPNOs in a given hospital and with benchmarks established  
36 by the commissioner and provided further that such rate adjustments or  
37 payment disallowances shall result in an aggregate reduction in Medicaid  
38 payments of no less than thirty-five million dollars for the period July  
39 first, two thousand ten through March thirty-first, two thousand eleven  
40 and no less than fifty-one million dollars for annual periods beginning  
41 April first, two thousand eleven through March thirty-first, two thou-  
42 sand [fourteen] FIFTEEN, provided further that such aggregate reductions  
43 shall be offset by Medicaid payment reductions occurring as a result of  
44 decreased PPRs during the period July first, two thousand ten through  
45 March thirty-first, two thousand eleven and the period April first, two  
46 thousand eleven through March thirty-first, two thousand [fourteen]  
47 FIFTEEN and as a result of decreased PPNOs during the period April  
48 first, two thousand eleven through March thirty-first, two thousand  
49 [fourteen] FIFTEEN; and provided further that for the period July first,  
50 two thousand ten through March thirty-first, two thousand [fourteen]  
51 FIFTEEN, such rate adjustments or payment disallowances shall not apply  
52 to behavioral health PPRs; or to readmissions that occur on or after  
53 fifteen days following an initial admission. By no later than July  
54 first, two thousand eleven the commissioner shall enter into consulta-  
55 tions with representatives of the health care facilities subject to this  
56 section regarding potential prospective revisions to applicable method-

1 ologies and benchmarks set forth in regulations issued pursuant to this  
2 subparagraph;

3 S 67-b. Paragraph (b) of subdivision 1 of section 76 of chapter 731 of  
4 the laws of 1993, amending the public health law and other laws relating  
5 to reimbursement, delivery and capital cost of ambulatory health care  
6 services and inpatient hospital services, as amended by section 28 of  
7 part A of chapter 59 of the laws of 2011, is amended to read as follows:

8 (b) sections fifteen through nineteen and subdivision 3 of section  
9 2807-e of the public health law as added by section twenty of this act  
10 shall expire on July 1, [2014] 2017, and section seventy-four of this  
11 act shall expire on July 1, 2007;

12 S 67-c. Section 18 of chapter 904 the laws of 1984, amending the  
13 public health law and the social services law relating to encouraging  
14 comprehensive health services, as amended by section 21 of part C of  
15 chapter 59 of the laws of 2011, is amended to read as follows:

16 S 18. This act shall take effect immediately, except that sections  
17 six, nine, ten and eleven of this act shall take effect on the sixtieth  
18 day after it shall have become a law, sections two, three, four and nine  
19 of this act shall expire and be of no further force or effect on or  
20 after March 31, [2014] 2017, section two of this act shall take effect  
21 on April 1, 1985 or seventy-five days following the submission of the  
22 report required by section one of this act, whichever is later, and  
23 sections eleven and thirteen of this act shall expire and be of no  
24 further force or effect on or after March 31, 1988.

25 S 68. Notwithstanding any inconsistent provision of law, rule or regu-  
26 lation, for purposes of implementing the provisions of the public health  
27 law and the social services law, references to titles XIX and XXI of the  
28 federal social security act in the public health law and the social  
29 services law shall be deemed to include and also to mean any successor  
30 titles thereto under the federal social security act.

31 S 69. Notwithstanding any inconsistent provision of law, rule or regu-  
32 lation, the effectiveness of the provisions of sections 2807 and 3614 of  
33 the public health law, section 18 of chapter 2 of the laws of 1988, and  
34 18 NYCRR 505.14(h), as they relate to time frames for notice, approval  
35 or certification of rates of payment, are hereby suspended and without  
36 force or effect for purposes of implementing the provisions of this act.

37 S 70. Severability clause. If any clause, sentence, paragraph, subdi-  
38 vision, section or part of this act shall be adjudged by any court of  
39 competent jurisdiction to be invalid, such judgment shall not affect,  
40 impair or invalidate the remainder thereof, but shall be confined in its  
41 operation to the clause, sentence, paragraph, subdivision, section or  
42 part thereof directly involved in the controversy in which such judgment  
43 shall have been rendered. It is hereby declared to be the intent of the  
44 legislature that this act would have been enacted even if such invalid  
45 provisions had not been included herein.

46 S 71. This act shall take effect immediately and shall be deemed to  
47 have been in full force and effect on and after April 1, 2014 provided  
48 that:

49 1. sections five, fifty-nine and sixty of this act shall take effect  
50 July 1, 2014;

51 2. section twenty-six of this act shall take effect immediately and be  
52 deemed to have been in full force and effect on and after March 1, 2014;

53 3. section nine of this act shall take effect May 1, 2014; provided,  
54 however, that the amendments to subparagraph (iii) of paragraph (c) of  
55 subdivision 6 of section 367-a of the social services law made by

1 section nine of this act shall not affect the repeal of such paragraph  
2 and shall be deemed repealed therewith;

3 3-a. amendments made to section 365-h of the social services law made  
4 by section seven of this act, shall not affect the repeal of such  
5 section and shall be deemed repealed therewith.

6 3-b. section twenty-six-a of this act shall take effect October 1,  
7 2014;

8 3-c. sections fifty, fifty-one, fifty-two and fifty-three shall take  
9 effect April 1, 2015;

10 3-d. section fifty-five of this act shall take effect January 1, 2015;

11 4. the amendments to subdivision 9 of section 2511 of the public  
12 health law made by section sixty of this act shall not affect the expi-  
13 ration of such subdivision and shall expire therewith;

14 4-a. section twenty-two of this act shall take effect April 1, 2014,  
15 and shall be deemed expired January 1, 2017;

16 4-b. the amendments to subdivisions (a) and (b) of section 364-jj of  
17 the social services law made by section thirty-nine of this act shall  
18 not affect the expiration of such section and shall be deemed to expire  
19 therewith;

20 4-c. the amendments to section 364-j of the social services law made  
21 by section forty-nine of this act shall not affect the repeal of such  
22 section and shall be deemed to repeal therewith;

23 4-d. the amendments to section 48-a of part A of chapter 56 of the  
24 laws of 2013 made by section thirteen of this act shall not affect the  
25 expiration of such section and shall expire therewith;

26 4-e. the amendments to section 1 of part H of chapter 111 of the laws  
27 of 2010 made by section fifteen of this act shall not affect the expira-  
28 tion of such section and shall expire therewith;

29 5. any rules or regulations necessary to implement the provisions of  
30 this act may be promulgated and any procedures, forms, or instructions  
31 necessary for such implementation may be adopted and issued on or after  
32 the date this act shall have become a law;

33 6. this act shall not be construed to alter, change, affect, impair or  
34 defeat any rights, obligations, duties or interests accrued, incurred or  
35 conferred prior to the effective date of this act;

36 7. the commissioner of health and the superintendent of the department  
37 of financial services and any appropriate council may take any steps  
38 necessary to implement this act prior to its effective date;

39 8. notwithstanding any inconsistent provision of the state administra-  
40 tive procedure act or any other provision of law, rule or regulation,  
41 the commissioner of health and the superintendent of the department of  
42 financial services and any appropriate council is authorized to adopt or  
43 amend or promulgate on an emergency basis any regulation he or she or  
44 such council determines necessary to implement any provision of this act  
45 on its effective date; and

46 9. the provisions of this act shall become effective notwithstanding  
47 the failure of the commissioner of health or the superintendent of the  
48 department of financial services or any council to adopt or amend or  
49 promulgate regulations implementing this act.

50

#### PART D

51 Section 1. Section 6802 of the education law is amended by adding  
52 three new subdivisions 24, 25 and 26 to read as follows:

53 24. "COMPOUNDING" MEANS THE COMBINING, ADMIXING, MIXING, DILUTING,  
54 POOLING, RECONSTITUTING, OR OTHERWISE ALTERING OF A DRUG OR BULK DRUG

1 SUBSTANCE TO CREATE A DRUG WITH RESPECT TO AN OUTSOURCING FACILITY UNDER  
2 SECTION 503B OF THE FEDERAL FOOD, DRUG AND COSMETIC ACT AND FURTHER  
3 DEFINED IN THIS SECTION.

4 25. "OUTSOURCING FACILITY" MEANS A FACILITY THAT:

5 (A) IS ENGAGED IN THE COMPOUNDING OF STERILE DRUGS;

6 (B) IS CURRENTLY REGISTERED AS AN OUTSOURCING FACILITY WITH THE SECRE-  
7 TARY OF HEALTH AND HUMAN SERVICES; AND

8 (C) COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF FEDERAL AND STATE  
9 LAW, INCLUDING THE FEDERAL FOOD, DRUG AND COSMETIC ACT.

10 26. "STERILE DRUG" MEANS A DRUG THAT IS INTENDED FOR PARENTERAL ADMIN-  
11 ISTRATION, AN OPHTHALMIC OR ORAL INHALATION DRUG IN AQUEOUS FORMAT, OR A  
12 DRUG THAT IS REQUIRED TO BE STERILE UNDER FEDERAL OR STATE LAW.

13 S 2. Subdivision 1 of section 6808 of the education law, as added by  
14 chapter 987 of the laws of 1971, is amended to read as follows:

15 1. No person, firm, corporation or association shall possess drugs,  
16 prescriptions or poisons for the purpose of compounding, dispensing,  
17 retailing, wholesaling, or manufacturing, or shall offer drugs,  
18 prescriptions or poisons for sale at retail or wholesale unless regis-  
19 tered by the department as a pharmacy, [store,] wholesaler, [or]  
20 manufacturer OR OUTSOURCING FACILITY.

21 S 3. Subdivisions 5, 6 and 7 of section 6808 of the education law are  
22 renumbered subdivisions 6, 7 and 8 and a new subdivision 5 is added to  
23 read as follows:

24 5. OUTSOURCING FACILITY'S REGISTRATION.

25 A. OBTAINING A REGISTRATION. AN OUTSOURCING FACILITY SHALL BE REGIS-  
26 TERED AS FOLLOWS:

27 (1) AN APPLICATION FOR INITIAL REGISTRATION OR RENEWAL OF REGISTRATION  
28 SHALL BE MADE ON A FORM PRESCRIBED BY THE DEPARTMENT.

29 (2) AN APPLICATION FOR INITIAL REGISTRATION SHALL BE ACCOMPANIED BY A  
30 FEE OF EIGHT HUNDRED TWENTY-FIVE DOLLARS.

31 B. RENEWAL OF REGISTRATION. ALL OUTSOURCING FACILITIES' REGISTRATIONS  
32 SHALL BE RENEWED ON A DATE SET BY THE DEPARTMENT. THE TRIENNIAL REGIS-  
33 TRATION FEE SHALL BE FIVE HUNDRED TWENTY DOLLARS OR A PRO RATED PORTION  
34 THEREOF AS DETERMINED BY THE DEPARTMENT.

35 C. DISPLAY OF REGISTRATION. THE REGISTRATION SHALL BE DISPLAYED  
36 CONSPICUOUSLY IN THE PLACE OF BUSINESS.

37 D. CHANGE OF LOCATION. IN THE EVENT THAT THE LOCATION OF SUCH PLACE OF  
38 BUSINESS SHALL BE CHANGED, THE OWNER SHALL APPLY TO THE DEPARTMENT FOR  
39 INSPECTION OF THE NEW LOCATION AND ENDORSEMENT OF THE REGISTRATION FOR  
40 THE NEW LOCATION. THE FEE FOR INSPECTION AND ENDORSEMENT SHALL BE ONE  
41 HUNDRED SEVENTY-FIVE DOLLARS, UNLESS IT APPEARS TO THE SATISFACTION OF  
42 THE DEPARTMENT THAT THE CHANGE IN LOCATION IS OF A TEMPORARY NATURE DUE  
43 TO FIRE, FLOOD OR OTHER DISASTER.

44 E. REPORT. UPON INITIALLY REGISTERING AS AN OUTSOURCING FACILITY AND  
45 EVERY SIX MONTHS THEREAFTER, EACH OUTSOURCING FACILITY SHALL SUBMIT TO  
46 THE EXECUTIVE SECRETARY OF THE STATE BOARD OF PHARMACY A REPORT:

47 (1) IDENTIFYING THE DRUGS COMPOUNDED BY SUCH OUTSOURCING FACILITY  
48 DURING THE PREVIOUS 6-MONTH PERIOD; AND

49 (2) WITH RESPECT TO EACH DRUG IDENTIFIED UNDER SUBPARAGRAPH ONE OF  
50 THIS PARAGRAPH, PROVIDING THE ACTIVE INGREDIENT; THE SOURCE OF SUCH  
51 ACTIVE INGREDIENT; THE NATIONAL DRUG CODE NUMBER OF THE SOURCE DRUG OR  
52 BULK ACTIVE INGREDIENT, IF AVAILABLE; THE STRENGTH OF THE ACTIVE INGRE-  
53 DIENT PER UNIT; THE DOSAGE FORM AND ROUTE OF ADMINISTRATION; THE PACKAGE  
54 DESCRIPTION; THE NUMBER OF INDIVIDUAL UNITS PRODUCED; AND THE NATIONAL  
55 DRUG CODE NUMBER OF THE FINAL PRODUCT, IF ASSIGNED.

1 F. CONDUCT OF OUTSOURCING FACILITY. EVERY OWNER OF AN OUTSOURCING  
2 FACILITY IS RESPONSIBLE FOR THE STRENGTH, QUALITY, PURITY AND LABELING  
3 THEREOF OF ALL COMPOUNDED DRUGS, SUBJECT TO THE GUARANTY PROVISIONS OF  
4 THIS ARTICLE AND THE PUBLIC HEALTH LAW. EVERY OUTSOURCING FACILITY SHALL  
5 BE UNDER THE IMMEDIATE SUPERVISION AND MANAGEMENT OF A PHARMACIST  
6 LICENSED TO PRACTICE IN NEW YORK STATE.

7 G. APPLICANT FOR REGISTRATION. AN APPLICANT FOR REGISTRATION OF AN  
8 OUTSOURCING FACILITY SHALL BE OF GOOD MORAL CHARACTER, AS DETERMINED BY  
9 THE DEPARTMENT. IN THE CASE OF A CORPORATE APPLICANT, THE REQUIREMENT  
10 SHALL EXTEND TO ALL OFFICERS AND DIRECTORS AND STAKEHOLDERS HAVING A TEN  
11 PERCENT OR GREATER INTEREST IN THE CORPORATION.

12 S 4. Subdivisions 6 and 7 of section 6808 of the education law, as  
13 added by chapter 987 of the laws of 1971, such subdivisions as renum-  
14 bered by section three of this act, are amended to read as follows:

15 6. Inspection. The state board of pharmacy and the department of  
16 education, and their employees designated by the commissioner, shall  
17 have the right to enter any pharmacy, wholesaler, manufacturer, [or  
18 registered store,] OUTSOURCING FACILITY or vehicle and to inspect, at  
19 reasonable times, such factory, warehouse, establishment or vehicle and  
20 all records required by this article, pertinent equipment, finished and  
21 unfinished materials, containers, and labels.

22 7. [Revocation or suspension] PENALTIES. A pharmacy, [store,] whole-  
23 saler [or], manufacturer [registration may be revoked or suspended by  
24 the committee on professional conduct of the state board of pharmacy in  
25 accordance with the provisions of article one hundred thirty] OR  
26 OUTSOURCING FACILITY REGISTERED UNDER THIS SECTION SHALL BE UNDER THE  
27 SUPERVISION OF THE BOARD OF REGENTS AND SHALL BE SUBJECT TO DISCIPLINARY  
28 PROCEEDINGS AND PENALTIES IN ACCORDANCE WITH ARTICLE ONE HUNDRED THIRTY  
29 OF THIS CHAPTER IN THE SAME MANNER AND TO THE SAME EXTENT AS INDIVIDUALS  
30 AND PROFESSIONAL SERVICE CORPORATIONS WITH RESPECT TO THEIR LICENSES AND  
31 REGISTRATIONS, PROVIDED THAT FAILURE TO COMPLY WITH THE REQUIREMENTS OF  
32 THIS SECTION SHALL CONSTITUTE PROFESSIONAL MISCONDUCT.

33 S 5. Subdivision 1 of section 6808-b of the education law, as amended  
34 by chapter 567 of the laws of 2002, is amended to read as follows:

35 1. Definition. The term "nonresident establishment" shall mean any  
36 pharmacy, manufacturer [or], wholesaler, OR OUTSOURCING FACILITY located  
37 outside of the state that ships, mails or delivers prescription drugs or  
38 devices to other establishments, authorized prescribers and/or patients  
39 residing in this state. Such establishments shall include, but not be  
40 limited to, pharmacies that transact business through the use of the  
41 internet.

42 S 6. Paragraph f of subdivision 4 of section 6808-b of the education  
43 law, as amended by chapter 567 of the laws of 2002, is amended to read  
44 as follows:

45 f. The application of establishments to be registered as a manufactur-  
46 er [or], wholesaler OR OUTSOURCING FACILITY of drugs and/or devices  
47 shall be accompanied by a fee as provided in section sixty-eight hundred  
48 eight of this article; and

49 S 7. Section 6810 of the education law is amended by adding a new  
50 subdivision 14 to read as follows:

51 14. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO  
52 OUTSOURCING FACILITY MAY DISTRIBUTE OR DISPENSE ANY DRUG TO ANY PERSON  
53 PURSUANT TO A PRESCRIPTION UNLESS IT IS ALSO REGISTERED AS A PHARMACY IN  
54 THIS STATE AND MEETS ALL OTHER APPLICABLE REQUIREMENTS OF FEDERAL AND  
55 STATE LAW.



1 S 8. Section 6811 of the education law is amended by adding a new  
2 subdivision 26 to read as follows:

3 26. ANY OUTSOURCING FACILITY TO SELL OR OFFER TO SELL ANY DRUG THAT IS  
4 NOT BOTH COMPOUNDED UNDER THE PERSONAL SUPERVISION OF A LICENSED PHARMA-  
5 CIST AND LABELED WITH THE FULL NAME OF THE OUTSOURCING FACILITY.

6 S 9. Subdivisions 1 and 2 of section 6811-a of the education law, as  
7 added by chapter 729 of the laws of 1981, are amended to read as  
8 follows:

9 1. [No] EXCEPT AS OTHERWISE AUTHORIZED IN THE FEDERAL FOOD, DRUG AND  
10 COSMETIC ACT, NO drug for which a prescription is required by the  
11 provisions of the Federal Food, Drug and Cosmetic Act or by the commis-  
12 sioner of health may be manufactured or commercially distributed within  
13 this state in tablet or capsule form unless it has clearly marked or  
14 imprinted on each such tablet or capsule in conformance with the appli-  
15 cable plan required by subdivision three of this section:

16 (a) an individual symbol, number, company name, words, letters, mark-  
17 ing or National Drug Code (hereinafter referred to as N. D. C.) number  
18 identifying the manufacturer or distributor of the drug; and

19 (b) an N. D. C. number, symbol, number, letters, words or marking  
20 identifying such drug or combination of drugs.

21 2. [No] EXCEPT AS OTHERWISE AUTHORIZED IN THE FEDERAL FOOD, DRUG AND  
22 COSMETIC ACT, NO drug for which any prescription is required by the  
23 provisions of the Federal Food, Drug and Cosmetic Act or by the commis-  
24 sioner of health contained within a bottle, vial, carton or other  
25 container, or in any way affixed or appended to or enclosed within a  
26 package of any kind, and designed or intended for delivery in such  
27 container or package to an ultimate consumer, shall be manufactured or  
28 distributed within this state unless such container or package has  
29 clearly and permanently marked or imprinted upon it in conformance with  
30 the applicable plan required by subdivision three of this section:

31 (a) an individual symbol, N. D. C. number, company name, number,  
32 letters, words or marking identifying the manufacturer or distributor of  
33 the drug;

34 (b) an N. D. C. number, symbol, number, letters, words or marking  
35 identifying such drug or combination of drugs; and

36 (c) whenever the distributor of the prescription drug product does not  
37 also manufacture the product the names and places of business of both  
38 shall appear on the label in words clearly distinguishing each.

39 S 10. Subdivision 1 of section 6812 of the education law, as added by  
40 chapter 987 of the laws of 1971, is amended to read as follows:

41 1. Where any pharmacy, MANUFACTURER, WHOLESALER OR OUTSOURCING FACILI-  
42 TY registered by the department is damaged by fire the board shall be  
43 notified within a period of forty-eight hours, and the board shall have  
44 power to impound all drugs for analysis and condemnation, if found unfit  
45 for use. Where a pharmacy is discontinued, the owner of its  
46 prescription records shall notify the department as to the disposition  
47 of said prescription records, and in no case shall records be sold or  
48 given away to a person who does not currently possess a registration to  
49 operate a pharmacy.

50 S 11. Subdivision 1 of section 6817 of the education law, as added by  
51 chapter 987 of the laws of 1971, is amended to read as follows:

52 1. [No] EXCEPT AS OTHERWISE PROVIDED IN THE FEDERAL FOOD, DRUG AND  
53 COSMETIC ACT, NO person shall sell, deliver, offer for sale, hold for  
54 sale, or give away any new drug, unless:

55 a. an application with respect thereto has become effective, or in the  
56 case of an investigational drug the sponsor has complied with the appli-

1 cable requirements, under the [federal food, drug, and cosmetic act]  
2 FEDERAL FOOD, DRUG, AND COSMETIC ACT, or

3 b. when not subject to such act, such drug has been tested and has not  
4 been found to be unsafe or ineffective for use under the conditions  
5 prescribed, recommended or suggested in the labeling thereof, and, prior  
6 to selling or offering for sale such drug, there has been filed with the  
7 department an application setting forth

8 (1) full reports of investigations which have been made to show wheth-  
9 er or not such drug is safe and effective for use;

10 (2) a full list of the ingredients used as components of such drug;

11 (3) a full statement of the composition of such drug;

12 (4) a full description of the methods used in, and the facilities and  
13 controls used for, the manufacture, processing and packing of such  
14 drugs;

15 (5) such samples of such drug and of the ingredients used as compo-  
16 nents thereof as the board or secretary may require; and

17 (6) specimens of the labeling proposed to be used for such drug.

18 S 12. The education law is amended by adding a new section 6831 to  
19 read as follows:

20 S 6831. SPECIAL PROVISIONS RELATING TO OUTSOURCING FACILITIES. 1.  
21 REGISTRATION. ANY OUTSOURCING FACILITY THAT IS ENGAGED IN THE COMPOUND-  
22 ING OF STERILE DRUGS IN THIS STATE SHALL BE REGISTERED AS AN OUTSOURCING  
23 FACILITY UNDER THE FEDERAL FOOD, DRUG AND COSMETIC ACT AND BE REGISTERED  
24 AS AN OUTSOURCING FACILITY PURSUANT TO THIS ARTICLE.

25 2. NEW DRUGS. SECTIONS 502(F)(1), 505 AND 582 OF THE FEDERAL FOOD,  
26 DRUG AND COSMETIC ACT SHALL NOT APPLY TO A DRUG COMPOUNDED IN AN  
27 OUTSOURCING FACILITY REGISTERED UNDER THE FEDERAL FOOD, DRUG AND COSMET-  
28 IC ACT.

29 3. PRESCRIPTIONS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE  
30 CONTRARY, NO OUTSOURCING FACILITY MAY DISTRIBUTE OR DISPENSE ANY DRUG TO  
31 ANY PERSON PURSUANT TO A PRESCRIPTION UNLESS IT IS ALSO REGISTERED AS A  
32 PHARMACY IN THIS STATE AND MEETS ALL OTHER APPLICABLE REQUIREMENTS OF  
33 FEDERAL AND STATE LAW.

34 4. RESTRICTIONS. ANY DRUGS COMPOUNDED IN AN OUTSOURCING FACILITY  
35 REGISTERED PURSUANT TO THIS ARTICLE SHALL BE COMPOUNDED IN ACCORDANCE  
36 WITH ALL APPLICABLE FEDERAL AND STATE LAWS.

37 5. LABELING. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRA-  
38 RY, THE LABEL OF ANY DRUG COMPOUNDED BY AN OUTSOURCING FACILITY SHALL  
39 INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING:

40 (A) A STATEMENT THAT THE DRUG IS A COMPOUNDED DRUG OR A REASONABLE  
41 COMPARABLE ALTERNATIVE STATEMENT THAT PROMINENTLY IDENTIFIES THE DRUG AS  
42 A COMPOUNDED DRUG;

43 (B) THE NAME, ADDRESS, AND PHONE NUMBER OF THE APPLICABLE OUTSOURCING  
44 FACILITY; AND

45 (C) WITH RESPECT TO THE DRUG:

46 (I) THE LOT OR BATCH NUMBER;

47 (II) THE ESTABLISHED NAME OF THE DRUG;

48 (III) THE DOSAGE FORM AND STRENGTH;

49 (IV) THE STATEMENT OF QUANTITY OR VOLUME, AS APPROPRIATE;

50 (V) THE DATE THAT THE DRUG WAS COMPOUNDED;

51 (VI) THE EXPIRATION DATE;

52 (VII) STORAGE AND HANDLING INSTRUCTIONS;

53 (VIII) THE NATIONAL DRUG CODE NUMBER, IF AVAILABLE;

54 (IX) THE STATEMENT THAT THE DRUG IS NOT FOR RESALE, AND THE STATEMENT  
55 "OFFICE USE ONLY"; AND

1 (X) A LIST OF THE ACTIVE AND INACTIVE INGREDIENTS, IDENTIFIED BY  
2 ESTABLISHED NAME, AND THE QUANTITY OR PROPORTION OF EACH INGREDIENT.

3 6. CONTAINER. THE CONTAINER FROM WHICH THE INDIVIDUAL UNITS OF THE  
4 DRUG ARE REMOVED FOR DISPENSING OR FOR ADMINISTRATION (SUCH AS A PLASTIC  
5 BAG CONTAINING INDIVIDUAL PRODUCT SYRINGES) SHALL INCLUDE:

6 (A) A LIST OF ACTIVE AND INACTIVE INGREDIENTS, IDENTIFIED BY ESTAB-  
7 LISHED NAME, AND THE QUANTITY OR PROPORTION OF EACH INGREDIENT; AND

8 (B) ANY OTHER INFORMATION REQUIRED BY REGULATIONS PROMULGATED BY THE  
9 COMMISSIONER TO FACILITATE ADVERSE EVENT REPORTING IN ACCORDANCE WITH  
10 THE REQUIREMENTS ESTABLISHED IN SECTION 310.305 OF TITLE 21 OF THE CODE  
11 OF FEDERAL REGULATIONS.

12 7. BULK DRUGS. A DRUG MAY ONLY BE COMPOUNDED IN AN OUTSOURCING FACILI-  
13 TY THAT DOES NOT COMPOUND USING BULK DRUG SUBSTANCES AS DEFINED IN  
14 SECTION 207.3(A)(4) OF TITLE 21 OF THE CODE OF FEDERAL REGULATIONS OR  
15 ANY SUCCESSOR REGULATION UNLESS:

16 (A) THE BULK DRUG SUBSTANCE APPEARS ON A LIST ESTABLISHED BY THE  
17 SECRETARY OF HEALTH AND HUMAN SERVICES IDENTIFYING BULK DRUG SUBSTANCES  
18 FOR WHICH THERE IS A CLINICAL NEED;

19 (B) THE DRUG IS COMPOUNDED FROM A BULK DRUG SUBSTANCE THAT APPEARS ON  
20 THE FEDERAL DRUG SHORTAGE LIST IN EFFECT AT THE TIME OF COMPOUNDING,  
21 DISTRIBUTING, AND DISPENSING;

22 (C) IF AN APPLICABLE MONOGRAPH EXISTS UNDER THE UNITED STATES PHARMA-  
23 COPEIA, THE NATIONAL FORMULARY, OR ANOTHER COMPENDIUM OR PHARMACOPEIA  
24 RECOGNIZED BY THE SECRETARY OF HEALTH AND HUMAN SERVICES AND THE BULK  
25 DRUG SUBSTANCES EACH COMPLY WITH THE MONOGRAPH;

26 (D) THE BULK DRUG SUBSTANCES ARE EACH MANUFACTURED BY AN ESTABLISHMENT  
27 THAT IS REGISTERED WITH THE FEDERAL GOVERNMENT.

28 8. INGREDIENTS. IF AN OUTSOURCING FACILITY USES INGREDIENTS, OTHER  
29 THAN BULK DRUG SUBSTANCES, SUCH INGREDIENTS MUST COMPLY WITH THE STAND-  
30 ARDS OF THE APPLICABLE UNITED STATES PHARMACOPEIA OR NATIONAL FORMULARY  
31 MONOGRAPH, IF SUCH MONOGRAPH EXISTS, OR OF ANOTHER COMPENDIUM OR PHARMA-  
32 COPEIA RECOGNIZED BY THE SECRETARY OF HEALTH AND HUMAN SERVICES FOR  
33 PURPOSES OF THIS SUBDIVISION, IF ANY.

34 9. UNSAFE OR INEFFECTIVE DRUGS. NO OUTSOURCING FACILITY MAY COMPOUND A  
35 DRUG THAT APPEARS ON A LIST PUBLISHED BY THE SECRETARY OF HEALTH AND  
36 HUMAN SERVICES THAT HAS BEEN WITHDRAWN OR REMOVED FROM THE MARKET  
37 BECAUSE SUCH DRUGS OR COMPONENTS OF SUCH DRUGS HAVE BEEN FOUND TO BE  
38 UNSAFE OR NOT EFFECTIVE.

39 10. PROHIBITION ON WHOLESALING. NO COMPOUNDED DRUG WILL BE SOLD OR  
40 TRANSFERRED BY ANY ENTITY OTHER THAN THE OUTSOURCING FACILITY THAT  
41 COMPOUNDED SUCH DRUG. THIS DOES NOT PROHIBIT THE ADMINISTRATION OF A  
42 DRUG IN A HEALTH CARE SETTING OR DISPENSING A DRUG PURSUANT TO A PROPER-  
43 LY EXECUTED PRESCRIPTION.

44 11. PROHIBITION AGAINST COPYING AN APPROVED DRUG. NO OUTSOURCING  
45 FACILITY MAY COMPOUND A DRUG THAT IS ESSENTIALLY A COPY OF ONE OR MORE  
46 APPROVED DRUGS.

47 12. PROHIBITION AGAINST COMPOUNDING DRUGS PRESENTING DEMONSTRABLE  
48 DIFFICULTIES. NO OUTSOURCING FACILITY MAY COMPOUND A DRUG:

49 I. THAT IS IDENTIFIED, DIRECTLY OR AS PART OF A CATEGORY OF DRUGS, ON  
50 A LIST PUBLISHED BY THE SECRETARY OF HEALTH AND HUMAN SERVICES THAT  
51 PRESENT DEMONSTRABLE DIFFICULTIES FOR COMPOUNDING THAT ARE REASONABLY  
52 LIKELY TO LEAD TO AN ADVERSE EFFECT ON THE SAFETY OR EFFECTIVENESS OF  
53 THE DRUG OR CATEGORY OF DRUGS, TAKING INTO ACCOUNT THE RISKS AND BENE-  
54 FITS TO PATIENTS; OR

1 II. THAT IS COMPOUNDED IN ACCORDANCE WITH ALL APPLICABLE CONDITIONS  
2 IDENTIFIED ON THE DRUG LIST AS CONDITIONS THAT ARE NECESSARY TO PREVENT  
3 THE DRUG OR CATEGORY OF DRUGS FROM PRESENTING DEMONSTRABLE DIFFICULTIES.

4 13. ADVERSE EVENT REPORTS. OUTSOURCING FACILITIES SHALL SUBMIT A COPY  
5 OF ALL ADVERSE EVENT REPORTS SUBMITTED TO THE SECRETARY OF HEALTH AND  
6 HUMAN SERVICES IN ACCORDANCE WITH THE CONTENT AND FORMAT REQUIREMENTS  
7 ESTABLISHED IN SECTION 310.305 OF TITLE 21 OF THE CODE OF FEDERAL REGU-  
8 LATIONS, OR ANY SUCCESSOR REGULATION, TO THE EXECUTIVE SECRETARY FOR THE  
9 STATE BOARD OF PHARMACY.

10 14. REPORTS. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER  
11 OF HEALTH, SHALL PREPARE AND SUBMIT A REPORT TO THE GOVERNOR AND THE  
12 LEGISLATURE, DUE EIGHTEEN MONTHS FROM THE EFFECTIVE DATE OF THIS  
13 SECTION, EVALUATING THE EFFECTIVENESS OF THE REGISTRATION AND OVERSIGHT  
14 OF OUTSOURCING FACILITIES RELATED TO COMPOUNDING.

15 S 13. Section 3302 of the public health law is amended by adding two  
16 new subdivisions 42 and 43 to read as follows:

17 42. "COMPOUNDING" MEANS THE COMBINING, ADMIXING, MIXING, DILUTING,  
18 POOLING, RECONSTITUTING, OR OTHERWISE ALTERING OF A DRUG OR BULK DRUG  
19 SUBSTANCE TO CREATE A DRUG WITH RESPECT TO AN OUTSOURCING FACILITY UNDER  
20 SECTION 503B OF THE FEDERAL FOOD, DRUG AND COSMETIC ACT AND FURTHER  
21 DEFINED IN THIS SECTION.

22 43. "OUTSOURCING FACILITY" MEANS A FACILITY THAT:

23 (A) IS ENGAGED IN THE COMPOUNDING OF STERILE DRUGS AS DEFINED IN  
24 SECTION SIXTY-EIGHT HUNDRED TWO OF THE EDUCATION LAW;

25 (B) IS CURRENTLY REGISTERED AS AN OUTSOURCING FACILITY PURSUANT TO  
26 ARTICLE ONE HUNDRED THIRTY-SEVEN OF THE EDUCATION LAW; AND

27 (C) COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF FEDERAL AND STATE  
28 LAW, INCLUDING THE FEDERAL FOOD, DRUG AND COSMETIC ACT.

29 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WHEN AN  
30 OUTSOURCING FACILITY DISTRIBUTES OR DISPENSES ANY DRUG TO ANY PERSON  
31 PURSUANT TO A PRESCRIPTION, SUCH OUTSOURCING FACILITY SHALL BE DEEMED TO  
32 BE PROVIDING PHARMACY SERVICES AND SHALL BE SUBJECT TO ALL LAWS, RULES  
33 AND REGULATIONS GOVERNING PHARMACIES AND PHARMACY SERVICES.

34 S 14. The opening paragraph of subdivision 2 of section 3318 of the  
35 public health law, as added by chapter 878 of the laws of 1972, is  
36 amended to read as follows:

37 No controlled substance contained within a bottle, vial, carton or  
38 other container, or in any way affixed or appended to or enclosed within  
39 a package of any kind, and designed or intended for delivery in such  
40 container or package to an ultimate consumer, shall be manufactured,  
41 DELIVERED or distributed within this state unless such container or  
42 package has clearly and permanently marked or imprinted upon it:

43 S 15. Subdivision 1 of section 3320 of the public health law, as added  
44 by chapter 878 of the laws of 1972, is amended to read as follows:

45 1. Controlled substances may be lawfully distributed within this state  
46 only to licensed distributors or manufacturers, practitioners, pharma-  
47 cists, pharmacies, institutional dispensers, REGISTERED OUTSOURCING  
48 FACILITIES, and laboratory, research or instructional facilities author-  
49 ized by law to possess the particular substance distributed.

50 S 16. Paragraph (a) of subdivision 1 of section 3321 of the public  
51 health law, as added by chapter 878 of the laws of 1972, is amended to  
52 read as follows:

53 (a) the return of controlled substances to a manufacturer, REGISTERED  
54 OUTSOURCING FACILITY or distributor by a practitioner or pharmacy;

1 S 17. Section 3322 of the public health law, as added by chapter 878  
2 of the laws of 1972, subdivision 2 as amended by chapter 108 of the laws  
3 of 1975, is amended to read as follows:

4 S 3322. Reports and records. 1. Persons licensed under this title OR  
5 OPERATING A REGISTERED OUTSOURCING FACILITY shall maintain records of  
6 all controlled substances manufactured, COMPOUNDED, received, disposed  
7 of, DELIVERED or distributed by them. The record shall show the date of  
8 receipt or delivery, the name and address, and registration number of  
9 the person from whom received or to whom DELIVERED OR distributed, the  
10 kind and quantity of substance received and DELIVERED OR distributed,  
11 the kind and quantity of substance produced or removed from the process  
12 of manufacture and the date thereof.

13 2. Any person licensed under this title OR OPERATING A REGISTERED  
14 OUTSOURCING FACILITY shall prepare and maintain a biennial report  
15 setting forth the current inventory of controlled substances, the quan-  
16 tities of controlled substances manufactured, COMPOUNDED, DELIVERED or  
17 distributed within the state during the period covered by the report and  
18 such other information as the commissioner shall [be] BY regulation  
19 prescribe. Maintaining for inspection a biennial inventory of controlled  
20 substances prepared and maintained in compliance with federal statutes  
21 and regulations shall be deemed in compliance with this section.

22 3. Any person licensed under this title OR OPERATING A REGISTERED  
23 OUTSOURCING FACILITY shall forthwith notify the department of any inci-  
24 dent involving the theft, loss or possible diversion of controlled  
25 substances manufactured, COMPOUNDED, DELIVERED or distributed by the  
26 licensee OR OPERATOR.

27 4. The records and reports required by this section shall be prepared,  
28 preserved, or filed in such manner and detail as the commissioner shall  
29 by regulation prescribe.

30 S 18. Paragraph (c) of subdivision 1 of section 3397 of the public  
31 health law, as amended by chapter 547 of the laws of 1981, is amended to  
32 read as follows:

33 (c) falsely assume the title of, or represent himself to be a licensed  
34 manufacturer, distributor, pharmacy, pharmacist, practitioner, research-  
35 er, approved institutional dispenser, OWNER OR EMPLOYEE OF A REGISTERED  
36 OUTSOURCING FACILITY or other authorized person, for the purpose of  
37 obtaining a controlled substance;

38 S 19. This act shall take effect on the ninetieth day after it shall  
39 have become a law.

40

## PART E

41 Section 1. The mental hygiene law is amended by adding a new section  
42 13.41 to read as follows:

43 S 13.41 INTEGRATED EMPLOYMENT PLAN.

44 (A) THE COMMISSIONER, IN CONSULTATION WITH THE DEVELOPMENTAL DISABILI-  
45 TIES ADVISORY COUNCIL, SHALL ESTABLISH A PLAN TO INCREASE EMPLOYMENT  
46 OPPORTUNITIES FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES. THE PLAN SHALL  
47 INCLUDE, BUT NOT BE LIMITED TO:

48 (1) IDENTIFICATION OF STRATEGIES TO INCREASE COMPETITIVE EMPLOYMENT  
49 OPPORTUNITIES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES, INCLUDING  
50 STUDENTS TRANSITIONING FROM EDUCATIONAL PROGRAMS;

51 (2) DATA CONCERNING JOB RETENTION AMONG INDIVIDUALS WITH DEVELOPMENTAL  
52 DISABILITIES AND THE IDENTIFICATION OF STRATEGIES TO INCREASE JOB  
53 RETENTION;

1 (3) IDENTIFICATION OF MODELS OF INTEGRATED EMPLOYMENT PROMOTING, TO  
2 THE GREATEST EXTENT POSSIBLE, INDIVIDUALS WITH DEVELOPMENTAL DISABILI-  
3 TIES WORKING ALONGSIDE INDIVIDUALS WITHOUT DISABILITIES, INCLUDING  
4 CONSIDERATIONS OF ABILITY LEVELS, CRITICAL LIFE TRANSITIONS AND APPRO-  
5 PRIATE OPTIONS;

6 (4) STRATEGIES FOR ASSISTING INDIVIDUALS IN TRANSITIONING FROM SHEL-  
7 TERED WORKSHOP PROGRAMS TO COMPETITIVE EMPLOYMENT;

8 (5) PARTNERSHIPS WITH BUSINESS COMMUNITIES AND SENIOR SERVICES TO  
9 ASSIST IN INCREASING THE AVAILABILITY OF COMPETITIVE EMPLOYMENT FOR  
10 OLDER ADULTS;

11 (6) IDENTIFICATION OF MEANS TO ASSIST INDIVIDUALS WITH SIGNIFICANT  
12 BEHAVIORAL OR MEDICAL NEEDS IN PREPARING FOR AND MOVING TOWARDS INTE-  
13 GRATED EMPLOYMENT;

14 (7) TECHNICAL ASSISTANCE, COMPLIANCE AND TRANSITION ASSISTANCE PROCE-  
15 DURES FOR EXISTING PROVIDERS WHO SEEK TO TRANSITION TO COMPETITIVE  
16 AND/OR INTEGRATED EMPLOYMENT MODELS; AND

17 (8) ASSESSMENTS OF FUNDING AND NECESSARY SUPPORTS FOR INDIVIDUALS AND  
18 PROVIDERS.

19 (B) THE COMMISSIONER, IN CONSULTATION WITH THE DEVELOPMENTAL DISABILI-  
20 TIES ADVISORY COUNCIL, SHALL DEVELOP THE PLAN WITH INPUT FROM STAKEHOLD-  
21 ERS, INCLUDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES, PARENTS AND  
22 GUARDIANS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES, ADVOCATES AND  
23 PROVIDERS OF SERVICES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

24 (C) THE PLAN REQUIRED PURSUANT TO THIS SECTION SHALL BE DEVELOPED AND  
25 SUBMITTED TO THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE  
26 ASSEMBLY AND POSTED ON THE WEBSITE OF THE OFFICE FOR PEOPLE WITH DEVEL-  
27 OPMENTAL DISABILITIES WITHIN ONE HUNDRED EIGHTY DAYS OF THE CENTERS FOR  
28 MEDICARE AND MEDICAID SERVICES' APPROVAL OF THE PLAN TO INCREASE COMPET-  
29 ITIVE EMPLOYMENT OPPORTUNITIES FOR PEOPLE WITH DEVELOPMENTAL DISABILI-  
30 TIES.

31 S 2. This act shall take effect immediately.

32 PART F

33 Section 1. No later than January 1, 2016, the office for people with  
34 developmental disabilities shall issue a report to the governor, the  
35 temporary president of the senate and the speaker of the assembly  
36 setting forth recommendations for the establishment of a direct support  
37 professional credentialing pilot program. Recommendations for the  
38 program shall be based on a study to be conducted by the office for  
39 people with developmental disabilities and shall include consideration  
40 of: (1) national and international models of direct support credential-  
41 ing; (2) career ladders for direct support professionals and supervi-  
42 sors; (3) current direct support professional salaries and training  
43 requirements; (4) classroom and on-the-job training requirements for  
44 existing direct support credentialing programs and the impact of these  
45 requirements on operations of providers of services; (5) ongoing and  
46 continuing professional education requirements for credentialed direct  
47 support of professionals; (6) the fiscal impact of a credentialing pilot  
48 program; and (7) financial incentives for those who successfully  
49 complete the credentialing program.

50 S 2. This act shall take effect immediately.

51 PART G

1 Section 1. Subdivision (e) of section 41.55 of the mental hygiene law,  
2 as amended by section 3 of part C of chapter 111 of the laws of 2010, is  
3 amended to read as follows:

4 (e) The amount of community mental health support and workforce rein-  
5 vestment funds for the office of mental health shall be determined in  
6 the annual budget and shall include the amount of actual state oper-  
7 ations general fund appropriation reductions, including personal service  
8 savings and other than personal service savings directly attributed to  
9 each child and adult non-geriatric inpatient bed closure. For the  
10 purposes of this section a bed shall be considered to be closed upon the  
11 elimination of funding for such beds in the executive budget. The  
12 appropriation reductions as a result of inpatient bed closures shall be  
13 no less than [seventy] ONE HUNDRED TEN thousand dollars per bed on a  
14 full annual basis, as annually recommended by the commissioner, subject  
15 to the approval of the director of the budget, in the executive budget  
16 request prior to the fiscal year for which the executive budget is being  
17 submitted. The methodologies used to calculate the per bed closure  
18 savings shall be developed by the commissioner and the director of the  
19 budget. In no event shall the full annual value of community mental  
20 health support and workforce reinvestment programs attributable to beds  
21 closed as a result of net inpatient census decline exceed the twelve  
22 month value of the office of mental health state operations general fund  
23 reductions resulting from such census decline. Such reinvestment amount  
24 shall be made available in the same proportion by which the office of  
25 mental health's state operations general fund appropriations are reduced  
26 each year as a result of child and adult non-geriatric inpatient bed  
27 closures due to census decline.

28 S 2. Subdivision 2 of section 97-dddd of the state finance law, as  
29 added by section 6 of part R2 of chapter 62 of the laws of 2003, is  
30 amended to read as follows:

31 2. The commissioner of the office of mental health shall notify the  
32 director of the budget when the number of children's psychiatric center  
33 beds or adult, non-geriatric psychiatric center beds closed in any one  
34 year exceeds the number of beds projected to be closed by the office of  
35 mental health in the executive budget request submitted in the year  
36 prior to the fiscal year for which the executive budget is being submit-  
37 ted. Notwithstanding any other law, rule or regulation to the contrary  
38 the director of the budget shall then transfer the amount of actual  
39 state operations general fund appropriation reductions, including  
40 personal service and nonpersonal service, directly attributed to the  
41 closure of such beds, to the state comptroller who shall then credit  
42 such appropriation reductions to the community mental health support and  
43 workforce reinvestment account. The per bed appropriation reduction  
44 shall be no less than [seventy] ONE HUNDRED TEN thousand dollars on a  
45 full annual basis.

46 S 3. Section 7 of part R2 of chapter 62 of the laws of 2003, amending  
47 the mental hygiene law and the state finance law relating to the commu-  
48 nity mental health support and workforce reinvestment program, the  
49 membership of subcommittees for mental health of community services  
50 boards and the duties of such subcommittees and creating the community  
51 mental health and workforce reinvestment account, as amended by section  
52 3 of part H of chapter 56 of the laws of 2013, is amended to read as  
53 follows:

54 S 7. This act shall take effect immediately and shall expire March 31,  
55 [2015] 2018 when upon such date the provisions of this act shall be  
56 deemed repealed.

1 S 4. This act shall take effect immediately; provided that:  
2 1. the amendments to subdivision (e) of section 41.55 of the mental  
3 hygiene law made by section one of this act shall not affect the repeal  
4 of such section and shall be deemed repealed therewith; and  
5 2. the amendments to subdivision 2 of section 97-dddd of the state  
6 finance law made by section two of this act shall not affect the repeal  
7 of such section and shall be deemed repealed therewith.

8 PART H

9 Section 1. Paragraphs 11, 12, 13, 14, 16 and 17 of subsection (a) of  
10 section 3217-a of the insurance law, as added by chapter 705 of the laws  
11 of 1996, are amended and four new paragraphs 16-a, 18, 19 and 20 are  
12 added to read as follows:

13 (11) where applicable, notice that an insured enrolled in a managed  
14 care product OR IN A COMPREHENSIVE POLICY THAT UTILIZES A NETWORK OF  
15 PROVIDERS offered by the insurer may obtain a referral [to] OR PREAU-  
16 THORIZATION FOR a health care provider outside of the insurer's network  
17 or panel when the insurer does not have a health care provider [with]  
18 WHO IS GEOGRAPHICALLY ACCESSIBLE TO THE INSURED AND WHO HAS THE appro-  
19 priate training and experience in the network or panel to meet the  
20 particular health care needs of the insured and the procedure by which  
21 the insured can obtain such referral OR PREAUTHORIZATION;

22 (12) where applicable, notice that an insured enrolled in a managed  
23 care product OR A COMPREHENSIVE POLICY THAT UTILIZES A NETWORK OF  
24 PROVIDERS offered by the insurer with a condition which requires ongoing  
25 care from a specialist may request a standing referral to such a  
26 specialist and the procedure for requesting and obtaining such a stand-  
27 ing referral;

28 (13) where applicable, notice that an insured enrolled in a managed  
29 care product OR A COMPREHENSIVE POLICY THAT UTILIZES A NETWORK OF  
30 PROVIDERS offered by the insurer with [(i)] (A) a life-threatening  
31 condition or disease, or [(ii)] (B) a degenerative and disabling condi-  
32 tion or disease, either of which requires specialized medical care over  
33 a prolonged period of time may request a specialist responsible for  
34 providing or coordinating the insured's medical care and the procedure  
35 for requesting and obtaining such a specialist;

36 (14) where applicable, notice that an insured enrolled in a managed  
37 care product OR A COMPREHENSIVE POLICY THAT UTILIZES A NETWORK OF  
38 PROVIDERS offered by the insurer with [(i)] (A) a life-threatening  
39 condition or disease, or [(ii)] (B) a degenerative and disabling condi-  
40 tion or disease, either of which requires specialized medical care over  
41 a prolonged period of time, may request access to a specialty care  
42 center and the procedure by which such access may be obtained;

43 (16) notice of all appropriate mailing addresses and telephone numbers  
44 to be utilized by insureds seeking information or authorization; [and]

45 (16-A) WHERE APPLICABLE, NOTICE THAT AN INSURED SHALL HAVE DIRECT  
46 ACCESS TO PRIMARY AND PREVENTIVE OBSTETRIC AND GYNECOLOGIC SERVICES,  
47 INCLUDING ANNUAL EXAMINATIONS, CARE RESULTING FROM SUCH ANNUAL EXAMINA-  
48 TIONS, AND TREATMENT OF ACUTE GYNECOLOGIC CONDITIONS, FROM A QUALIFIED  
49 PROVIDER OF SUCH SERVICES OF HER CHOICE FROM WITHIN THE PLAN OR FOR ANY  
50 CARE RELATED TO A PREGNANCY;

51 (17) where applicable, a listing by specialty, which may be in a sepa-  
52 rate document that is updated annually, of the name, address, and tele-  
53 phone number of all participating providers, including facilities, and  
54 in addition, in the case of physicians, board certification[.],



1 LANGUAGES SPOKEN AND ANY AFFILIATIONS WITH PARTICIPATING HOSPITALS. THE  
2 LISTING SHALL ALSO BE POSTED ON THE INSURER'S WEBSITE AND THE INSURER  
3 SHALL UPDATE THE WEBSITE WITHIN FIFTEEN DAYS OF THE ADDITION OR TERMI-  
4 NATION OF A PROVIDER FROM THE INSURER'S NETWORK OR A CHANGE IN A PHYSI-  
5 CIAN'S HOSPITAL AFFILIATION;

6 (18) A DESCRIPTION OF THE METHOD BY WHICH AN INSURED MAY SUBMIT A  
7 CLAIM FOR HEALTH CARE SERVICES;

8 (19) WITH RESPECT TO OUT-OF-NETWORK COVERAGE:

9 (A) A CLEAR DESCRIPTION OF THE METHODOLOGY USED BY THE INSURER TO  
10 DETERMINE REIMBURSEMENT FOR OUT-OF-NETWORK HEALTH CARE SERVICES;

11 (B) THE AMOUNT THAT THE INSURER WILL REIMBURSE UNDER THE METHODOLOGY  
12 FOR OUT-OF-NETWORK HEALTH CARE SERVICES SET FORTH AS A PERCENTAGE OF THE  
13 USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK HEALTH CARE SERVICES; AND

14 (C) EXAMPLES OF ANTICIPATED OUT-OF-POCKET COSTS FOR FREQUENTLY BILLED  
15 OUT-OF-NETWORK HEALTH CARE SERVICES; AND

16 (20) INFORMATION IN WRITING AND THROUGH AN INTERNET WEBSITE THAT  
17 REASONABLY PERMITS AN INSURED OR PROSPECTIVE INSURED TO ESTIMATE THE  
18 ANTICIPATED OUT-OF-POCKET COST FOR OUT-OF-NETWORK HEALTH CARE SERVICES  
19 IN A GEOGRAPHICAL AREA OR ZIP CODE BASED UPON THE DIFFERENCE BETWEEN  
20 WHAT THE INSURER WILL REIMBURSE FOR OUT-OF-NETWORK HEALTH CARE SERVICES  
21 AND THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK HEALTH CARE  
22 SERVICES.

23 S 2. Paragraphs 11 and 12 of subsection (b) of section 3217-a of the  
24 insurance law, as added by chapter 705 of the laws of 1996, are amended  
25 and two new paragraphs 13 and 14 are added to read as follows:

26 (11) where applicable, provide the written application procedures and  
27 minimum qualification requirements for health care providers to be  
28 considered by the insurer for participation in the insurer's network for  
29 a managed care product; [and]

30 (12) disclose such other information as required by the superinten-  
31 dent, provided that such requirements are promulgated pursuant to the  
32 state administrative procedure act[.];

33 (13) DISCLOSE WHETHER A HEALTH CARE PROVIDER SCHEDULED TO PROVIDE A  
34 HEALTH CARE SERVICE IS AN IN-NETWORK PROVIDER; AND

35 (14) WITH RESPECT TO OUT-OF-NETWORK COVERAGE, DISCLOSE THE APPROXIMATE  
36 DOLLAR AMOUNT THAT THE INSURER WILL PAY FOR A SPECIFIC OUT-OF-NETWORK  
37 HEALTH CARE SERVICE. THE INSURER SHALL ALSO INFORM THE INSURED THROUGH  
38 SUCH DISCLOSURE THAT SUCH APPROXIMATION IS NOT BINDING ON THE INSURER  
39 AND THAT THE APPROXIMATE DOLLAR AMOUNT THAT THE INSURER WILL PAY FOR A  
40 SPECIFIC OUT-OF-NETWORK HEALTH CARE SERVICE MAY CHANGE.

41 S 3. Section 3217-a of the insurance law is amended by adding a new  
42 subsection (f) to read as follows:

43 (F) FOR PURPOSES OF THIS SECTION, "USUAL AND CUSTOMARY COST" SHALL  
44 MEAN THE EIGHTIETH PERCENTILE OF ALL CHARGES FOR THE PARTICULAR HEALTH  
45 CARE SERVICE PERFORMED BY A PROVIDER IN THE SAME OR SIMILAR SPECIALTY  
46 AND PROVIDED IN THE SAME GEOGRAPHICAL AREA AS REPORTED IN A BENCHMARKING  
47 DATABASE MAINTAINED BY A NONPROFIT ORGANIZATION SPECIFIED BY THE SUPER-  
48 INTENDENT. THE NONPROFIT ORGANIZATION SHALL NOT BE AFFILIATED WITH AN  
49 INSURER, A CORPORATION SUBJECT TO ARTICLE FORTY-THREE OF THIS CHAPTER, A  
50 MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE  
51 FORTY-SEVEN OF THIS CHAPTER, OR A HEALTH MAINTENANCE ORGANIZATION CERTI-  
52 FIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW.

53 S 4. Section 3217-d of the insurance law is amended by adding a new  
54 subsection (d) to read as follows:

55 (D) AN INSURER THAT ISSUES A COMPREHENSIVE POLICY THAT UTILIZES A  
56 NETWORK OF PROVIDERS AND IS NOT A MANAGED CARE HEALTH INSURANCE CONTRACT

1 AS DEFINED IN SUBSECTION (C) OF SECTION FOUR THOUSAND EIGHT HUNDRED ONE  
2 OF THIS CHAPTER, SHALL PROVIDE ACCESS TO OUT-OF-NETWORK SERVICES  
3 CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION (A) OF SECTION FOUR THOU-  
4 SAND EIGHT HUNDRED FOUR OF THIS CHAPTER, SUBSECTIONS (G-6) AND (G-7) OF  
5 SECTION FOUR THOUSAND NINE HUNDRED OF THIS CHAPTER, SUBSECTIONS (A-1)  
6 AND (A-2) OF SECTION FOUR THOUSAND NINE HUNDRED FOUR OF THIS CHAPTER,  
7 PARAGRAPHS THREE AND FOUR OF SUBSECTION (B) OF SECTION FOUR THOUSAND  
8 NINE HUNDRED TEN OF THIS CHAPTER, AND SUBPARAGRAPHS (C) AND (D) OF PARA-  
9 GRAPH FOUR OF SUBSECTION (B) OF SECTION FOUR THOUSAND NINE HUNDRED FOUR-  
10 TEEN OF THIS CHAPTER.

11 S 5. Section 3224-a of the insurance law is amended by adding a new  
12 subsection (j) to read as follows:

13 (J) AN INSURER OR AN ORGANIZATION OR CORPORATION LICENSED OR CERTIFIED  
14 PURSUANT TO ARTICLE FORTY-THREE OR FORTY-SEVEN OF THIS CHAPTER OR ARTI-  
15 CLE FORTY-FOUR OF THE PUBLIC HEALTH LAW OR A STUDENT HEALTH PLAN ESTAB-  
16 LISHED OR MAINTAINED PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED TWEN-  
17 TY-FOUR OF THIS CHAPTER SHALL ACCEPT CLAIMS SUBMITTED BY A POLICYHOLDER  
18 OR COVERED PERSON, IN WRITING, INCLUDING THROUGH THE INTERNET, BY ELEC-  
19 TRONIC MAIL OR BY FACSIMILE.

20 S 6. The insurance law is amended by adding a new section 3241 to read  
21 as follows:

22 S 3241. NETWORK COVERAGE. (A) AN INSURER, A CORPORATION ORGANIZED  
23 PURSUANT TO ARTICLE FORTY-THREE OF THIS CHAPTER, A MUNICIPAL COOPERATIVE  
24 HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS  
25 CHAPTER, OR A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT TO  
26 SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER, THAT  
27 ISSUES A HEALTH INSURANCE POLICY OR CONTRACT WITH A NETWORK OF HEALTH  
28 CARE PROVIDERS SHALL ENSURE THAT THE NETWORK IS ADEQUATE TO MEET THE  
29 HEALTH NEEDS OF INSURED AND PROVIDE AN APPROPRIATE CHOICE OF PROVIDERS  
30 SUFFICIENT TO RENDER THE SERVICES COVERED UNDER THE POLICY OR CONTRACT.  
31 THE SUPERINTENDENT SHALL REVIEW THE NETWORK OF HEALTH CARE PROVIDERS FOR  
32 ADEQUACY AT THE TIME OF THE SUPERINTENDENT'S INITIAL APPROVAL OF A  
33 HEALTH INSURANCE POLICY OR CONTRACT; AT LEAST EVERY THREE YEARS THERE-  
34 AFTER; AND UPON APPLICATION FOR EXPANSION OF ANY SERVICE AREA ASSOCIATED  
35 WITH THE POLICY OR CONTRACT IN CONFORMANCE WITH THE STANDARDS SET FORTH  
36 IN SUBDIVISION FIVE OF SECTION FOUR THOUSAND FOUR HUNDRED THREE OF THE  
37 PUBLIC HEALTH LAW. TO THE EXTENT THAT THE NETWORK HAS BEEN DETERMINED  
38 BY THE COMMISSIONER OF HEALTH TO MEET THE STANDARDS SET FORTH IN SUBDI-  
39 VISION FIVE OF SECTION FOUR THOUSAND FOUR HUNDRED THREE OF THE PUBLIC  
40 HEALTH LAW, SUCH NETWORK SHALL BE DEEMED ADEQUATE BY THE SUPERINTENDENT.

41 (B)(1)(A) AN INSURER, A CORPORATION ORGANIZED PURSUANT TO ARTICLE  
42 FORTY-THREE OF THIS CHAPTER, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN  
43 CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER, A HEALTH  
44 MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE  
45 PUBLIC HEALTH LAW OR A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED  
46 PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAP-  
47 TER, THAT ISSUES A COMPREHENSIVE GROUP OR GROUP REMITTANCE HEALTH INSUR-  
48 ANCE POLICY OR CONTRACT THAT COVERS OUT-OF-NETWORK HEALTH CARE SERVICES  
49 SHALL MAKE AVAILABLE AND, IF REQUESTED BY THE POLICYHOLDER OR CONTRACT-  
50 HOLDER, PROVIDE AT LEAST ONE OPTION FOR COVERAGE FOR AT LEAST EIGHTY  
51 PERCENT OF THE USUAL AND CUSTOMARY COST OF EACH OUT-OF-NETWORK HEALTH  
52 CARE SERVICE AFTER IMPOSITION OF A DEDUCTIBLE OR ANY PERMISSIBLE BENEFIT  
53 MAXIMUM.

54 (B) IF THERE IS NO COVERAGE AVAILABLE PURSUANT TO SUBPARAGRAPH (A) OF  
55 THIS PARAGRAPH IN A RATING REGION, THEN THE SUPERINTENDENT MAY REQUIRE  
56 AN INSURER, A CORPORATION ORGANIZED PURSUANT TO ARTICLE FORTY-THREE OF

1 THIS CHAPTER, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED  
2 PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER, A HEALTH MAINTENANCE  
3 ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC  
4 HEALTH LAW, OR A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT  
5 TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER ISSUING  
6 A COMPREHENSIVE GROUP OR GROUP REMITTANCE HEALTH INSURANCE POLICY OR  
7 CONTRACT IN THE RATING REGION, TO MAKE AVAILABLE AND, IF REQUESTED BY  
8 THE POLICYHOLDER OR CONTRACTHOLDER, PROVIDE AT LEAST ONE OPTION FOR  
9 COVERAGE OF EIGHTY PERCENT OF THE USUAL AND CUSTOMARY COST OF EACH OUT-  
10 OF-NETWORK HEALTH CARE SERVICE AFTER IMPOSITION OF ANY PERMISSIBLE  
11 DEDUCTIBLE OR BENEFIT MAXIMUM. THE SUPERINTENDENT MAY, AFTER GIVING  
12 CONSIDERATION TO THE PUBLIC INTEREST, PERMIT AN INSURER, A CORPORATION,  
13 OR A HEALTH MAINTENANCE ORGANIZATION TO SATISFY THE REQUIREMENTS OF THIS  
14 PARAGRAPH ON BEHALF OF ANOTHER INSURER, CORPORATION, OR HEALTH MAINTENANCE  
15 ORGANIZATION WITHIN THE SAME HOLDING COMPANY SYSTEM, AS DEFINED IN  
16 ARTICLE FIFTEEN OF THIS CHAPTER, INCLUDING A HEALTH MAINTENANCE ORGANIZATION  
17 OPERATED AS A LINE OF BUSINESS OF A HEALTH SERVICE CORPORATION  
18 ORGANIZED PURSUANT TO ARTICLE FORTY-THREE OF THIS CHAPTER. THE SUPER-  
19 INTENDENT MAY, UPON WRITTEN REQUEST, WAIVE THE REQUIREMENT FOR COVERAGE  
20 OF OUT-OF-NETWORK HEALTH CARE SERVICES TO BE MADE AVAILABLE PURSUANT TO  
21 THIS SUBPARAGRAPH IF THE SUPERINTENDENT DETERMINES THAT IT WOULD POSE AN  
22 UNDUE HARDSHIP UPON AN INSURER, A CORPORATION ORGANIZED PURSUANT TO  
23 ARTICLE FORTY-THREE OF THIS CHAPTER, A MUNICIPAL COOPERATIVE HEALTH  
24 BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER,  
25 A HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE  
26 FORTY-FOUR OF THE PUBLIC HEALTH LAW, OR A STUDENT HEALTH PLAN ESTAB-  
27 LISHED OR MAINTAINED PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED TWEN-  
28 TY-FOUR OF THIS CHAPTER.

29 (2) FOR THE PURPOSES OF THIS SUBSECTION, "USUAL AND CUSTOMARY COST"  
30 SHALL MEAN THE EIGHTIETH PERCENTILE OF ALL CHARGES FOR THE PARTICULAR  
31 HEALTH CARE SERVICE PERFORMED BY A PROVIDER IN THE SAME OR SIMILAR  
32 SPECIALTY AND PROVIDED IN THE SAME GEOGRAPHICAL AREA AS REPORTED IN A  
33 BENCHMARKING DATABASE MAINTAINED BY A NONPROFIT ORGANIZATION SPECIFIED  
34 BY THE SUPERINTENDENT. THE NONPROFIT ORGANIZATION SHALL NOT BE AFFIL-  
35 IATED WITH AN INSURER, A CORPORATION SUBJECT TO ARTICLE FORTY-THREE OF  
36 THIS CHAPTER, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED  
37 PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER, A HEALTH MAINTENANCE  
38 ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC  
39 HEALTH LAW OR A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT  
40 TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER.

41 (3) THIS SUBSECTION SHALL NOT APPLY TO EMERGENCY CARE SERVICES IN  
42 HOSPITAL FACILITIES OR PREHOSPITAL EMERGENCY MEDICAL SERVICES AS DEFINED  
43 IN CLAUSE (I) OF SUBPARAGRAPH (E) OF PARAGRAPH TWENTY-FOUR OF SUBSECTION  
44 (I) OF SECTION THREE THOUSAND TWO HUNDRED SIXTEEN OF THIS ARTICLE, OR  
45 CLAUSE (I) OF SUBPARAGRAPH (E) OF PARAGRAPH FIFTEEN OF SUBSECTION (L) OF  
46 SECTION THREE THOUSAND TWO HUNDRED TWENTY-ONE OF THIS CHAPTER, OR  
47 SUBPARAGRAPH (A) OF PARAGRAPH FIVE OF SUBSECTION (AA) OF SECTION FOUR  
48 THOUSAND THREE HUNDRED THREE OF THIS CHAPTER.

49 (4) NOTHING IN THIS SUBSECTION SHALL LIMIT THE SUPERINTENDENT'S  
50 AUTHORITY PURSUANT TO SECTION THREE THOUSAND TWO HUNDRED SEVENTEEN OF  
51 THIS ARTICLE TO ESTABLISH MINIMUM STANDARDS FOR THE FORM, CONTENT AND  
52 SALE OF ACCIDENT AND HEALTH INSURANCE POLICIES AND SUBSCRIBER CONTRACTS,  
53 TO REQUIRE ADDITIONAL COVERAGE OPTIONS FOR OUT-OF-NETWORK SERVICES, OR  
54 TO PROVIDE FOR STANDARDIZATION AND SIMPLIFICATION OF COVERAGE.

55 (C) WHEN AN INSURED OR ENROLLEE UNDER A CONTRACT OR POLICY THAT  
56 PROVIDES COVERAGE FOR EMERGENCY SERVICES RECEIVES THE SERVICES FROM A

1 HEALTH CARE PROVIDER THAT DOES NOT PARTICIPATE IN THE PROVIDER NETWORK  
2 OF AN INSURER, A CORPORATION ORGANIZED PURSUANT TO ARTICLE FORTY-THREE  
3 OF THIS CHAPTER, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED  
4 PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER, A HEALTH MAINTENANCE  
5 ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC  
6 HEALTH LAW, OR A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT  
7 TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER ("HEALTH  
8 CARE PLAN"), THE HEALTH CARE PLAN SHALL ENSURE THAT THE INSURED OR  
9 ENROLLEE SHALL INCUR NO GREATER OUT-OF-POCKET COSTS FOR THE EMERGENCY  
10 SERVICES THAN THE INSURED OR ENROLLEE WOULD HAVE INCURRED WITH A HEALTH  
11 CARE PROVIDER THAT PARTICIPATES IN THE HEALTH CARE PLAN'S PROVIDER  
12 NETWORK. FOR THE PURPOSE OF THIS SECTION, "EMERGENCY SERVICES" SHALL  
13 HAVE THE MEANING SET FORTH IN SUBPARAGRAPH (D) OF PARAGRAPH NINE OF  
14 SUBSECTION (I) OF SECTION THREE THOUSAND TWO HUNDRED SIXTEEN OF THIS  
15 ARTICLE, SUBPARAGRAPH (D) OF PARAGRAPH FOUR OF SUBSECTION (K) OF SECTION  
16 THREE THOUSAND TWO HUNDRED TWENTY-ONE OF THIS ARTICLE, AND SUBPARAGRAPH  
17 (D) OF PARAGRAPH TWO OF SUBSECTION (A) OF SECTION FOUR THOUSAND THREE  
18 HUNDRED THREE OF THIS CHAPTER.

19 S 7. Section 4306-c of the insurance law is amended by adding a new  
20 subsection (d) to read as follows:

21 (D) A CORPORATION, INCLUDING A MUNICIPAL COOPERATIVE HEALTH BENEFIT  
22 PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER AND A  
23 STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT TO SECTION ONE  
24 THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER, THAT ISSUES A COMPRE-  
25 HENSIVE POLICY THAT UTILIZES A NETWORK OF PROVIDERS AND IS NOT A MANAGED  
26 CARE HEALTH INSURANCE CONTRACT AS DEFINED IN SUBSECTION (C) OF SECTION  
27 FOUR THOUSAND EIGHT HUNDRED ONE OF THIS CHAPTER, SHALL PROVIDE ACCESS TO  
28 OUT-OF-NETWORK SERVICES CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION  
29 (A) OF SECTION FOUR THOUSAND EIGHT HUNDRED FOUR OF THIS CHAPTER,  
30 SUBSECTIONS (G-6) AND (G-7) OF SECTION FOUR THOUSAND NINE HUNDRED OF  
31 THIS CHAPTER, SUBSECTIONS (A-1) AND (A-2) OF SECTION FOUR THOUSAND NINE  
32 HUNDRED FOUR OF THIS CHAPTER, PARAGRAPHS THREE AND FOUR OF SUBSECTION  
33 (B) OF SECTION FOUR THOUSAND NINE HUNDRED TEN OF THIS CHAPTER, AND  
34 SUBPARAGRAPHS (C) AND (D) OF PARAGRAPH FOUR OF SUBSECTION (B) OF SECTION  
35 FOUR THOUSAND NINE HUNDRED FOURTEEN OF THIS CHAPTER.

36 S 8. Paragraphs 11, 12, 13, 14, 16-a, 17, and 18 of subsection (a) of  
37 section 4324 of the insurance law, paragraphs 11, 12, 13, 14, 17 and 18  
38 as added by chapter 705 of the laws of 1996, paragraph 16-a as added by  
39 chapter 554 of the laws of 2002, are amended and three new paragraphs  
40 19, 20 and 21 are added to read as follows:

41 (11) where applicable, notice that a subscriber enrolled in a managed  
42 care product OR IN A COMPREHENSIVE CONTRACT THAT UTILIZES A NETWORK OF  
43 PROVIDERS offered by the corporation may obtain a referral [to] OR  
44 PREAUTHORIZATION FOR a health care provider outside of the corporation's  
45 network or panel when the corporation does not have a health care  
46 provider [with] WHO IS GEOGRAPHICALLY ACCESSIBLE TO THE INSURED AND WHO  
47 HAS THE appropriate training and experience in the network or panel to  
48 meet the particular health care needs of the subscriber and the proce-  
49 dure by which the subscriber can obtain such referral OR PREAUTHORI-  
50 ZATION;

51 (12) where applicable, notice that a subscriber enrolled in a managed  
52 care product OR A COMPREHENSIVE CONTRACT THAT UTILIZES A NETWORK OF  
53 PROVIDERS offered by the corporation with a condition which requires  
54 ongoing care from a specialist may request a standing referral to such a  
55 specialist and the procedure for requesting and obtaining such a stand-  
56 ing referral;

1 (13) where applicable, notice that a subscriber enrolled in a managed  
2 care product OR A COMPREHENSIVE CONTRACT THAT UTILIZES A NETWORK OF  
3 PROVIDERS offered by the corporation with (i) a life-threatening condi-  
4 tion or disease, or (ii) a degenerative and disabling condition or  
5 disease, either of which requires specialized medical care over a  
6 prolonged period of time may request a specialist responsible for  
7 providing or coordinating the subscriber's medical care and the proce-  
8 dure for requesting and obtaining such a specialist;

9 (14) where applicable, notice that a subscriber enrolled in a managed  
10 care product OR A COMPREHENSIVE CONTRACT THAT UTILIZES A NETWORK OF  
11 PROVIDERS offered by the corporation with [(i)] (A) a life-threatening  
12 condition or disease, or [(ii)] (B) a degenerative and disabling condi-  
13 tion or disease, either of which requires specialized medical care over  
14 a prolonged period of time may request access to a specialty care center  
15 and the procedure by which such access may be obtained;

16 (16-a) where applicable, notice that an enrollee shall have direct  
17 access to primary and preventive obstetric and gynecologic services,  
18 INCLUDING ANNUAL EXAMINATIONS, CARE RESULTING FROM SUCH ANNUAL EXAMINA-  
19 TIONS, AND TREATMENT OF ACUTE GYNECOLOGIC CONDITIONS, from a qualified  
20 provider of such services of her choice from within the plan [for no  
21 fewer than two examinations annually for such services] or [to] FOR any  
22 care related to A pregnancy [and that additionally, the enrollee shall  
23 have direct access to primary and preventive obstetric and gynecologic  
24 services required as a result of such annual examinations or as a result  
25 of an acute gynecologic condition];

26 (17) where applicable, a listing by specialty, which may be in a sepa-  
27 rate document that is updated annually, of the name, address, and tele-  
28 phone number of all participating providers, including facilities, and  
29 in addition, in the case of physicians, board certification[; and],  
30 LANGUAGES SPOKEN AND ANY AFFILIATIONS WITH PARTICIPATING HOSPITALS. THE  
31 LISTING SHALL ALSO BE POSTED ON THE CORPORATION'S WEBSITE AND THE CORPO-  
32 RATION SHALL UPDATE THE WEBSITE WITHIN FIFTEEN DAYS OF THE ADDITION OR  
33 TERMINATION OF A PROVIDER FROM THE CORPORATION'S NETWORK OR A CHANGE IN  
34 A PHYSICIAN'S HOSPITAL AFFILIATION;

35 (18) a description of the mechanisms by which subscribers may partic-  
36 ipate in the development of the policies of the corporation[.];

37 (19) THE METHOD BY WHICH A SUBSCRIBER MAY SUBMIT A CLAIM FOR HEALTH  
38 CARE SERVICES;

39 (20) WITH RESPECT TO OUT-OF-NETWORK COVERAGE:

40 (A) A CLEAR DESCRIPTION OF THE METHODOLOGY USED BY THE CORPORATION TO  
41 DETERMINE REIMBURSEMENT FOR OUT-OF-NETWORK HEALTH CARE SERVICES;

42 (B) A DESCRIPTION OF THE AMOUNT THAT THE CORPORATION WILL REIMBURSE  
43 UNDER THE METHODOLOGY FOR OUT-OF-NETWORK HEALTH CARE SERVICES SET FORTH  
44 AS A PERCENTAGE OF THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK  
45 HEALTH CARE SERVICES; AND

46 (C) EXAMPLES OF ANTICIPATED OUT-OF-POCKET COSTS FOR FREQUENTLY BILLED  
47 OUT-OF-NETWORK HEALTH CARE SERVICES; AND

48 (21) INFORMATION IN WRITING AND THROUGH AN INTERNET WEBSITE THAT  
49 REASONABLY PERMITS A SUBSCRIBER OR PROSPECTIVE SUBSCRIBER TO ESTIMATE  
50 THE ANTICIPATED OUT-OF-POCKET COST FOR OUT-OF-NETWORK HEALTH CARE  
51 SERVICES IN A GEOGRAPHICAL AREA OR ZIP CODE BASED UPON THE DIFFERENCE  
52 BETWEEN WHAT THE CORPORATION WILL REIMBURSE FOR OUT-OF-NETWORK HEALTH  
53 CARE SERVICES AND THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK HEALTH  
54 CARE SERVICES.

1 S 9. Paragraphs 11 and 12 of subsection (b) of section 4324 of the  
2 insurance law, as added by chapter 705 of the laws of 1996, are amended  
3 and two new paragraphs 13 and 14 are added to read as follows:

4 (11) where applicable, provide the written application procedures and  
5 minimum qualification requirements for health care providers to be  
6 considered by the corporation for participation in the corporation's  
7 network for a managed care product; [and]

8 (12) disclose such other information as required by the superinten-  
9 dent, provided that such requirements are promulgated pursuant to the  
10 state administrative procedure act[.];

11 (13) DISCLOSE WHETHER A HEALTH CARE PROVIDER SCHEDULED TO PROVIDE A  
12 HEALTH CARE SERVICE IS AN IN-NETWORK PROVIDER; AND

13 (14) WITH RESPECT TO OUT-OF-NETWORK COVERAGE, DISCLOSE THE APPROXIMATE  
14 DOLLAR AMOUNT THAT THE CORPORATION WILL PAY FOR A SPECIFIC OUT-OF-NET-  
15 WORK HEALTH CARE SERVICE. THE CORPORATION SHALL ALSO INFORM THE INSURED  
16 THROUGH SUCH DISCLOSURE THAT SUCH APPROXIMATION IS NOT BINDING ON THE  
17 CORPORATION AND THAT THE APPROXIMATE DOLLAR AMOUNT THAT THE CORPORATION  
18 WILL PAY FOR A SPECIFIC OUT-OF-NETWORK HEALTH CARE SERVICE MAY CHANGE.

19 S 10. Section 4324 of the insurance law is amended by adding a new  
20 subsection (f) to read as follows:

21 (F) FOR PURPOSES OF THIS SECTION, "USUAL AND CUSTOMARY COST" SHALL  
22 MEAN THE EIGHTIETH PERCENTILE OF ALL CHARGES FOR THE PARTICULAR HEALTH  
23 CARE SERVICE PERFORMED BY A PROVIDER IN THE SAME OR SIMILAR SPECIALTY  
24 AND PROVIDED IN THE SAME GEOGRAPHICAL AREA AS REPORTED IN A BENCHMARKING  
25 DATABASE MAINTAINED BY A NONPROFIT ORGANIZATION SPECIFIED BY THE SUPER-  
26 INTENDENT. THE NONPROFIT ORGANIZATION SHALL NOT BE AFFILIATED WITH AN  
27 INSURER, A CORPORATION SUBJECT TO THIS ARTICLE, A MUNICIPAL COOPERATIVE  
28 HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS  
29 CHAPTER, OR A HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO  
30 ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW.

31 S 11. Section 4900 of the insurance law is amended by adding a new  
32 subsection (g-6-a) to read as follows:

33 (G-6-A) "OUT-OF-NETWORK REFERRAL DENIAL" MEANS A DENIAL UNDER A  
34 MANAGED CARE PRODUCT AS DEFINED IN SUBSECTION (C) OF SECTION FOUR THOU-  
35 SAND EIGHT HUNDRED ONE OF THIS CHAPTER OF A REQUEST FOR AN AUTHORIZATION  
36 OR REFERRAL TO AN OUT-OF-NETWORK PROVIDER ON THE BASIS THAT THE HEALTH  
37 CARE PLAN HAS A HEALTH CARE PROVIDER IN THE IN-NETWORK BENEFITS PORTION  
38 OF ITS NETWORK WITH APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE  
39 PARTICULAR HEALTH CARE NEEDS OF AN INSURED, AND WHO IS ABLE TO PROVIDE  
40 THE REQUESTED HEALTH SERVICE. THE NOTICE OF AN OUT-OF-NETWORK REFERRAL  
41 DENIAL PROVIDED TO AN INSURED SHALL INCLUDE INFORMATION EXPLAINING WHAT  
42 INFORMATION THE INSURED MUST SUBMIT IN ORDER TO APPEAL THE OUT-OF-NET-  
43 WORK REFERRAL DENIAL PURSUANT TO SUBSECTION (A-2) OF SECTION FOUR THOU-  
44 SAND NINE HUNDRED FOUR OF THIS ARTICLE. AN OUT-OF-NETWORK REFERRAL  
45 DENIAL UNDER THIS SUBSECTION DOES NOT CONSTITUTE AN ADVERSE DETERMI-  
46 NATION AS DEFINED IN THIS ARTICLE. AN OUT-OF-NETWORK REFERRAL DENIAL  
47 SHALL NOT BE CONSTRUED TO INCLUDE AN OUT-OF-NETWORK DENIAL AS DEFINED IN  
48 SUBSECTION (G-6) OF THIS SECTION.

49 S 12. Subsection (b) of section 4903 of the insurance law, as amended  
50 by chapter 514 of the laws of 2013, is amended to read as follows:

51 (b) A utilization review agent shall make a utilization review deter-  
52 mination involving health care services which require pre-authorization  
53 and provide notice of a determination to the insured or insured's desig-  
54 nee and the insured's health care provider by telephone and in writing  
55 within three business days of receipt of the necessary information. To  
56 the extent practicable, such written notification to the enrollee's

1 health care provider shall be transmitted electronically, in a manner  
2 and in a form agreed upon by the parties. THE NOTIFICATION SHALL IDEN-  
3 TIFY: (1) WHETHER THE SERVICES ARE CONSIDERED IN-NETWORK OR OUT-OF-NET-  
4 WORK; (2) WHETHER THE INSURED WILL BE HELD HARMLESS FOR THE SERVICES AND  
5 NOT BE RESPONSIBLE FOR ANY PAYMENT, OTHER THAN ANY APPLICABLE CO-PAY-  
6 MENT, CO-INSURANCE OR DEDUCTIBLE; (3) AS APPLICABLE, THE DOLLAR AMOUNT  
7 THE HEALTH CARE PLAN WILL PAY IF THE SERVICE IS OUT-OF-NETWORK; AND (4)  
8 AS APPLICABLE, INFORMATION EXPLAINING HOW AN INSURED MAY DETERMINE THE  
9 ANTICIPATED OUT-OF-POCKET COST FOR OUT-OF-NETWORK HEALTH CARE SERVICES  
10 IN A GEOGRAPHICAL AREA OR ZIP CODE BASED UPON THE DIFFERENCE BETWEEN  
11 WHAT THE HEALTH CARE PLAN WILL REIMBURSE FOR OUT-OF-NETWORK HEALTH CARE  
12 SERVICES AND THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK HEALTH CARE  
13 SERVICES.

14 S 13. Section 4904 of the insurance law is amended by adding a new  
15 subsection (a-2) to read as follows:

16 (A-2) AN INSURED OR THE INSURED'S DESIGNEE MAY APPEAL AN OUT-OF-NET-  
17 WORK REFERRAL DENIAL BY A HEALTH CARE PLAN BY SUBMITTING A WRITTEN  
18 STATEMENT FROM THE INSURED'S ATTENDING PHYSICIAN, WHO MUST BE A  
19 LICENSED, BOARD CERTIFIED OR BOARD ELIGIBLE PHYSICIAN QUALIFIED TO PRAC-  
20 TICE IN THE SPECIALTY AREA OF PRACTICE APPROPRIATE TO TREAT THE INSURED  
21 FOR THE HEALTH SERVICE SOUGHT, PROVIDED THAT: (1) THE IN-NETWORK HEALTH  
22 CARE PROVIDER OR PROVIDERS RECOMMENDED BY THE HEALTH CARE PLAN DO NOT  
23 HAVE THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR  
24 HEALTH CARE NEEDS OF THE INSURED FOR THE HEALTH SERVICE; AND (2) RECOM-  
25 MENDS AN OUT-OF-NETWORK PROVIDER WITH THE APPROPRIATE TRAINING AND EXPE-  
26 RIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF THE INSURED, AND WHO  
27 IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE.

28 S 14. Subsection (b) of section 4910 of the insurance law is amended  
29 by adding a new paragraph 4 to read as follows:

30 (4)(A) THE INSURED HAS HAD AN OUT-OF-NETWORK REFERRAL DENIED ON THE  
31 GROUNDS THAT THE HEALTH CARE PLAN HAS A HEALTH CARE PROVIDER IN THE  
32 IN-NETWORK BENEFITS PORTION OF ITS NETWORK WITH APPROPRIATE TRAINING AND  
33 EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN INSURED, AND  
34 WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE.

35 (B) THE INSURED'S ATTENDING PHYSICIAN, WHO SHALL BE A LICENSED, BOARD  
36 CERTIFIED OR BOARD ELIGIBLE PHYSICIAN QUALIFIED TO PRACTICE IN THE  
37 SPECIALTY AREA OF PRACTICE APPROPRIATE TO TREAT THE INSURED FOR THE  
38 HEALTH SERVICE SOUGHT, CERTIFIES THAT THE IN-NETWORK HEALTH CARE PROVID-  
39 ER OR PROVIDERS RECOMMENDED BY THE HEALTH CARE PLAN DO NOT HAVE THE  
40 APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE  
41 NEEDS OF AN INSURED, AND RECOMMENDS AN OUT-OF-NETWORK PROVIDER WITH THE  
42 APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE  
43 NEEDS OF AN INSURED, AND WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH  
44 SERVICE.

45 S 15. Paragraph 4 of subsection (b) of section 4914 of the insurance  
46 law is amended by adding a new subparagraph (D) to read as follows:

47 (D) FOR EXTERNAL APPEALS REQUESTED PURSUANT TO PARAGRAPH FOUR OF  
48 SUBSECTION (B) OF SECTION FOUR THOUSAND NINE HUNDRED TEN OF THIS TITLE  
49 RELATING TO AN OUT-OF-NETWORK REFERRAL DENIAL, THE EXTERNAL APPEAL AGENT  
50 SHALL REVIEW THE UTILIZATION REVIEW AGENT'S FINAL ADVERSE DETERMINATION  
51 AND, IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, SHALL MAKE A  
52 DETERMINATION AS TO WHETHER THE OUT-OF-NETWORK REFERRAL SHALL BE COVERED  
53 BY THE HEALTH PLAN; PROVIDED THAT SUCH DETERMINATION SHALL:

54 (I) BE CONDUCTED ONLY BY ONE OR A GREATER ODD NUMBER OF CLINICAL PEER  
55 REVIEWERS;

56 (II) BE ACCOMPANIED BY A WRITTEN STATEMENT:

1 (I) THAT THE OUT-OF-NETWORK REFERRAL SHALL BE COVERED BY THE HEALTH  
2 CARE PLAN EITHER WHEN THE REVIEWER OR A MAJORITY OF THE PANEL OF REVIEW-  
3 ERS DETERMINES, UPON REVIEW OF THE TRAINING AND EXPERIENCE OF THE  
4 IN-NETWORK HEALTH CARE PROVIDER OR PROVIDERS PROPOSED BY THE PLAN, THE  
5 TRAINING AND EXPERIENCE OF THE REQUESTED OUT-OF-NETWORK PROVIDER, THE  
6 CLINICAL STANDARDS OF THE PLAN, THE INFORMATION PROVIDED CONCERNING THE  
7 INSURED, THE ATTENDING PHYSICIAN'S RECOMMENDATION, THE INSURED'S MEDICAL  
8 RECORD, AND ANY OTHER PERTINENT INFORMATION, THAT THE HEALTH PLAN DOES  
9 NOT HAVE A PROVIDER WITH THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET  
10 THE PARTICULAR HEALTH CARE NEEDS OF AN INSURED WHO IS ABLE TO PROVIDE  
11 THE REQUESTED HEALTH SERVICE, AND THAT THE OUT-OF-NETWORK PROVIDER HAS  
12 THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH  
13 CARE NEEDS OF AN INSURED, IS ABLE TO PROVIDE THE REQUESTED HEALTH  
14 SERVICE, AND IS LIKELY TO PRODUCE A MORE CLINICALLY BENEFICIAL OUTCOME;  
15 OR

16 (II) UPHOLDING THE HEALTH PLAN'S DENIAL OF COVERAGE;

17 (III) BE SUBJECT TO THE TERMS AND CONDITIONS GENERALLY APPLICABLE TO  
18 BENEFITS UNDER THE EVIDENCE OF COVERAGE UNDER THE HEALTH CARE PLAN;

19 (IV) BE BINDING ON THE PLAN AND THE INSURED; AND

20 (V) BE ADMISSIBLE IN ANY COURT PROCEEDING.

21 S 16. The public health law is amended by adding a new section 23 to  
22 read as follows:

23 S 23. CLAIM FORMS. A NON-PARTICIPATING PHYSICIAN SHALL INCLUDE A  
24 CLAIM FORM FOR A THIRD-PARTY PAYOR WITH A PATIENT BILL FOR HEALTH CARE  
25 SERVICES, OTHER THAN A BILL FOR THE PATIENT'S CO-PAYMENT, COINSURANCE OR  
26 DEDUCTIBLE.

27 S 17. The public health law is amended by adding a new section 24 to  
28 read as follows:

29 S 24. DISCLOSURE. 1. A HEALTH CARE PROFESSIONAL, OR A GROUP PRACTICE  
30 OF HEALTH CARE PROFESSIONALS, A DIAGNOSTIC AND TREATMENT CENTER OR A  
31 HEALTH CENTER DEFINED UNDER 42 U.S.C. S 254B ON BEHALF OF HEALTH CARE  
32 PROFESSIONALS RENDERING SERVICES AT THE GROUP PRACTICE, DIAGNOSTIC AND  
33 TREATMENT CENTER OR HEALTH CENTER, SHALL DISCLOSE TO PATIENTS OR  
34 PROSPECTIVE PATIENTS IN WRITING OR THROUGH AN INTERNET WEBSITE THE  
35 HEALTH CARE PLANS IN WHICH THE HEALTH CARE PROFESSIONAL, GROUP PRACTICE,  
36 DIAGNOSTIC AND TREATMENT CENTER OR HEALTH CENTER, IS A PARTICIPATING  
37 PROVIDER AND THE HOSPITALS WITH WHICH THE HEALTH CARE PROFESSIONAL IS  
38 AFFILIATED PRIOR TO THE PROVISION OF NON-EMERGENCY SERVICES AND VERBALLY  
39 AT THE TIME AN APPOINTMENT IS SCHEDULED.

40 2. IF A HEALTH CARE PROFESSIONAL, OR A GROUP PRACTICE OF HEALTH CARE  
41 PROFESSIONALS, A DIAGNOSTIC AND TREATMENT CENTER OR A HEALTH CENTER  
42 DEFINED UNDER 42 U.S.C. S 254B ON BEHALF OF HEALTH CARE PROFESSIONALS  
43 RENDERING SERVICES AT THE GROUP PRACTICE, DIAGNOSTIC AND TREATMENT  
44 CENTER OR HEALTH CENTER, DOES NOT PARTICIPATE IN THE NETWORK OF A  
45 PATIENT'S OR PROSPECTIVE PATIENT'S HEALTH CARE PLAN, THE HEALTH CARE  
46 PROFESSIONAL, GROUP PRACTICE, DIAGNOSTIC AND TREATMENT CENTER OR HEALTH  
47 CENTER, SHALL: (A) PRIOR TO THE PROVISION OF NON-EMERGENCY SERVICES,  
48 INFORM A PATIENT OR PROSPECTIVE PATIENT THAT THE AMOUNT OR ESTIMATED  
49 AMOUNT THE HEALTH CARE PROFESSIONAL WILL BILL THE PATIENT FOR HEALTH  
50 CARE SERVICES IS AVAILABLE UPON REQUEST; AND (B) UPON RECEIPT OF A  
51 REQUEST FROM A PATIENT OR PROSPECTIVE PATIENT, DISCLOSE TO THE PATIENT  
52 OR PROSPECTIVE PATIENT IN WRITING THE AMOUNT OR ESTIMATED AMOUNT OR,  
53 WITH RESPECT TO A HEALTH CENTER, A SCHEDULE OF FEES PROVIDED UNDER 42  
54 U.S.C. S 254B(K)(3)(G)(I), THAT THE HEALTH CARE PROFESSIONAL, GROUP  
55 PRACTICE, DIAGNOSTIC AND TREATMENT CENTER OR HEALTH CENTER, WILL BILL  
56 THE PATIENT OR PROSPECTIVE PATIENT FOR HEALTH CARE SERVICES PROVIDED OR



1 ANTICIPATED TO BE PROVIDED TO THE PATIENT OR PROSPECTIVE PATIENT ABSENT  
2 UNFORESEEN MEDICAL CIRCUMSTANCES THAT MAY ARISE WHEN THE HEALTH CARE  
3 SERVICES ARE PROVIDED.

4 3. A HEALTH CARE PROFESSIONAL WHO IS A PHYSICIAN SHALL PROVIDE A  
5 PATIENT OR PROSPECTIVE PATIENT WITH THE NAME, PRACTICE NAME, MAILING  
6 ADDRESS, AND TELEPHONE NUMBER OF ANY HEALTH CARE PROVIDER SCHEDULED TO  
7 PERFORM ANESTHESIOLOGY, LABORATORY, PATHOLOGY, RADIOLOGY OR ASSISTANT  
8 SURGEON SERVICES IN CONNECTION WITH CARE TO BE PROVIDED IN THE PHYSI-  
9 CIAN'S OFFICE FOR THE PATIENT OR COORDINATED OR REFERRED BY THE PHYSI-  
10 CIAN FOR THE PATIENT AT THE TIME OF REFERRAL TO OR COORDINATION OF  
11 SERVICES WITH SUCH PROVIDER.

12 4. A HEALTH CARE PROFESSIONAL WHO IS A PHYSICIAN SHALL, FOR A  
13 PATIENT'S SCHEDULED HOSPITAL ADMISSION OR SCHEDULED OUTPATIENT HOSPITAL  
14 SERVICES, PROVIDE A PATIENT AND THE HOSPITAL WITH THE NAME, PRACTICE  
15 NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF ANY OTHER PHYSICIAN WHOSE  
16 SERVICES WILL BE ARRANGED BY THE PHYSICIAN AND ARE SCHEDULED AT THE TIME  
17 OF THE PRE-ADMISSION TESTING, REGISTRATION OR ADMISSION AT THE TIME  
18 NON-EMERGENCY SERVICES ARE SCHEDULED; AND INFORMATION AS TO HOW TO  
19 DETERMINE THE HEALTHCARE PLANS IN WHICH THE PHYSICIAN PARTICIPATES.

20 5. A HOSPITAL SHALL ESTABLISH, UPDATE AND MAKE PUBLIC THROUGH POSTING  
21 ON THE HOSPITAL'S WEBSITE, TO THE EXTENT REQUIRED BY FEDERAL GUIDELINES,  
22 A LIST OF THE HOSPITAL'S STANDARD CHARGES FOR ITEMS AND SERVICES  
23 PROVIDED BY THE HOSPITAL, INCLUDING FOR DIAGNOSIS-RELATED GROUPS ESTAB-  
24 LISHED UNDER SECTION 1886(D)(4) OF THE FEDERAL SOCIAL SECURITY ACT.

25 6. A HOSPITAL SHALL POST ON THE HOSPITAL'S WEBSITE: (A) THE HEALTH  
26 CARE PLANS IN WHICH THE HOSPITAL IS A PARTICIPATING PROVIDER; (B) A  
27 STATEMENT THAT (I) PHYSICIAN SERVICES PROVIDED IN THE HOSPITAL ARE NOT  
28 INCLUDED IN THE HOSPITAL'S CHARGES; (II) PHYSICIANS WHO PROVIDE SERVICES  
29 IN THE HOSPITAL MAY OR MAY NOT PARTICIPATE WITH THE SAME HEALTH CARE  
30 PLANS AS THE HOSPITAL, AND; (III) THE PROSPECTIVE PATIENT SHOULD CHECK  
31 WITH THE PHYSICIAN ARRANGING FOR THE HOSPITAL SERVICES TO DETERMINE THE  
32 HEALTH CARE PLANS IN WHICH THE PHYSICIAN PARTICIPATES; (C) AS APPLICA-  
33 BLE, THE NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF THE PHYSICIAN  
34 GROUPS THAT THE HOSPITAL HAS CONTRACTED WITH TO PROVIDE SERVICES INCLUD-  
35 ING ANESTHESIOLOGY, PATHOLOGY OR RADIOLOGY, AND INSTRUCTIONS HOW TO  
36 CONTACT THESE GROUPS TO DETERMINE THE HEALTH CARE PLAN PARTICIPATION OF  
37 THE PHYSICIANS IN THESE GROUPS; AND (D) AS APPLICABLE, THE NAME, MAILING  
38 ADDRESS, AND TELEPHONE NUMBER OF PHYSICIANS EMPLOYED BY THE HOSPITAL AND  
39 WHOSE SERVICES MAY BE PROVIDED AT THE HOSPITAL, AND THE HEALTH CARE  
40 PLANS IN WHICH THEY PARTICIPATE.

41 7. IN REGISTRATION OR ADMISSION MATERIALS PROVIDED IN ADVANCE OF NON-  
42 EMERGENCY HOSPITAL SERVICES, A HOSPITAL SHALL: (A) ADVISE THE PATIENT OR  
43 PROSPECTIVE PATIENT TO CHECK WITH THE PHYSICIAN ARRANGING THE HOSPITAL  
44 SERVICES TO DETERMINE: (I) THE NAME, PRACTICE NAME, MAILING ADDRESS AND  
45 TELEPHONE NUMBER OF ANY OTHER PHYSICIAN WHOSE SERVICES WILL BE ARRANGED  
46 BY THE PHYSICIAN; AND (II) WHETHER THE SERVICES OF PHYSICIANS WHO ARE  
47 EMPLOYED OR CONTRACTED BY THE HOSPITAL TO PROVIDE SERVICES INCLUDING  
48 ANESTHESIOLOGY, PATHOLOGY AND/OR RADIOLOGY ARE REASONABLY ANTICIPATED TO  
49 BE PROVIDED TO THE PATIENT; AND (B) PROVIDE PATIENTS OR PROSPECTIVE  
50 PATIENTS WITH INFORMATION AS TO HOW TO TIMELY DETERMINE THE HEALTH CARE  
51 PLANS PARTICIPATED IN BY PHYSICIANS WHO ARE REASONABLY ANTICIPATED TO  
52 PROVIDE SERVICES TO THE PATIENT AT THE HOSPITAL, AS DETERMINED BY THE  
53 PHYSICIAN ARRANGING THE PATIENT'S HOSPITAL SERVICES, AND WHO ARE EMPLOY-  
54 EES OF THE HOSPITAL OR CONTRACTED BY THE HOSPITAL TO PROVIDE SERVICES  
55 INCLUDING ANESTHESIOLOGY, RADIOLOGY AND/OR PATHOLOGY.

56 8. FOR PURPOSES OF THIS SECTION:

1 (A) "HEALTH CARE PLAN" MEANS A HEALTH INSURER INCLUDING AN INSURER  
2 LICENSED TO WRITE ACCIDENT AND HEALTH INSURANCE SUBJECT TO ARTICLE THIR-  
3 TY-TWO OF THE INSURANCE LAW; A CORPORATION ORGANIZED PURSUANT TO ARTICLE  
4 FORTY-THREE OF THE INSURANCE LAW; A MUNICIPAL COOPERATIVE HEALTH BENEFIT  
5 PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THE INSURANCE LAW; A  
6 HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR  
7 OF THIS CHAPTER; A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSU-  
8 ANT TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THE INSURANCE LAW  
9 OR A SELF-FUNDED EMPLOYEE WELFARE BENEFIT PLAN.

10 (B) "HEALTH CARE PROFESSIONAL" MEANS AN APPROPRIATELY LICENSED, REGIS-  
11 TERED OR CERTIFIED HEALTH CARE PROFESSIONAL PURSUANT TO TITLE EIGHT OF  
12 THE EDUCATION LAW.

13 (C) "HOSPITAL" MEANS A GENERAL HOSPITAL AS DEFINED IN SUBDIVISION TEN  
14 OF SECTION TWO THOUSAND EIGHT HUNDRED ONE OF THIS CHAPTER.

15 S 18. Paragraphs (k), (p-1), (q) and (r) of subdivision 1 of section  
16 4408 of the public health law, paragraphs (k), (q) and (r) as added by  
17 chapter 705 of the laws of 1996, and paragraph (p-1) as added by chapter  
18 554 of the laws of 2002, are amended and three new paragraphs (s), (t)  
19 and (u) are added to read as follows:

20 (k) notice that an enrollee may obtain a referral to a health care  
21 provider outside of the health maintenance organization's network or  
22 panel when the health maintenance organization does not have a health  
23 care provider [with] WHO IS GEOGRAPHICALLY ACCESSIBLE TO THE ENROLLEE  
24 AND WHO HAS appropriate training and experience in the network or panel  
25 to meet the particular health care needs of the enrollee and the proce-  
26 dure by which the enrollee can obtain such referral;

27 (p-1) notice that an enrollee shall have direct access to primary and  
28 preventive obstetric and gynecologic services, INCLUDING ANNUAL EXAMINA-  
29 TIONS, CARE RESULTING FROM SUCH ANNUAL EXAMINATIONS, AND TREATMENT OF  
30 ACUTE GYNECOLOGIC CONDITIONS, from a qualified provider of such services  
31 of her choice from within the plan [for no fewer than two examinations  
32 annually for such services] or [to] FOR any care related to A pregnancy  
33 [and that additionally, the enrollee shall have direct access to primary  
34 and preventive obstetric and gynecologic services required as a result  
35 of such annual examinations or as a result of an acute gynecologic  
36 condition];

37 (q) notice of all appropriate mailing addresses and telephone numbers  
38 to be utilized by enrollees seeking information or authorization; [and]

39 (r) a listing by specialty, which may be in a separate document that  
40 is updated annually, of the name, address and telephone number of all  
41 participating providers, including facilities, and, in addition, in the  
42 case of physicians, board certification[.], LANGUAGES SPOKEN AND ANY  
43 AFFILIATIONS WITH PARTICIPATING HOSPITALS. THE LISTING SHALL ALSO BE  
44 POSTED ON THE HEALTH MAINTENANCE ORGANIZATION'S WEBSITE AND THE HEALTH  
45 MAINTENANCE ORGANIZATION SHALL UPDATE THE WEBSITE WITHIN FIFTEEN DAYS OF  
46 THE ADDITION OR TERMINATION OF A PROVIDER FROM THE HEALTH MAINTENANCE  
47 ORGANIZATION'S NETWORK OR A CHANGE IN A PHYSICIAN'S HOSPITAL AFFIL-  
48 IATION;

49 (S) WHERE APPLICABLE, A DESCRIPTION OF THE METHOD BY WHICH AN ENROLLEE  
50 MAY SUBMIT A CLAIM FOR HEALTH CARE SERVICES;

51 (T) WITH RESPECT TO OUT-OF-NETWORK COVERAGE:

52 (I) A CLEAR DESCRIPTION OF THE METHODOLOGY USED BY THE HEALTH MAINTE-  
53 NANCE ORGANIZATION TO DETERMINE REIMBURSEMENT FOR OUT-OF-NETWORK HEALTH  
54 CARE SERVICES;

55 (II) THE AMOUNT THAT THE HEALTH MAINTENANCE ORGANIZATION WILL REIM-  
56 BURSE UNDER THE METHODOLOGY FOR OUT-OF-NETWORK HEALTH CARE SERVICES SET

1 FORTH AS A PERCENTAGE OF THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK  
2 HEALTH CARE SERVICES;

3 (III) EXAMPLES OF ANTICIPATED OUT-OF-POCKET COSTS FOR FREQUENTLY  
4 BILLED OUT-OF-NETWORK HEALTH CARE SERVICES; AND

5 (U) INFORMATION IN WRITING AND THROUGH AN INTERNET WEBSITE THAT  
6 REASONABLY PERMITS AN ENROLLEE OR PROSPECTIVE ENROLLEE TO ESTIMATE THE  
7 ANTICIPATED OUT-OF-POCKET COST FOR OUT-OF-NETWORK HEALTH CARE SERVICES  
8 IN A GEOGRAPHICAL AREA OR ZIP CODE BASED UPON THE DIFFERENCE BETWEEN  
9 WHAT THE HEALTH MAINTENANCE ORGANIZATION WILL REIMBURSE FOR OUT-OF-NET-  
10 WORK HEALTH CARE SERVICES AND THE USUAL AND CUSTOMARY COST FOR  
11 OUT-OF-NETWORK HEALTH CARE SERVICES.

12 S 19. Paragraphs (k) and (l) of subdivision 2 of section 4408 of the  
13 public health law, as added by chapter 705 of the laws of 1996, are  
14 amended and two new paragraphs (m) and (n) are added to read as follows:

15 (k) provide the written application procedures and minimum qualifica-  
16 tion requirements for health care providers to be considered by the  
17 health maintenance organization; [and]

18 (l) disclose other information as required by the commissioner,  
19 provided that such requirements are promulgated pursuant to the state  
20 administrative procedure act[.];

21 (M) DISCLOSE WHETHER A HEALTH CARE PROVIDER SCHEDULED TO PROVIDE A  
22 HEALTH CARE SERVICE IS AN IN-NETWORK PROVIDER; AND

23 (N) WITH RESPECT TO OUT-OF-NETWORK COVERAGE, DISCLOSE THE APPROXIMATE  
24 DOLLAR AMOUNT THAT THE HEALTH MAINTENANCE ORGANIZATION WILL PAY FOR A  
25 SPECIFIC OUT-OF-NETWORK HEALTH CARE SERVICE. THE HEALTH MAINTENANCE  
26 ORGANIZATION SHALL ALSO INFORM AN ENROLLEE THROUGH SUCH DISCLOSURE THAT  
27 SUCH APPROXIMATION IS NOT BINDING ON THE HEALTH MAINTENANCE ORGANIZATION  
28 AND THAT THE APPROXIMATE DOLLAR AMOUNT THAT THE HEALTH MAINTENANCE  
29 ORGANIZATION WILL PAY FOR A SPECIFIC OUT-OF-NETWORK HEALTH CARE SERVICE  
30 MAY CHANGE.

31 S 20. Section 4408 of the public health law is amended by adding a new  
32 subdivision 7 to read as follows:

33 7. FOR PURPOSES OF THIS SECTION, "USUAL AND CUSTOMARY COST" SHALL  
34 MEAN THE EIGHTIETH PERCENTILE OF ALL CHARGES FOR THE PARTICULAR HEALTH  
35 CARE SERVICE PERFORMED BY A PROVIDER IN THE SAME OR SIMILAR SPECIALTY  
36 AND PROVIDED IN THE SAME GEOGRAPHICAL AREA AS REPORTED IN A BENCHMARKING  
37 DATABASE MAINTAINED BY A NONPROFIT ORGANIZATION SPECIFIED BY THE SUPER-  
38 INTENDENT OF FINANCIAL SERVICES. THE NONPROFIT ORGANIZATION SHALL NOT BE  
39 AFFILIATED WITH AN INSURER, A CORPORATION SUBJECT TO ARTICLE FORTY-THREE  
40 OF THE INSURANCE LAW, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTI-  
41 FIED PURSUANT TO ARTICLE FORTY-SEVEN OF THE INSURANCE LAW, OR A HEALTH  
42 MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO THIS ARTICLE.

43 S 21. Section 4900 of the public health law is amended by adding a new  
44 subdivision 7-f-1 to read as follows:

45 7-F-1. "OUT-OF-NETWORK REFERRAL DENIAL" MEANS A DENIAL OF A REQUEST  
46 FOR AN AUTHORIZATION OR REFERRAL TO AN OUT-OF-NETWORK PROVIDER ON THE  
47 BASIS THAT THE HEALTH CARE PLAN HAS A HEALTH CARE PROVIDER IN THE  
48 IN-NETWORK BENEFITS PORTION OF ITS NETWORK WITH APPROPRIATE TRAINING AND  
49 EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN ENROLLEE, AND  
50 WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE. THE NOTICE OF AN  
51 OUT-OF-NETWORK REFERRAL DENIAL PROVIDED TO AN ENROLLEE SHALL INCLUDE  
52 INFORMATION EXPLAINING WHAT INFORMATION THE ENROLLEE MUST SUBMIT IN  
53 ORDER TO APPEAL THE OUT-OF-NETWORK REFERRAL DENIAL PURSUANT TO SUBDIVI-  
54 SION ONE-B OF SECTION FOUR THOUSAND NINE HUNDRED FOUR OF THIS ARTICLE.  
55 AN OUT-OF-NETWORK REFERRAL DENIAL UNDER THIS SUBDIVISION DOES NOT  
56 CONSTITUTE AN ADVERSE DETERMINATION AS DEFINED IN THIS ARTICLE. AN OUT-

1 OF-NETWORK REFERRAL DENIAL SHALL NOT BE CONSTRUED TO INCLUDE AN OUT-OF-  
2 NETWORK DENIAL AS DEFINED IN SUBDIVISION SEVEN-F OF THIS SECTION.

3 S 22. Subdivision 2 of section 4903 of the public health law, as  
4 amended by chapter 514 of the laws of 2013, is amended to read as  
5 follows:

6 2. A utilization review agent shall make a utilization review determi-  
7 nation involving health care services which require pre-authorization  
8 and provide notice of a determination to the enrollee or enrollee's  
9 designee and the enrollee's health care provider by telephone and in  
10 writing within three business days of receipt of the necessary informa-  
11 tion. To the extent practicable, such written notification to the  
12 enrollee's health care provider shall be transmitted electronically, in  
13 a manner and in a form agreed upon by the parties. THE NOTIFICATION  
14 SHALL IDENTIFY; (A) WHETHER THE SERVICES ARE CONSIDERED IN-NETWORK OR  
15 OUT-OF-NETWORK; (B) AND WHETHER THE ENROLLEE WILL BE HELD HARMLESS FOR  
16 THE SERVICES AND NOT BE RESPONSIBLE FOR ANY PAYMENT, OTHER THAN ANY  
17 APPLICABLE CO-PAYMENT OR CO-INSURANCE; (C) AS APPLICABLE, THE DOLLAR  
18 AMOUNT THE HEALTH CARE PLAN WILL PAY IF THE SERVICE IS OUT-OF-NETWORK;  
19 AND (D) AS APPLICABLE, INFORMATION EXPLAINING HOW AN ENROLLEE MAY DETER-  
20 MINE THE ANTICIPATED OUT-OF-POCKET COST FOR OUT-OF-NETWORK HEALTH CARE  
21 SERVICES IN A GEOGRAPHICAL AREA OR ZIP CODE BASED UPON THE DIFFERENCE  
22 BETWEEN WHAT THE HEALTH CARE PLAN WILL REIMBURSE FOR OUT-OF-NETWORK  
23 HEALTH CARE SERVICES AND THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK  
24 HEALTH CARE SERVICES.

25 S 23. Section 4904 of the public health law is amended by adding a new  
26 subdivision 1-b to read as follows:

27 1-B. AN ENROLLEE OR THE ENROLLEE'S DESIGNEE MAY APPEAL A DENIAL OF AN  
28 OUT-OF-NETWORK REFERRAL BY A HEALTH CARE PLAN BY SUBMITTING A WRITTEN  
29 STATEMENT FROM THE ENROLLEE'S ATTENDING PHYSICIAN, WHO MUST BE A  
30 LICENSED, BOARD CERTIFIED OR BOARD ELIGIBLE PHYSICIAN QUALIFIED TO PRAC-  
31 TICE IN THE SPECIALTY AREA OF PRACTICE APPROPRIATE TO TREAT THE ENROLLEE  
32 FOR THE HEALTH SERVICE SOUGHT, PROVIDED THAT: (A) THE IN-NETWORK HEALTH  
33 CARE PROVIDER OR PROVIDERS RECOMMENDED BY THE HEALTH CARE PLAN DO NOT  
34 HAVE THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR  
35 HEALTH CARE NEEDS OF THE ENROLLEE FOR THE HEALTH SERVICE; AND (B) RECOM-  
36 MENDS AN OUT-OF-NETWORK PROVIDER WITH THE APPROPRIATE TRAINING AND EXPE-  
37 RIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF THE ENROLLEE, AND WHO  
38 IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE.

39 S 24. Subdivision 2 of section 4910 of the public health law is  
40 amended by adding a new paragraph (d) to read as follows:

41 (D)(I) THE ENROLLEE HAS HAD AN OUT-OF-NETWORK REFERRAL DENIED ON THE  
42 GROUNDS THAT THE HEALTH CARE PLAN HAS A HEALTH CARE PROVIDER IN THE  
43 IN-NETWORK BENEFITS PORTION OF ITS NETWORK WITH APPROPRIATE TRAINING AND  
44 EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN ENROLLEE, AND  
45 WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE.

46 (II) THE ENROLLEE'S ATTENDING PHYSICIAN, WHO SHALL BE A LICENSED,  
47 BOARD CERTIFIED OR BOARD ELIGIBLE PHYSICIAN QUALIFIED TO PRACTICE IN THE  
48 SPECIALTY AREA OF PRACTICE APPROPRIATE TO TREAT THE ENROLLEE FOR THE  
49 HEALTH SERVICE SOUGHT, CERTIFIES THAT THE IN-NETWORK HEALTH CARE PROVID-  
50 ER OR PROVIDERS RECOMMENDED BY THE HEALTH CARE PLAN DO NOT HAVE THE  
51 APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE  
52 NEEDS OF AN ENROLLEE, AND RECOMMENDS AN OUT-OF-NETWORK PROVIDER WITH THE  
53 APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE  
54 NEEDS OF AN ENROLLEE, AND WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH  
55 SERVICE.

1 S 25. Paragraph (d) of subdivision 2 of section 4914 of the public  
2 health law is amended by adding a new subparagraph (D) to read as  
3 follows:

4 (D) FOR EXTERNAL APPEALS REQUESTED PURSUANT TO PARAGRAPH (D) OF SUBDI-  
5 VISION TWO OF SECTION FOUR THOUSAND NINE HUNDRED TEN OF THIS TITLE  
6 RELATING TO AN OUT-OF-NETWORK REFERRAL DENIAL, THE EXTERNAL APPEAL AGENT  
7 SHALL REVIEW THE UTILIZATION REVIEW AGENT'S FINAL ADVERSE DETERMINATION  
8 AND, IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, SHALL MAKE A  
9 DETERMINATION AS TO WHETHER THE OUT-OF-NETWORK REFERRAL SHALL BE COVERED  
10 BY THE HEALTH PLAN; PROVIDED THAT SUCH DETERMINATION SHALL:

11 (I) BE CONDUCTED ONLY BY ONE OR A GREATER ODD NUMBER OF CLINICAL PEER  
12 REVIEWERS;

13 (II) BE ACCOMPANIED BY A WRITTEN STATEMENT:

14 (1) THAT THE OUT-OF-NETWORK REFERRAL SHALL BE COVERED BY THE HEALTH  
15 CARE PLAN EITHER WHEN THE REVIEWER OR A MAJORITY OF THE PANEL OF REVIEW-  
16 ERS DETERMINES, UPON REVIEW OF THE TRAINING AND EXPERIENCE OF THE  
17 IN-NETWORK HEALTH CARE PROVIDER OR PROVIDERS PROPOSED BY THE PLAN, THE  
18 TRAINING AND EXPERIENCE OF THE REQUESTED OUT-OF-NETWORK PROVIDER, THE  
19 CLINICAL STANDARDS OF THE PLAN, THE INFORMATION PROVIDED CONCERNING THE  
20 ENROLLEE, THE ATTENDING PHYSICIAN'S RECOMMENDATION, THE ENROLLEE'S  
21 MEDICAL RECORD, AND ANY OTHER PERTINENT INFORMATION, THAT THE HEALTH  
22 PLAN DOES NOT HAVE A PROVIDER WITH THE APPROPRIATE TRAINING AND EXPERI-  
23 ENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN ENROLLEE WHO IS ABLE  
24 TO PROVIDE THE REQUESTED HEALTH SERVICE, AND THAT THE OUT-OF-NETWORK  
25 PROVIDER HAS THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTIC-  
26 ULAR HEALTH CARE NEEDS OF AN ENROLLEE, IS ABLE TO PROVIDE THE REQUESTED  
27 HEALTH SERVICE, AND IS LIKELY TO PRODUCE A MORE CLINICALLY BENEFICIAL  
28 OUTCOME; OR

29 (2) UPHOLDING THE HEALTH PLAN'S DENIAL OF COVERAGE;

30 (III) BE SUBJECT TO THE TERMS AND CONDITIONS GENERALLY APPLICABLE TO  
31 BENEFITS UNDER THE EVIDENCE OF COVERAGE UNDER THE HEALTH CARE PLAN;

32 (IV) BE BINDING ON THE PLAN AND THE ENROLLEE; AND

33 (V) BE ADMISSIBLE IN ANY COURT PROCEEDING.

34 S 26. The financial services law is amended by adding a new article 6  
35 to read as follows:

#### 36 ARTICLE 6

#### 37 EMERGENCY MEDICAL SERVICES AND SURPRISE BILLS

38 SECTION 601. DISPUTE RESOLUTION PROCESS ESTABLISHED.

39 602. APPLICABILITY.

40 603. DEFINITIONS.

41 604. CRITERIA FOR DETERMINING A REASONABLE FEE.

42 605. DISPUTE RESOLUTION FOR EMERGENCY SERVICES.

43 606. HOLD HARMLESS AND ASSIGNMENT OF BENEFITS FOR SURPRISE BILLS  
44 FOR INSUREDS.

45 607. DISPUTE RESOLUTION FOR SURPRISE BILLS.

46 608. PAYMENT FOR INDEPENDENT DISPUTE RESOLUTION ENTITY.

47 S 601. DISPUTE RESOLUTION PROCESS ESTABLISHED. THE SUPERINTENDENT  
48 SHALL ESTABLISH A DISPUTE RESOLUTION PROCESS BY WHICH A DISPUTE FOR A  
49 BILL FOR EMERGENCY SERVICES OR A SURPRISE BILL MAY BE RESOLVED. THE  
50 SUPERINTENDENT SHALL HAVE THE POWER TO GRANT AND REVOKE CERTIFICATIONS  
51 OF INDEPENDENT DISPUTE RESOLUTION ENTITIES TO CONDUCT THE DISPUTE RESOL-  
52 UTION PROCESS. THE SUPERINTENDENT SHALL PROMULGATE REGULATIONS ESTAB-  
53 LISHING STANDARDS FOR THE DISPUTE RESOLUTION PROCESS, INCLUDING A PROC-  
54 ESS FOR CERTIFYING AND SELECTING INDEPENDENT DISPUTE RESOLUTION  
55 ENTITIES. AN INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL USE LICENSED  
56 PHYSICIANS IN ACTIVE PRACTICE IN THE SAME OR SIMILAR SPECIALTY AS THE

1 PHYSICIAN PROVIDING THE SERVICE THAT IS SUBJECT TO THE DISPUTE RESOL-  
2 UTION PROCESS OF THIS ARTICLE. TO THE EXTENT PRACTICABLE, THE PHYSICIAN  
3 SHALL BE LICENSED IN THIS STATE.

4 S 602. APPLICABILITY. (A) THIS ARTICLE SHALL NOT APPLY TO HEALTH CARE  
5 SERVICES, INCLUDING EMERGENCY SERVICES, WHERE PHYSICIAN FEES ARE SUBJECT  
6 TO SCHEDULES OR OTHER MONETARY LIMITATIONS UNDER ANY OTHER LAW, INCLUD-  
7 ING THE WORKERS' COMPENSATION LAW AND ARTICLE FIFTY-ONE OF THE INSURANCE  
8 LAW, AND SHALL NOT PREEMPT ANY SUCH LAW.

9 (B)(1) WITH REGARD TO EMERGENCY SERVICES BILLED UNDER AMERICAN MEDICAL  
10 ASSOCIATION CURRENT PROCEDURAL TERMINOLOGY (CPT) CODES 99281 THROUGH  
11 99285, 99288, 99291 THROUGH 99292, 99217 THROUGH 99220, 99224 THROUGH  
12 99226, AND 99234 THROUGH 99236, THE DISPUTE RESOLUTION PROCESS ESTAB-  
13 LISHED IN THIS ARTICLE SHALL NOT APPLY WHEN:

14 (A) THE AMOUNT BILLED FOR ANY SUCH CPT CODE MEETS THE REQUIREMENTS SET  
15 FORTH IN PARAGRAPH THREE OF THIS SUBSECTION, AFTER ANY APPLICABLE CO-IN-  
16 SURANCE, CO-PAYMENT AND DEDUCTIBLE; AND

17 (B) THE AMOUNT BILLED FOR ANY SUCH CPT CODE DOES NOT EXCEED ONE  
18 HUNDRED TWENTY PERCENT OF THE USUAL AND CUSTOMARY COST FOR SUCH CPT  
19 CODE.

20 (2) THE HEALTH CARE PLAN SHALL ENSURE THAT AN INSURED SHALL NOT INCUR  
21 ANY GREATER OUT-OF-POCKET COSTS FOR EMERGENCY SERVICES BILLED UNDER A  
22 CPT CODE AS SET FORTH IN THIS SUBSECTION THAN THE INSURED WOULD HAVE  
23 INCURRED IF SUCH EMERGENCY SERVICES WERE PROVIDED BY A PARTICIPATING  
24 PHYSICIAN.

25 (3) BEGINNING JANUARY FIRST, TWO THOUSAND FIFTEEN AND EACH JANUARY  
26 FIRST THEREAFTER, THE SUPERINTENDENT SHALL PUBLISH ON A WEBSITE MAIN-  
27 TAINED BY THE DEPARTMENT OF FINANCIAL SERVICES, AND PROVIDE IN WRITING  
28 TO EACH HEALTH CARE PLAN, A DOLLAR AMOUNT FOR WHICH BILLS FOR THE PROCE-  
29 DURE CODES IDENTIFIED IN THIS SUBSECTION SHALL BE EXEMPT FROM THE  
30 DISPUTE RESOLUTION PROCESS ESTABLISHED IN THIS ARTICLE. SUCH AMOUNT  
31 SHALL EQUAL THE AMOUNT FROM THE PRIOR YEAR, BEGINNING WITH SIX HUNDRED  
32 DOLLARS IN TWO THOUSAND FOURTEEN, ADJUSTED BY THE AVERAGE OF THE ANNUAL  
33 AVERAGE INFLATION RATES FOR THE MEDICAL CARE COMMODITIES AND MEDICAL  
34 CARE SERVICES COMPONENTS OF THE CONSUMER PRICE INDEX. IN NO EVENT SHALL  
35 AN AMOUNT EXCEEDING ONE THOUSAND TWO HUNDRED DOLLARS FOR A SPECIFIC CPT  
36 CODE BILLED BE EXEMPT FROM THE DISPUTE RESOLUTION PROCESS ESTABLISHED IN  
37 THIS ARTICLE.

38 S 603. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

39 (A) "EMERGENCY CONDITION" MEANS A MEDICAL OR BEHAVIORAL CONDITION THAT  
40 MANIFESTS ITSELF BY ACUTE SYMPTOMS OF SUFFICIENT SEVERITY, INCLUDING  
41 SEVERE PAIN, SUCH THAT A PRUDENT LAYPERSON, POSSESSING AN AVERAGE KNOW-  
42 LEDGE OF MEDICINE AND HEALTH, COULD REASONABLY EXPECT THE ABSENCE OF  
43 IMMEDIATE MEDICAL ATTENTION TO RESULT IN : (1) PLACING THE HEALTH OF THE  
44 PERSON AFFLICTED WITH SUCH CONDITION IN SERIOUS JEOPARDY, OR IN THE CASE  
45 OF A BEHAVIORAL CONDITION PLACING THE HEALTH OF SUCH PERSON OR OTHERS IN  
46 SERIOUS JEOPARDY; (2) SERIOUS IMPAIRMENT TO SUCH PERSON'S BODILY FUNC-  
47 TIONS; (3) SERIOUS DYSFUNCTION OF ANY BODILY ORGAN OR PART OF SUCH  
48 PERSON; (4) SERIOUS DISFIGUREMENT OF SUCH PERSON; OR (5) A CONDITION  
49 DESCRIBED IN CLAUSE (I), (II) OR (III) OF SECTION 1867(E)(1)(A) OF THE  
50 SOCIAL SECURITY ACT 42 U.S.C. S 1395DD.

51 (B) "EMERGENCY SERVICES" MEANS, WITH RESPECT TO AN EMERGENCY CONDI-  
52 TION: (1) A MEDICAL SCREENING EXAMINATION AS REQUIRED UNDER SECTION 1867  
53 OF THE SOCIAL SECURITY ACT, 42 U.S.C. S 1395DD, WHICH IS WITHIN THE  
54 CAPABILITY OF THE EMERGENCY DEPARTMENT OF A HOSPITAL, INCLUDING ANCIL-  
55 LARY SERVICES ROUTINELY AVAILABLE TO THE EMERGENCY DEPARTMENT TO EVALU-  
56 ATE SUCH EMERGENCY MEDICAL CONDITION; AND (2) WITHIN THE CAPABILITIES OF

1 THE STAFF AND FACILITIES AVAILABLE AT THE HOSPITAL, SUCH FURTHER MEDICAL  
2 EXAMINATION AND TREATMENT AS ARE REQUIRED UNDER SECTION 1867 OF THE  
3 SOCIAL SECURITY ACT, 42 U.S.C. S 1395DD, TO STABILIZE THE PATIENT.

4 (C) "HEALTH CARE PLAN" MEANS AN INSURER LICENSED TO WRITE ACCIDENT AND  
5 HEALTH INSURANCE PURSUANT TO ARTICLE THIRTY-TWO OF THE INSURANCE LAW; A  
6 CORPORATION ORGANIZED PURSUANT TO ARTICLE FORTY-THREE OF THE INSURANCE  
7 LAW; A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO  
8 ARTICLE FORTY-SEVEN OF THE INSURANCE LAW; A HEALTH MAINTENANCE ORGANIZA-  
9 TION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW;  
10 OR A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT TO SECTION  
11 ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THE INSURANCE LAW.

12 (D) "INSURED" MEANS A PATIENT COVERED UNDER A HEALTH CARE PLAN'S POLI-  
13 CY OR CONTRACT.

14 (E) "NON-PARTICIPATING" MEANS NOT HAVING A CONTRACT WITH A HEALTH CARE  
15 PLAN TO PROVIDE HEALTH CARE SERVICES TO AN INSURED.

16 (F) "PARTICIPATING" MEANS HAVING A CONTRACT WITH A HEALTH CARE PLAN TO  
17 PROVIDE HEALTH CARE SERVICES TO AN INSURED.

18 (G) "PATIENT" MEANS A PERSON WHO RECEIVES HEALTH CARE SERVICES,  
19 INCLUDING EMERGENCY SERVICES, IN THIS STATE.

20 (H) "SURPRISE BILL" MEANS A BILL FOR HEALTH CARE SERVICES, OTHER THAN  
21 EMERGENCY SERVICES, RECEIVED BY:

22 (1) AN INSURED FOR SERVICES RENDERED BY A NON-PARTICIPATING PHYSICIAN  
23 AT A PARTICIPATING HOSPITAL OR AMBULATORY SURGICAL CENTER, WHERE A  
24 PARTICIPATING PHYSICIAN IS UNAVAILABLE OR A NON-PARTICIPATING PHYSICIAN  
25 RENDERS SERVICES WITHOUT THE INSURED'S KNOWLEDGE, OR UNFORESEEN MEDICAL  
26 SERVICES ARISE AT THE TIME THE HEALTH CARE SERVICES ARE RENDERED;  
27 PROVIDED, HOWEVER, THAT A SURPRISE BILL SHALL NOT MEAN A BILL RECEIVED  
28 FOR HEALTH CARE SERVICES WHEN A PARTICIPATING PHYSICIAN IS AVAILABLE AND  
29 THE INSURED HAS ELECTED TO OBTAIN SERVICES FROM A NON-PARTICIPATING  
30 PHYSICIAN;

31 (2) AN INSURED FOR SERVICES RENDERED BY A NON-PARTICIPATING PROVIDER,  
32 WHERE THE SERVICES WERE REFERRED BY A PARTICIPATING PHYSICIAN TO A NON-  
33 PARTICIPATING PROVIDER WITHOUT EXPLICIT WRITTEN CONSENT OF THE INSURED  
34 ACKNOWLEDGING THAT THE PARTICIPATING PHYSICIAN IS REFERRING THE INSURED  
35 TO A NON-PARTICIPATING PROVIDER AND THAT THE REFERRAL MAY RESULT IN  
36 COSTS NOT COVERED BY THE HEALTH CARE PLAN; OR

37 (3) A PATIENT WHO IS NOT AN INSURED FOR SERVICES RENDERED BY A PHYSI-  
38 CIAN AT A HOSPITAL OR AMBULATORY SURGICAL CENTER, WHERE THE PATIENT HAS  
39 NOT TIMELY RECEIVED ALL OF THE DISCLOSURES REQUIRED PURSUANT TO SECTION  
40 TWENTY-FOUR OF THE PUBLIC HEALTH LAW.

41 (I) "USUAL AND CUSTOMARY COST" MEANS THE EIGHTIETH PERCENTILE OF ALL  
42 CHARGES FOR THE PARTICULAR HEALTH CARE SERVICE PERFORMED BY A PROVIDER  
43 IN THE SAME OR SIMILAR SPECIALTY AND PROVIDED IN THE SAME GEOGRAPHICAL  
44 AREA AS REPORTED IN A BENCHMARKING DATABASE MAINTAINED BY A NONPROFIT  
45 ORGANIZATION SPECIFIED BY THE SUPERINTENDENT. THE NONPROFIT ORGANIZATION  
46 SHALL NOT BE AFFILIATED WITH AN INSURER, A CORPORATION SUBJECT TO ARTI-  
47 CLE FORTY-THREE OF THE INSURANCE LAW, A MUNICIPAL COOPERATIVE HEALTH  
48 BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THE INSURANCE  
49 LAW, OR A HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE  
50 FORTY-FOUR OF THE PUBLIC HEALTH LAW.

51 S 604. CRITERIA FOR DETERMINING A REASONABLE FEE. IN DETERMINING THE  
52 APPROPRIATE AMOUNT TO PAY FOR A HEALTH CARE SERVICE, AN INDEPENDENT  
53 DISPUTE RESOLUTION ENTITY SHALL CONSIDER ALL RELEVANT FACTORS, INCLUD-  
54 ING:

55 (A) WHETHER THERE IS A GROSS DISPARITY BETWEEN THE FEE CHARGED BY THE  
56 PHYSICIAN FOR SERVICES RENDERED AS COMPARED TO:

1 (1) FEES PAID TO THE INVOLVED PHYSICIAN FOR THE SAME SERVICES RENDERED  
2 BY THE PHYSICIAN TO OTHER PATIENTS IN HEALTH CARE PLANS IN WHICH THE  
3 PHYSICIAN IS NOT PARTICIPATING, AND

4 (2) IN THE CASE OF A DISPUTE INVOLVING A HEALTH CARE PLAN, FEES PAID  
5 BY THE HEALTH CARE PLAN TO REIMBURSE SIMILARLY QUALIFIED PHYSICIANS FOR  
6 THE SAME SERVICES IN THE SAME REGION WHO ARE NOT PARTICIPATING WITH THE  
7 HEALTH CARE PLAN;

8 (B) THE LEVEL OF TRAINING, EDUCATION AND EXPERIENCE OF THE PHYSICIAN;

9 (C) THE PHYSICIAN'S USUAL CHARGE FOR COMPARABLE SERVICES WITH REGARD  
10 TO PATIENTS IN HEALTH CARE PLANS IN WHICH THE PHYSICIAN IS NOT PARTIC-  
11 IPATING;

12 (D) THE CIRCUMSTANCES AND COMPLEXITY OF THE PARTICULAR CASE, INCLUDING  
13 TIME AND PLACE OF THE SERVICE;

14 (E) INDIVIDUAL PATIENT CHARACTERISTICS; AND

15 (F) THE USUAL AND CUSTOMARY COST OF THE SERVICE.

16 S 605. DISPUTE RESOLUTION FOR EMERGENCY SERVICES. (A) EMERGENCY  
17 SERVICES FOR AN INSURED. (1) WHEN A HEALTH CARE PLAN RECEIVES A BILL FOR  
18 EMERGENCY SERVICES FROM A NON-PARTICIPATING PHYSICIAN, THE HEALTH CARE  
19 PLAN SHALL PAY AN AMOUNT THAT IT DETERMINES IS REASONABLE FOR THE EMER-  
20 GENY SERVICES RENDERED BY THE NON-PARTICIPATING PHYSICIAN, IN ACCORD-  
21 ANCE WITH SECTION THREE THOUSAND TWO HUNDRED TWENTY-FOUR-A OF THE INSUR-  
22 ANCE LAW, EXCEPT FOR THE INSURED'S CO-PAYMENT, COINSURANCE OR  
23 DEDUCTIBLE, IF ANY, AND SHALL ENSURE THAT THE INSURED SHALL INCUR NO  
24 GREATER OUT-OF-POCKET COSTS FOR THE EMERGENCY SERVICES THAN THE INSURED  
25 WOULD HAVE INCURRED WITH A PARTICIPATING PHYSICIAN PURSUANT TO  
26 SUBSECTION (C) OF SECTION THREE THOUSAND TWO HUNDRED FORTY-ONE OF THE  
27 INSURANCE LAW.

28 (2) A NON-PARTICIPATING PHYSICIAN OR A HEALTH CARE PLAN MAY SUBMIT A  
29 DISPUTE REGARDING A FEE OR PAYMENT FOR EMERGENCY SERVICES FOR REVIEW TO  
30 AN INDEPENDENT DISPUTE RESOLUTION ENTITY.

31 (3) THE INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL MAKE A DETERMI-  
32 NATION WITHIN THIRTY DAYS OF RECEIPT OF THE DISPUTE FOR REVIEW.

33 (4) IN DETERMINING A REASONABLE FEE FOR THE SERVICES RENDERED, AN  
34 INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL SELECT EITHER THE HEALTH  
35 CARE PLAN'S PAYMENT OR THE NON-PARTICIPATING PHYSICIAN'S FEE. THE INDE-  
36 PENDENT DISPUTE RESOLUTION ENTITY SHALL DETERMINE WHICH AMOUNT TO SELECT  
37 BASED UPON THE CONDITIONS AND FACTORS SET FORTH IN SECTION SIX HUNDRED  
38 FOUR OF THIS ARTICLE. IF AN INDEPENDENT DISPUTE RESOLUTION ENTITY  
39 DETERMINES, BASED ON THE HEALTH CARE PLAN'S PAYMENT AND THE NON-PARTICI-  
40 PATING PHYSICIAN'S FEE, THAT A SETTLEMENT BETWEEN THE HEALTH CARE PLAN  
41 AND NON-PARTICIPATING PHYSICIAN IS REASONABLY LIKELY, OR THAT BOTH THE  
42 HEALTH CARE PLAN'S PAYMENT AND THE NON-PARTICIPATING PHYSICIAN'S FEE  
43 REPRESENT UNREASONABLE EXTREMES, THEN THE INDEPENDENT DISPUTE RESOLUTION  
44 ENTITY MAY DIRECT BOTH PARTIES TO ATTEMPT A GOOD FAITH NEGOTIATION FOR  
45 SETTLEMENT. THE HEALTH CARE PLAN AND NON-PARTICIPATING PHYSICIAN MAY BE  
46 GRANTED UP TO TEN BUSINESS DAYS FOR THIS NEGOTIATION, WHICH SHALL RUN  
47 CONCURRENTLY WITH THE THIRTY DAY PERIOD FOR DISPUTE RESOLUTION.

48 (B) EMERGENCY SERVICES FOR A PATIENT THAT IS NOT AN INSURED. (1) A  
49 PATIENT THAT IS NOT AN INSURED OR THE PATIENT'S PHYSICIAN MAY SUBMIT A  
50 DISPUTE REGARDING A FEE FOR EMERGENCY SERVICES FOR REVIEW TO AN INDE-  
51 PENDENT DISPUTE RESOLUTION ENTITY UPON APPROVAL OF THE SUPERINTENDENT.

52 (2) AN INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL DETERMINE A REASON-  
53 ABLE FEE FOR THE SERVICES BASED UPON THE SAME CONDITIONS AND FACTORS SET  
54 FORTH IN SECTION SIX HUNDRED FOUR OF THIS ARTICLE.



1 (3) A PATIENT THAT IS NOT AN INSURED SHALL NOT BE REQUIRED TO PAY THE  
2 PHYSICIAN'S FEE IN ORDER TO BE ELIGIBLE TO SUBMIT THE DISPUTE FOR REVIEW  
3 TO AN INDEPENDENT DISPUTE RESOLUTION ENTITY.

4 (C) THE DETERMINATION OF AN INDEPENDENT DISPUTE RESOLUTION ENTITY  
5 SHALL BE BINDING ON THE HEALTH CARE PLAN, PHYSICIAN AND PATIENT, AND  
6 SHALL BE ADMISSIBLE IN ANY COURT PROCEEDING BETWEEN THE HEALTH CARE  
7 PLAN, PHYSICIAN OR PATIENT, OR IN ANY ADMINISTRATIVE PROCEEDING BETWEEN  
8 THIS STATE AND THE PHYSICIAN.

9 S 606. HOLD HARMLESS AND ASSIGNMENT OF BENEFITS FOR SURPRISE BILLS FOR  
10 INSUREDS. WHEN AN INSURED ASSIGNS BENEFITS FOR A SURPRISE BILL IN WRIT-  
11 ING TO A NON-PARTICIPATING PHYSICIAN THAT KNOWS THE INSURED IS INSURED  
12 UNDER A HEALTH CARE PLAN, THE NON-PARTICIPATING PHYSICIAN SHALL NOT BILL  
13 THE INSURED EXCEPT FOR ANY APPLICABLE COPAYMENT, COINSURANCE OR DEDUCT-  
14 IBLE THAT WOULD BE OWED IF THE INSURED UTILIZED A PARTICIPATING PHYSI-  
15 CIAN.

16 S 607. DISPUTE RESOLUTION FOR SURPRISE BILLS. (A) SURPRISE BILL  
17 RECEIVED BY AN INSURED WHO ASSIGNS BENEFITS. (1) IF AN INSURED ASSIGNS  
18 BENEFITS TO A NON-PARTICIPATING PHYSICIAN, THE HEALTH CARE PLAN SHALL  
19 PAY THE NON-PARTICIPATING PHYSICIAN IN ACCORDANCE WITH PARAGRAPHS TWO  
20 AND THREE OF THIS SUBSECTION.

21 (2) THE NON-PARTICIPATING PHYSICIAN MAY BILL THE HEALTH CARE PLAN FOR  
22 THE HEALTH CARE SERVICES RENDERED, AND THE HEALTH CARE PLAN SHALL PAY  
23 THE NON-PARTICIPATING PHYSICIAN THE BILLED AMOUNT OR ATTEMPT TO NEGOTI-  
24 ATE REIMBURSEMENT WITH THE NON-PARTICIPATING PHYSICIAN.

25 (3) IF THE HEALTH CARE PLAN'S ATTEMPTS TO NEGOTIATE REIMBURSEMENT FOR  
26 HEALTH CARE SERVICES PROVIDED BY A NON-PARTICIPATING PHYSICIAN DOES NOT  
27 RESULT IN A RESOLUTION OF THE PAYMENT DISPUTE BETWEEN THE NON-PARTICI-  
28 PATING PHYSICIAN AND THE HEALTH CARE PLAN, THE HEALTH CARE PLAN SHALL  
29 PAY THE NON-PARTICIPATING PHYSICIAN AN AMOUNT THE HEALTH CARE PLAN  
30 DETERMINES IS REASONABLE FOR THE HEALTH CARE SERVICES RENDERED, EXCEPT  
31 FOR THE INSURED'S COPAYMENT, COINSURANCE OR DEDUCTIBLE, IN ACCORDANCE  
32 WITH SECTION THREE THOUSAND TWO HUNDRED TWENTY-FOUR-A OF THE INSURANCE  
33 LAW.

34 (4) EITHER THE HEALTH CARE PLAN OR THE NON-PARTICIPATING PHYSICIAN MAY  
35 SUBMIT THE DISPUTE REGARDING THE SURPRISE BILL FOR REVIEW TO AN INDE-  
36 PENDENT DISPUTE RESOLUTION ENTITY, PROVIDED HOWEVER, THE HEALTH CARE  
37 PLAN MAY NOT SUBMIT THE DISPUTE UNLESS IT HAS COMPLIED WITH THE REQUIRE-  
38 MENTS OF PARAGRAPHS ONE, TWO AND THREE OF THIS SUBSECTION.

39 (5) THE INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL MAKE A DETERMI-  
40 NATION WITHIN THIRTY DAYS OF RECEIPT OF THE DISPUTE FOR REVIEW.

41 (6) WHEN DETERMINING A REASONABLE FEE FOR THE SERVICES RENDERED, THE  
42 INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL SELECT EITHER THE HEALTH  
43 CARE PLAN'S PAYMENT OR THE NON-PARTICIPATING PHYSICIAN'S FEE. AN INDE-  
44 PENDENT DISPUTE RESOLUTION ENTITY SHALL DETERMINE WHICH AMOUNT TO SELECT  
45 BASED UPON THE CONDITIONS AND FACTORS SET FORTH IN SECTION SIX HUNDRED  
46 FOUR OF THIS ARTICLE. IF AN INDEPENDENT DISPUTE RESOLUTION ENTITY  
47 DETERMINES, BASED ON THE HEALTH CARE PLAN'S PAYMENT AND THE NON-PARTICI-  
48 PATING PHYSICIAN'S FEE, THAT A SETTLEMENT BETWEEN THE HEALTH CARE PLAN  
49 AND NON-PARTICIPATING PHYSICIAN IS REASONABLY LIKELY, OR THAT BOTH THE  
50 HEALTH CARE PLAN'S PAYMENT AND THE NON-PARTICIPATING PHYSICIAN'S FEE  
51 REPRESENT UNREASONABLE EXTREMES, THEN THE INDEPENDENT DISPUTE RESOLUTION  
52 ENTITY MAY DIRECT BOTH PARTIES TO ATTEMPT A GOOD FAITH NEGOTIATION FOR  
53 SETTLEMENT. THE HEALTH CARE PLAN AND NON-PARTICIPATING PHYSICIAN MAY BE  
54 GRANTED UP TO TEN BUSINESS DAYS FOR THIS NEGOTIATION, WHICH SHALL RUN  
55 CONCURRENTLY WITH THE THIRTY DAY PERIOD FOR DISPUTE RESOLUTION.

1 (B) SURPRISE BILL RECEIVED BY AN INSURED WHO DOES NOT ASSIGN BENEFITS  
2 OR BY A PATIENT WHO IS NOT AN INSURED. (1) AN INSURED WHO DOES NOT  
3 ASSIGN BENEFITS IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION OR A  
4 PATIENT WHO IS NOT AN INSURED AND WHO RECEIVES A SURPRISE BILL MAY  
5 SUBMIT A DISPUTE REGARDING THE SURPRISE BILL FOR REVIEW TO AN INDEPENDENT  
6 DISPUTE RESOLUTION ENTITY.

7 (2) THE INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL DETERMINE A  
8 REASONABLE FEE FOR THE SERVICES RENDERED BASED UPON THE CONDITIONS AND  
9 FACTORS SET FORTH IN SECTION SIX HUNDRED FOUR OF THIS ARTICLE.

10 (3) A PATIENT OR INSURED WHO DOES NOT ASSIGN BENEFITS IN ACCORDANCE  
11 WITH SUBSECTION (A) OF THIS SECTION SHALL NOT BE REQUIRED TO PAY THE  
12 PHYSICIAN'S FEE TO BE ELIGIBLE TO SUBMIT THE DISPUTE FOR REVIEW TO THE  
13 INDEPENDENT DISPUTE ENTITY.

14 (C) THE DETERMINATION OF AN INDEPENDENT DISPUTE RESOLUTION ENTITY  
15 SHALL BE BINDING ON THE PATIENT, PHYSICIAN AND HEALTH CARE PLAN, AND  
16 SHALL BE ADMISSIBLE IN ANY COURT PROCEEDING BETWEEN THE PATIENT OR  
17 INSURED, PHYSICIAN OR HEALTH CARE PLAN, OR IN ANY ADMINISTRATIVE  
18 PROCEEDING BETWEEN THIS STATE AND THE PHYSICIAN.

19 S 608. PAYMENT FOR INDEPENDENT DISPUTE RESOLUTION ENTITY. (A) FOR  
20 DISPUTES INVOLVING AN INSURED, WHEN THE INDEPENDENT DISPUTE RESOLUTION  
21 ENTITY DETERMINES THE HEALTH CARE PLAN'S PAYMENT IS REASONABLE, PAYMENT  
22 FOR THE DISPUTE RESOLUTION PROCESS SHALL BE THE RESPONSIBILITY OF THE  
23 NON-PARTICIPATING PHYSICIAN. WHEN THE INDEPENDENT DISPUTE RESOLUTION  
24 ENTITY DETERMINES THE NON-PARTICIPATING PHYSICIAN'S FEE IS REASONABLE,  
25 PAYMENT FOR THE DISPUTE RESOLUTION PROCESS SHALL BE THE RESPONSIBILITY  
26 OF THE HEALTH CARE PLAN. WHEN A GOOD FAITH NEGOTIATION DIRECTED BY THE  
27 INDEPENDENT DISPUTE RESOLUTION ENTITY PURSUANT TO PARAGRAPH FOUR OF  
28 SUBSECTION (A) OF SECTION SIX HUNDRED FIVE OF THIS ARTICLE, OR PARAGRAPH  
29 SIX OF SUBSECTION (A) OF SECTION SIX HUNDRED SEVEN OF THIS ARTICLE  
30 RESULTS IN A SETTLEMENT BETWEEN THE HEALTH CARE PLAN AND NON-PARTICIPATING  
31 PHYSICIAN, THE HEALTH CARE PLAN AND THE NON-PARTICIPATING PHYSICIAN  
32 SHALL EVENLY DIVIDE AND SHARE THE PRORATED COST FOR DISPUTE RESOLUTION.

33 (B) FOR DISPUTES INVOLVING A PATIENT THAT IS NOT AN INSURED, WHEN THE  
34 INDEPENDENT DISPUTE RESOLUTION ENTITY DETERMINES THE PHYSICIAN'S FEE IS  
35 REASONABLE, PAYMENT FOR THE DISPUTE RESOLUTION PROCESS SHALL BE THE  
36 RESPONSIBILITY OF THE PATIENT UNLESS PAYMENT FOR THE DISPUTE RESOLUTION  
37 PROCESS WOULD POSE A HARDSHIP TO THE PATIENT. THE SUPERINTENDENT SHALL  
38 PROMULGATE A REGULATION TO DETERMINE PAYMENT FOR THE DISPUTE RESOLUTION  
39 PROCESS IN CASES OF HARDSHIP. WHEN THE INDEPENDENT DISPUTE RESOLUTION  
40 ENTITY DETERMINES THE PHYSICIAN'S FEE IS UNREASONABLE, PAYMENT FOR THE  
41 DISPUTE RESOLUTION PROCESS SHALL BE THE RESPONSIBILITY OF THE PHYSICIAN.

42 S 27. Paragraphs 5 and 6 of subsection (a) of section 2601 of the  
43 insurance law, paragraph 5 as amended by chapter 547 of the laws of 1997  
44 and paragraph 6 as amended by chapter 388 of the laws of 2008, are  
45 amended and a new paragraph 7 is added to read as follows:

46 (5) compelling policyholders to institute suits to recover amounts due  
47 under its policies by offering substantially less than the amounts ultimately  
48 recovered in suits brought by them; [or]

49 (6) failing to promptly disclose coverage pursuant to subsection (d)  
50 or subparagraph (A) of paragraph two of subsection (f) of section three  
51 thousand four hundred twenty of this chapter[.]; OR

52 (7) SUBMITTING REASONABLY RENDERED CLAIMS TO THE INDEPENDENT DISPUTE  
53 RESOLUTION PROCESS ESTABLISHED UNDER ARTICLE SIX OF THE FINANCIAL  
54 SERVICES LAW.

55 S 28. 1. An out-of-network reimbursement rate workgroup shall be  
56 convened and shall consist of 9 members appointed by the governor. Two

1 members shall be appointed on the recommendation of the speaker of the  
2 assembly and two members shall be appointed on the recommendation of the  
3 temporary president of the senate and shall consist of two physicians,  
4 two representatives of health plans, and three consumers and shall be  
5 co-chaired by the superintendent of the department of financial services  
6 and the commissioner of the department of health. Such representatives  
7 of the workgroup must represent different regions of the state. The  
8 members shall receive no compensation for their services, but shall be  
9 allowed their actual and necessary expenses incurred in the performance  
10 of their duties.

11 2. The workgroup shall review the current out-of-network reimbursement  
12 rates used by health insurers licensed under the insurance law and  
13 health maintenance organizations certified under the public health law  
14 and the rate methodology as required under the laws of 2014 and make  
15 recommendations regarding an alternative rate methodology taking into  
16 consideration the following factors:

- 17 a. current physician charges for out-of-network services;
- 18 b. trends in medical care and the actual costs of medical care;
- 19 c. regional differences regarding medical costs and trends;
- 20 d. the current methodologies and levels of reimbursement for out-of-  
21 network services currently paid by health plans, including insurers,  
22 HMOs, Medicare, and Medicaid;
- 23 e. the current in-network rates paid by health plans, including insur-  
24 ers, HMOs, Medicare and Medicaid for the same service and by the same  
25 provider;
- 26 f. the impact different rate methodologies would have on out-of-pocket  
27 costs for consumers who access out-of-network services;
- 28 g. the impact different rate methodologies would have on premium costs  
29 in different regions of the state;
- 30 h. reimbursement data from all health plans both public and private as  
31 well as charge data from medical professionals and hospitals available  
32 through the All Payer Database as developed and maintained by the  
33 department of health including data provided in the annual report  
34 published pursuant to section 2816 of the public health law; and
- 35 i. other issues deemed appropriate by either the superintendent of the  
36 department of financial services or the commissioner of the department  
37 of health.

38 3. The workgroup shall review out-of-network coverage in the individ-  
39 ual and small group markets and make recommendations regarding the  
40 availability and adequacy of the coverage, taking into consideration the  
41 following factors:

- 42 a. the extent to which out-of-network coverage is available in each  
43 rating region in this state;
- 44 b. the extent to which a significant level of out-of-network benefits  
45 is available in every rating region in this state, including the preva-  
46 lence of coverage based on the usual and customary cost as well as  
47 coverage based on other set reimbursement methodologies, such as Medi-  
48 care; and
- 49 c. other issues deemed appropriate by either the superintendent of the  
50 department of financial services or the commissioner of the department  
51 of health.

52 4. The workgroup shall report its findings and make recommendations  
53 for legislation and regulations to the governor, the speaker of the  
54 assembly, the senate majority leader, the chairs of the insurance and  
55 health committees in both the assembly and the senate, and the super-

1 intendent of the department of financial services no later than January  
2 1, 2016.

3 S 29. This act shall take effect one year after it shall have become a  
4 law, provided, however, that:

5 1. if the amendments by chapter 514 of the laws of 2013 made to  
6 subsection (b) of section 4903 of the insurance law and subdivision 2 of  
7 section 4903 of the public health law, as amended by sections twelve and  
8 twenty-two of this act, respectively, take effect after such date, then  
9 sections twelve and twenty-two of this act shall take effect on the same  
10 date as chapter 514 of the laws of 2013 takes effect;

11 2. for policies renewed on and after such date this act shall take  
12 effect on the renewal date;

13 3. sections twelve, sixteen, seventeen, twenty-two and twenty-six of  
14 this act shall apply to health care services provided on and after such  
15 date;

16 4. sections eleven, thirteen, fourteen, fifteen, twenty-one, twenty-  
17 three, twenty-four and twenty-five of this act shall apply to denials  
18 issued on and after such date; and

19 5. effective immediately, the superintendent of financial services may  
20 promulgate any regulations necessary for the implementation of the  
21 provisions of this act on its effective date, and may certify one or  
22 more independent dispute resolution entities.

23

#### PART I

24 Section 1. Subdivisions 3-b and 3-c of section 1 and section 4 of part  
25 C of chapter 57 of the laws of 2006, relating to establishing a cost of  
26 living adjustment for designated human services programs, as amended by  
27 section 1 of part N of chapter 56 of the laws of 2013, are amended to  
28 read as follows:

29 3-b. Notwithstanding any inconsistent provision of law, beginning  
30 April 1, 2009 and ending March 31, [2014] 2016, the commissioners shall  
31 not include a COLA for the purpose of establishing rates of payments,  
32 contracts or any other form of reimbursement.

33 3-c. Notwithstanding any inconsistent provision of law, beginning  
34 April 1, [2014] 2016 and ending March 31, [2017] 2019, the commissioners  
35 shall develop the COLA under this section using the actual U.S. consumer  
36 price index for all urban consumers (CPI-U) published by the United  
37 States department of labor, bureau of labor statistics for the twelve  
38 month period ending in July of the budget year prior to such state  
39 fiscal year, for the purpose of establishing rates of payments,  
40 contracts or any other form of reimbursement.

41 S 4. This act shall take effect immediately and shall be deemed to  
42 have been in full force and effect on and after April 1, 2006; provided  
43 section one of this act shall expire and be deemed repealed April 1,  
44 [2017] 2019; provided, further, that sections two and three of this act  
45 shall expire and be deemed repealed December 31, 2009.

46 S 2. Section 1 of part C of chapter 57 of the laws of 2006, relating  
47 to establishing a cost of living adjustment for designated human  
48 services programs, is amended by adding a new subdivision 3-d to read as  
49 follows:

50 3-D. (I) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION 3-B OF THIS  
51 SECTION, AS AMENDED BY SECTION ONE OF A CHAPTER OF THE LAWS OF 2014  
52 WHICH ADDED THIS SUBDIVISION, OR ANY OTHER INCONSISTENT PROVISION OF  
53 LAW, AND SUBJECT TO THE AVAILABILITY OF THE APPROPRIATION THEREFOR, FOR  
54 THE PROGRAMS LISTED IN PARAGRAPHS (I), (II), (III), (IV), (V) AND (VI)

1 OF SUBDIVISION 4 OF THIS SECTION, THE COMMISSIONERS SHALL PROVIDE FUND-  
2 ING TO SUPPORT (1) A TWO PERCENT (2%) INCREASE IN ANNUAL SALARY AND  
3 SALARY-RELATED FRINGE BENEFITS FOR DIRECT CARE STAFF AND DIRECT SUPPORT  
4 PROFESSIONALS, AND IN PAYMENT TO FOSTER PARENTS AND ADOPTIVE PARENTS, AS  
5 DEFINED BY THE COMMISSIONER OF THE APPLICABLE STATE AGENCY SUBJECT TO  
6 THE APPROVAL OF THE DIRECTOR OF THE BUDGET BEGINNING JANUARY 1, 2015,  
7 AND (2) A TWO PERCENT (2%) INCREASE IN ANNUAL SALARY AND SALARY-RELATED  
8 FRINGE BENEFITS FOR DIRECT CARE STAFF, DIRECT SUPPORT PROFESSIONALS AND  
9 CLINICAL STAFF, AND IN PAYMENT TO FOSTER PARENTS AND ADOPTIVE PARENTS,  
10 AS DEFINED BY THE COMMISSIONER OF THE APPLICABLE STATE AGENCY SUBJECT TO  
11 THE APPROVAL OF THE DIRECTOR OF THE BUDGET BEGINNING APRIL 1, 2015. SUCH  
12 COMMISSIONERS SHALL USE THE CONSOLIDATED FISCAL REPORTING MANUAL AS A  
13 REFERENCE, TO THE EXTENT THAT APPLICABLE JOB TITLES ARE LISTED THEREIN.  
14 WHERE APPLICABLE, THE FUNDING PROVIDED UNDER THIS SUBDIVISION SHALL BE  
15 APPLIED TO REIMBURSABLE COSTS OR CONTRACT AMOUNTS TO SUPPORT SALARY  
16 INCREASES AND SALARY-RELATED FRINGE BENEFITS OF ELIGIBLE PERSONS, THAT  
17 TOOK EFFECT ON OR AFTER JANUARY 1, 2014. THE COMMISSIONERS SHALL PROVIDE  
18 FUNDING FOR SUCH SALARY AND ASSOCIATED FRINGE BENEFIT INCREASES IN A  
19 MANNER WHICH WILL RESULT IN A CONSISTENT METHODOLOGY AMONG PROGRAMS AND  
20 PROVIDER TYPES.

21 (II) THE COMMISSIONERS SHALL DEVELOP STANDARDS, INCLUDING BUT NOT  
22 LIMITED TO, REQUIRING THAT A LOCAL GOVERNMENT UNIT OR PROVIDER AGENCY  
23 DEVELOP A PLAN OF IMPLEMENTATION TO ENSURE THAT SUCH FUNDING INCREASES  
24 SHALL BE DIRECTED TO DIRECT CARE STAFF, DIRECT SUPPORT PROFESSIONALS,  
25 CLINICAL STAFF, FOSTER PARENTS AND ADOPTIVE PARENTS, AS APPROPRIATE,  
26 PURSUANT TO PARAGRAPH (I) OF THIS SUBDIVISION. EACH LOCAL GOVERNMENT  
27 UNIT OR DIRECT CONTRACT PROVIDER RECEIVING SUCH FUNDING SHALL SUBMIT A  
28 WRITTEN CERTIFICATION, IN SUCH FORM AND AT SUCH TIME AS EACH COMMISSION-  
29 ER SHALL PRESCRIBE, ATTESTING TO HOW SUCH FUNDING WILL BE OR WAS USED  
30 FOR PURPOSES ELIGIBLE UNDER THIS SECTION. FURTHER, PROVIDERS SHALL  
31 SUBMIT A RESOLUTION FROM THEIR GOVERNING BODY TO THE APPROPRIATE COMMIS-  
32 SIONER, ATTESTING THAT THE FUNDING RECEIVED WILL BE USED SOLELY TO  
33 SUPPORT SALARY AND SALARY-RELATED FRINGE BENEFIT INCREASES FOR DIRECT  
34 CARE STAFF, DIRECT SUPPORT PROFESSIONALS, CLINICAL STAFF, FOSTER PARENTS  
35 AND ADOPTIVE PARENTS, PURSUANT TO PARAGRAPH (I) OF THIS SUBDIVISION AND  
36 THE APPLICABLE STANDARDS ISSUED BY THE APPROPRIATE COMMISSIONER PURSUANT  
37 TO THIS PARAGRAPH. SUCH COMMISSIONERS SHALL BE AUTHORIZED TO RECOUP ANY  
38 FUNDS AS APPROPRIATED HEREIN DETERMINED TO HAVE BEEN USED IN A MANNER  
39 INCONSISTENT WITH SUCH STANDARDS OR INCONSISTENT WITH THE PROVISIONS OF  
40 THIS SUBDIVISION, AND SUCH COMMISSIONERS SHALL BE AUTHORIZED TO EMPLOY  
41 ANY LEGAL MECHANISM TO RECOUP SUCH FUNDS, INCLUDING AN OFFSET OF OTHER  
42 FUNDS THAT ARE OWED TO SUCH LOCAL GOVERNMENTAL UNIT OR PROVIDER.

43 (III) WHERE APPROPRIATE, TRANSFERS TO THE DEPARTMENT OF HEALTH SHALL  
44 BE MADE AS REIMBURSEMENT FOR THE STATE SHARE OF MEDICAL ASSISTANCE.

45 S 3. This act shall take effect immediately and shall be deemed to  
46 have been in full force and effect on and after April 1, 2014; provided,  
47 however, that the amendments to subdivisions 3-b and 3-c of section 1 of  
48 part C of chapter 57 of the laws of 2006, relating to establishing a  
49 cost of living adjustment for designated human services programs made by  
50 section one of this act shall not affect the repeal of such subdivisions  
51 and shall be deemed repealed therewith.

52 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
53 sion, section or part of this act shall be adjudged by any court of  
54 competent jurisdiction to be invalid, such judgment shall not affect,  
55 impair, or invalidate the remainder thereof, but shall be confined in  
56 its operation to the clause, sentence, paragraph, subdivision, section

1 or part thereof directly involved in the controversy in which such judg-  
2 ment shall have been rendered. It is hereby declared to be the intent of  
3 the legislature that this act would have been enacted even if such  
4 invalid provisions had not been included herein.

5 S 3. This act shall take effect immediately provided, however, that  
6 the applicable effective date of Parts A through I of this act shall be  
7 as specifically set forth in the last section of such Parts.