

4777

2013-2014 Regular Sessions

I N S E N A T E

April 23, 2013

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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

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

1 Section 1. The sum of ninety million dollars (\$90,000,000), or so much
2 thereof as may be necessary, is hereby appropriated to the office for
3 people with developmental disabilities out of any moneys in the state
4 treasury in the general fund, not otherwise appropriated, and made immediately available, for the purposes of this act:
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6 The amount of such monies necessary shall be determined by the commissioner of developmental disabilities and director of the budget and
7 shall be based on a recommendation developed by the workgroup appointed
8 pursuant to chapter 53 of the laws of 2013. The workgroup shall develop
9 its recommendation upon evaluating the extent to which the savings plan
10 it developed pursuant to budget language included in chapter 53 of the
11 laws of 2013 maintains rates of payment for Medicaid services at levels
12 no less than those in effect on March 31, 2013 and reimbursement levels
13 for any other OPWDD funded programs and services in effect on March 31,
14 2013. However to the extent that any additional federal funds or other
15 funds are made available for this purpose those funds may be used to
16 offset the requirement to use the full ninety million dollars. To the
17 extent that funding falls short of the amount necessary to fulfill the
18 proposes of this act, no later than December 31, 2013 the director of
19 the budget shall deposit sufficient funds to make up for such shortfall
20 to the credit of the general fund. The commissioner of developmental
21 disabilities and director of the budget may also take into account
22

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

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1 greater efficiencies which do not diminish or impair services or the
2 quality of care as reflected in the recommendations of the workgroup.

3 Ninety million dollars (\$90,000,000) or such amount as determined
4 pursuant to this act shall be made available to the office for people
5 with developmental disabilities immediately for the purpose of providing
6 additional services and expenses for community programs for people with
7 developmental disabilities pursuant to article 41 of the mental hygiene
8 law, and/or chapter 620 of the laws of 1974, chapter 660 of the laws of
9 1977, chapter 412 of the laws of 1981, chapter 27 of the laws of 1987,
10 chapter 729 of the laws of 1989, chapter 329 of the laws of 1993 and any
11 other provisions of the mental hygiene law.

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

14 Notwithstanding any inconsistent provision of law, the director of the
15 budget is authorized to make sub-allocations from this appropriation up
16 to \$90,000,000 to the department of health medical assistance program
17 for the state share of additional medical assistance services expenses
18 incurred by the department of health for the provision of medical
19 assistance to people with developmental disabilities.

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

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

36 S 2. This act shall take effect immediately.