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

4777--B

2013-2014 Regular Sessions

I N S E N A T E

April 23, 2013

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

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

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

Section 1. This act shall be known and may be cited as the "People with Developmental Disabilities Restoration and Reinvestment Act of 2013".

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

The amount of such monies necessary shall be determined by the commissioner of developmental disabilities and director of the budget and shall be based on a recommendation developed by the workgroup appointed pursuant to chapter 53 of the laws of 2013. The workgroup shall develop its recommendation upon evaluating the extent to which the savings plan it developed pursuant to budget language included in chapter 53 of the laws of 2013 maintains rates of payment for Medicaid services at levels no less than those in effect on March 31, 2013 and reimbursement levels for any other OPWDD funded programs and services in effect on March 31, 2013. However to the extent that any additional federal funds or other

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

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

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

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

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

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

Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of developmental disabilities in the manner prescribed by law.

S 3. This act shall take effect immediately.