STATE OF NEW YORK

7257

IN SENATE

January 5, 2018

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

AN ACT to amend the public health law, in relation to funding the early intervention program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 2 and 3 of section 2557 of the public health law, subdivision 2 as amended by section 9-a of part A of chapter 56 of the laws of 2012 and subdivision 3 as amended by section 7 of part B3 of chapter 62 of the laws of 2003, are amended to read as follows:

2. The department shall reimburse the approved costs paid by a municipality for the purposes of this title, other than those reimbursable by the medical assistance program or by third party payors, in an amount of [~~fifty~~] **seventy-five** percent of the amount expended in accordance with the rules and regulations of the commissioner[~~; provided, however, that in the discretion of the department and with the approval of the director of the division of the budget, the department may reimburse municipalities in an amount greater than fifty percent of the amount expended~~]. Such state reimbursement to the municipality shall not be paid prior to April first of the year in which the approved costs are paid by the municipality, provided, however that, subject to the approval of the director of the budget, the department may pay such state aid reimbursement to the municipality prior to such date. **No less than ninety percent of the annual savings from this early intervention expenditure reduction to local municipalities, compared to the prior year early intervention expenditures shall be used for property tax levy reductions or property tax rebates, effective in the local municipality's next fiscal year after the effective date of this subdivision. The minimum amount of annual property tax levy reductions resulting from savings achieved as defined in this subdivision, shall be determined by the comptroller and transmitted to each local municipality one hundred eighty days in advance of the start of the fiscal year for which the property tax reduction is to be effective.**

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

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3. The department may perform audits, which may include site visitation, to all or any of the following: municipalities; service coordinators; evaluators or providers of early intervention services. The department shall provide the municipalities with a copy of the findings of such audits. Early intervention program state aid reimbursement or portion thereof may be withheld if, on post-audit and review, the commissioner finds that the early intervention services were not provided or those provided were not in substantial conformance with the rules and regulations established by the commissioner or that the recipient of such services was not an eligible child as defined in section twenty-five hundred forty-one of this title. In the event that the commissioner determines that there may be a withholding of state reimbursement to any municipality under this section, he **or she** shall inform the state early intervention coordinating council and the relevant local early intervention coordinating council and shall consider alternative courses of action recommended within sixty days by either body prior to withholding state reimbursement.

§ 2. Subdivision 4 of section 2558 of the public health law, as amended by section 10 of part A of chapter 56 of the laws of 2012, is amended to read as follows:

4. Local contribution. The municipality of residence shall be financially responsible for the local contribution in the amount of [~~fifty~~] **twenty-five** percent of the amount expended provided, however, that in the discretion of the department and with the approval of the director of the division of the budget, in accordance with subdivision two of section twenty-five hundred fifty-seven of this title[~~, the department may require that municipalities be financially responsible for a local contribution in an amount less than fifty percent of the amount expended~~]. The commissioner shall certify to the comptroller the amount of the local contribution owed by each municipality to the state. The comptroller shall deduct the amount of such local contribution first from any moneys due the municipality pursuant to section twenty-five hundred fifty-six of this title and then from any other moneys due or to become due to the municipality.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.