

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

S. 2007--B

A. 3007--B

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

January 23, 2017

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 -- 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

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); intentionally omitted (Part C); to amend the public health law, in relation to controlling drug costs; to amend the social services law, in relation to the drug utilization review board; to amend the social services law, in relation to Medicaid reimbursement of covered outpatient drugs; to authorize the suspension of a provider's Medicaid enrollment for inappropriate prescribing of opioids; to amend the social services law, in relation to refills of controlled substances; to amend the social services law, in relation to reducing Medicaid coverage and increasing copayments for non-prescription drugs, to aligning pharmacy copayment requirements with federal regulations, and to adjusting consumer price index penalties for generic drugs (Part D); to amend the social services law, in relation to fiscal intermediary certification under the consumer directed personal assistance program; and to amend the public health law, in relation to reserved bed days and establishing a prospective per diem adjustment for certain nursing homes (Part E); intentionally omitted (Part F); 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 extending the Medicaid global cap (Part G); 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

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

LBD12571-04-7

amend the public health law, in relation to the distribution of pool allocations and graduate medical education; 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 the public health law, in relation to the assessments on covered lives; 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 thereof; 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 the effectiveness thereof; to amend the public health law and the social services law, in relation to rates of payment for personal care services workers; to amend the public health law, in relation to the comprehensive diagnostic and treatment centers indigent care program; 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 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 apportioning premium for certain policies; to amend part J of chapter 63 of the laws of 2001 amending 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 certain provisions concerning the hospital excess liability pool; and to amend the public health law, in relation to tobacco control and insurance initiatives pool distributions (Part H); to amend chapter 884 of the laws of 1990, amending the public health law relating to authorizing bad debt and charity care allowances for certified home health agencies, in relation to the effectiveness thereof; to amend chapter 60 of the laws of 2014 amending the social services law relating to eliminating prescriber prevails for brand name drugs with generic equivalents, in relation to the effectiveness thereof; to amend the public health law, in relation to extending the nursing home cash assessment; to amend chapter 474 of the laws of 1996, amending the education law and other laws relating to rates for residential health care facilities, in relation to the effectiveness thereof; to amend chapter 58 of the laws of 2007, amending the social services law and other laws relating to enacting the major components of legislation necessary to implement the health and mental hygiene budget for the 2007-2008 state fiscal year, in relation to delay of certain administrative cost; to amend chapter 81 of the laws of 1995, amending the public health law and other laws relating to medical reimbursement and welfare reform, in relation to the effectiveness thereof; to amend chapter 109 of the laws of 2010, amending the social services law relating to transportation costs, in relation to the effectiveness thereof; to amend 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 the effectiveness thereof; 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 the effectiveness thereof; 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 the effectiveness thereof; to amend the public health law, in relation to continuing nursing home upper payment limit payments; 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; to amend chapter 62 of the laws of 2003, amending the public health law relating to allowing for the use of funds of the office of professional medical conduct for activities of the patient health information and quality improvement act of 2000, in relation to extending the provisions thereof; to amend chapter 59 of the laws of 2011, amending the public health law relating to the statewide health information network of New York and the statewide planning and research cooperative system and general powers and duties, in relation to the effectiveness thereof; to amend chapter 58 of the laws of 2008, amending the elder law and other laws relating to reimbursement to participating provider pharmacies and prescription drug coverage, in relation to extending the expiration of certain provisions thereof; and to amend the public health law, in relation to issuance of certificates of authority to accountable care organizations (Part I); intentionally omitted (Part J); intentionally omitted (Part K); intentionally omitted (Part L); to amend the public health law, in relation to emerging contaminant monitoring (Part M); intentionally omitted (Part N); intentionally omitted (Part O); to amend 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 extending government rates for behavioral services and adding an alternative payment methodology requirement; and to amend 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 extending government rates for behavioral services and adding an alternative payment methodology requirement (Part P); to amend part C of chapter 57 of the laws of 2006, relating to establishing a cost of living adjustment for designated human services programs, in relation to providing funding to increase salaries and related fringe benefits to direct care workers, direct support professionals and clinical workers employed by not-for-profits funded by the office for people with developmental disabilities, the office of mental health and the office of alcoholism and substance abuse services (Part Q); to amend the public health law, in relation to establishing the drinking water quality council (Part R); to amend the social services law, in relation to health homes; to amend the social services law, in relation to managed care programs; to amend the social services law, in relation to pasteurized donor human milk and ovulation enhancing drugs; to amend the public health law, in relation to home care worker wage parity; in relation to authorizing the commissioner of health to sell accounts receivables balances owed to the state by Medicaid providers to financial institutions; and providing for the expiration of certain provisions (Part S); and to amend the environmental conservation law, the public health law, the public authorities law, the state finance law and the soil and water conservation districts law, in relation to the implementation of the "clean water infrastructure act of 2017" (Part T)

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 2017-2018
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through T. 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 Intentionally Omitted

14 PART B

15 Intentionally Omitted

16 PART C

17 Intentionally Omitted

18 PART D

19 Section 1. The public health law is amended by adding a new section
20 280 to read as follows:

21 § 280. MEDICAID DRUG CAP. 1. THE LEGISLATURE HEREBY FINDS AND
22 DECLARES THAT THERE IS A SIGNIFICANT PUBLIC INTEREST FOR THE MEDICAID
23 PROGRAM TO MANAGE DRUG COSTS IN A MANNER THAT ENSURES PATIENT ACCESS
24 WHILE PROVIDING FINANCIAL STABILITY FOR THE STATE AND PARTICIPATING
25 PROVIDERS. SINCE TWO THOUSAND ELEVEN, THE STATE HAS TAKEN SIGNIFICANT
26 STEPS TO CONTAIN COSTS IN THE MEDICAID PROGRAM BY IMPOSING A STATUTORY
27 LIMIT ON ANNUAL GROWTH. DRUG EXPENDITURES, HOWEVER, CONTINUALLY OUTPACE
28 OTHER COST COMPONENTS CAUSING SIGNIFICANT PRESSURE ON THE STATE, PROVID-
29 ERS, AND PATIENT ACCESS OPERATING UNDER THE MEDICAID GLOBAL CAP. IT IS
30 THEREFORE INTENDED THAT THE DEPARTMENT ESTABLISH A MEDICAID DRUG CAP AS
31 A SEPARATE COMPONENT WITHIN THE MEDICAID GLOBAL CAP AS PART OF A FOCUSED
32 AND SUSTAINED EFFORT TO BALANCE THE GROWTH OF DRUG EXPENDITURES WITH THE
33 GROWTH OF TOTAL MEDICAID EXPENDITURES.

34 2. THE COMMISSIONER SHALL ESTABLISH A YEAR TO YEAR DEPARTMENT OF
35 HEALTH STATE-FUNDS MEDICAID DRUG SPENDING GROWTH TARGET AS FOLLOWS:

36 (A) FOR STATE FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGH-
37 TEEN, BE LIMITED TO THE TEN-YEAR ROLLING AVERAGE OF THE MEDICAL COMPO-
38 NENT OF THE CONSUMER PRICE INDEX PLUS FIVE PERCENT AND MINUS A PHARMACY
39 SAVINGS TARGET OF FIFTY-FIVE MILLION DOLLARS; AND

40 (B) FOR STATE FISCAL YEAR TWO THOUSAND EIGHTEEN--TWO THOUSAND NINE-
41 TEEN, BE LIMITED TO THE TEN-YEAR ROLLING AVERAGE OF THE MEDICAL COMPO-
42 NENT OF THE CONSUMER PRICE INDEX PLUS FOUR PERCENT AND MINUS A PHARMACY
43 SAVINGS TARGET OF EIGHTY-FIVE MILLION DOLLARS.

44 3. THE DEPARTMENT AND THE DIVISION OF THE BUDGET SHALL ASSESS ON A
45 QUARTERLY BASIS THE PROJECTED TOTAL AMOUNT TO BE EXPENDED IN THE YEAR ON

1 A CASH BASIS BY THE MEDICAID PROGRAM FOR EACH DRUG, AND THE PROJECTED
2 ANNUAL AMOUNT OF DRUG EXPENDITURES FOR ALL DRUGS, WHICH SHALL BE A
3 COMPONENT OF THE PROJECTED DEPARTMENT OF HEALTH STATE FUNDS MEDICAID
4 EXPENDITURES CALCULATED FOR PURPOSES OF SECTIONS NINETY-ONE AND NINETY-
5 TWO OF PART H OF CHAPTER FIFTY-NINE OF THE LAWS OF TWO THOUSAND ELEVEN.
6 FOR PURPOSES OF THIS SECTION, STATE FUNDS MEDICAID DRUG EXPENDITURES
7 INCLUDE AMOUNTS EXPENDED FOR DRUGS IN BOTH THE MEDICAID FEE-FOR-SERVICE
8 AND MEDICAID MANAGED CARE PROGRAMS, MINUS THE AMOUNT OF ANY DRUG REBATES
9 OR SUPPLEMENTAL DRUG REBATES RECEIVED BY THE DEPARTMENT, INCLUDING
10 REBATES PURSUANT TO SUBDIVISION FIVE OF THIS SECTION WITH RESPECT TO
11 REBATE TARGETS.

12 (A) IN THE EVENT THE DIRECTOR OF THE BUDGET DETERMINES, BASED ON MEDI-
13 CAID DRUG EXPENDITURES FOR THE PREVIOUS QUARTER OR OTHER RELEVANT INFOR-
14 MATION, THAT THE TOTAL DEPARTMENT OF HEALTH STATE FUNDS MEDICAID DRUG
15 EXPENDITURE IS PROJECTED TO EXCEED THE ANNUAL GROWTH LIMITATION IMPOSED
16 BY SUBDIVISION TWO OF THIS SECTION, THE COMMISSIONER MAY IDENTIFY AND
17 REFER DRUGS TO THE DRUG UTILIZATION REVIEW BOARD ESTABLISHED BY SECTION
18 THREE HUNDRED SIXTY-NINE-BB OF THE SOCIAL SERVICES LAW FOR A RECOMMENDA-
19 TION AS TO WHETHER A TARGET SUPPLEMENTAL MEDICAID REBATE SHOULD BE PAID
20 BY THE MANUFACTURER OF THE DRUG TO THE DEPARTMENT AND THE TARGET AMOUNT
21 OF THE REBATE.

22 (B) IF THE DEPARTMENT INTENDS TO REFER A DRUG TO THE DRUG UTILIZATION
23 REVIEW BOARD PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, THE DEPART-
24 MENT SHALL NOTIFY THE MANUFACTURER OF SUCH DRUG AND SHALL ATTEMPT TO
25 REACH AGREEMENT WITH THE MANUFACTURER ON A REBATE FOR THE DRUG PRIOR TO
26 REFERRING THE DRUG TO THE DRUG UTILIZATION REVIEW BOARD FOR REVIEW.

27 (C) IN THE EVENT THAT THE COMMISSIONER AND THE MANUFACTURER HAVE
28 PREVIOUSLY AGREED TO A SUPPLEMENTAL REBATE FOR A DRUG PURSUANT TO PARA-
29 GRAPH (B) OF THIS SUBDIVISION OR PARAGRAPH (E) OF SUBDIVISION SEVEN OF
30 SECTION THREE HUNDRED SIXTY-SEVEN-A OF THE SOCIAL SERVICES LAW, THE DRUG
31 SHALL NOT BE REFERRED TO THE DRUG UTILIZATION REVIEW BOARD FOR ANY
32 FURTHER SUPPLEMENTAL REBATE FOR THE DURATION OF THE PREVIOUS REBATE
33 AGREEMENT.

34 (D) THE DEPARTMENT SHALL CONSIDER A DRUG'S ACTUAL COST TO THE STATE,
35 INCLUDING CURRENT REBATE AMOUNTS, PRIOR TO SEEKING AN ADDITIONAL REBATE
36 PURSUANT TO PARAGRAPH (B) OR (C) OF THIS SUBDIVISION AND SHALL TAKE INTO
37 CONSIDERATION WHETHER THE MANUFACTURER OF THE DRUG IS PROVIDING SIGNIF-
38 ICANT DISCOUNTS RELATIVE TO OTHER DRUGS COVERED BY THE MEDICAID PROGRAM.

39 (E) THE COMMISSIONER SHALL BE AUTHORIZED TO TAKE THE ACTIONS DESCRIBED
40 IN THIS SECTION ONLY SO LONG AS TOTAL MEDICAID DRUG EXPENDITURES ARE
41 PROJECTED TO EXCEED THE ANNUAL GROWTH LIMITATION IMPOSED BY SUBDIVISION
42 TWO OF THIS SECTION.

43 4. IN DETERMINING WHETHER TO RECOMMEND A TARGET SUPPLEMENTAL REBATE
44 FOR A DRUG, THE DRUG UTILIZATION REVIEW BOARD SHALL CONSIDER THE ACTUAL
45 COST OF THE DRUG TO THE MEDICAID PROGRAM, INCLUDING FEDERAL AND STATE
46 REBATES, AND MAY CONSIDER, AMONG OTHER THINGS:

47 (A) THE DRUG'S IMPACT ON THE MEDICAID DRUG SPENDING GROWTH TARGET AND
48 THE ADEQUACY OF CAPITATION RATES OF PARTICIPATING MEDICAID MANAGED CARE
49 PLANS, AND THE DRUG'S AFFORDABILITY AND VALUE TO THE MEDICAID PROGRAM;
50 OR

51 (B) SIGNIFICANT AND UNJUSTIFIED INCREASES IN THE PRICE OF THE DRUG; OR

52 (C) WHETHER THE DRUG MAY BE PRICED DISPROPORTIONATELY TO ITS THERAPEU-
53 TIC BENEFITS.

54 5. (A) IF THE DRUG UTILIZATION REVIEW BOARD RECOMMENDS A TARGET REBATE
55 AMOUNT ON A DRUG REFERRED BY THE COMMISSIONER, THE COMMISSIONER SHALL
56 REQUIRE A SUPPLEMENTAL REBATE TO BE PAID BY THE DRUG'S MANUFACTURER IN

1 AN AMOUNT NOT TO EXCEED SUCH TARGET REBATE AMOUNT. WITH RESPECT TO A
2 REBATE REQUIRED IN STATE FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOU-
3 SAND EIGHTEEN, THE REBATE REQUIREMENT SHALL APPLY BEGINNING WITH THE
4 MONTH OF APRIL, TWO THOUSAND SEVENTEEN, WITHOUT REGARD TO THE DATE THE
5 DEPARTMENT ENTERS INTO THE REBATE AGREEMENT WITH THE MANUFACTURER.

6 (B) THE SUPPLEMENTAL REBATE REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVI-
7 SION SHALL APPLY TO DRUGS DISPENSED TO ENROLLEES OF MANAGED CARE PROVID-
8 ERS PURSUANT TO SECTION THREE HUNDRED SIXTY-FOUR-J OF THE SOCIAL
9 SERVICES LAW AND TO DRUGS DISPENSED TO MEDICAID RECIPIENTS WHO ARE NOT
10 ENROLLEES OF SUCH PROVIDERS.

11 (C) IF THE DRUG UTILIZATION REVIEW BOARD RECOMMENDS A TARGET REBATE
12 AMOUNT FOR A DRUG AND THE DEPARTMENT IS UNABLE TO NEGOTIATE A REBATE
13 FROM THE MANUFACTURER IN AN AMOUNT THAT IS AT LEAST SEVENTY-FIVE PERCENT
14 OF THE TARGET REBATE AMOUNT, THE COMMISSIONER IS AUTHORIZED TO WAIVE THE
15 PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION THREE OF SECTION TWO HUNDRED
16 SEVENTY-THREE OF THIS ARTICLE AND THE PROVISIONS OF SUBDIVISIONS TWEN-
17 TY-FIVE AND TWENTY-FIVE-A OF SECTION THREE HUNDRED SIXTY-FOUR-J OF THE
18 SOCIAL SERVICES LAW WITH RESPECT TO SUCH DRUG; HOWEVER, THIS WAIVER
19 SHALL NOT BE IMPLEMENTED IN SITUATIONS WHERE IT WOULD PREVENT ACCESS BY
20 A MEDICAID RECIPIENT TO A DRUG WHICH IS THE ONLY TREATMENT FOR A PARTIC-
21 ULAR DISEASE OR CONDITION. UNDER NO CIRCUMSTANCES SHALL THE COMMISSION-
22 ER BE AUTHORIZED TO WAIVE SUCH PROVISIONS WITH RESPECT TO MORE THAN TWO
23 DRUGS IN A GIVEN TIME.

24 (D) WHERE THE DEPARTMENT AND A MANUFACTURER ENTER INTO A REBATE AGREE-
25 MENT PURSUANT TO THIS SECTION, WHICH MAY BE IN ADDITION TO EXISTING
26 REBATE AGREEMENTS ENTERED INTO BY THE MANUFACTURER WITH RESPECT TO THE
27 SAME DRUG, NO ADDITIONAL REBATES SHALL BE REQUIRED TO BE PAID BY THE
28 MANUFACTURER TO A MANAGED CARE PROVIDER OR ANY OF A MANAGED CARE PROVID-
29 ER'S AGENTS, INCLUDING BUT NOT LIMITED TO ANY PHARMACY BENEFIT MANAGER,
30 WHILE THE DEPARTMENT IS COLLECTING THE REBATE PURSUANT TO THIS SECTION.

31 (E) IN FORMULATING A RECOMMENDATION CONCERNING A TARGET REBATE AMOUNT
32 FOR A DRUG, THE DRUG UTILIZATION REVIEW BOARD MAY CONSIDER:

33 (I) PUBLICLY AVAILABLE INFORMATION RELEVANT TO THE PRICING OF THE
34 DRUG;

35 (II) INFORMATION SUPPLIED BY THE DEPARTMENT RELEVANT TO THE PRICING OF
36 THE DRUG;

37 (III) INFORMATION RELATING TO VALUE-BASED PRICING;

38 (IV) THE SERIOUSNESS AND PREVALENCE OF THE DISEASE OR CONDITION THAT
39 IS TREATED BY THE DRUG;

40 (V) THE EXTENT OF UTILIZATION OF THE DRUG;

41 (VI) THE EFFECTIVENESS OF THE DRUG IN TREATING THE CONDITIONS FOR
42 WHICH IT IS PRESCRIBED, OR IN IMPROVING A PATIENT'S HEALTH, QUALITY OF
43 LIFE, OR OVERALL HEALTH OUTCOMES;

44 (VII) THE LIKELIHOOD THAT USE OF THE DRUG WILL REDUCE THE NEED FOR
45 OTHER MEDICAL CARE, INCLUDING HOSPITALIZATION;

46 (VIII) THE AVERAGE WHOLESALE PRICE, WHOLESALE ACQUISITION COST, RETAIL
47 PRICE OF THE DRUG, AND THE COST OF THE DRUG TO THE MEDICAID PROGRAM
48 MINUS REBATES RECEIVED BY THE STATE;

49 (IX) IN THE CASE OF GENERIC DRUGS, THE NUMBER OF PHARMACEUTICAL
50 MANUFACTURERS THAT PRODUCE THE DRUG;

51 (X) WHETHER THERE ARE PHARMACEUTICAL EQUIVALENTS TO THE DRUG; AND

52 (XI) INFORMATION SUPPLIED BY THE MANUFACTURER, IF ANY, EXPLAINING THE
53 RELATIONSHIP BETWEEN THE PRICING OF THE DRUG AND THE COST OF DEVELOPMENT
54 OF THE DRUG AND/OR THE THERAPEUTIC BENEFIT OF THE DRUG, OR THAT IS
55 OTHERWISE PERTINENT TO THE MANUFACTURER'S PRICING DECISION; ANY SUCH
56 INFORMATION PROVIDED SHALL BE CONSIDERED CONFIDENTIAL AND SHALL NOT BE

1 DISCLOSED BY THE DRUG UTILIZATION REVIEW BOARD IN A FORM THAT IDENTIFIES
2 A SPECIFIC MANUFACTURER OR PRICES CHARGED FOR DRUGS BY SUCH MANUFACTUR-
3 ER.

4 6. (A) IF THE DRUG UTILIZATION REVIEW BOARD RECOMMENDS A TARGET REBATE
5 AMOUNT AND THE DEPARTMENT IS UNSUCCESSFUL IN ENTERING INTO A REBATE
6 AGREEMENT WITH THE MANUFACTURER OF THE DRUG SATISFACTORY TO THE DEPART-
7 MENT, THE DRUG MANUFACTURER SHALL IN THAT EVENT BE REQUIRED TO PROVIDE
8 TO THE DEPARTMENT, ON A STANDARD REPORTING FORM DEVELOPED BY THE DEPART-
9 MENT, THE FOLLOWING INFORMATION:

10 (I) THE ACTUAL COST OF DEVELOPING, MANUFACTURING, PRODUCING (INCLUDING
11 THE COST PER DOSE OF PRODUCTION), AND DISTRIBUTING THE DRUG;

12 (II) RESEARCH AND DEVELOPMENT COSTS OF THE DRUG, INCLUDING PAYMENTS TO
13 PREDECESSOR ENTITIES CONDUCTING RESEARCH AND DEVELOPMENT, SUCH AS
14 BIOTECHNOLOGY COMPANIES, UNIVERSITIES AND MEDICAL SCHOOLS, AND PRIVATE
15 RESEARCH INSTITUTIONS;

16 (III) ADMINISTRATIVE, MARKETING, AND ADVERTISING COSTS FOR THE DRUG,
17 APPORTIONED BY MARKETING ACTIVITIES THAT ARE DIRECTED TO CONSUMERS,
18 MARKETING ACTIVITIES THAT ARE DIRECTED TO PRESCRIBERS, AND THE TOTAL
19 COST OF ALL MARKETING AND ADVERTISING THAT IS DIRECTED PRIMARILY TO
20 CONSUMERS AND PRESCRIBERS IN NEW YORK, INCLUDING BUT NOT LIMITED TO
21 PRESCRIBER DETAILING, COPAYMENT DISCOUNT PROGRAMS, AND DIRECT-TO-CONSUM-
22 ER MARKETING;

23 (IV) THE EXTENT OF UTILIZATION OF THE DRUG;

24 (V) PRICES FOR THE DRUG THAT ARE CHARGED TO PURCHASERS OUTSIDE THE
25 UNITED STATES;

26 (VI) PRICES CHARGED TO TYPICAL PURCHASERS IN THE STATE, INCLUDING BUT
27 NOT LIMITED TO PHARMACIES, PHARMACY CHAINS, PHARMACY WHOLESALERS, OR
28 OTHER DIRECT PURCHASERS;

29 (VII) THE AVERAGE REBATES AND DISCOUNTS PROVIDED PER PAYER TYPE IN THE
30 STATE; AND

31 (VIII) THE AVERAGE PROFIT MARGIN OF EACH DRUG OVER THE PRIOR FIVE-YEAR
32 PERIOD AND THE PROJECTED PROFIT MARGIN ANTICIPATED FOR SUCH DRUG.

33 (B) ALL INFORMATION DISCLOSED PURSUANT TO PARAGRAPH (A) OF THIS SUBDI-
34 VISION SHALL BE CONSIDERED CONFIDENTIAL AND SHALL NOT BE DISCLOSED BY
35 THE DEPARTMENT IN A FORM THAT IDENTIFIES A SPECIFIC MANUFACTURER OR
36 PRICES CHARGED FOR DRUGS BY SUCH MANUFACTURER.

37 7. (A) IF, AFTER TAKING INTO ACCOUNT ALL REBATES AND SUPPLEMENTAL
38 REBATES RECEIVED BY THE DEPARTMENT, INCLUDING REBATES RECEIVED TO DATE
39 PURSUANT TO THIS SECTION, TOTAL MEDICAID DRUG EXPENDITURES ARE STILL
40 PROJECTED TO EXCEED THE ANNUAL GROWTH LIMITATION IMPOSED BY SUBDIVISION
41 TWO OF THIS SECTION, THE COMMISSIONER OF HEALTH MAY: SUBJECT DRUGS TO
42 PRIOR APPROVAL IN ACCORDANCE WITH EXISTING PROCESSES AND PROCEDURES,
43 WHICH MAY INCLUDE ALL DRUGS OF A MANUFACTURER THAT HAS NOT ENTERED INTO
44 A SUPPLEMENTAL REBATE AGREEMENT REQUIRED BY THIS SECTION; DIRECTING
45 MANAGED CARE PLANS TO REMOVE FROM THEIR MEDICAID FORMULARIES THOSE DRUGS
46 WITH RESPECT TO WHICH A MANUFACTURER HAS FAILED TO ENTER INTO A REBATE
47 AGREEMENT REQUIRED BY THIS SECTION; PROMOTING THE USE OF COST EFFECTIVE
48 AND CLINICALLY APPROPRIATE DRUGS OTHER THAN THOSE OF A MANUFACTURER WHO
49 HAS FAILED TO ENTER INTO A REBATE AGREEMENT REQUIRED BY THIS SECTION;
50 ALLOWING MANUFACTURERS TO ACCELERATE REBATE PAYMENTS UNDER EXISTING
51 REBATE CONTRACTS; AND SUCH OTHER ACTIONS AS AUTHORIZED BY LAW. THE
52 COMMISSIONER SHALL PROVIDE WRITTEN NOTICE TO THE LEGISLATURE THIRTY DAYS
53 PRIOR TO TAKING ACTION PURSUANT TO THIS PARAGRAPH, UNLESS ACTION IS
54 NECESSARY IN THE FOURTH QUARTER OF A FISCAL YEAR TO PREVENT TOTAL MEDI-
55 CAID DRUG EXPENDITURES FROM EXCEEDING THE LIMITATION IMPOSED BY SUBDIVI-

1 SION TWO OF THIS SECTION, IN WHICH CASE SUCH NOTICE TO THE LEGISLATURE
2 MAY BE LESS THAN THIRTY DAYS.

3 (B) THE COMMISSIONER SHALL BE AUTHORIZED TO TAKE THE ACTIONS DESCRIBED
4 IN PARAGRAPH (A) OF THIS SUBDIVISION ONLY SO LONG AS TOTAL MEDICAID DRUG
5 EXPENDITURES ARE PROJECTED TO EXCEED THE ANNUAL GROWTH LIMITATION
6 IMPOSED BY SUBDIVISION TWO OF THIS SECTION. IN ADDITION, NO SUCH
7 ACTIONS SHALL BE DEEMED TO SUPERSEDE THE PROVISIONS OF PARAGRAPH (B) OF
8 SUBDIVISION THREE OF SECTION TWO HUNDRED SEVENTY-THREE OF THIS ARTICLE
9 OR THE PROVISIONS OF SUBDIVISIONS TWENTY-FIVE AND TWENTY-FIVE-A OF
10 SECTION THREE HUNDRED SIXTY-FOUR-J OF THE SOCIAL SERVICES LAW, EXCEPT AS
11 ALLOWED BY PARAGRAPH (C) OF SUBDIVISION FIVE OF THIS SECTION; PROVIDED
12 FURTHER THAT NOTHING IN THIS SECTION SHALL PREVENT ACCESS BY A MEDICAID
13 RECIPIENT TO A DRUG WHICH IS THE ONLY TREATMENT FOR A PARTICULAR DISEASE
14 OR CONDITION.

15 § 2. Subdivisions 1 and 2 of section 369-bb of the social services
16 law, as amended by section 20 of part A of chapter 56 of the laws of
17 2013, are amended to read as follows:

18 1. A [nineteen-member] TWENTY-THREE-MEMBER drug utilization review
19 board is hereby created in the department. The board is responsible for
20 the establishment and implementation of medical standards and criteria
21 for the retrospective and prospective DUR program.

22 2. The members of the DUR board shall be appointed by the commissioner
23 and shall serve a three-year term. Members may be reappointed upon the
24 completion of other terms. The membership shall be comprised of the
25 following:

26 (a) Six persons licensed and actively engaged in the practice of medi-
27 cine in the state, with expertise in the areas of mental health,
28 HIV/AIDS, geriatrics, pediatrics or internal medicine and who may be
29 selected based on input from professional associations and/or advocacy
30 groups in New York state.

31 (b) Six persons licensed and actively practicing in pharmacy in the
32 state who may be selected based on input from professional associations
33 and/or advocacy groups in New York state.

34 (c) Two persons with expertise in drug utilization review who are
35 health care professionals licensed under Title VIII of the education law
36 at least one of whom is a pharmacologist.

37 (d) Three persons that are consumers or consumer representatives of
38 organizations with a regional or statewide constituency and who have
39 been involved in activities related to health care consumer advocacy,
40 including issues affecting Medicaid or EPIC recipients.

41 (e) One person licensed and actively practicing as a nurse practition-
42 er or midwife.

43 (f) TWO PERSONS WHO ARE HEALTH CARE ECONOMISTS.

44 (G) ONE PERSON WHO IS AN ACTUARY.

45 (H) ONE PERSON REPRESENTING THE DEPARTMENT OF FINANCIAL SERVICES.

46 (I) The commissioner shall designate a person from the department to
47 serve as chairperson of the board.

48 § 3. Paragraphs (g), (h), and (i) of subdivision 8 of section 369-bb
49 of the social services law are relettered paragraphs (h), (i), and (j)
50 and a new paragraph (g) is added to read as follows:

51 (G) THE EVALUATION OF SPECIFIC DRUGS SUBMITTED TO THE BOARD FOR REVIEW
52 PURSUANT TO SECTION TWO HUNDRED EIGHTY OF THE PUBLIC HEALTH LAW, AND THE
53 FORMULATION OF RECOMMENDED TARGET SUPPLEMENTAL REBATES, IN ACCORDANCE
54 WITH THE STANDARDS ESTABLISHED IN SUCH SECTION.

55 § 4. Intentionally omitted.

56 § 5. Intentionally omitted.

1 § 6. Intentionally omitted.

2 § 7. The opening paragraph and subparagraphs (i) and (ii) of paragraph
3 (b) and paragraph (d) of subdivision 9 of section 367-a of the social
4 services law, the opening paragraph and paragraph (d) as amended by
5 chapter 19 of the laws of 1998, subparagraphs (i) and (ii) of paragraph
6 (b) as amended by section 2 of part C of chapter 60 of the laws of 2014,
7 subparagraph (i) of paragraph (d) as amended by section 10-a of part H
8 of chapter 59 of the laws of 2011 and subparagraph (ii) of paragraph (d)
9 as amended by section 48 of part C of chapter 58 of the laws of 2009,
10 are amended to read as follows:

11 Notwithstanding any inconsistent provision of law or regulation to the
12 contrary, for those drugs which may not be dispensed without a
13 prescription as required by section sixty-eight hundred ten of the
14 education law and for which payment is authorized pursuant to paragraph
15 (g) of subdivision two of section three hundred sixty-five-a of this
16 title, AND FOR THOSE DRUGS THAT ARE AVAILABLE WITHOUT A PRESCRIPTION AS
17 REQUIRED BY SECTION SIXTY-EIGHT HUNDRED TEN OF THE EDUCATION LAW BUT ARE
18 REIMBURSED AS ITEMS OF MEDICAL ASSISTANCE PURSUANT TO PARAGRAPH (A) OF
19 SUBDIVISION FOUR OF SECTION THREE HUNDRED SIXTY-FIVE-A OF THIS TITLE,
20 payments under this title shall be made at the following amounts:

21 (i) [if the drug dispensed is a multiple source prescription drug for
22 which an upper limit has been set by the federal centers for medicare
23 and medicaid services, the lower of: (A) an amount equal to the specific
24 upper limit set by such federal agency for the multiple source
25 prescription drug; (B) the estimated acquisition cost of such drug to
26 pharmacies which, for purposes of this subparagraph, shall mean the
27 average wholesale price of a prescription drug based on the package size
28 dispensed from, as reported by the prescription drug pricing service
29 used by the department, less twenty-five percent thereof; (C) the maxi-
30 mum acquisition cost, if any, established pursuant to paragraph (e) of
31 this subdivision, provided that the methodology used by the department
32 to establish a maximum acquisition cost shall not include average acqui-
33 sition cost as determined by department surveys; or (D) the dispensing
34 pharmacy's usual and customary price charged to the general public; and]
35 (A) IF THE DRUG DISPENSED IS A GENERIC PRESCRIPTION DRUG, THE LOWER OF:
36 (1) AN AMOUNT EQUAL TO THE NATIONAL AVERAGE DRUG ACQUISITION COST SET BY
37 THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR THE DRUG, IF
38 ANY, OR IF SUCH AMOUNT IS NOT AVAILABLE, THE WHOLESALE ACQUISITION COST
39 OF THE DRUG BASED ON THE PACKAGE SIZE DISPENSED FROM, AS REPORTED BY THE
40 PRESCRIPTION DRUG PRICING SERVICE USED BY THE DEPARTMENT, LESS SEVENTEEN
41 AND ONE-HALF PERCENT THEREOF; (2) THE FEDERAL UPPER LIMIT, IF ANY,
42 ESTABLISHED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES;
43 (3) THE STATE MAXIMUM ACQUISITION COST, IF ANY, ESTABLISHED PURSUANT TO
44 PARAGRAPH (E) OF THIS SUBDIVISION; OR (4) THE DISPENSING PHARMACY'S
45 USUAL AND CUSTOMARY PRICE CHARGED TO THE GENERAL PUBLIC; (B) IF THE DRUG
46 DISPENSED IS AVAILABLE WITHOUT A PRESCRIPTION AS REQUIRED BY SECTION
47 SIXTY-EIGHT HUNDRED TEN OF THE EDUCATION LAW BUT IS REIMBURSED AS AN
48 ITEM OF MEDICAL ASSISTANCE PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FOUR
49 OF SECTION THREE HUNDRED SIXTY-FIVE-A OF THIS TITLE, THE LOWER OF (1) AN
50 AMOUNT EQUAL TO THE NATIONAL AVERAGE DRUG ACQUISITION COST SET BY THE
51 FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR THE DRUG, IF ANY,
52 OR IF SUCH AMOUNT IS NOT AVAILABLE, THE WHOLESALE ACQUISITION COST OF
53 THE DRUG BASED ON THE PACKAGE SIZE DISPENSED FROM, AS REPORTED BY THE
54 PRESCRIPTION DRUG PRICING SERVICE USED BY THE DEPARTMENT, (2) THE FEDER-
55 AL UPPER LIMIT, IF ANY, ESTABLISHED BY THE FEDERAL CENTERS FOR MEDICARE
56 AND MEDICAID SERVICES; (3) THE STATE MAXIMUM ACQUISITION COST IF ANY,

1 ESTABLISHED PURSUANT TO PARAGRAPH (E) OF THIS SUBDIVISION; OR (4) THE
2 DISPENSING PHARMACY'S USUAL AND CUSTOMARY PRICE CHARGED TO THE GENERAL
3 PUBLIC;

4 (ii) if the drug dispensed is [a multiple source prescription drug or]
5 a brand-name prescription drug [for which no specific upper limit has
6 been set by such federal agency], the lower of [the estimated acquisi-
7 tion cost of such drug to pharmacies or the dispensing pharmacy's usual
8 and customary price charged to the general public. For sole and multiple
9 source brand name drugs, estimated acquisition cost means the average
10 wholesale price of a prescription drug based upon the package size
11 dispensed from, as reported by the prescription drug pricing service
12 used by the department, less seventeen percent thereof or the wholesale
13 acquisition cost of a prescription drug based upon package size
14 dispensed from, as reported by the prescription drug pricing service
15 used by the department, minus zero and forty-one hundredths percent
16 thereof, and updated monthly by the department. For multiple source
17 generic drugs, estimated acquisition cost means the lower of the average
18 wholesale price of a prescription drug based on the package size
19 dispensed from, as reported by the prescription drug pricing service
20 used by the department, less twenty-five percent thereof, or the maximum
21 acquisition cost, if any, established pursuant to paragraph (e) of this
22 subdivision, provided that the methodology used by the department to
23 establish a maximum acquisition cost shall not include average acquisi-
24 tion cost as determined by department surveys.]:

25 (A) AN AMOUNT EQUAL TO THE NATIONAL AVERAGE DRUG ACQUISITION COST SET
26 BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR THE DRUG,
27 IF ANY, OR IF SUCH AMOUNT IS NOT AVAILABLE, THE WHOLESALE ACQUISITION
28 COST OF THE DRUG BASED ON THE PACKAGE SIZE DISPENSED FROM, AS REPORTED
29 BY THE PRESCRIPTION DRUG PRICING SERVICE USED BY THE DEPARTMENT, LESS
30 THREE AND THREE-TENTHS PERCENT THEREOF; OR (B) THE DISPENSING PHARMACY'S
31 USUAL AND CUSTOMARY PRICE CHARGED TO THE GENERAL PUBLIC; AND

32 (d) In addition to the amounts paid pursuant to paragraph (b) of this
33 subdivision [to pharmacies for those drugs which may not be dispensed
34 without a prescription, as required by section sixty-eight hundred ten
35 of the education law and for which payment is authorized pursuant to
36 paragraph (g) of subdivision two of section three hundred sixty-five-a
37 of this title], the department shall pay a PROFESSIONAL pharmacy
38 dispensing fee for each such [prescription] drug dispensed[, which
39 dispensing fee shall not be less than the following amounts:

40 (i) for prescription drugs categorized as generic by the prescription
41 drug pricing service used by the department, three dollars and fifty
42 cents per prescription; and

43 (ii) for prescription drugs categorized as brand-name prescription
44 drugs by the prescription drug pricing service used by the department,
45 three dollars and fifty cents per prescription, provided, however, that
46 for brand name prescription drugs reimbursed pursuant to subparagraph
47 (ii) of paragraph (a-1) of subdivision four of section three hundred
48 sixty-five-a of this title, the dispensing fee shall be four dollars and
49 fifty cents per prescription] IN THE AMOUNT OF TEN DOLLARS PER
50 PRESCRIPTION OR WRITTEN ORDER OF A PRACTITIONER; PROVIDED, HOWEVER THAT
51 THIS PROFESSIONAL DISPENSING FEE WILL NOT APPLY TO DRUGS THAT ARE AVAIL-
52 ABLE WITHOUT A PRESCRIPTION AS REQUIRED BY SECTION SIXTY-EIGHT HUNDRED
53 TEN OF THE EDUCATION LAW BUT DO NOT MEET THE DEFINITION OF A COVERED
54 OUTPATIENT DRUG PURSUANT TO SECTION 1927K OF THE SOCIAL SECURITY ACT.

55 § 8. It shall be an unacceptable practice in the Medicaid program
56 established pursuant to title 11 of article 5 of the social services law

1 for a provider to prescribe opioids in violation of the requirements of
2 paragraph (g-1) of subdivision 2 of section 365-a of such law, in
3 violation of any other applicable law limiting or restricting the
4 prescribing of opioids, and/or contrary to recommendations issued by the
5 drug utilization review board established by section 369-bb of the
6 social services law, and such practice may result in the provider being
7 excluded from participation in the Medicaid program. No exclusion or
8 other sanction of a Medicaid provider pursuant to this section shall be
9 imposed except in accordance with the requirements of parts 515, 517 and
10 519 of title 18 of the codes, rules and regulations of the State of New
11 York (NYCRR), and nothing herein shall be construed as limiting the due
12 process rights or legal remedies that would otherwise be available to
13 such a provider.

14 § 9. Paragraph (g-1) of subdivision 2 of section 365-a of the social
15 services law, as amended by section 5 of part C of chapter 60 of the
16 laws of 2014, is amended to read as follows:

17 (g-1) drugs provided on an in-patient basis, those drugs contained on
18 the list established by regulation of the commissioner of health pursu-
19 ant to subdivision four of this section, and those drugs which may not
20 be dispensed without a prescription as required by section sixty-eight
21 hundred ten of the education law and which the commissioner of health
22 shall determine to be reimbursable based upon such factors as the avail-
23 ability of such drugs or alternatives at low cost if purchased by a
24 medicaid recipient, or the essential nature of such drugs as described
25 by such commissioner in regulations, provided, however, that such drugs,
26 exclusive of long-term maintenance drugs, shall be dispensed in quanti-
27 ties no greater than a thirty day supply or one hundred doses, whichever
28 is greater; provided further that the commissioner of health is author-
29 ized to require prior authorization for any refill of a prescription
30 when more than a ten day supply of the previously dispensed amount
31 should remain were the product used as normally indicated, OR IN THE
32 CASE OF A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION THIRTY-THREE
33 HUNDRED TWO OF THE PUBLIC HEALTH LAW, WHEN MORE THAN A SEVEN DAY SUPPLY
34 OF THE PREVIOUSLY DISPENSED AMOUNT SHOULD REMAIN WERE THE PRODUCT USED
35 AS NORMALLY INDICATED; provided further that the commissioner of health
36 is authorized to require prior authorization of prescriptions of opioid
37 analgesics in excess of four prescriptions in a thirty-day period in
38 accordance with section two hundred seventy-three of the public health
39 law; medical assistance shall not include any drug provided on other
40 than an in-patient basis for which a recipient is charged or a claim is
41 made in the case of a prescription drug, in excess of the maximum reim-
42 bursable amounts to be established by department regulations in accord-
43 ance with standards established by the secretary of the United States
44 department of health and human services, or, in the case of a drug not
45 requiring a prescription, in excess of the maximum reimbursable amount
46 established by the commissioner of health pursuant to paragraph (a) of
47 subdivision four of this section;

48 § 10. Intentionally omitted.

49 § 11. Intentionally omitted.

50 § 12. Intentionally omitted.

51 § 13. Intentionally omitted.

52 § 14. Intentionally omitted.

53 § 15. Intentionally omitted.

54 § 16. Subparagraph (iii) of paragraph (c) of subdivision 6 of section
55 367-a of the social services law, as amended by section 9 of part C of
56 chapter 60 of the laws of 2014, is amended to read as follows:

1 (iii) Notwithstanding any other provision of this paragraph, co-pay-
2 ments charged for each generic prescription drug dispensed shall be one
3 dollar and for each brand name prescription drug dispensed shall be
4 [three dollars] TWO DOLLARS AND FIFTY CENTS; provided, however, that the
5 co-payments charged for [each brand name prescription drug on the
6 preferred drug list established pursuant to section two hundred seven-
7 ty-two of the public health law or, for managed care providers operating
8 pursuant to section three hundred sixty-four-j of this title, for each
9 brand name prescription drug on a managed care provider's formulary that
10 such provider has designated as a preferred drug, and the co-payments
11 charged for] each brand name prescription drug reimbursed pursuant to
12 subparagraph (ii) of paragraph (a-1) of subdivision four of section
13 three hundred sixty-five-a of this title shall be one dollar.

14 § 17. Subparagraphs 1 and 5 of paragraph (f) of subdivision 7 of
15 section 367-a of the social services law, as added by section 11 of part
16 B of chapter 59 of the laws of 2016, are amended to read as follows:

17 (1) The department may require manufacturers of drugs other than
18 single source drugs and innovator multiple source drugs, as such terms
19 are defined in 42 U.S.C. § 1396r-8(k), to provide rebates to the depart-
20 ment for any drug that has increased more than three hundred percent of
21 its state maximum acquisition cost (SMAC)[, on or after] DURING THE
22 PERIOD April 1, 2016 THROUGH MARCH THIRTY-FIRST, TWO THOUSAND SEVENTEEN,
23 OR THAT HAS INCREASED MORE THAN SEVENTY-FIVE PERCENT OF ITS SMAC ON OR
24 AFTER APRIL FIRST, TWO THOUSAND SEVENTEEN, in comparison to its SMAC at
25 any time during the course of the preceding twelve months. The required
26 rebate shall be limited to the amount by which the current SMAC for the
27 drug exceeds [three hundred percent] THE APPLICABLE PERCENTAGE of the
28 SMAC for the same drug at any time during the course of the preceding
29 twelve months. Such rebates shall be in addition to any rebates payable
30 to the department pursuant to any other provision of federal or state
31 law. Nothing herein shall affect the department's obligation to reim-
32 burse for covered outpatient drugs pursuant to paragraph (d) of this
33 subdivision.

34 (5) Beginning in two thousand seventeen, the department shall provide
35 an annual report to the legislature no later than February first setting
36 forth:

37 (i) The number of drugs that exceeded the ceiling price established in
38 this paragraph during the preceding year in comparison to the number of
39 drugs that experienced at least a three hundred percent price increase
40 during two thousand fourteen and two thousand fifteen, OR AT LEAST A
41 SEVENTY-FIVE PERCENT PRICE INCREASE DURING TWO THOUSAND FIFTEEN AND TWO
42 THOUSAND SIXTEEN;

43 (ii) The average percent amount above the ceiling price of drugs that
44 exceeded the ceiling price in the preceding year in comparison to the
45 number of drugs that experienced a price increase more than three
46 hundred percent during two thousand fourteen and two thousand fifteen,
47 OR AT LEAST A SEVENTY-FIVE PERCENT PRICE INCREASE DURING TWO THOUSAND
48 FIFTEEN AND TWO THOUSAND SIXTEEN;

49 (iii) The number of generic drugs available to enrollees in Medicaid
50 fee for service or Medicaid managed care, by fiscal quarter, in the
51 preceding year in comparison to the drugs available, by fiscal quarter,
52 during two thousand fourteen [and], two thousand fifteen, AND TWO THOU-
53 SAND SIXTEEN; and

54 (iv) The total drug spend on generic drugs for the preceding year in
55 comparison to the total drug spend on generic drugs during two thousand
56 fourteen [and], two thousand fifteen, AND TWO THOUSAND SIXTEEN.

1 § 18. Severability. If any clause, sentence, paragraph, or subdivi-
2 sion of this section shall be adjudged by any court of competent juris-
3 diction to be invalid, such judgment shall not affect, impair, or inval-
4 idate the remainder thereof, but shall be confined in its operation to
5 the clause, sentence, paragraph, or subdivision directly involved in the
6 controversy in which such judgment shall have been rendered. It is here-
7 by declared to be the intent of the legislature that this section would
8 have been enacted even if such invalid provisions had not been included
9 herein.

10 § 19. This act shall take effect immediately and shall be deemed to
11 have been in full force and effect on and after April 1, 2017; provided,
12 however, that sections nine, sixteen, and seventeen of this act shall
13 take effect July 1, 2017; provided, further, that the amendments to
14 paragraph (c) of subdivision 6 of section 367-a of the social services
15 law made by section sixteen of this act shall not affect the repeal of
16 such paragraph and shall be deemed repealed therewith; provided,
17 further, that the amendments to paragraph (f) of subdivision 7 of
18 section 367-a of the social services law made by section seventeen of
19 this act shall not affect the repeal of such paragraph and shall be
20 deemed repealed therewith; and provided, further, that the amendments to
21 subdivision 9 of section 367-a of the social services law made by
22 section seven of this act shall not affect the expiration of such subdivi-
23 sion and shall be deemed to expire therewith.

24 PART E

25 Section 1. Section 365-f of the social services law is amended by
26 adding two new subdivisions 4-a and 4-b to read as follows:

27 4-A. FISCAL INTERMEDIARY SERVICES. (A) FOR THE PURPOSES OF THIS
28 SECTION:

29 (I) "FISCAL INTERMEDIARY" MEANS AN ENTITY THAT PROVIDES FISCAL INTER-
30 MEDIARY SERVICES AND HAS A CONTRACT FOR PROVIDING SUCH SERVICES WITH:

31 (A) A LOCAL DEPARTMENT OF SOCIAL SERVICES;

32 (B) AN ORGANIZATION LICENSED UNDER ARTICLE FORTY-FOUR OF THE PUBLIC
33 HEALTH LAW; OR

34 (C) AN ACCOUNTABLE CARE ORGANIZATION CERTIFIED UNDER ARTICLE TWENTY-
35 NINE-E OF THE PUBLIC HEALTH LAW OR AN INTEGRATED DELIVERY SYSTEM
36 COMPOSED PRIMARILY OF HEALTH CARE PROVIDERS RECOGNIZED BY THE DEPARTMENT
37 AS A PERFORMING PROVIDER SYSTEM UNDER THE DELIVERY SYSTEM REFORM INCEN-
38 TIVE PAYMENT PROGRAM.

39 (II) FISCAL INTERMEDIARY SERVICES SHALL INCLUDE THE FOLLOWING
40 SERVICES, PERFORMED ON BEHALF OF THE CONSUMER TO FACILITATE HIS OR HER
41 ROLE AS THE EMPLOYER:

42 (A) WAGE AND BENEFIT PROCESSING FOR CONSUMER DIRECTED PERSONAL ASSIST-
43 ANTS;

44 (B) PROCESSING ALL INCOME TAX AND OTHER REQUIRED WAGE WITHHOLDINGS;

45 (C) COMPLYING WITH WORKERS' COMPENSATION, DISABILITY AND UNEMPLOYMENT
46 REQUIREMENTS;

47 (D) MAINTAINING PERSONNEL RECORDS FOR EACH CONSUMER DIRECTED PERSONAL
48 ASSISTANT, INCLUDING TIME SHEETS AND OTHER DOCUMENTATION NEEDED FOR
49 WAGES AND BENEFIT PROCESSING AND A COPY OF THE MEDICAL DOCUMENTATION
50 REQUIRED PURSUANT TO REGULATIONS ESTABLISHED BY THE COMMISSIONER;

51 (E) ENSURING THAT THE HEALTH STATUS OF EACH CONSUMER DIRECTED PERSONAL
52 ASSISTANT IS ASSESSED PRIOR TO SERVICE DELIVERY PURSUANT TO REGULATIONS
53 ISSUED BY THE COMMISSIONER;

54 (F) MAINTAINING RECORDS OF SERVICE AUTHORIZATIONS OR REAUTHORIZATIONS;

1 (G) MONITORING THE CONSUMER'S OR, IF APPLICABLE, THE DESIGNATED REPRESENTATIVE'S CONTINUING ABILITY TO FULFILL THE CONSUMER'S RESPONSIBILITIES UNDER THE PROGRAM AND PROMPTLY NOTIFYING THE AUTHORIZING ENTITY OF ANY CIRCUMSTANCE THAT MAY AFFECT THE CONSUMER'S OR, IF APPLICABLE, THE DESIGNATED REPRESENTATIVE'S ABILITY TO FULFILL SUCH RESPONSIBILITIES;

2 (H) COMPLYING WITH REGULATIONS ESTABLISHED BY THE COMMISSIONER SPECIFYING THE RESPONSIBILITIES OF FISCAL INTERMEDIARIES PROVIDING SERVICES UNDER THIS TITLE; AND

3 (I) ENTERING INTO A DEPARTMENT APPROVED MEMORANDUM OF UNDERSTANDING WITH THE CONSUMER THAT DESCRIBES THE PARTIES' RESPONSIBILITIES UNDER THIS PROGRAM.

4 (III) FISCAL INTERMEDIARIES ARE NOT RESPONSIBLE FOR, AND FISCAL INTERMEDIARY SERVICES SHALL NOT INCLUDE, FULFILLMENT OF THE RESPONSIBILITIES OF THE CONSUMER OR, IF APPLICABLE, THE CONSUMER'S DESIGNATED REPRESENTATIVE AS ESTABLISHED BY THE COMMISSIONER. A FISCAL INTERMEDIARY'S RESPONSIBILITIES SHALL NOT INCLUDE, AND A FISCAL INTERMEDIARY SHALL NOT ENGAGE IN: MANAGING THE PLAN OF CARE INCLUDING RECRUITING AND HIRING A SUFFICIENT NUMBER OF INDIVIDUALS WHO MEET THE DEFINITION OF CONSUMER DIRECTED PERSONAL ASSISTANT, AS SUCH TERM IS DEFINED BY THE COMMISSIONER, TO PROVIDE AUTHORIZED SERVICES THAT ARE INCLUDED ON THE CONSUMER'S PLAN OF CARE; TRAINING, SUPERVISING AND SCHEDULING EACH CONSUMER DIRECTED PERSONAL ASSISTANT; TERMINATING THE CONSUMER DIRECTED PERSONAL ASSISTANT'S EMPLOYMENT; OR ASSURING THAT EACH CONSUMER DIRECTED PERSONAL ASSISTANT COMPETENTLY AND SAFELY PERFORMS THE PERSONAL CARE SERVICES, HOME HEALTH AIDE SERVICES AND SKILLED NURSING TASKS THAT ARE INCLUDED ON THE CONSUMER'S PLAN OF CARE. A FISCAL INTERMEDIARY SHALL EXERCISE REASONABLE CARE IN PROPERLY CARRYING OUT ITS RESPONSIBILITIES UNDER THE PROGRAM.

5 (B) NO ENTITY SHALL PROVIDE, DIRECTLY OR THROUGH CONTRACT, FISCAL INTERMEDIARY SERVICES WITHOUT AN AUTHORIZATION AS A FISCAL INTERMEDIARY ISSUED BY THE COMMISSIONER IN ACCORDANCE WITH THIS SUBDIVISION.

6 (C) AN APPLICATION FOR AUTHORIZATION AS A FISCAL INTERMEDIARY SHALL BE FILED WITH THE COMMISSIONER, TOGETHER WITH SUCH OTHER FORMS AND INFORMATION AS SHALL BE PRESCRIBED BY, OR ACCEPTABLE TO THE COMMISSIONER. SUCH INFORMATION SHALL INCLUDE, BUT NOT BE LIMITED TO:

7 (I) THE NAME AND EMPLOYER IDENTIFICATION NUMBER, OF THE ENTITY, INCLUDING ANY SUBSIDIARY CORPORATIONS, IF APPLICABLE, AND ANY NAME UNDER WHICH THE ENTITY DOES BUSINESS;

8 (II) ALL ADDRESSES AT WHICH THE ORGANIZATION OPERATES;

9 (III) THE NAMES, TITLES AND CONTACT INFORMATION OF ALL OFFICERS AND DIRECTORS IN A NOT-FOR-PROFIT COMPANY OR BUSINESS, OR MANAGERS IN A LIMITED LIABILITY COMPANY, AS WELL AS THE NAME AND EMPLOYMENT HISTORY OF THE INDIVIDUAL ULTIMATELY ACCOUNTABLE FOR OPERATION OF THE FISCAL INTERMEDIARY; AND FOR A NOT-FOR-PROFIT ENTITY, THE NUMBER OF DIRECTOR POSITIONS SET BY THE COMPANY'S BY-LAWS, AND HOW MANY ARE CURRENTLY FILLED;

10 (IV) A HISTORY OF THE ORGANIZATION, ALONG WITH AN OVERVIEW OF THE ORGANIZATION AND ALL SERVICES IT OFFERS, INCLUDING ANY RELATIONSHIPS WITH OUTSIDE AGENCIES THAT MAY INFLUENCE IN ANY WAY THE ABILITY OF THE ORGANIZATION TO PROVIDE FISCAL INTERMEDIARY SERVICES CONSISTENT WITH THE MANNER DESCRIBED IN ITS APPLICATION;

11 (V) ALL POLICIES AND PROCEDURES OF THE FISCAL INTERMEDIARY, INCLUDING ANY CONTRACTS OR OTHER DOCUMENTS USED IN COMMUNICATIONS WITH CONSUMERS;

12 (VI) PLANS TO SOLICIT AND CONSIDER INPUT FROM THE FISCAL INTERMEDIARY'S CONSUMERS, STAFF, PERSONAL ASSISTANTS AND OTHER INTERESTED PARTIES WHICH MAY BE CHARGED WITH ROLES INCLUDING, BUT NOT LIMITED TO, QUALITY ASSURANCE REVIEW, REFERRAL, PROGRAM MONITORING OR DEVELOPMENT OR

1 ESTABLISHING AND RESPONDING TO COMMUNITY NEEDS; SUCH INPUT MAY BE IN THE
2 FORM OF A BOARD OF DIRECTORS, COMMITTEE, SURVEY, OR OTHER MECHANISM,
3 PROVIDED THAT THE MAJORITY OF INPUT OBTAINED AS PART OF THIS PROCESS
4 MUST BE FROM INDIVIDUAL CONSUMERS AND CONSUMER ADVOCATES OF THE FISCAL
5 INTERMEDIARY;

6 (VII) THE ORGANIZATION'S PLAN TO ADDRESS THE NEEDS OF CONSUMERS AND
7 THEIR PERSONAL ASSISTANTS IN A TIMELY MANNER, REGARDLESS OF WHERE THEY
8 LIVE, INCLUDING, BUT NOT LIMITED TO, INPUT FROM CONSUMERS, OBTAINING
9 PHYSICALS AND OTHER HEALTH INFORMATION FROM PERSONAL ASSISTANTS, OBTAIN-
10 ING TIME RECORDS FOR PAYROLL, AND TIMELY PROCESSING OF PAYROLL; AND

11 (VIII) A WRITTEN SWORN STATEMENT BY AN OFFICER OF THE ENTITY DISCLOS-
12 ING ANY PENDING LITIGATION, UNSATISFIED JUDGMENTS OR PENALTIES,
13 CONVICTIONS FOR FRAUD OR SANCTIONS IMPOSED BY GOVERNMENT AUTHORITIES.

14 (D) THE ENTITY SHALL REASONABLY PROMPTLY NOTIFY THE DEPARTMENT OF ANY
15 CHANGE IN THE INFORMATION SUBMITTED TO THE DEPARTMENT FOR AUTHORIZATION
16 UNDER THIS SUBDIVISION.

17 (E) THE COMMISSIONER SHALL NOT APPROVE AN APPLICATION FOR AUTHORI-
18 ZATION UNLESS HE OR SHE IS SATISFIED AS TO THE CHARACTER, COMPETENCE AND
19 STANDING IN THE COMMUNITY OF THE APPLICANT'S INCORPORATORS, DIRECTORS,
20 SPONSORS, STOCKHOLDERS OR OPERATORS AND FINDS THAT THE PERSONNEL, RULES,
21 CONSUMER CONTRACTS OR AGREEMENTS, AND FISCAL INTERMEDIARY SERVICES ARE
22 FIT AND ADEQUATE, AND THAT THE FISCAL INTERMEDIARY SERVICES WILL BE
23 PROVIDED IN THE MANNER REQUIRED BY THIS SUBDIVISION AND THE RULES AND
24 REGULATIONS HEREUNDER, IN A MANNER DETERMINED BY THE COMMISSIONER.

25 (F) THE COMMISSIONER MAY CONTRACT WITH AN ENTITY WITH APPROPRIATE
26 KNOWLEDGE, EXPERTISE AND EXPERIENCE POSSESSING EXTENSIVE KNOWLEDGE OF
27 CONSUMER DIRECTED PERSONAL ASSISTANCE FISCAL INTERMEDIARY SERVICES AND
28 WHICH HAS A HISTORY OF PROVIDING SIMILAR SERVICES IN RELATION TO A SELF-
29 DIRECTED PROGRAM TO DEVELOP AND TO ASSIST THE COMMISSIONER IN EVALUATING
30 APPLICANTS FOR AUTHORIZATIONS OR READINESS REVIEWS TO BE A FISCAL INTER-
31 MEDIARY.

32 (G) NEITHER PUBLIC NEED, TAX STATUS NOR PROFIT-MAKING STATUS SHALL BE
33 A CRITERION FOR AUTHORIZATION UNDER THIS SUBDIVISION. STATUS AS A
34 LICENSED HOME CARE SERVICES AGENCY OR OTHER HEALTH PROVIDER SHALL NOT
35 POSITIVELY OR NEGATIVELY AFFECT AN APPLICATION FOR AUTHORIZATION UNDER
36 THIS SUBDIVISION. AN ORGANIZATION AUTHORIZED PURSUANT TO ARTICLE
37 FORTY-FOUR OF THE PUBLIC HEALTH LAW SHALL NOT BE A FISCAL INTERMEDIARY.

38 (H) AN AUTHORIZATION UNDER THIS SUBDIVISION SHALL LAST FOR A PERIOD OF
39 FIVE YEARS. UPON APPLICATION FOR A RENEWAL, THE FISCAL INTERMEDIARY
40 SHALL SUBMIT UP TO DATE INFORMATION TO THE COMMISSIONER.

41 4-B. ACTIONS INVOLVING THE AUTHORIZATION OF A FISCAL INTERMEDIARY.

42 (A) A FISCAL INTERMEDIARY'S AUTHORIZATION MAY BE REVOKED, SUSPENDED,
43 LIMITED OR ANNULLED UPON THIRTY DAY'S WRITTEN NOTICE TO THE FISCAL
44 INTERMEDIARY, IF THE COMMISSIONER FINDS THAT THE FISCAL INTERMEDIARY HAS
45 FAILED TO COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION OR REGULATIONS
46 PROMULGATED HEREUNDER. NOTWITHSTANDING THE FOREGOING, UPON DETERMINING
47 THAT THE PUBLIC HEALTH OR SAFETY WOULD BE IMMINENTLY ENDANGERED BY THE
48 CONTINUED AUTHORIZATION OF THE FISCAL INTERMEDIARY, THE COMMISSIONER MAY
49 REVOKE, SUSPEND, LIMIT OR ANNUL THE FISCAL INTERMEDIARY'S AUTHORIZATION
50 IMMEDIATELY.

51 (B) ALL ORDERS OR DETERMINATIONS UNDER THIS SUBDIVISION SHALL BE
52 SUBJECT TO REVIEW AS PROVIDED IN ARTICLE SEVENTY-EIGHT OF THE CIVIL
53 PRACTICE LAW AND RULES.

54 § 2. Subdivision 25 of section 2808 of the public health law, as
55 amended by section 34 of part D of chapter 56 of the laws of 2012, is
56 amended to read as follows:

1 25. Reserved bed days. (a) For purposes of this subdivision, a
2 "reserved bed day" is a day for which a governmental agency pays a resi-
3 dential health care facility to reserve a bed for a person eligible for
4 medical assistance pursuant to title eleven of article five of the
5 social services law while he or she is [temporarily hospitalized or] on
6 THERAPEUTIC leave of absence from the facility.

7 (b) Notwithstanding any other provisions of this section or any other
8 law or regulation to the contrary, for reserved bed days provided on
9 behalf of persons twenty-one years of age or older:

10 (i) payments for reserved bed days shall be made at ninety-five
11 percent of the Medicaid rate otherwise payable to the facility for
12 services provided on behalf of such person; AND

13 (ii) [payment to a facility for reserved bed days provided on behalf
14 of such person for temporary hospitalizations may not exceed fourteen
15 days in any twelve month period;

16 (iii)] payment to a facility for reserved bed days provided on behalf
17 of such person for [non-hospitalization] THERAPEUTIC leaves of absence
18 may not exceed ten days in any twelve month period.

19 [(c)(i) Notwithstanding any contrary provision of this subdivision or
20 any other law and subject to the availability of federal financial
21 participation, with regard to services provided to residential health
22 care facility residents twenty-one years of age and older, the commis-
23 sioner shall promulgate regulations, and may promulgate emergency regu-
24 lations, effective for periods on and after July first, two thousand
25 twelve, establishing reimbursement rates for reserved bed days.

26 (ii) Such regulations shall, for each Medicaid patient for any twelve
27 month period, provide for reimbursement for reserved bed days for: (A)
28 up to an aggregate of fourteen days for hospitalizations and for other
29 therapeutic leave of absences consistent with a plan of care ordered by
30 such patient's treating health care professional; and (B) up to an
31 aggregate of ten days of other leaves of absence.

32 (iii) No later than thirty days after promulgation of such regu-
33 lations, the commissioner shall advise the chairs of the senate and
34 assembly finance and health committees of the projected reductions
35 expected to be achieved under the methodology set forth in such regu-
36 lations.

37 (iv) In the event the commissioner determines, in consultation with
38 the director of the budget, that the regulations promulgated pursuant to
39 subparagraph (i) of this paragraph shall achieve projected aggregate
40 Medicaid savings, as determined by the commissioner, of less than forty
41 million dollars for the state fiscal year beginning April first, two
42 thousand twelve, and each state fiscal year thereafter, the commissioner
43 shall establish a prospective per diem rate adjustment for all nursing
44 homes, other than nursing homes providing services primarily to children
45 under the age of twenty-one, sufficient to achieve such forty million
46 dollars in savings for each such state fiscal year.]

47 § 3. Intentionally omitted.

48 § 4. Subdivision 2-c of section 2808 of the public health law is
49 amended by adding a new paragraph (f) to read as follows:

50 (F) THE COMMISSIONER SHALL ESTABLISH A PROSPECTIVE PER DIEM ADJUSTMENT
51 FOR ALL NURSING HOMES, OTHER THAN NURSING HOMES PROVIDING SERVICES
52 PRIMARILY TO CHILDREN UNDER THE AGE OF TWENTY-ONE, BEGINNING APRIL
53 FIRST, TWO THOUSAND SEVENTEEN AND EACH YEAR THEREAFTER SUFFICIENT TO
54 ACHIEVE EIGHTEEN MILLION DOLLARS IN SAVINGS IN EACH STATE FISCAL YEAR.

55 § 5. Intentionally omitted.

56 § 6. Intentionally omitted.

1 § 7. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2017.

3 PART F

4 Intentionally Omitted

5 PART G

6 Section 1. Subdivision 1 of section 92 of part H of chapter 59 of the
7 laws of 2011, amending the public health law and other laws relating to
8 known and projected department of health state fund medicaid expendi-
9 tures, as separately amended by section 1 of part JJ of chapter 54 and
10 section 18 of part B of chapter 59 of the laws of 2016, is amended to
11 read as follows:

12 1. For state fiscal years 2011-12 through [2017-18] 2018-19, the
13 director of the budget, in consultation with the commissioner of health
14 referenced as "commissioner" for purposes of this section, shall assess
15 on a monthly basis, as reflected in monthly reports pursuant to subdivi-
16 sion five of this section known and projected department of health state
17 funds medicaid expenditures by category of service and by geographic
18 regions, as defined by the commissioner, and if the director of the
19 budget determines that such expenditures are expected to cause medicaid
20 disbursements for such period to exceed the projected department of
21 health medicaid state funds disbursements in the enacted budget finan-
22 cial plan pursuant to subdivision 3 of section 23 of the state finance
23 law, the commissioner of health, in consultation with the director of
24 the budget, shall develop a medicaid savings allocation plan to limit
25 such spending to the aggregate limit level specified in the enacted
26 budget financial plan, provided, however, such projections may be
27 adjusted by the director of the budget to account for any changes in the
28 New York state federal medical assistance percentage amount established
29 pursuant to the federal social security act, changes in provider reven-
30 ues, reductions to local social services district medical assistance
31 administration, minimum wage increases, and beginning April 1, 2012 the
32 operational costs of the New York state medical indemnity fund and state
33 costs or savings from the basic health plan. Such projections may be
34 adjusted by the director of the budget to account for increased or expe-
35 dited department of health state funds medicaid expenditures as a result
36 of a natural or other type of disaster, including a governmental decla-
37 ration of emergency.

38 § 2. Intentionally omitted.

39 § 3. Intentionally omitted.

40 § 4. This act shall take effect immediately and shall be deemed to
41 have been in full force and effect on and after April 1, 2017.

42 PART H

43 Section 1. Subdivision 5 of section 168 of chapter 639 of the laws of
44 1996, constituting the New York Health Care Reform Act of 1996, as
45 amended by section 1 of part B of chapter 60 of the laws of 2014, is
46 amended to read as follows:

47 5. sections 2807-c, 2807-j, 2807-s and 2807-t of the public health
48 law, as amended or as added by this act, shall expire on December 31,
49 [2017] 2020, and shall be thereafter effective only in respect to any
50 act done on or before such date or action or proceeding arising out of

1 such act including continued collections of funds from assessments and
2 allowances and surcharges established pursuant to sections 2807-c,
3 2807-j, 2807-s and 2807-t of the public health law, and administration
4 and distributions of funds from pools established pursuant to sections
5 2807-c, 2807-j, 2807-k, 2807-l, 2807-m, 2807-s and 2807-t of the public
6 health law related to patient services provided before December 31,
7 [2017] 2020, and continued expenditure of funds authorized for programs
8 and grants until the exhaustion of funds therefor;

9 § 2. Subdivision 1 of section 138 of chapter 1 of the laws of 1999,
10 constituting the New York Health Care Reform Act of 2000, as amended by
11 section 2 of part B of chapter 60 of the laws of 2014, is amended to
12 read as follows:

13 1. sections 2807-c, 2807-j, 2807-s, and 2807-t of the public health
14 law, as amended by this act, shall expire on December 31, [2017] 2020,
15 and shall be thereafter effective only in respect to any act done before
16 such date or action or proceeding arising out of such act including
17 continued collections of funds from assessments and allowances and
18 surcharges established pursuant to sections 2807-c, 2807-j, 2807-s and
19 2807-t of the public health law, and administration and distributions of
20 funds from pools established pursuant to sections 2807-c, 2807-j,
21 2807-k, 2807-l, 2807-m, 2807-s, 2807-t, 2807-v and 2807-w of the public
22 health law, as amended or added by this act, related to patient services
23 provided before December 31, [2017] 2020, and continued expenditure of
24 funds authorized for programs and grants until the exhaustion of funds
25 therefor;

26 § 3. Subparagraph (xv) of paragraph (a) of subdivision 6 of section
27 2807-s of the public health law, as amended by section 3 of part B of
28 chapter 60 of the laws of 2014, is amended to read as follows:

29 (xv) A gross annual statewide amount for the period January first, two
30 thousand fifteen through December thirty-first, two thousand [seventeen]
31 TWENTY, shall be one billion forty-five million dollars.

32 § 4. Subparagraph (xiii) of paragraph (a) of subdivision 7 of section
33 2807-s of the public health law, as amended by section 4 of part B of
34 chapter 60 of the laws of 2014, is amended to read as follows:

35 (xiii) twenty-three million eight hundred thirty-six thousand dollars
36 each state fiscal year for the period April first, two thousand twelve
37 through March thirty-first, two thousand [seventeen] TWENTY;

38 § 5. Subparagraphs (iv) and (v) of paragraph (a) of subdivision 9 of
39 section 2807-j of the public health law, as amended by section 5 of part
40 B of chapter 60 of the laws of 2014, are amended to read as follows:

41 (iv) seven hundred sixty-five million dollars annually of the funds
42 accumulated for the periods January first, two thousand through December
43 thirty-first, two thousand [sixteen] NINETEEN, and

44 (v) one hundred ninety-one million two hundred fifty thousand dollars
45 of the funds accumulated for the period January first, two thousand
46 [seventeen] TWENTY through March thirty-first, two thousand [seventeen]
47 TWENTY.

48 § 6. Subdivisions 5-a and 7 of section 2807-m of the public health
49 law, as amended by section 9 of part B of chapter 60 of the laws of
50 2014, subparagraphs (iv), (v) and (vi) of paragraph (d) of subdivision
51 5-a as added by section 4 of part W of chapter 57 of the laws of 2015,
52 are amended to read as follows:

53 5-a. Graduate medical education innovations pool. (a) Supplemental
54 distributions. (i) Thirty-one million dollars for the period January
55 first, two thousand eight through December thirty-first, two thousand
56 eight, shall be set aside and reserved by the commissioner from the

1 regional pools established pursuant to subdivision two of this section
2 and shall be available for distributions pursuant to subdivision five of
3 this section and in accordance with section 86-1.89 of title 10 of the
4 codes, rules and regulations of the state of New York as in effect on
5 January first, two thousand eight; provided, however, for purposes of
6 funding the empire clinical research investigation program (ECRIP) in
7 accordance with paragraph eight of subdivision (e) and paragraph two of
8 subdivision (f) of section 86-1.89 of title 10 of the codes, rules and
9 regulations of the state of New York, distributions shall be made using
10 two regions defined as New York city and the rest of the state and the
11 dollar amount set forth in subparagraph (i) of paragraph two of subdivi-
12 sion (f) of section 86-1.89 of title 10 of the codes, rules and regu-
13 lations of the state of New York shall be increased from sixty thousand
14 dollars to seventy-five thousand dollars.

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

21 (b) Empire clinical research investigator program (ECRIP). Nine
22 million one hundred twenty thousand dollars annually for the period
23 January first, two thousand nine through December thirty-first, two
24 thousand ten, and two million two hundred eighty thousand dollars for
25 the period January first, two thousand eleven, through March thirty-
26 first, two thousand eleven, nine million one hundred twenty thousand
27 dollars each state fiscal year for the period April first, two thousand
28 eleven through March thirty-first, two thousand fourteen, [and] up to
29 eight million six hundred twelve thousand dollars each state fiscal year
30 for the period April first, two thousand fourteen through March thirty-
31 first, two thousand seventeen, AND UP TO EIGHT MILLION SIX HUNDRED
32 TWELVE THOUSAND DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL
33 FIRST, TWO THOUSAND SEVENTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND
34 TWENTY, shall be set aside and reserved by the commissioner from the
35 regional pools established pursuant to subdivision two of this section
36 to be allocated regionally with two-thirds of the available funding
37 going to New York city and one-third of the available funding going to
38 the rest of the state and shall be available for distribution as
39 follows:

40 Distributions shall first be made to consortia and teaching general
41 hospitals for the empire clinical research investigator program (ECRIP)
42 to help secure federal funding for biomedical research, train clinical
43 researchers, recruit national leaders as faculty to act as mentors, and
44 train residents and fellows in biomedical research skills based on
45 hospital-specific data submitted to the commissioner by consortia and
46 teaching general hospitals in accordance with clause (G) of this subpar-
47 agraph. Such distributions shall be made in accordance with the follow-
48 ing methodology:

49 (A) The greatest number of clinical research positions for which a
50 consortium or teaching general hospital may be funded pursuant to this
51 subparagraph shall be one percent of the total number of residents
52 training at the consortium or teaching general hospital on July first,
53 two thousand eight for the period January first, two thousand nine
54 through December thirty-first, two thousand nine rounded up to the near-
55 est one position.

1 (B) Distributions made to a consortium or teaching general hospital
2 shall equal the product of the total number of clinical research posi-
3 tions submitted by a consortium or teaching general hospital and
4 accepted by the commissioner as meeting the criteria set forth in para-
5 graph (b) of subdivision one of this section, subject to the reduction
6 calculation set forth in clause (C) of this subparagraph, times one
7 hundred ten thousand dollars.

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

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

31 (I) Each consortium or teaching general hospital with a one-year ECRIP
32 award shall receive its annual distribution amount in full upon
33 completion of the requirements set forth in items (I) and (II) of clause
34 (G) of this subparagraph. The requirements set forth in items (IV) and
35 (V) of clause (G) of this subparagraph must be completed by the consor-
36 tium or teaching general hospital in order for the consortium or teach-
37 ing general hospital to be eligible to apply for ECRIP funding in any
38 subsequent funding cycle.

39 (II) Each consortium or teaching general hospital with a two-year
40 ECRIP award shall receive its first annual distribution amount in full
41 upon completion of the requirements set forth in items (I) and (II) of
42 clause (G) of this subparagraph. Each consortium or teaching general
43 hospital will receive its second annual distribution amount in full upon
44 completion of the requirements set forth in item (III) of clause (G) of
45 this subparagraph. The requirements set forth in items (IV) and (V) of
46 clause (G) of this subparagraph must be completed by the consortium or
47 teaching general hospital in order for the consortium or teaching gener-
48 al hospital to be eligible to apply for ECRIP funding in any subsequent
49 funding cycle.

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

1 (F) Undistributed or returned funds available to fund clinical
2 research positions pursuant to this paragraph for a distribution period
3 shall be available to fund clinical research positions in a subsequent
4 distribution period.

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

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

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

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

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

37 (V) Tracking information concerning past researchers, including but
38 not limited to (A) background information, (B) employment history, (C)
39 research status, (D) current research activities, (E) publications and
40 presentations, (F) research support, and (G) any other information
41 necessary to track the researcher; and

42 (VI) Any other data or information required by the commissioner to
43 implement this subparagraph.

44 (H) Notwithstanding any inconsistent provision of this subdivision,
45 for periods on and after April first, two thousand thirteen, ECRIP grant
46 awards shall be made in accordance with rules and regulations promulgat-
47 ed by the commissioner. Such regulations shall, at a minimum:

48 (1) provide that ECRIP grant awards shall be made with the objective
49 of securing federal funding for biomedical research, training clinical
50 researchers, recruiting national leaders as faculty to act as mentors,
51 and training residents and fellows in biomedical research skills;

52 (2) provide that ECRIP grant applicants may include interdisciplinary
53 research teams comprised of teaching general hospitals acting in collab-
54 oration with entities including but not limited to medical centers,
55 hospitals, universities and local health departments;

1 (3) provide that applications for ECRIP grant awards shall be based on
2 such information requested by the commissioner, which shall include but
3 not be limited to hospital-specific data;

4 (4) establish the qualifications for investigators and other staff
5 required for grant projects eligible for ECRIP grant awards; and

6 (5) establish a methodology for the distribution of funds under ECRIP
7 grant awards.

8 (c) Ambulatory care training. Four million nine hundred thousand
9 dollars for the period January first, two thousand eight through Decem-
10 ber thirty-first, two thousand eight, four million nine hundred thousand
11 dollars for the period January first, two thousand nine through December
12 thirty-first, two thousand nine, four million nine hundred thousand
13 dollars for the period January first, two thousand ten through December
14 thirty-first, two thousand ten, one million two hundred twenty-five
15 thousand dollars for the period January first, two thousand eleven
16 through March thirty-first, two thousand eleven, four million three
17 hundred thousand dollars each state fiscal year for the period April
18 first, two thousand eleven through March thirty-first, two thousand
19 fourteen, [and] up to four million sixty thousand dollars each state
20 fiscal year for the period April first, two thousand fourteen through
21 March thirty-first, two thousand seventeen, AND UP TO FOUR MILLION SIXTY
22 THOUSAND DOLLARS EACH FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOU-
23 SAND SEVENTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND TWENTY, shall be
24 set aside and reserved by the commissioner from the regional pools
25 established pursuant to subdivision two of this section and shall be
26 available for distributions to sponsoring institutions to be directed to
27 support clinical training of medical students and residents in free-
28 standing ambulatory care settings, including community health centers
29 and private practices. Such funding shall be allocated regionally with
30 two-thirds of the available funding going to New York city and one-third
31 of the available funding going to the rest of the state and shall be
32 distributed to sponsoring institutions in each region pursuant to a
33 request for application or request for proposal process with preference
34 being given to sponsoring institutions which provide training in sites
35 located in underserved rural or inner-city areas and those that include
36 medical students in such training.

37 (d) Physician loan repayment program. One million nine hundred sixty
38 thousand dollars for the period January first, two thousand eight
39 through December thirty-first, two thousand eight, one million nine
40 hundred sixty thousand dollars for the period January first, two thou-
41 sand nine through December thirty-first, two thousand nine, one million
42 nine hundred sixty thousand dollars for the period January first, two
43 thousand ten through December thirty-first, two thousand ten, four
44 hundred ninety thousand dollars for the period January first, two thou-
45 sand eleven through March thirty-first, two thousand eleven, one million
46 seven hundred thousand dollars each state fiscal year for the period
47 April first, two thousand eleven through March thirty-first, two thou-
48 sand fourteen, [and] up to one million seven hundred five thousand
49 dollars each state fiscal year for the period April first, two thousand
50 fourteen through March thirty-first, two thousand seventeen, AND UP TO
51 ONE MILLION SEVEN HUNDRED FIVE THOUSAND DOLLARS EACH STATE FISCAL YEAR
52 FOR THE PERIOD APRIL FIRST, TWO THOUSAND SEVENTEEN THROUGH MARCH THIR-
53 TY-FIRST, TWO THOUSAND TWENTY, shall be set aside and reserved by the
54 commissioner from the regional pools established pursuant to subdivision
55 two of this section and shall be available for purposes of physician
56 loan repayment in accordance with subdivision ten of this section.

1 Notwithstanding any contrary provision of this section, sections one
2 hundred twelve and one hundred sixty-three of the state finance law, or
3 any other contrary provision of law, such funding shall be allocated
4 regionally with one-third of available funds going to New York city and
5 two-thirds of available funds going to the rest of the state and shall
6 be distributed in a manner to be determined by the commissioner without
7 a competitive bid or request for proposal process as follows:

8 (i) Funding shall first be awarded to repay loans of up to twenty-five
9 physicians who train in primary care or specialty tracks in teaching
10 general hospitals, and who enter and remain in primary care or specialty
11 practices in underserved communities, as determined by the commissioner.

12 (ii) After distributions in accordance with subparagraph (i) of this
13 paragraph, all remaining funds shall be awarded to repay loans of physi-
14 cians who enter and remain in primary care or specialty practices in
15 underserved communities, as determined by the commissioner, including
16 but not limited to physicians working in general hospitals, or other
17 health care facilities.

18 (iii) In no case shall less than fifty percent of the funds available
19 pursuant to this paragraph be distributed in accordance with subpara-
20 graphs (i) and (ii) of this paragraph to physicians identified by gener-
21 al hospitals.

22 (iv) In addition to the funds allocated under this paragraph, for the
23 period April first, two thousand fifteen through March thirty-first, two
24 thousand sixteen, two million dollars shall be available for the
25 purposes described in subdivision ten of this section;

26 (v) In addition to the funds allocated under this paragraph, for the
27 period April first, two thousand sixteen through March thirty-first, two
28 thousand seventeen, two million dollars shall be available for the
29 purposes described in subdivision ten of this section;

30 (vi) Notwithstanding any provision of law to the contrary, and subject
31 to the extension of the Health Care Reform Act of 1996, sufficient funds
32 shall be available for the purposes described in subdivision ten of this
33 section in amounts necessary to fund the remaining year commitments for
34 awards made pursuant to subparagraphs (iv) and (v) of this paragraph.

35 (e) Physician practice support. Four million nine hundred thousand
36 dollars for the period January first, two thousand eight through Decem-
37 ber thirty-first, two thousand eight, four million nine hundred thousand
38 dollars annually for the period January first, two thousand nine through
39 December thirty-first, two thousand ten, one million two hundred twen-
40 ty-five thousand dollars for the period January first, two thousand
41 eleven through March thirty-first, two thousand eleven, four million
42 three hundred thousand dollars each state fiscal year for the period
43 April first, two thousand eleven through March thirty-first, two thou-
44 sand fourteen, [and] up to four million three hundred sixty thousand
45 dollars each state fiscal year for the period April first, two thousand
46 fourteen through March thirty-first, two thousand seventeen, AND UP TO
47 FOUR MILLION THREE HUNDRED SIXTY THOUSAND DOLLARS FOR EACH STATE FISCAL
48 YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND SEVENTEEN THROUGH MARCH
49 THIRTY-FIRST, TWO THOUSAND TWENTY, shall be set aside and reserved by
50 the commissioner from the regional pools established pursuant to subdi-
51 vision two of this section and shall be available for purposes of physi-
52 cian practice support. Notwithstanding any contrary provision of this
53 section, sections one hundred twelve and one hundred sixty-three of the
54 state finance law, or any other contrary provision of law, such funding
55 shall be allocated regionally with one-third of available funds going to
56 New York city and two-thirds of available funds going to the rest of the

1 state and shall be distributed in a manner to be determined by the
2 commissioner without a competitive bid or request for proposal process
3 as follows:

4 (i) Preference in funding shall first be accorded to teaching general
5 hospitals for up to twenty-five awards, to support costs incurred by
6 physicians trained in primary or specialty tracks who thereafter estab-
7 lish or join practices in underserved communities, as determined by the
8 commissioner.

9 (ii) After distributions in accordance with subparagraph (i) of this
10 paragraph, all remaining funds shall be awarded to physicians to support
11 the cost of establishing or joining practices in underserved communi-
12 ties, as determined by the commissioner, and to hospitals and other
13 health care providers to recruit new physicians to provide services in
14 underserved communities, as determined by the commissioner.

15 (iii) In no case shall less than fifty percent of the funds available
16 pursuant to this paragraph be distributed to general hospitals in
17 accordance with subparagraphs (i) and (ii) of this paragraph.

18 (e-1) Work group. For funding available pursuant to paragraphs (d) and
19 (e) of this subdivision:

20 (i) The department shall appoint a work group from recommendations
21 made by associations representing physicians, general hospitals and
22 other health care facilities to develop a streamlined application proc-
23 ess by June first, two thousand twelve.

24 (ii) Subject to available funding, applications shall be accepted on a
25 continuous basis. The department shall provide technical assistance to
26 applicants to facilitate their completion of applications. An applicant
27 shall be notified in writing by the department within ten days of
28 receipt of an application as to whether the application is complete and
29 if the application is incomplete, what information is outstanding. The
30 department shall act on an application within thirty days of receipt of
31 a complete application.

32 (f) Study on physician workforce. Five hundred ninety thousand dollars
33 annually for the period January first, two thousand eight through Decem-
34 ber thirty-first, two thousand ten, one hundred forty-eight thousand
35 dollars for the period January first, two thousand eleven through March
36 thirty-first, two thousand eleven, five hundred sixteen thousand dollars
37 each state fiscal year for the period April first, two thousand eleven
38 through March thirty-first, two thousand fourteen, [and] up to four
39 hundred eighty-seven thousand dollars each state fiscal year for the
40 period April first, two thousand fourteen through March thirty-first,
41 two thousand seventeen, AND UP TO FOUR HUNDRED EIGHTY-SEVEN THOUSAND
42 DOLLARS FOR EACH STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOU-
43 SAND SEVENTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND TWENTY, shall be
44 set aside and reserved by the commissioner from the regional pools
45 established pursuant to subdivision two of this section and shall be
46 available to fund a study of physician workforce needs and solutions
47 including, but not limited to, an analysis of residency programs and
48 projected physician workforce and community needs. The commissioner
49 shall enter into agreements with one or more organizations to conduct
50 such study based on a request for proposal process.

51 (g) Diversity in medicine/post-baccalaureate program. Notwithstanding
52 any inconsistent provision of section one hundred twelve or one hundred
53 sixty-three of the state finance law or any other law, one million nine
54 hundred sixty thousand dollars annually for the period January first,
55 two thousand eight through December thirty-first, two thousand ten, four
56 hundred ninety thousand dollars for the period January first, two thou-

1 sand eleven through March thirty-first, two thousand eleven, one million
2 seven hundred thousand dollars each state fiscal year for the period
3 April first, two thousand eleven through March thirty-first, two thou-
4 sand fourteen, [and] up to one million six hundred five thousand dollars
5 each state fiscal year for the period April first, two thousand fourteen
6 through March thirty-first, two thousand seventeen, AND UP TO ONE
7 MILLION SIX HUNDRED FIVE THOUSAND DOLLARS EACH STATE FISCAL YEAR FOR THE
8 PERIOD APRIL FIRST, TWO THOUSAND SEVENTEEN THROUGH MARCH THIRTY-FIRST,
9 TWO THOUSAND TWENTY, shall be set aside and reserved by the commissioner
10 from the regional pools established pursuant to subdivision two of this
11 section and shall be available for distributions to the Associated
12 Medical Schools of New York to fund its diversity program including
13 existing and new post-baccalaureate programs for minority and econom-
14 ically disadvantaged students and encourage participation from all
15 medical schools in New York. The associated medical schools of New York
16 shall report to the commissioner on an annual basis regarding the use of
17 funds for such purpose in such form and manner as specified by the
18 commissioner.

19 (h) In the event there are undistributed funds within amounts made
20 available for distributions pursuant to this subdivision, such funds may
21 be reallocated and distributed in current or subsequent distribution
22 periods in a manner determined by the commissioner for any purpose set
23 forth in this subdivision.

24 7. Notwithstanding any inconsistent provision of section one hundred
25 twelve or one hundred sixty-three of the state finance law or any other
26 law, up to one million dollars for the period January first, two thou-
27 sand through December thirty-first, two thousand, one million six
28 hundred thousand dollars annually for the periods January first, two
29 thousand one through December thirty-first, two thousand eight, one
30 million five hundred thousand dollars annually for the periods January
31 first, two thousand nine through December thirty-first, two thousand
32 ten, three hundred seventy-five thousand dollars for the period January
33 first, two thousand eleven through March thirty-first, two thousand
34 eleven, one million three hundred twenty thousand dollars each state
35 fiscal year for the period April first, two thousand eleven through
36 March thirty-first, two thousand fourteen, [and] up to two million
37 seventy-seven thousand dollars each state fiscal year for the period
38 April first, two thousand fourteen through March thirty-first, two thou-
39 sand seventeen, AND UP TO TWO MILLION SEVENTY-SEVEN THOUSAND DOLLARS FOR
40 EACH STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND SEVEN-
41 TEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND TWENTY, shall be set aside
42 and reserved by the commissioner from the regional pools established
43 pursuant to subdivision two of this section and shall be available for
44 distributions to the New York state area health education center program
45 for the purpose of expanding community-based training of medical
46 students. In addition, one million dollars annually for the period Janu-
47 ary first, two thousand eight through December thirty-first, two thou-
48 sand ten, two hundred fifty thousand dollars for the period January
49 first, two thousand eleven through March thirty-first, two thousand
50 eleven, and eight hundred eighty thousand dollars each state fiscal year
51 for the period April first, two thousand eleven through March thirty-
52 first, two thousand fourteen, shall be set aside and reserved by the
53 commissioner from the regional pools established pursuant to subdivision
54 two of this section and shall be available for distributions to the New
55 York state area health education center program for the purpose of post-
56 secondary training of health care professionals who will achieve specif-

1 ic program outcomes within the New York state area health education
2 center program. The New York state area health education center program
3 shall report to the commissioner on an annual basis regarding the use of
4 funds for each purpose in such form and manner as specified by the
5 commissioner.

6 § 7. Paragraph (a) of subdivision 12 of section 367-b of the social
7 services law, as amended by section 10 of part B of chapter 60 of the
8 laws of 2014, is amended to read as follows:

9 (a) For the purpose of regulating cash flow for general hospitals, the
10 department shall develop and implement a payment methodology to provide
11 for timely payments for inpatient hospital services eligible for case
12 based payments per discharge based on diagnosis-related groups provided
13 during the period January first, nineteen hundred eighty-eight through
14 March thirty-first two thousand [seventeen] TWENTY, by such hospitals
15 which elect to participate in the system.

16 § 8. Subdivision 6 of section 2807-t of the public health law, as
17 amended by section 15 of part B of chapter 60 of the laws of 2014, is
18 amended to read as follows:

19 6. Prospective adjustments. (a) The commissioner shall annually recon-
20 cile the sum of the actual payments made to the commissioner or the
21 commissioner's designee for each region pursuant to section twenty-eight
22 hundred seven-s of this article and pursuant to this section for the
23 prior year with the regional allocation of the gross annual statewide
24 amount specified in subdivision six of section twenty-eight hundred
25 seven-s of this article for such prior year. The difference between the
26 actual amount raised for a region and the regional allocation of the
27 specified gross annual amount for such prior year shall be applied as a
28 prospective adjustment to the regional allocation of the specified gross
29 annual payment amount for such region for the year next following the
30 calculation of the reconciliation. The authorized dollar value of the
31 adjustments shall be the same as if calculated retrospectively.

32 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
33 sion, for covered lives assessment rate periods on and after January
34 first, two thousand fifteen through December thirty-first, two thousand
35 [seventeen] TWENTY, for amounts collected in the aggregate in excess of
36 one billion forty-five million dollars on an annual basis, prospective
37 adjustments shall be suspended if the annual reconciliation calculation
38 from the prior year would otherwise result in a decrease to the regional
39 allocation of the specified gross annual payment amount for that region,
40 provided, however, that such suspension shall be lifted upon a determi-
41 nation by the commissioner, in consultation with the director of the
42 budget, that sixty-five million dollars in aggregate collections on an
43 annual basis over and above one billion forty-five million dollars on an
44 annual basis have been reserved and set aside for deposit in the HCRA
45 resources fund. Any amounts collected in the aggregate at or below one
46 billion forty-five million dollars on an annual basis, shall be subject
47 to regional adjustments reconciling any decreases or increases to the
48 regional allocation in accordance with paragraph (a) of this subdivi-
49 sion.

50 § 9. Section 2 of chapter 600 of the laws of 1986 amending the public
51 health law relating to the development of pilot reimbursement programs
52 for ambulatory care services, as amended by section 11 of part B of
53 chapter 60 of the laws of 2014, is amended to read as follows:

54 § 2. This act shall take effect immediately, except that this act
55 shall expire and be of no further force and effect on and after April 1,
56 [2017; provided, however, that the commissioner of health shall submit a

1 report to the governor and the legislature detailing the objective,
2 impact, design and computation of any pilot reimbursement program estab-
3 lished pursuant to this act, on or before March 31, 1994 and annually
4 thereafter. Such report shall include an assessment of the financial
5 impact of such payment system on providers, as well as the impact of
6 such system on access to care] 2020.

7 § 10. Paragraph (i) of subdivision (b) of section 1 of chapter 520 of
8 the laws of 1978 relating to providing for a comprehensive survey of
9 health care financing, education and illness prevention and creating
10 councils for the conduct thereof, as amended by section 12 of part B of
11 chapter 60 of the laws of 2014, is amended to read as follows:

12 (i) oversight and evaluation of the inpatient financing system in
13 place for 1988 through March 31, [2017] 2020, and the appropriateness
14 and effectiveness of the bad debt and charity care financing provisions;

15 § 11. Paragraph (l) of subdivision 9 of section 3614 of the public
16 health law, as added by section 13 of part B of chapter 60 of the laws
17 of 2014, is amended and three new paragraphs (m), (n) and (o) are added
18 to read as follows:

19 (l) for the period April first, two thousand sixteen through March
20 thirty-first, two thousand seventeen, up to one hundred million
21 dollars[.];

22 (M) FOR THE PERIOD APRIL FIRST, TWO THOUSAND SEVENTEEN THROUGH MARCH
23 THIRTY-FIRST, TWO THOUSAND EIGHTEEN, UP TO ONE HUNDRED MILLION DOLLARS;

24 (N) FOR THE PERIOD APRIL FIRST, TWO THOUSAND EIGHTEEN THROUGH MARCH
25 THIRTY-FIRST, TWO THOUSAND NINETEEN, UP TO ONE HUNDRED MILLION DOLLARS;

26 (O) FOR THE PERIOD APRIL FIRST, TWO THOUSAND NINETEEN THROUGH MARCH
27 THIRTY-FIRST, TWO THOUSAND TWENTY, UP TO ONE HUNDRED MILLION DOLLARS.

28 § 12. Paragraph (p) of subdivision 1 of section 367-q of the social
29 services law, as added by section 14 of part B of chapter 60 of the laws
30 of 2014, is amended and three new paragraphs (q), (r) and (s) are added
31 to read as follows:

32 (p) for the period April first, two thousand sixteen through March
33 thirty-first, two thousand seventeen, up to twenty-eight million five
34 hundred thousand dollars[.];

35 (Q) FOR THE PERIOD APRIL FIRST, TWO THOUSAND SEVENTEEN THROUGH MARCH
36 THIRTY-FIRST, TWO THOUSAND EIGHTEEN, UP TO TWENTY-EIGHT MILLION FIVE
37 HUNDRED THOUSAND DOLLARS;

38 (R) FOR THE PERIOD APRIL FIRST, TWO THOUSAND EIGHTEEN THROUGH MARCH
39 THIRTY-FIRST, TWO THOUSAND NINETEEN, TWENTY-EIGHT MILLION FIVE HUNDRED
40 THOUSAND DOLLARS;

41 (S) FOR THE PERIOD APRIL FIRST, TWO THOUSAND NINETEEN THROUGH MARCH
42 THIRTY-FIRST, TWO THOUSAND TWENTY, TWENTY-EIGHT MILLION FIVE HUNDRED
43 THOUSAND DOLLARS.

44 § 13. Subdivision 4-c of section 2807-p of the public health law, as
45 amended by section 16 of part B of chapter 60 of the laws of 2014, is
46 amended to read as follows:

47 4-c. Notwithstanding any provision of law to the contrary, the commis-
48 sioner shall make additional payments for uncompensated care to volun-
49 tary non-profit diagnostic and treatment centers that are eligible for
50 distributions under subdivision four of this section in the following
51 amounts: for the period June first, two thousand six through December
52 thirty-first, two thousand six, in the amount of seven million five
53 hundred thousand dollars, for the period January first, two thousand
54 seven through December thirty-first, two thousand seven, seven million
55 five hundred thousand dollars, for the period January first, two thou-
56 sand eight through December thirty-first, two thousand eight, seven

1 million five hundred thousand dollars, for the period January first, two
2 thousand nine through December thirty-first, two thousand nine, fifteen
3 million five hundred thousand dollars, for the period January first, two
4 thousand ten through December thirty-first, two thousand ten, seven
5 million five hundred thousand dollars, for the period January first, two
6 thousand eleven through December thirty-first, two thousand eleven, seven
7 million five hundred thousand dollars, for the period January first, two
8 thousand twelve through December thirty-first, two thousand twelve,
9 seven million five hundred thousand dollars, for the period January
10 first, two thousand thirteen through December thirty-first, two thousand
11 thirteen, seven million five hundred thousand dollars, for the period
12 January first, two thousand fourteen through December thirty-first, two
13 thousand fourteen, seven million five hundred thousand dollars, for the
14 period January first, two thousand fifteen through December thirty-
15 first, two thousand fifteen, seven million five hundred thousand
16 dollars, for the period January first two thousand sixteen through
17 December thirty-first, two thousand sixteen, seven million five hundred
18 thousand dollars, FOR THE PERIOD JANUARY FIRST, TWO THOUSAND SEVENTEEN
19 THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND SEVENTEEN, SEVEN MILLION
20 FIVE HUNDRED THOUSAND DOLLARS, FOR THE PERIOD JANUARY FIRST, TWO THOU-
21 SAND EIGHTEEN THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND EIGHTEEN,
22 SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS, FOR THE PERIOD JANUARY
23 FIRST, TWO THOUSAND NINETEEN THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND
24 NINETEEN, SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS, and for the peri-
25 od January first, two thousand [seventeen] TWENTY through March thirty-
26 first, two thousand [seventeen] TWENTY, in the amount of one million six
27 hundred thousand dollars, provided, however, that for periods on and
28 after January first, two thousand eight, such additional payments shall
29 be distributed to voluntary, non-profit diagnostic and treatment centers
30 and to public diagnostic and treatment centers in accordance with para-
31 graph (g) of subdivision four of this section. In the event that federal
32 financial participation is available for rate adjustments pursuant to
33 this section, the commissioner shall make such payments as additional
34 adjustments to rates of payment for voluntary non-profit diagnostic and
35 treatment centers that are eligible for distributions under subdivision
36 four-a of this section in the following amounts: for the period June
37 first, two thousand six through December thirty-first, two thousand six,
38 fifteen million dollars in the aggregate, and for the period January
39 first, two thousand seven through June thirtieth, two thousand seven,
40 seven million five hundred thousand dollars in the aggregate. The
41 amounts allocated pursuant to this paragraph shall be aggregated with
42 and distributed pursuant to the same methodology applicable to the
43 amounts allocated to such diagnostic and treatment centers for such
44 periods pursuant to subdivision four of this section if federal finan-
45 cial participation is not available, or pursuant to subdivision four-a
46 of this section if federal financial participation is available.
47 Notwithstanding section three hundred sixty-eight-a of the social
48 services law, there shall be no local share in a medical assistance
49 payment adjustment under this subdivision.

50 § 14. Section 34 of part A3 of chapter 62 of the laws of 2003 amending
51 the general business law and other laws relating to enacting major
52 components necessary to implement the state fiscal plan for the 2003-04
53 state fiscal year, as amended by section 6 of part B of chapter 60 of
54 the laws of 2014, is amended to read as follows:

55 § 34. (1) Notwithstanding any inconsistent provision of law, rule or
56 regulation and effective April 1, 2008 through March 31, [2017] 2020,

1 the commissioner of health is authorized to transfer and the state comp-
2 troller is authorized and directed to receive for deposit to the credit
3 of the department of health's special revenue fund - other, health care
4 reform act (HCRA) resources fund - 061, provider collection monitoring
5 account, within amounts appropriated each year, those funds collected
6 and accumulated pursuant to section 2807-v of the public health law,
7 including income from invested funds, for the purpose of payment for
8 administrative costs of the department of health related to adminis-
9 tration of statutory duties for the collections and distributions
10 authorized by section 2807-v of the public health law.

11 (2) Notwithstanding any inconsistent provision of law, rule or regu-
12 lation and effective April 1, 2008 through March 31, [2017] 2020, the
13 commissioner of health is authorized to transfer and the state comp-
14 troller is authorized and directed to receive for deposit to the credit
15 of the department of health's special revenue fund - other, health care
16 reform act (HCRA) resources fund - 061, provider collection monitoring
17 account, within amounts appropriated each year, those funds collected
18 and accumulated and interest earned through surcharges on payments for
19 health care services pursuant to section 2807-s of the public health law
20 and from assessments pursuant to section 2807-t of the public health law
21 for the purpose of payment for administrative costs of the department of
22 health related to administration of statutory duties for the collections
23 and distributions authorized by sections 2807-s, 2807-t, and 2807-m of
24 the public health law.

25 (3) Notwithstanding any inconsistent provision of law, rule or regu-
26 lation and effective April 1, 2008 through March 31, [2017] 2020, the
27 commissioner of health is authorized to transfer and the comptroller is
28 authorized to deposit, within amounts appropriated each year, those
29 funds authorized for distribution in accordance with the provisions of
30 paragraph (a) of subdivision 1 of section 2807-l of the public health
31 law for the purposes of payment for administrative costs of the depart-
32 ment of health related to the child health insurance plan program
33 authorized pursuant to title 1-A of article 25 of the public health law
34 into the special revenue funds - other, health care reform act (HCRA)
35 resources fund - 061, child health insurance account, established within
36 the department of health.

37 (4) Notwithstanding any inconsistent provision of law, rule or regu-
38 lation and effective April 1, 2008 through March 31, [2017] 2020, the
39 commissioner of health is authorized to transfer and the comptroller is
40 authorized to deposit, within amounts appropriated each year, those
41 funds authorized for distribution in accordance with the provisions of
42 paragraph (e) of subdivision 1 of section 2807-l of the public health
43 law for the purpose of payment for administrative costs of the depart-
44 ment of health related to the health occupation development and work-
45 place demonstration program established pursuant to section 2807-h and
46 the health workforce retraining program established pursuant to section
47 2807-g of the public health law into the special revenue funds - other,
48 health care reform act (HCRA) resources fund - 061, health occupation
49 development and workplace demonstration program account, established
50 within the department of health.

51 (5) Notwithstanding any inconsistent provision of law, rule or regu-
52 lation and effective April 1, 2008 through March 31, [2017] 2020, 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 allocated pursuant to paragraph (j) of subdivision 1 of section
56 2807-v of the public health law for the purpose of payment for adminis-

1 trative costs of the department of health related to administration of
2 the state's tobacco control programs and cancer services provided pursu-
3 ant to sections 2807-r and 1399-ii of the public health law into such
4 accounts established within the department of health for such purposes.

5 (6) Notwithstanding any inconsistent provision of law, rule or regu-
6 lation and effective April 1, 2008 through March 31, [2017] 2020, the
7 commissioner of health is authorized to transfer and the comptroller is
8 authorized to deposit, within amounts appropriated each year, the funds
9 authorized for distribution in accordance with the provisions of section
10 2807-1 of the public health law for the purposes of payment for adminis-
11 trative costs of the department of health related to the programs funded
12 pursuant to section 2807-1 of the public health law into the special
13 revenue funds - other, health care reform act (HCRA) resources fund -
14 061, pilot health insurance account, established within the department
15 of health.

16 (7) Notwithstanding any inconsistent provision of law, rule or regu-
17 lation and effective April 1, 2008 through March 31, [2017] 2020, the
18 commissioner of health is authorized to transfer and the comptroller is
19 authorized to deposit, within amounts appropriated each year, those
20 funds authorized for distribution in accordance with the provisions of
21 subparagraph (ii) of paragraph (f) of subdivision 19 of section 2807-c
22 of the public health law from monies accumulated and interest earned in
23 the bad debt and charity care and capital statewide pools through an
24 assessment charged to general hospitals pursuant to the provisions of
25 subdivision 18 of section 2807-c of the public health law and those
26 funds authorized for distribution in accordance with the provisions of
27 section 2807-1 of the public health law for the purposes of payment for
28 administrative costs of the department of health related to programs
29 funded under section 2807-1 of the public health law into the special
30 revenue funds - other, health care reform act (HCRA) resources fund -
31 061, primary care initiatives account, established within the department
32 of health.

33 (8) Notwithstanding any inconsistent provision of law, rule or regu-
34 lation and effective April 1, 2008 through March 31, [2017] 2020, the
35 commissioner of health is authorized to transfer and the comptroller is
36 authorized to deposit, within amounts appropriated each year, those
37 funds authorized for distribution in accordance with section 2807-1 of
38 the public health law for the purposes of payment for administrative
39 costs of the department of health related to programs funded under
40 section 2807-1 of the public health law into the special revenue funds -
41 other, health care reform act (HCRA) resources fund - 061, health care
42 delivery administration account, established within the department of
43 health.

44 (9) Notwithstanding any inconsistent provision of law, rule or regu-
45 lation and effective April 1, 2008 through March 31, [2017] 2020, the
46 commissioner of health is authorized to transfer and the comptroller is
47 authorized to deposit, within amounts appropriated each year, those
48 funds authorized pursuant to sections 2807-d, 3614-a and 3614-b of the
49 public health law and section 367-i of the social services law and for
50 distribution in accordance with the provisions of subdivision 9 of
51 section 2807-j of the public health law for the purpose of payment for
52 administration of statutory duties for the collections and distributions
53 authorized by sections 2807-c, 2807-d, 2807-j, 2807-k, 2807-l, 3614-a
54 and 3614-b of the public health law and section 367-i of the social
55 services law into the special revenue funds - other, health care reform

1 act (HCRA) resources fund - 061, provider collection monitoring account,
2 established within the department of health.

3 § 15. Paragraph (a) of subdivision 1 of section 18 of chapter 266 of
4 the laws of 1986, amending the civil practice law and rules and other
5 laws relating to malpractice and professional medical conduct, as
6 amended by section 2 of part C of chapter 59 of the laws of 2016, is
7 amended to read as follows:

8 (a) The superintendent of financial services and the commissioner of
9 health or their designee shall, from funds available in the hospital
10 excess liability pool created pursuant to subdivision 5 of this section,
11 purchase a policy or policies for excess insurance coverage, as author-
12 ized by paragraph 1 of subsection (e) of section 5502 of the insurance
13 law; or from an insurer, other than an insurer described in section 5502
14 of the insurance law, duly authorized to write such coverage and actual-
15 ly writing medical malpractice insurance in this state; or shall
16 purchase equivalent excess coverage in a form previously approved by the
17 superintendent of financial services for purposes of providing equiv-
18 alent excess coverage in accordance with section 19 of chapter 294 of
19 the laws of 1985, for medical or dental malpractice occurrences between
20 July 1, 1986 and June 30, 1987, between July 1, 1987 and June 30, 1988,
21 between July 1, 1988 and June 30, 1989, between July 1, 1989 and June
22 30, 1990, between July 1, 1990 and June 30, 1991, between July 1, 1991
23 and June 30, 1992, between July 1, 1992 and June 30, 1993, between July
24 1, 1993 and June 30, 1994, between July 1, 1994 and June 30, 1995,
25 between July 1, 1995 and June 30, 1996, between July 1, 1996 and June
26 30, 1997, between July 1, 1997 and June 30, 1998, between July 1, 1998
27 and June 30, 1999, between July 1, 1999 and June 30, 2000, between July
28 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002,
29 between July 1, 2002 and June 30, 2003, between July 1, 2003 and June
30 30, 2004, between July 1, 2004 and June 30, 2005, between July 1, 2005
31 and June 30, 2006, between July 1, 2006 and June 30, 2007, between July
32 1, 2007 and June 30, 2008, between July 1, 2008 and June 30, 2009,
33 between July 1, 2009 and June 30, 2010, between July 1, 2010 and June
34 30, 2011, between July 1, 2011 and June 30, 2012, between July 1, 2012
35 and June 30, 2013, between July 1, 2013 and June 30, 2014, between July
36 1, 2014 and June 30, 2015, between July 1, 2015 and June 30, 2016, [and]
37 between July 1, 2016 and June 30, 2017, AND BETWEEN JULY 1, 2017 AND
38 JUNE 30, 2018 or reimburse the hospital where the hospital purchases
39 equivalent excess coverage as defined in subparagraph (i) of paragraph
40 (a) of subdivision 1-a of this section for medical or dental malpractice
41 occurrences between July 1, 1987 and June 30, 1988, between July 1, 1988
42 and June 30, 1989, between July 1, 1989 and June 30, 1990, between July
43 1, 1990 and June 30, 1991, between July 1, 1991 and June 30, 1992,
44 between July 1, 1992 and June 30, 1993, between July 1, 1993 and June
45 30, 1994, between July 1, 1994 and June 30, 1995, between July 1, 1995
46 and June 30, 1996, between July 1, 1996 and June 30, 1997, between July
47 1, 1997 and June 30, 1998, between July 1, 1998 and June 30, 1999,
48 between July 1, 1999 and June 30, 2000, between July 1, 2000 and June
49 30, 2001, between July 1, 2001 and June 30, 2002, between July 1, 2002
50 and June 30, 2003, between July 1, 2003 and June 30, 2004, between July
51 1, 2004 and June 30, 2005, between July 1, 2005 and June 30, 2006,
52 between July 1, 2006 and June 30, 2007, between July 1, 2007 and June
53 30, 2008, between July 1, 2008 and June 30, 2009, between July 1, 2009
54 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July
55 1, 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013,
56 between July 1, 2013 and June 30, 2014, between July 1, 2014 and June

1 30, 2015, between July 1, 2015 and June 30, 2016, [and] between July 1,
2 2016 and June 30, 2017, AND BETWEEN JULY 1, 2017 AND JUNE 30, 2018 for
3 physicians or dentists certified as eligible for each such period or
4 periods pursuant to subdivision 2 of this section by a general hospital
5 licensed pursuant to article 28 of the public health law; provided that
6 no single insurer shall write more than fifty percent of the total
7 excess premium for a given policy year; and provided, however, that such
8 eligible physicians or dentists must have in force an individual policy,
9 from an insurer licensed in this state of primary malpractice insurance
10 coverage in amounts of no less than one million three hundred thousand
11 dollars for each claimant and three million nine hundred thousand
12 dollars for all claimants under that policy during the period of such
13 excess coverage for such occurrences or be endorsed as additional
14 insureds under a hospital professional liability policy which is offered
15 through a voluntary attending physician ("channeling") program previous-
16 ly permitted by the superintendent of financial services during the
17 period of such excess coverage for such occurrences. During such period,
18 such policy for excess coverage or such equivalent excess coverage
19 shall, when combined with the physician's or dentist's primary malprac-
20 tice insurance coverage or coverage provided through a voluntary attend-
21 ing physician ("channeling") program, total an aggregate level of two
22 million three hundred thousand dollars for each claimant and six million
23 nine hundred thousand dollars for all claimants from all such policies
24 with respect to occurrences in each of such years provided, however, if
25 the cost of primary malpractice insurance coverage in excess of one
26 million dollars, but below the excess medical malpractice insurance
27 coverage provided pursuant to this act, exceeds the rate of nine percent
28 per annum, then the required level of primary malpractice insurance
29 coverage in excess of one million dollars for each claimant shall be in
30 an amount of not less than the dollar amount of such coverage available
31 at nine percent per annum; the required level of such coverage for all
32 claimants under that policy shall be in an amount not less than three
33 times the dollar amount of coverage for each claimant; and excess cover-
34 age, when combined with such primary malpractice insurance coverage,
35 shall increase the aggregate level for each claimant by one million
36 dollars and three million dollars for all claimants; and provided
37 further, that, with respect to policies of primary medical malpractice
38 coverage that include occurrences between April 1, 2002 and June 30,
39 2002, such requirement that coverage be in amounts no less than one
40 million three hundred thousand dollars for each claimant and three
41 million nine hundred thousand dollars for all claimants for such occur-
42 rences shall be effective April 1, 2002.

43 § 16. Subdivision 3 of section 18 of chapter 266 of the laws of 1986,
44 amending the civil practice law and rules and other laws relating to
45 malpractice and professional medical conduct, as amended by section 3 of
46 part C of chapter 59 of the laws of 2016, is amended to read as follows:

47 (3)(a) The superintendent of financial services shall determine and
48 certify to each general hospital and to the commissioner of health the
49 cost of excess malpractice insurance for medical or dental malpractice
50 occurrences between July 1, 1986 and June 30, 1987, between July 1, 1988
51 and June 30, 1989, between July 1, 1989 and June 30, 1990, between July
52 1, 1990 and June 30, 1991, between July 1, 1991 and June 30, 1992,
53 between July 1, 1992 and June 30, 1993, between July 1, 1993 and June
54 30, 1994, between July 1, 1994 and June 30, 1995, between July 1, 1995
55 and June 30, 1996, between July 1, 1996 and June 30, 1997, between July
56 1, 1997 and June 30, 1998, between July 1, 1998 and June 30, 1999,

1 between July 1, 1999 and June 30, 2000, between July 1, 2000 and June
2 30, 2001, between July 1, 2001 and June 30, 2002, between July 1, 2002
3 and June 30, 2003, between July 1, 2003 and June 30, 2004, between July
4 1, 2004 and June 30, 2005, between July 1, 2005 and June 30, 2006,
5 between July 1, 2006 and June 30, 2007, between July 1, 2007 and June
6 30, 2008, between July 1, 2008 and June 30, 2009, between July 1, 2009
7 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July
8 1, 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013, and
9 between July 1, 2013 and June 30, 2014, between July 1, 2014 and June
10 30, 2015, between July 1, 2015 and June 30, 2016, and between July 1,
11 2016 and June 30, 2017, AND BETWEEN JULY 1, 2017 AND JUNE 30, 2018 allo-
12 cable to each general hospital for physicians or dentists certified as
13 eligible for purchase of a policy for excess insurance coverage by such
14 general hospital in accordance with subdivision 2 of this section, and
15 may amend such determination and certification as necessary.

16 (b) The superintendent of financial services shall determine and
17 certify to each general hospital and to the commissioner of health the
18 cost of excess malpractice insurance or equivalent excess coverage for
19 medical or dental malpractice occurrences between July 1, 1987 and June
20 30, 1988, between July 1, 1988 and June 30, 1989, between July 1, 1989
21 and June 30, 1990, between July 1, 1990 and June 30, 1991, between July
22 1, 1991 and June 30, 1992, between July 1, 1992 and June 30, 1993,
23 between July 1, 1993 and June 30, 1994, between July 1, 1994 and June
24 30, 1995, between July 1, 1995 and June 30, 1996, between July 1, 1996
25 and June 30, 1997, between July 1, 1997 and June 30, 1998, between July
26 1, 1998 and June 30, 1999, between July 1, 1999 and June 30, 2000,
27 between July 1, 2000 and June 30, 2001, between July 1, 2001 and June
28 30, 2002, between July 1, 2002 and June 30, 2003, between July 1, 2003
29 and June 30, 2004, between July 1, 2004 and June 30, 2005, between July
30 1, 2005 and June 30, 2006, between July 1, 2006 and June 30, 2007,
31 between July 1, 2007 and June 30, 2008, between July 1, 2008 and June
32 30, 2009, between July 1, 2009 and June 30, 2010, between July 1, 2010
33 and June 30, 2011, between July 1, 2011 and June 30, 2012, between July
34 1, 2012 and June 30, 2013, between July 1, 2013 and June 30, 2014,
35 between July 1, 2014 and June 30, 2015, between July 1, 2015 and June
36 30, 2016, and between July 1, 2016 and June 30, 2017, AND BETWEEN JULY
37 1, 2017 AND JUNE 30, 2018 allocable to each general hospital for physi-
38 cians or dentists certified as eligible for purchase of a policy for
39 excess insurance coverage or equivalent excess coverage by such general
40 hospital in accordance with subdivision 2 of this section, and may amend
41 such determination and certification as necessary. The superintendent of
42 financial services shall determine and certify to each general hospital
43 and to the commissioner of health the ratable share of such cost alloca-
44 ble to the period July 1, 1987 to December 31, 1987, to the period Janu-
45 ary 1, 1988 to June 30, 1988, to the period July 1, 1988 to December 31,
46 1988, to the period January 1, 1989 to June 30, 1989, to the period July
47 1, 1989 to December 31, 1989, to the period January 1, 1990 to June 30,
48 1990, to the period July 1, 1990 to December 31, 1990, to the period
49 January 1, 1991 to June 30, 1991, to the period July 1, 1991 to December
50 31, 1991, to the period January 1, 1992 to June 30, 1992, to the period
51 July 1, 1992 to December 31, 1992, to the period January 1, 1993 to June
52 30, 1993, to the period July 1, 1993 to December 31, 1993, to the period
53 January 1, 1994 to June 30, 1994, to the period July 1, 1994 to December
54 31, 1994, to the period January 1, 1995 to June 30, 1995, to the period
55 July 1, 1995 to December 31, 1995, to the period January 1, 1996 to June
56 30, 1996, to the period July 1, 1996 to December 31, 1996, to the period

1 January 1, 1997 to June 30, 1997, to the period July 1, 1997 to December
2 31, 1997, to the period January 1, 1998 to June 30, 1998, to the period
3 July 1, 1998 to December 31, 1998, to the period January 1, 1999 to June
4 30, 1999, to the period July 1, 1999 to December 31, 1999, to the period
5 January 1, 2000 to June 30, 2000, to the period July 1, 2000 to December
6 31, 2000, to the period January 1, 2001 to June 30, 2001, to the period
7 July 1, 2001 to June 30, 2002, to the period July 1, 2002 to June 30,
8 2003, to the period July 1, 2003 to June 30, 2004, to the period July 1,
9 2004 to June 30, 2005, to the period July 1, 2005 and June 30, 2006, to
10 the period July 1, 2006 and June 30, 2007, to the period July 1, 2007
11 and June 30, 2008, to the period July 1, 2008 and June 30, 2009, to the
12 period July 1, 2009 and June 30, 2010, to the period July 1, 2010 and
13 June 30, 2011, to the period July 1, 2011 and June 30, 2012, to the
14 period July 1, 2012 and June 30, 2013, to the period July 1, 2013 and
15 June 30, 2014, to the period July 1, 2014 and June 30, 2015, to the
16 period July 1, 2015 and June 30, 2016, and between July 1, 2016 and June
17 30, 2017, AND TO THE PERIOD JULY 1, 2017 AND JUNE 30, 2018.

18 § 17. Paragraphs (a), (b), (c), (d) and (e) of subdivision 8 of
19 section 18 of chapter 266 of the laws of 1986, amending the civil prac-
20 tice law and rules and other laws relating to malpractice and profes-
21 sional medical conduct, as amended by section 4 of part C of chapter 59
22 of the laws of 2016, are amended to read as follows:

23 (a) To the extent funds available to the hospital excess liability
24 pool pursuant to subdivision 5 of this section as amended, and pursuant
25 to section 6 of part J of chapter 63 of the laws of 2001, as may from
26 time to time be amended, which amended this subdivision, are insuffi-
27 cient to meet the costs of excess insurance coverage or equivalent
28 excess coverage for coverage periods during the period July 1, 1992 to
29 June 30, 1993, during the period July 1, 1993 to June 30, 1994, during
30 the period July 1, 1994 to June 30, 1995, during the period July 1, 1995
31 to June 30, 1996, during the period July 1, 1996 to June 30, 1997,
32 during the period July 1, 1997 to June 30, 1998, during the period July
33 1, 1998 to June 30, 1999, during the period July 1, 1999 to June 30,
34 2000, during the period July 1, 2000 to June 30, 2001, during the period
35 July 1, 2001 to October 29, 2001, during the period April 1, 2002 to
36 June 30, 2002, during the period July 1, 2002 to June 30, 2003, during
37 the period July 1, 2003 to June 30, 2004, during the period July 1, 2004
38 to June 30, 2005, during the period July 1, 2005 to June 30, 2006,
39 during the period July 1, 2006 to June 30, 2007, during the period July
40 1, 2007 to June 30, 2008, during the period July 1, 2008 to June 30,
41 2009, during the period July 1, 2009 to June 30, 2010, during the period
42 July 1, 2010 to June 30, 2011, during the period July 1, 2011 to June
43 30, 2012, during the period July 1, 2012 to June 30, 2013, during the
44 period July 1, 2013 to June 30, 2014, during the period July 1, 2014 to
45 June 30, 2015, during the period July 1, 2015 and June 30, 2016, [and
46 between] DURING THE PERIOD July 1, 2016 and June 30, 2017, AND DURING
47 THE PERIOD JULY 1, 2017 AND JUNE 30, 2018 allocated or reallocated in
48 accordance with paragraph (a) of subdivision 4-a of this section to
49 rates of payment applicable to state governmental agencies, each physi-
50 cian or dentist for whom a policy for excess insurance coverage or
51 equivalent excess coverage is purchased for such period shall be respon-
52 sible for payment to the provider of excess insurance coverage or equiv-
53 alent excess coverage of an allocable share of such insufficiency, based
54 on the ratio of the total cost of such coverage for such physician to
55 the sum of the total cost of such coverage for all physicians applied to
56 such insufficiency.

1 (b) Each provider of excess insurance coverage or equivalent excess
2 coverage covering the period July 1, 1992 to June 30, 1993, or covering
3 the period July 1, 1993 to June 30, 1994, or covering the period July 1,
4 1994 to June 30, 1995, or covering the period July 1, 1995 to June 30,
5 1996, or covering the period July 1, 1996 to June 30, 1997, or covering
6 the period July 1, 1997 to June 30, 1998, or covering the period July 1,
7 1998 to June 30, 1999, or covering the period July 1, 1999 to June 30,
8 2000, or covering the period July 1, 2000 to June 30, 2001, or covering
9 the period July 1, 2001 to October 29, 2001, or covering the period
10 April 1, 2002 to June 30, 2002, or covering the period July 1, 2002 to
11 June 30, 2003, or covering the period July 1, 2003 to June 30, 2004, or
12 covering the period July 1, 2004 to June 30, 2005, or covering the peri-
13 od July 1, 2005 to June 30, 2006, or covering the period July 1, 2006 to
14 June 30, 2007, or covering the period July 1, 2007 to June 30, 2008, or
15 covering the period July 1, 2008 to June 30, 2009, or covering the peri-
16 od July 1, 2009 to June 30, 2010, or covering the period July 1, 2010 to
17 June 30, 2011, or covering the period July 1, 2011 to June 30, 2012, or
18 covering the period July 1, 2012 to June 30, 2013, or covering the peri-
19 od July 1, 2013 to June 30, 2014, or covering the period July 1, 2014 to
20 June 30, 2015, or covering the period July 1, 2015 to June 30, 2016, or
21 covering the period July 1, 2016 to June 30, 2017, OR COVERING THE PERI-
22 OD JULY 1, 2017 TO JUNE 30, 2018 shall notify a covered physician or
23 dentist by mail, mailed to the address shown on the last application for
24 excess insurance coverage or equivalent excess coverage, of the amount
25 due to such provider from such physician or dentist for such coverage
26 period determined in accordance with paragraph (a) of this subdivision.
27 Such amount shall be due from such physician or dentist to such provider
28 of excess insurance coverage or equivalent excess coverage in a time and
29 manner determined by the superintendent of financial services.

30 (c) If a physician or dentist liable for payment of a portion of the
31 costs of excess insurance coverage or equivalent excess coverage cover-
32 ing the period July 1, 1992 to June 30, 1993, or covering the period
33 July 1, 1993 to June 30, 1994, or covering the period July 1, 1994 to
34 June 30, 1995, or covering the period July 1, 1995 to June 30, 1996, or
35 covering the period July 1, 1996 to June 30, 1997, or covering the peri-
36 od July 1, 1997 to June 30, 1998, or covering the period July 1, 1998 to
37 June 30, 1999, or covering the period July 1, 1999 to June 30, 2000, or
38 covering the period July 1, 2000 to June 30, 2001, or covering the peri-
39 od July 1, 2001 to October 29, 2001, or covering the period April 1,
40 2002 to June 30, 2002, or covering the period July 1, 2002 to June 30,
41 2003, or covering the period July 1, 2003 to June 30, 2004, or covering
42 the period July 1, 2004 to June 30, 2005, or covering the period July 1,
43 2005 to June 30, 2006, or covering the period July 1, 2006 to June 30,
44 2007, or covering the period July 1, 2007 to June 30, 2008, or covering
45 the period July 1, 2008 to June 30, 2009, or covering the period July 1,
46 2009 to June 30, 2010, or covering the period July 1, 2010 to June 30,
47 2011, or covering the period July 1, 2011 to June 30, 2012, or covering
48 the period July 1, 2012 to June 30, 2013, or covering the period July 1,
49 2013 to June 30, 2014, or covering the period July 1, 2014 to June 30,
50 2015, or covering the period July 1, 2015 to June 30, 2016, or covering
51 the period July 1, 2016 to June 30, 2017, OR COVERING THE PERIOD JULY 1,
52 2017 TO JUNE 30, 2018 determined in accordance with paragraph (a) of
53 this subdivision fails, refuses or neglects to make payment to the
54 provider of excess insurance coverage or equivalent excess coverage in
55 such time and manner as determined by the superintendent of financial
56 services pursuant to paragraph (b) of this subdivision, excess insurance

1 coverage or equivalent excess coverage purchased for such physician or
2 dentist in accordance with this section for such coverage period shall
3 be cancelled and shall be null and void as of the first day on or after
4 the commencement of a policy period where the liability for payment
5 pursuant to this subdivision has not been met.

6 (d) Each provider of excess insurance coverage or equivalent excess
7 coverage shall notify the superintendent of financial services and the
8 commissioner of health or their designee of each physician and dentist
9 eligible for purchase of a policy for excess insurance coverage or
10 equivalent excess coverage covering the period July 1, 1992 to June 30,
11 1993, or covering the period July 1, 1993 to June 30, 1994, or covering
12 the period July 1, 1994 to June 30, 1995, or covering the period July 1,
13 1995 to June 30, 1996, or covering the period July 1, 1996 to June 30,
14 1997, or covering the period July 1, 1997 to June 30, 1998, or covering
15 the period July 1, 1998 to June 30, 1999, or covering the period July 1,
16 1999 to June 30, 2000, or covering the period July 1, 2000 to June 30,
17 2001, or covering the period July 1, 2001 to October 29, 2001, or cover-
18 ing the period April 1, 2002 to June 30, 2002, or covering the period
19 July 1, 2002 to June 30, 2003, or covering the period July 1, 2003 to
20 June 30, 2004, or covering the period July 1, 2004 to June 30, 2005, or
21 covering the period July 1, 2005 to June 30, 2006, or covering the peri-
22 od July 1, 2006 to June 30, 2007, or covering the period July 1, 2007 to
23 June 30, 2008, or covering the period July 1, 2008 to June 30, 2009, or
24 covering the period July 1, 2009 to June 30, 2010, or covering the peri-
25 od July 1, 2010 to June 30, 2011, or covering the period July 1, 2011 to
26 June 30, 2012, or covering the period July 1, 2012 to June 30, 2013, or
27 covering the period July 1, 2013 to June 30, 2014, or covering the peri-
28 od July 1, 2014 to June 30, 2015, or covering the period July 1, 2015 to
29 June 30, 2016, or covering the period July 1, 2016 to June 30, 2017, OR
30 COVERING THE PERIOD JULY 1, 2017 TO JUNE 30, 2018 that has made payment
31 to such provider of excess insurance coverage or equivalent excess
32 coverage in accordance with paragraph (b) of this subdivision and of
33 each physician and dentist who has failed, refused or neglected to make
34 such payment.

35 (e) A provider of excess insurance coverage or equivalent excess
36 coverage shall refund to the hospital excess liability pool any amount
37 allocable to the period July 1, 1992 to June 30, 1993, and to the period
38 July 1, 1993 to June 30, 1994, and to the period July 1, 1994 to June
39 30, 1995, and to the period July 1, 1995 to June 30, 1996, and to the
40 period July 1, 1996 to June 30, 1997, and to the period July 1, 1997 to
41 June 30, 1998, and to the period July 1, 1998 to June 30, 1999, and to
42 the period July 1, 1999 to June 30, 2000, and to the period July 1, 2000
43 to June 30, 2001, and to the period July 1, 2001 to October 29, 2001,
44 and to the period April 1, 2002 to June 30, 2002, and to the period July
45 1, 2002 to June 30, 2003, and to the period July 1, 2003 to June 30,
46 2004, and to the period July 1, 2004 to June 30, 2005, and to the period
47 July 1, 2005 to June 30, 2006, and to the period July 1, 2006 to June
48 30, 2007, and to the period July 1, 2007 to June 30, 2008, and to the
49 period July 1, 2008 to June 30, 2009, and to the period July 1, 2009 to
50 June 30, 2010, and to the period July 1, 2010 to June 30, 2011, and to
51 the period July 1, 2011 to June 30, 2012, and to the period July 1, 2012
52 to June 30, 2013, and to the period July 1, 2013 to June 30, 2014, and
53 to the period July 1, 2014 to June 30, 2015, and to the period July 1,
54 2015 to June 30, 2016, [and] to the period July 1, 2016 to June 30,
55 2017, AND TO THE PERIOD JULY 1, 2017 TO JUNE 30, 2018 received from the
56 hospital excess liability pool for purchase of excess insurance coverage

1 or equivalent excess coverage covering the period July 1, 1992 to June
2 30, 1993, and covering the period July 1, 1993 to June 30, 1994, and
3 covering the period July 1, 1994 to June 30, 1995, and covering the
4 period July 1, 1995 to June 30, 1996, and covering the period July 1,
5 1996 to June 30, 1997, and covering the period July 1, 1997 to June 30,
6 1998, and covering the period July 1, 1998 to June 30, 1999, and cover-
7 ing the period July 1, 1999 to June 30, 2000, and covering the period
8 July 1, 2000 to June 30, 2001, and covering the period July 1, 2001 to
9 October 29, 2001, and covering the period April 1, 2002 to June 30,
10 2002, and covering the period July 1, 2002 to June 30, 2003, and cover-
11 ing the period July 1, 2003 to June 30, 2004, and covering the period
12 July 1, 2004 to June 30, 2005, and covering the period July 1, 2005 to
13 June 30, 2006, and covering the period July 1, 2006 to June 30, 2007,
14 and covering the period July 1, 2007 to June 30, 2008, and covering the
15 period July 1, 2008 to June 30, 2009, and covering the period July 1,
16 2009 to June 30, 2010, and covering the period July 1, 2010 to June 30,
17 2011, and covering the period July 1, 2011 to June 30, 2012, and cover-
18 ing the period July 1, 2012 to June 30, 2013, and covering the period
19 July 1, 2013 to June 30, 2014, and covering the period July 1, 2014 to
20 June 30, 2015, and covering the period July 1, 2015 to June 30, 2016,
21 and covering the period July 1, 2016 to June 30, 2017, AND COVERING THE
22 PERIOD JULY 1, 2017 TO JUNE 30, 2018 for a physician or dentist where
23 such excess insurance coverage or equivalent excess coverage is
24 cancelled in accordance with paragraph (c) of this subdivision.

25 § 18. Section 40 of chapter 266 of the laws of 1986, amending the
26 civil practice law and rules and other laws relating to malpractice and
27 professional medical conduct, as amended by section 5 of part C of chap-
28 ter 59 of the laws of 2016, is amended to read as follows:

29 § 40. The superintendent of financial services shall establish rates
30 for policies providing coverage for physicians and surgeons medical
31 malpractice for the periods commencing July 1, 1985 and ending June 30,
32 [2017] 2018; provided, however, that notwithstanding any other provision
33 of law, the superintendent shall not establish or approve any increase
34 in rates for the period commencing July 1, 2009 and ending June 30,
35 2010. The superintendent shall direct insurers to establish segregated
36 accounts for premiums, payments, reserves and investment income attrib-
37 utable to such premium periods and shall require periodic reports by the
38 insurers regarding claims and expenses attributable to such periods to
39 monitor whether such accounts will be sufficient to meet incurred claims
40 and expenses. On or after July 1, 1989, the superintendent shall impose
41 a surcharge on premiums to satisfy a projected deficiency that is
42 attributable to the premium levels established pursuant to this section
43 for such periods; provided, however, that such annual surcharge shall
44 not exceed eight percent of the established rate until July 1, [2017]
45 2018, at which time and thereafter such surcharge shall not exceed twen-
46 ty-five percent of the approved adequate rate, and that such annual
47 surcharges shall continue for such period of time as shall be sufficient
48 to satisfy such deficiency. The superintendent shall not impose such
49 surcharge during the period commencing July 1, 2009 and ending June 30,
50 2010. On and after July 1, 1989, the surcharge prescribed by this
51 section shall be retained by insurers to the extent that they insured
52 physicians and surgeons during the July 1, 1985 through June 30, [2017]
53 2018 policy periods; in the event and to the extent physicians and
54 surgeons were insured by another insurer during such periods, all or a
55 pro rata share of the surcharge, as the case may be, shall be remitted
56 to such other insurer in accordance with rules and regulations to be

1 promulgated by the superintendent. Surcharges collected from physicians
2 and surgeons who were not insured during such policy periods shall be
3 apportioned among all insurers in proportion to the premium written by
4 each insurer during such policy periods; if a physician or surgeon was
5 insured by an insurer subject to rates established by the superintendent
6 during such policy periods, and at any time thereafter a hospital,
7 health maintenance organization, employer or institution is responsible
8 for responding in damages for liability arising out of such physician's
9 or surgeon's practice of medicine, such responsible entity shall also
10 remit to such prior insurer the equivalent amount that would then be
11 collected as a surcharge if the physician or surgeon had continued to
12 remain insured by such prior insurer. In the event any insurer that
13 provided coverage during such policy periods is in liquidation, the
14 property/casualty insurance security fund shall receive the portion of
15 surcharges to which the insurer in liquidation would have been entitled.
16 The surcharges authorized herein shall be deemed to be income earned for
17 the purposes of section 2303 of the insurance law. The superintendent,
18 in establishing adequate rates and in determining any projected defi-
19 ciency pursuant to the requirements of this section and the insurance
20 law, shall give substantial weight, determined in his discretion and
21 judgment, to the prospective anticipated effect of any regulations
22 promulgated and laws enacted and the public benefit of stabilizing
23 malpractice rates and minimizing rate level fluctuation during the peri-
24 od of time necessary for the development of more reliable statistical
25 experience as to the efficacy of such laws and regulations affecting
26 medical, dental or podiatric malpractice enacted or promulgated in 1985,
27 1986, by this act and at any other time. Notwithstanding any provision
28 of the insurance law, rates already established and to be established by
29 the superintendent pursuant to this section are deemed adequate if such
30 rates would be adequate when taken together with the maximum authorized
31 annual surcharges to be imposed for a reasonable period of time whether
32 or not any such annual surcharge has been actually imposed as of the
33 establishment of such rates.

34 § 19. Section 5 and subdivisions (a) and (e) of section 6 of part J of
35 chapter 63 of the laws of 2001, amending chapter 266 of the laws of
36 1986, amending the civil practice law and rules and other laws relating
37 to malpractice and professional medical conduct, as amended by section 6
38 of part C of chapter 59 of the laws of 2016, are amended to read as
39 follows:

40 § 5. The superintendent of financial services and the commissioner of
41 health shall determine, no later than June 15, 2002, June 15, 2003, June
42 15, 2004, June 15, 2005, June 15, 2006, June 15, 2007, June 15, 2008,
43 June 15, 2009, June 15, 2010, June 15, 2011, June 15, 2012, June 15,
44 2013, June 15, 2014, June 15, 2015, June 15, 2016, [and] June 15, 2017,
45 AND JUNE 15, 2018 the amount of funds available in the hospital excess
46 liability pool, created pursuant to section 18 of chapter 266 of the
47 laws of 1986, and whether such funds are sufficient for purposes of
48 purchasing excess insurance coverage for eligible participating physi-
49 cians and dentists during the period July 1, 2001 to June 30, 2002, or
50 July 1, 2002 to June 30, 2003, or July 1, 2003 to June 30, 2004, or July
51 1, 2004 to June 30, 2005, or July 1, 2005 to June 30, 2006, or July 1,
52 2006 to June 30, 2007, or July 1, 2007 to June 30, 2008, or July 1, 2008
53 to June 30, 2009, or July 1, 2009 to June 30, 2010, or July 1, 2010 to
54 June 30, 2011, or July 1, 2011 to June 30, 2012, or July 1, 2012 to June
55 30, 2013, or July 1, 2013 to June 30, 2014, or July 1, 2014 to June 30,

1 2015, or July 1, 2015 to June 30, 2016, or July 1, 2016 to June 30,
2 2017, OR TO JULY 1, 2017 TO JUNE 30, 2018 as applicable.

3 (a) This section shall be effective only upon a determination, pursu-
4 ant to section five of this act, by the superintendent of financial
5 services and the commissioner of health, and a certification of such
6 determination to the state director of the budget, the chair of the
7 senate committee on finance and the chair of the assembly committee on
8 ways and means, that the amount of funds in the hospital excess liabil-
9 ity pool, created pursuant to section 18 of chapter 266 of the laws of
10 1986, is insufficient for purposes of purchasing excess insurance cover-
11 age for eligible participating physicians and dentists during the period
12 July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30, 2003, or July
13 1, 2003 to June 30, 2004, or July 1, 2004 to June 30, 2005, or July 1,
14 2005 to June 30, 2006, or July 1, 2006 to June 30, 2007, or July 1, 2007
15 to June 30, 2008, or July 1, 2008 to June 30, 2009, or July 1, 2009 to
16 June 30, 2010, or July 1, 2010 to June 30, 2011, or July 1, 2011 to June
17 30, 2012, or July 1, 2012 to June 30, 2013, or July 1, 2013 to June 30,
18 2014, or July 1, 2014 to June 30, 2015, or July 1, 2015 to June 30,
19 2016, or July 1, 2016 to June 30, 2017, OR JULY 1, 2017 TO JUNE 30, 2018
20 as applicable.

21 (e) The commissioner of health shall transfer for deposit to the
22 hospital excess liability pool created pursuant to section 18 of chapter
23 266 of the laws of 1986 such amounts as directed by the superintendent
24 of financial services for the purchase of excess liability insurance
25 coverage for eligible participating physicians and dentists for the
26 policy year July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30,
27 2003, or July 1, 2003 to June 30, 2004, or July 1, 2004 to June 30,
28 2005, or July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30,
29 2007, as applicable, and the cost of administering the hospital excess
30 liability pool for such applicable policy year, pursuant to the program
31 established in chapter 266 of the laws of 1986, as amended, no later
32 than June 15, 2002, June 15, 2003, June 15, 2004, June 15, 2005, June
33 15, 2006, June 15, 2007, June 15, 2008, June 15, 2009, June 15, 2010,
34 June 15, 2011, June 15, 2012, June 15, 2013, June 15, 2014, June 15,
35 2015, June 15, 2016, [and] June 15, 2017, AND JUNE 15, 2018 as applica-
36 ble.

37 § 20. Notwithstanding any law, rule or regulation to the contrary,
38 only physicians or dentists who were eligible, and for whom the super-
39 intendent of financial services and the commissioner of health, or their
40 designee, purchased, with funds available in the hospital excess liabil-
41 ity pool, a full or partial policy for excess coverage or equivalent
42 excess coverage for the coverage period ending the thirtieth of June,
43 two thousand seventeen, shall be eligible to apply for such coverage for
44 the coverage period beginning the first of July, two thousand seventeen;
45 provided, however, if the total number of physicians or dentists for
46 whom such excess coverage or equivalent excess coverage was purchased
47 for the policy year ending the thirtieth of June, two thousand seventeen
48 exceeds the total number of physicians or dentists certified as eligible
49 for the coverage period beginning the first of July, two thousand seven-
50 teen, then the general hospitals may certify additional eligible physi-
51 cians or dentists in a number equal to such general hospital's propor-
52 tional share of the total number of physicians or dentists for whom
53 excess coverage or equivalent excess coverage was purchased with funds
54 available in the hospital excess liability pool as of the thirtieth of
55 June, two thousand seventeen, as applied to the difference between the
56 number of eligible physicians or dentists for whom a policy for excess

1 coverage or equivalent excess coverage was purchased for the coverage
2 period ending the thirtieth of June, two thousand seventeen and the
3 number of such eligible physicians or dentists who have applied for
4 excess coverage or equivalent excess coverage for the coverage period
5 beginning the first of July, two thousand seventeen.

6 § 21. Section 2807-1 of the public health law, as amended by section 7
7 of part B of chapter 60 of the laws of 2014, is amended to read as
8 follows:

9 § 2807-1. Health care initiatives pool distributions. 1. Funds accumu-
10 lated in the health care initiatives pools pursuant to paragraph (b) of
11 subdivision nine of section twenty-eight hundred seven-j of this arti-
12 cle, or the health care reform act (HCRA) resources fund established
13 pursuant to section ninety-two-dd of the state finance law, whichever is
14 applicable, including income from invested funds, shall be distributed
15 or retained by the commissioner or by the state comptroller, as applica-
16 ble, in accordance with the following.

17 (a) Funds shall be reserved and accumulated from year to year and
18 shall be available, including income from invested funds, for purposes
19 of distributions to programs to provide health care coverage for unin-
20 sured or underinsured children pursuant to sections twenty-five hundred
21 ten and twenty-five hundred eleven of this chapter from the respective
22 health care initiatives pools established for the following periods in
23 the following amounts:

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

27 (ii) from the pool for the period January first, nineteen hundred
28 ninety-eight through December thirty-first, nineteen hundred ninety-
29 eight, up to one hundred sixty-four million five hundred thousand
30 dollars;

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

34 (iv) from the pool for the period January first, two thousand through
35 December thirty-first, two thousand, two hundred seven million dollars;

36 (v) from the pool for the period January first, two thousand one
37 through December thirty-first, two thousand one, two hundred thirty-five
38 million dollars;

39 (vi) from the pool for the period January first, two thousand two
40 through December thirty-first, two thousand two, three hundred twenty-
41 four million dollars;

42 (vii) from the pool for the period January first, two thousand three
43 through December thirty-first, two thousand three, up to four hundred
44 fifty million three hundred thousand dollars;

45 (viii) from the pool for the period January first, two thousand four
46 through December thirty-first, two thousand four, up to four hundred
47 sixty million nine hundred thousand dollars;

48 (ix) from the pool or the health care reform act (HCRA) resources
49 fund, whichever is applicable, for the period January first, two thou-
50 sand five through December thirty-first, two thousand five, up to one
51 hundred fifty-three million eight hundred thousand dollars;

52 (x) from the health care reform act (HCRA) resources fund for the
53 period January first, two thousand six through December thirty-first,
54 two thousand six, up to three hundred twenty-five million four hundred
55 thousand dollars;

1 (xi) from the health care reform act (HCRA) resources fund for the
2 period January first, two thousand seven through December thirty-first,
3 two thousand seven, up to four hundred twenty-eight million fifty-nine
4 thousand dollars;

5 (xii) from the health care reform act (HCRA) resources fund for the
6 period January first, two thousand eight through December thirty-first,
7 two thousand ten, up to four hundred fifty-three million six hundred
8 seventy-four thousand dollars annually;

9 (xiii) from the health care reform act (HCRA) resources fund for the
10 period January first, two thousand eleven, through March thirty-first,
11 two thousand eleven, up to one hundred thirteen million four hundred
12 eighteen thousand dollars;

13 (xiv) from the health care reform act (HCRA) resources fund for the
14 period April first, two thousand eleven, through March thirty-first, two
15 thousand twelve, up to three hundred twenty-four million seven hundred
16 forty-four thousand dollars;

17 (xv) from the health care reform act (HCRA) resources fund for the
18 period April first, two thousand twelve, through March thirty-first, two
19 thousand thirteen, up to three hundred forty-six million four hundred
20 forty-four thousand dollars;

21 (xvi) from the health care reform act (HCRA) resources fund for the
22 period April first, two thousand thirteen, through March thirty-first,
23 two thousand fourteen, up to three hundred seventy million six hundred
24 ninety-five thousand dollars; and

25 (xvii) from the health care reform act (HCRA) resources fund for each
26 state fiscal year for periods on and after April first, two thousand
27 fourteen, within amounts appropriated.

28 (b) Funds shall be reserved and accumulated from year to year and
29 shall be available, including income from invested funds, for purposes
30 of distributions for health insurance programs under the individual
31 subsidy programs established pursuant to the expanded health care cover-
32 age act of nineteen hundred eighty-eight as amended, and for evaluation
33 of such programs from the respective health care initiatives pools or
34 the health care reform act (HCRA) resources fund, whichever is applica-
35 ble, established for the following periods in the following amounts:

36 (i) (A) an amount not to exceed six million dollars on an annualized
37 basis for the periods January first, nineteen hundred ninety-seven
38 through December thirty-first, nineteen hundred ninety-nine; up to six
39 million dollars for the period January first, two thousand through
40 December thirty-first, two thousand; up to five million dollars for the
41 period January first, two thousand one through December thirty-first,
42 two thousand one; up to four million dollars for the period January
43 first, two thousand two through December thirty-first, two thousand two;
44 up to two million six hundred thousand dollars for the period January
45 first, two thousand three through December thirty-first, two thousand
46 three; up to one million three hundred thousand dollars for the period
47 January first, two thousand four through December thirty-first, two
48 thousand four; up to six hundred seventy thousand dollars for the period
49 January first, two thousand five through June thirtieth, two thousand
50 five; up to one million three hundred thousand dollars for the period
51 April first, two thousand six through March thirty-first, two thousand
52 seven; and up to one million three hundred thousand dollars annually for
53 the period April first, two thousand seven through March thirty-first,
54 two thousand nine, shall be allocated to individual subsidy programs;
55 and

1 (B) an amount not to exceed seven million dollars on an annualized
2 basis for the periods during the period January first, nineteen hundred
3 ninety-seven through December thirty-first, nineteen hundred ninety-nine
4 and four million dollars annually for the periods January first, two
5 thousand through December thirty-first, two thousand two, and three
6 million dollars for the period January first, two thousand three through
7 December thirty-first, two thousand three, and two million dollars for
8 the period January first, two thousand four through December thirty-
9 first, two thousand four, and two million dollars for the period January
10 first, two thousand five through June thirtieth, two thousand five shall
11 be allocated to the catastrophic health care expense program.

12 (ii) Notwithstanding any law to the contrary, the characterizations of
13 the New York state small business health insurance partnership program
14 as in effect prior to June thirtieth, two thousand three, voucher
15 program as in effect prior to December thirty-first, two thousand one,
16 individual subsidy program as in effect prior to June thirtieth, two
17 thousand five, and catastrophic health care expense program, as in
18 effect prior to June thirtieth, two thousand five, may, for the purposes
19 of identifying matching funds for the community health care conversion
20 demonstration project described in a waiver of the provisions of title
21 XIX of the federal social security act granted to the state of New York
22 and dated July fifteenth, nineteen hundred ninety-seven, may continue to
23 be used to characterize the insurance programs in sections four thousand
24 three hundred twenty-one-a, four thousand three hundred twenty-two-a,
25 four thousand three hundred twenty-six and four thousand three hundred
26 twenty-seven of the insurance law, which are successor programs to these
27 programs.

28 (c) Up to seventy-eight million dollars shall be reserved and accumu-
29 lated from year to year from the pool for the period January first,
30 nineteen hundred ninety-seven through December thirty-first, nineteen
31 hundred ninety-seven, for purposes of public health programs, up to
32 seventy-six million dollars shall be reserved and accumulated from year
33 to year from the pools for the periods January first, nineteen hundred
34 ninety-eight through December thirty-first, nineteen hundred ninety-
35 eight and January first, nineteen hundred ninety-nine through December
36 thirty-first, nineteen hundred ninety-nine, up to eighty-four million
37 dollars shall be reserved and accumulated from year to year from the
38 pools for the period January first, two thousand through December thir-
39 ty-first, two thousand, up to eighty-five million dollars shall be
40 reserved and accumulated from year to year from the pools for the period
41 January first, two thousand one through December thirty-first, two thou-
42 sand one, up to eighty-six million dollars shall be reserved and accumu-
43 lated from year to year from the pools for the period January first, two
44 thousand two through December thirty-first, two thousand two, up to
45 eighty-six million one hundred fifty thousand dollars shall be reserved
46 and accumulated from year to year from the pools for the period January
47 first, two thousand three through December thirty-first, two thousand
48 three, up to fifty-eight million seven hundred eighty thousand dollars
49 shall be reserved and accumulated from year to year from the pools for
50 the period January first, two thousand four through December thirty-
51 first, two thousand four, up to sixty-eight million seven hundred thirty
52 thousand dollars shall be reserved and accumulated from year to year
53 from the pools or the health care reform act (HCRA) resources fund,
54 whichever is applicable, for the period January first, two thousand five
55 through December thirty-first, two thousand five, up to ninety-four
56 million three hundred fifty thousand dollars shall be reserved and accu-

1 mulated from year to year from the health care reform act (HCRA)
2 resources fund for the period January first, two thousand six through
3 December thirty-first, two thousand six, up to seventy million nine
4 hundred thirty-nine thousand dollars shall be reserved and accumulated
5 from year to year from the health care reform act (HCRA) resources fund
6 for the period January first, two thousand seven through December thir-
7 ty-first, two thousand seven, up to fifty-five million six hundred
8 eighty-nine thousand dollars annually shall be reserved and accumulated
9 from year to year from the health care reform act (HCRA) resources fund
10 for the period January first, two thousand eight through December thir-
11 ty-first, two thousand ten, up to thirteen million nine hundred twenty-
12 two thousand dollars shall be reserved and accumulated from year to year
13 from the health care reform act (HCRA) resources fund for the period
14 January first, two thousand eleven through March thirty-first, two thou-
15 sand eleven, and for periods on and after April first, two thousand
16 eleven, up to funding amounts specified below and shall be available,
17 including income from invested funds, for:

18 (i) deposit by the commissioner, within amounts appropriated, and the
19 state comptroller is hereby authorized and directed to receive for
20 deposit to, to the credit of the department of health's special revenue
21 fund - other, hospital based grants program account or the health care
22 reform act (HCRA) resources fund, whichever is applicable, for purposes
23 of services and expenses related to general hospital based grant
24 programs, up to twenty-two million dollars annually from the nineteen
25 hundred ninety-seven pool, nineteen hundred ninety-eight pool, nineteen
26 hundred ninety-nine pool, two thousand pool, two thousand one pool and
27 two thousand two pool, respectively, up to twenty-two million dollars
28 from the two thousand three pool, up to ten million dollars for the
29 period January first, two thousand four through December thirty-first,
30 two thousand four, up to eleven million dollars for the period January
31 first, two thousand five through December thirty-first, two thousand
32 five, up to twenty-two million dollars for the period January first, two
33 thousand six through December thirty-first, two thousand six, up to
34 twenty-two million ninety-seven thousand dollars annually for the period
35 January first, two thousand seven through December thirty-first, two
36 thousand ten, up to five million five hundred twenty-four thousand
37 dollars for the period January first, two thousand eleven through March
38 thirty-first, two thousand eleven, up to thirteen million four hundred
39 forty-five thousand dollars for the period April first, two thousand
40 eleven through March thirty-first, two thousand twelve, and up to thir-
41 teen million three hundred seventy-five thousand dollars each state
42 fiscal year for the period April first, two thousand twelve through
43 March thirty-first, two thousand fourteen;

44 (ii) deposit by the commissioner, within amounts appropriated, and the
45 state comptroller is hereby authorized and directed to receive for
46 deposit to, to the credit of the emergency medical services training
47 account established in section ninety-seven-q of the state finance law
48 or the health care reform act (HCRA) resources fund, whichever is appli-
49 cable, up to sixteen million dollars on an annualized basis for the
50 periods January first, nineteen hundred ninety-seven through December
51 thirty-first, nineteen hundred ninety-nine, up to twenty million dollars
52 for the period January first, two thousand through December thirty-
53 first, two thousand, up to twenty-one million dollars for the period
54 January first, two thousand one through December thirty-first, two thou-
55 sand one, up to twenty-two million dollars for the period January first,
56 two thousand two through December thirty-first, two thousand two, up to

1 twenty-two million five hundred fifty thousand dollars for the period
2 January first, two thousand three through December thirty-first, two
3 thousand three, up to nine million six hundred eighty thousand dollars
4 for the period January first, two thousand four through December thir-
5 ty-first, two thousand four, up to twelve million one hundred thirty
6 thousand dollars for the period January first, two thousand five through
7 December thirty-first, two thousand five, up to twenty-four million two
8 hundred fifty thousand dollars for the period January first, two thou-
9 sand six through December thirty-first, two thousand six, up to twenty
10 million four hundred ninety-two thousand dollars annually for the period
11 January first, two thousand seven through December thirty-first, two
12 thousand ten, up to five million one hundred twenty-three thousand
13 dollars for the period January first, two thousand eleven through March
14 thirty-first, two thousand eleven, up to eighteen million three hundred
15 fifty thousand dollars for the period April first, two thousand eleven
16 through March thirty-first, two thousand twelve, up to eighteen million
17 nine hundred fifty thousand dollars for the period April first, two
18 thousand twelve through March thirty-first, two thousand thirteen, up to
19 nineteen million four hundred nineteen thousand dollars for the period
20 April first, two thousand thirteen through March thirty-first, two thou-
21 sand fourteen, and up to nineteen million six hundred fifty-nine thou-
22 sand seven hundred dollars each state fiscal year for the period of
23 April first, two thousand fourteen through March thirty-first, two thou-
24 sand [seventeen] TWENTY;

25 (iii) priority distributions by the commissioner up to thirty-two
26 million dollars on an annualized basis for the period January first, two
27 thousand through December thirty-first, two thousand four, up to thir-
28 ty-eight million dollars on an annualized basis for the period January
29 first, two thousand five through December thirty-first, two thousand
30 six, up to eighteen million two hundred fifty thousand dollars for the
31 period January first, two thousand seven through December thirty-first,
32 two thousand seven, up to three million dollars annually for the period
33 January first, two thousand eight through December thirty-first, two
34 thousand ten, up to seven hundred fifty thousand dollars for the period
35 January first, two thousand eleven through March thirty-first, two thou-
36 sand eleven, up to two million nine hundred thousand dollars each state
37 fiscal year for the period April first, two thousand eleven through
38 March thirty-first, two thousand fourteen, and up to two million nine
39 hundred thousand dollars each state fiscal year for the period April
40 first, two thousand fourteen through March thirty-first, two thousand
41 [seventeen] TWENTY to be allocated (A) for the purposes established
42 pursuant to subparagraph (ii) of paragraph (f) of subdivision nineteen
43 of section twenty-eight hundred seven-c of this article as in effect on
44 December thirty-first, nineteen hundred ninety-six and as may thereafter
45 be amended, up to fifteen million dollars annually for the periods Janu-
46 ary first, two thousand through December thirty-first, two thousand
47 four, up to twenty-one million dollars annually for the period January
48 first, two thousand five through December thirty-first, two thousand
49 six, and up to seven million five hundred thousand dollars for the peri-
50 od January first, two thousand seven through March thirty-first, two
51 thousand seven;

52 (B) pursuant to a memorandum of understanding entered into by the
53 commissioner, the majority leader of the senate and the speaker of the
54 assembly, for the purposes outlined in such memorandum upon the recom-
55 mendation of the majority leader of the senate, up to eight million
56 five hundred thousand dollars annually for the period January first, two

1 thousand through December thirty-first, two thousand six, and up to four
2 million two hundred fifty thousand dollars for the period January first,
3 two thousand seven through June thirtieth, two thousand seven, and for
4 the purposes outlined in such memorandum upon the recommendation of the
5 speaker of the assembly, up to eight million five hundred thousand
6 dollars annually for the periods January first, two thousand through
7 December thirty-first, two thousand six, and up to four million two
8 hundred fifty thousand dollars for the period January first, two thou-
9 sand seven through June thirtieth, two thousand seven; and

10 (C) for services and expenses, including grants, related to emergency
11 assistance distributions as designated by the commissioner. Notwith-
12 standing section one hundred twelve or one hundred sixty-three of the
13 state finance law or any other contrary provision of law, such distrib-
14 utions shall be limited to providers or programs where, as determined by
15 the commissioner, emergency assistance is vital to protect the life or
16 safety of patients, to ensure the retention of facility caregivers or
17 other staff, or in instances where health facility operations are jeop-
18 ardized, or where the public health is jeopardized or other emergency
19 situations exist, up to three million dollars annually for the period
20 April first, two thousand seven through March thirty-first, two thousand
21 eleven, up to two million nine hundred thousand dollars each state
22 fiscal year for the period April first, two thousand eleven through
23 March thirty-first, two thousand fourteen, [and] up to two million nine
24 hundred thousand dollars each state fiscal year for the period April
25 first, two thousand fourteen through March thirty-first, two thousand
26 seventeen, AND UP TO TWO MILLION NINE HUNDRED THOUSAND DOLLARS EACH
27 STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND SEVENTEEN
28 THROUGH MARCH THIRTY-FIRST, TWO THOUSAND TWENTY. Upon any distribution
29 of such funds, the commissioner shall immediately notify the chair and
30 ranking minority member of the senate finance committee, the assembly
31 ways and means committee, the senate committee on health, and the assem-
32 bly committee on health;

33 (iv) distributions by the commissioner related to poison control
34 centers pursuant to subdivision seven of section twenty-five hundred-d
35 of this chapter, up to five million dollars for the period January
36 first, nineteen hundred ninety-seven through December thirty-first,
37 nineteen hundred ninety-seven, up to three million dollars on an annual-
38 ized basis for the periods during the period January first, nineteen
39 hundred ninety-eight through December thirty-first, nineteen hundred
40 ninety-nine, up to five million dollars annually for the periods January
41 first, two thousand through December thirty-first, two thousand two, up
42 to four million six hundred thousand dollars annually for the periods
43 January first, two thousand three through December thirty-first, two
44 thousand four, up to five million one hundred thousand dollars for the
45 period January first, two thousand five through December thirty-first,
46 two thousand six annually, up to five million one hundred thousand
47 dollars annually for the period January first, two thousand seven
48 through December thirty-first, two thousand nine, up to three million
49 six hundred thousand dollars for the period January first, two thousand
50 ten through December thirty-first, two thousand ten, up to seven hundred
51 seventy-five thousand dollars for the period January first, two thousand
52 eleven through March thirty-first, two thousand eleven, up to two
53 million five hundred thousand dollars each state fiscal year for the
54 period April first, two thousand eleven through March thirty-first, two
55 thousand fourteen, [and] up to three million dollars each state fiscal
56 year for the period April first, two thousand fourteen through March

1 thirty-first, two thousand seventeen, AND UP TO THREE MILLION DOLLARS
2 EACH STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND SEVEN-
3 TEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND TWENTY; and

4 (v) deposit by the commissioner, within amounts appropriated, and the
5 state comptroller is hereby authorized and directed to receive for
6 deposit to, to the credit of the department of health's special revenue
7 fund - other, miscellaneous special revenue fund - 339 maternal and
8 child HIV services account or the health care reform act (HCRA)
9 resources fund, whichever is applicable, for purposes of a special
10 program for HIV services for women and children, including adolescents
11 pursuant to section twenty-five hundred-f-one of this chapter, up to
12 five million dollars annually for the periods January first, two thou-
13 sand through December thirty-first, two thousand two, up to five million
14 dollars for the period January first, two thousand three through Decem-
15 ber thirty-first, two thousand three, up to two million five hundred
16 thousand dollars for the period January first, two thousand four through
17 December thirty-first, two thousand four, up to two million five hundred
18 thousand dollars for the period January first, two thousand five through
19 December thirty-first, two thousand five, up to five million dollars for
20 the period January first, two thousand six through December thirty-
21 first, two thousand six, up to five million dollars annually for the
22 period January first, two thousand seven through December thirty-first,
23 two thousand ten, up to one million two hundred fifty thousand dollars
24 for the period January first, two thousand eleven through March thirty-
25 first, two thousand eleven, and up to five million dollars each state
26 fiscal year for the period April first, two thousand eleven through
27 March thirty-first, two thousand fourteen;

28 (d) (i) An amount of up to twenty million dollars annually for the
29 period January first, two thousand through December thirty-first, two
30 thousand six, up to ten million dollars for the period January first,
31 two thousand seven through June thirtieth, two thousand seven, up to
32 twenty million dollars annually for the period January first, two thou-
33 sand eight through December thirty-first, two thousand ten, up to five
34 million dollars for the period January first, two thousand eleven
35 through March thirty-first, two thousand eleven, up to nineteen million
36 six hundred thousand dollars each state fiscal year for the period April
37 first, two thousand eleven through March thirty-first, two thousand
38 fourteen, [and] up to nineteen million six hundred thousand dollars each
39 state fiscal year for the period April first, two thousand fourteen
40 through March thirty-first, two thousand seventeen, AND UP TO NINETEEN
41 MILLION SIX HUNDRED THOUSAND DOLLARS EACH STATE FISCAL YEAR FOR THE
42 PERIOD OF APRIL FIRST, TWO THOUSAND SEVENTEEN THROUGH MARCH THIRTY-
43 FIRST, TWO THOUSAND TWENTY, shall be transferred to the health facility
44 restructuring pool established pursuant to section twenty-eight hundred
45 fifteen of this article;

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

51 (e) Funds shall be reserved and accumulated from year to year and
52 shall be available, including income from invested funds, for purposes
53 of distributions to organizations to support the health workforce
54 retraining program established pursuant to section twenty-eight hundred
55 seven-g of this article from the respective health care initiatives
56 pools established for the following periods in the following amounts

1 from the pools or the health care reform act (HCRA) resources fund,
2 whichever is applicable, during the period January first, nineteen
3 hundred ninety-seven through December thirty-first, nineteen hundred
4 ninety-nine, up to fifty million dollars on an annualized basis, up to
5 thirty million dollars for the period January first, two thousand
6 through December thirty-first, two thousand, up to forty million dollars
7 for the period January first, two thousand one through December thirty-
8 first, two thousand one, up to fifty million dollars for the period
9 January first, two thousand two through December thirty-first, two thou-
10 sand two, up to forty-one million one hundred fifty thousand dollars for
11 the period January first, two thousand three through December thirty-
12 first, two thousand three, up to forty-one million one hundred fifty
13 thousand dollars for the period January first, two thousand four through
14 December thirty-first, two thousand four, up to fifty-eight million
15 three hundred sixty thousand dollars for the period January first, two
16 thousand five through December thirty-first, two thousand five, up to
17 fifty-two million three hundred sixty thousand dollars for the period
18 January first, two thousand six through December thirty-first, two thou-
19 sand six, up to thirty-five million four hundred thousand dollars annu-
20 ally for the period January first, two thousand seven through December
21 thirty-first, two thousand ten, up to eight million eight hundred fifty
22 thousand dollars for the period January first, two thousand eleven
23 through March thirty-first, two thousand eleven, up to twenty-eight
24 million four hundred thousand dollars each state fiscal year for the
25 period April first, two thousand eleven through March thirty-first, two
26 thousand fourteen, [and] up to twenty-six million eight hundred seven-
27 teen thousand dollars each state fiscal year for the period April first,
28 two thousand fourteen through March thirty-first, two thousand
29 seventeen, AND UP TO TWENTY-SIX MILLION EIGHT HUNDRED SEVENTEEN THOUSAND
30 DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND
31 SEVENTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND TWENTY, less the
32 amount of funds available for allocations for rate adjustments for work-
33 force training programs for payments by state governmental agencies for
34 inpatient hospital services.

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

36 (i) from the pool for the period January first, nineteen hundred nine-
37 ty-seven through December thirty-first, nineteen hundred ninety-seven,
38 (A) thirty-four million six hundred thousand dollars shall be trans-
39 ferred to funds reserved and accumulated pursuant to paragraph (b) of
40 subdivision nineteen of section twenty-eight hundred seven-c of this
41 article, and (B) eighty-two million dollars shall be transferred and
42 deposited and credited to the credit of the state general fund medical
43 assistance local assistance account;

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

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

54 (iv) from the pool or the health care reform act (HCRA) resources
55 fund, whichever is applicable, for the period January first, two thou-
56 sand through December thirty-first, two thousand four, eighty-two

1 million dollars annually, and for the period January first, two thousand
2 five through December thirty-first, two thousand five, eighty-two
3 million dollars, and for the period January first, two thousand six
4 through December thirty-first, two thousand six, eighty-two million
5 dollars, and for the period January first, two thousand seven through
6 December thirty-first, two thousand seven, eighty-two million dollars,
7 and for the period January first, two thousand eight through December
8 thirty-first, two thousand eight, ninety million seven hundred thousand
9 dollars shall be deposited by the commissioner, and the state comp-
10 troller is hereby authorized and directed to receive for deposit to the
11 credit of the state special revenue fund - other, HCRA transfer fund,
12 medical assistance account;

13 (v) from the health care reform act (HCRA) resources fund for the
14 period January first, two thousand nine through December thirty-first,
15 two thousand nine, one hundred eight million nine hundred seventy-five
16 thousand dollars, and for the period January first, two thousand ten
17 through December thirty-first, two thousand ten, one hundred twenty-six
18 million one hundred thousand dollars, for the period January first, two
19 thousand eleven through March thirty-first, two thousand eleven, twenty
20 million five hundred thousand dollars, and for each state fiscal year
21 for the period April first, two thousand eleven through March thirty-
22 first, two thousand fourteen, one hundred forty-six million four hundred
23 thousand dollars, shall be deposited by the commissioner, and the state
24 comptroller is hereby authorized and directed to receive for deposit, to
25 the credit of the state special revenue fund - other, HCRA transfer
26 fund, medical assistance account.

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

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

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

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

43 (h) Funds shall be reserved and accumulated from year to year by the
44 commissioner and shall be available, including income from invested
45 funds, for purposes of primary care education and training pursuant to
46 article nine of this chapter from the respective health care initiatives
47 pools established for the following periods in the following percentage
48 amounts of funds remaining after allocations in accordance with para-
49 graphs (a) through (f) of this subdivision and shall be available for
50 distributions as follows:

51 (i) funds shall be reserved and accumulated:

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

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

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

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

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

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

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

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

22 (i) Funds shall be reserved and accumulated from year to year and
23 shall be available, including income from invested funds, for distrib-
24 utions in accordance with section twenty-nine hundred fifty-two and
25 section twenty-nine hundred fifty-eight of this chapter for rural health
26 care delivery development and rural health care access development,
27 respectively, from the respective health care initiatives pools or the
28 health care reform act (HCRA) resources fund, whichever is applicable,
29 for the following periods in the following percentage amounts of funds
30 remaining after allocations in accordance with paragraphs (a) through
31 (f) of this subdivision, and for periods on and after January first, two
32 thousand, in the following amounts:

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

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

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

42 (iv) from the pool for the periods January first, two thousand through
43 December thirty-first, two thousand two, seventeen million dollars annu-
44 ally, and for the period January first, two thousand three through
45 December thirty-first, two thousand three, up to fifteen million eight
46 hundred fifty thousand dollars;

47 (v) from the pool or the health care reform act (HCRA) resources fund,
48 whichever is applicable, for the period January first, two thousand four
49 through December thirty-first, two thousand four, up to fifteen million
50 eight hundred fifty thousand dollars, for the period January first, two
51 thousand five through December thirty-first, two thousand five, up to
52 nineteen million two hundred thousand dollars, for the period January
53 first, two thousand six through December thirty-first, two thousand six,
54 up to nineteen million two hundred thousand dollars, for the period
55 January first, two thousand seven through December thirty-first, two
56 thousand ten, up to eighteen million one hundred fifty thousand dollars

1 annually, for the period January first, two thousand eleven through
2 March thirty-first, two thousand eleven, up to four million five hundred
3 thirty-eight thousand dollars, for each state fiscal year for the period
4 April first, two thousand eleven through March thirty-first, two thou-
5 sand fourteen, up to sixteen million two hundred thousand dollars, [and]
6 up to sixteen million two hundred thousand dollars each state fiscal
7 year for the period April first, two thousand fourteen through March
8 thirty-first, two thousand seventeen, AND UP TO SIXTEEN MILLION TWO
9 HUNDRED THOUSAND DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL
10 FIRST, TWO THOUSAND SEVENTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND
11 TWENTY.

12 (j) Funds shall be reserved and accumulated from year to year and
13 shall be available, including income from invested funds, for purposes
14 of distributions related to health information and health care quality
15 improvement pursuant to former section twenty-eight hundred seven-n of
16 this article from the respective health care initiatives pools estab-
17 lished for the following periods in the following percentage amounts of
18 funds remaining after allocations in accordance with paragraphs (a)
19 through (f) of this subdivision:

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

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

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

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

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

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

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

48 (iv) from the pool for the periods January first, two thousand through
49 December thirty-first, two thousand two, forty-eight million dollars
50 annually, and for the period January first, two thousand three through
51 June thirtieth, two thousand three, twenty-four million dollars;

52 (v) (A) from the pool or the health care reform act (HCRA) resources
53 fund, whichever is applicable, for the period July first, two thousand
54 three through December thirty-first, two thousand three, up to six
55 million dollars, for the period January first, two thousand four through
56 December thirty-first, two thousand six, up to twelve million dollars

1 annually, for the period January first, two thousand seven through
2 December thirty-first, two thousand thirteen, up to forty-eight million
3 dollars annually, for the period January first, two thousand fourteen
4 through March thirty-first, two thousand fourteen, up to twelve million
5 dollars [and] for the period April first, two thousand fourteen through
6 March thirty-first, two thousand seventeen, up to forty-eight million
7 dollars annually, AND FOR THE PERIOD APRIL FIRST, TWO THOUSAND SEVENTEEN
8 THROUGH MARCH THIRTY-FIRST, TWO THOUSAND TWENTY, UP TO FORTY-EIGHT
9 MILLION DOLLARS ANNUALLY;

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

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

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

52 (i) from the pool for the period January first, nineteen hundred nine-
53 ty-seven through December thirty-first, nineteen hundred ninety-seven,
54 nine and fifty-two-hundredths percent;

1 (ii) from the pool for the period January first, nineteen hundred
2 ninety-eight through December thirty-first, nineteen hundred ninety-
3 eight, nine and fifty-two-hundredths percent;

4 (iii) from the pool for the period January first, nineteen hundred
5 ninety-nine and December thirty-first, nineteen hundred ninety-nine,
6 nine and sixty-eight-hundredths percent;

7 (iv) from the pool for the periods January first, two thousand through
8 December thirty-first, two thousand two, up to twelve million dollars
9 annually, and for the period January first, two thousand three through
10 December thirty-first, two thousand three, up to forty million dollars;
11 and

12 (v) from the pool or the health care reform act (HCRA) resources fund,
13 whichever is applicable, for the periods January first, two thousand
14 four through December thirty-first, two thousand four, up to fifty-six
15 million dollars, for the period January first, two thousand five through
16 December thirty-first, two thousand six, up to sixty million dollars
17 annually, for the period January first, two thousand seven through
18 December thirty-first, two thousand ten, up to sixty million dollars
19 annually, for the period January first, two thousand eleven through
20 March thirty-first, two thousand eleven, up to fifteen million dollars,
21 each state fiscal year for the period April first, two thousand eleven
22 through March thirty-first, two thousand fourteen, up to forty-two
23 million three hundred thousand dollars and up to forty-one million fifty
24 thousand dollars each state fiscal year for the period April first, two
25 thousand fourteen through March thirty-first, two thousand [seventeen]
26 TWENTY.

27 (m) Funds shall be reserved and accumulated from year to year and
28 shall be available, including income from invested funds, for purposes
29 of distributions pursuant to section twenty-eight hundred seven-r of
30 this article for cancer related services from the respective health care
31 initiatives pools or the health care reform act (HCRA) resources fund,
32 whichever is applicable, established for the following periods in the
33 following percentage amounts of funds remaining after allocations in
34 accordance with paragraphs (a) through (f) of this subdivision, and for
35 periods on and after January first, two thousand, in the following
36 amounts:

37 (i) from the pool for the period January first, nineteen hundred nine-
38 ty-seven through December thirty-first, nineteen hundred ninety-seven,
39 seven and ninety-four-hundredths percent;

40 (ii) from the pool for the period January first, nineteen hundred
41 ninety-eight through December thirty-first, nineteen hundred ninety-
42 eight, seven and ninety-four-hundredths percent;

43 (iii) from the pool for the period January first, nineteen hundred
44 ninety-nine and December thirty-first, nineteen hundred ninety-nine, six
45 and forty-five-hundredths percent;

46 (iv) from the pool for the period January first, two thousand through
47 December thirty-first, two thousand two, up to ten million dollars on an
48 annual basis;

49 (v) from the pool for the period January first, two thousand three
50 through December thirty-first, two thousand four, up to eight million
51 nine hundred fifty thousand dollars on an annual basis;

52 (vi) from the pool or the health care reform act (HCRA) resources
53 fund, whichever is applicable, for the period January first, two thou-
54 sand five through December thirty-first, two thousand six, up to ten
55 million fifty thousand dollars on an annual basis, for the period Janu-
56 ary first, two thousand seven through December thirty-first, two thou-

1 sand ten, up to nineteen million dollars annually, and for the period
2 January first, two thousand eleven through March thirty-first, two thou-
3 sand eleven, up to four million seven hundred fifty thousand dollars.

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

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

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

46 § 22. Section 2807-v of the public health law, as amended by section 8
47 of part B of chapter 60 of the laws of 2014, is amended to read as
48 follows:

49 § 2807-v. Tobacco control and insurance initiatives pool distrib-
50 utions. 1. Funds accumulated in the tobacco control and insurance
51 initiatives pool or in the health care reform act (HCRA) resources fund
52 established pursuant to section ninety-two-dd of the state finance law,
53 whichever is applicable, including income from invested funds, shall be
54 distributed or retained by the commissioner or by the state comptroller,
55 as applicable, in accordance with the following:

1 (a) 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 funds - other, HCRA transfer fund, medicaid fraud hotline and
5 medicaid administration account, or any successor fund or account, for
6 purposes of services and expenses related to the toll-free medicaid
7 fraud hotline established pursuant to section one hundred eight of chap-
8 ter one of the laws of nineteen hundred ninety-nine from the tobacco
9 control and insurance initiatives pool established for the following
10 periods in the following amounts: four hundred thousand dollars annually
11 for the periods January first, two thousand through December thirty-
12 first, two thousand two, up to four hundred thousand dollars for the
13 period January first, two thousand three through December thirty-first,
14 two thousand three, up to four hundred thousand dollars for the period
15 January first, two thousand four through December thirty-first, two
16 thousand four, up to four hundred thousand dollars for the period Janu-
17 ary first, two thousand five through December thirty-first, two thousand
18 five, up to four hundred thousand dollars for the period January first,
19 two thousand six through December thirty-first, two thousand six, up to
20 four hundred thousand dollars for the period January first, two thousand
21 seven through December thirty-first, two thousand seven, up to four
22 hundred thousand dollars for the period January first, two thousand
23 eight through December thirty-first, two thousand eight, up to four
24 hundred thousand dollars for the period January first, two thousand nine
25 through December thirty-first, two thousand nine, up to four hundred
26 thousand dollars for the period January first, two thousand ten through
27 December thirty-first, two thousand ten, up to one hundred thousand
28 dollars for the period January first, two thousand eleven through March
29 thirty-first, two thousand eleven and within amounts appropriated on and
30 after April first, two thousand eleven.

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

1 od January first, two thousand eleven through March thirty-first, two
2 thousand eleven, up to fourteen million seven hundred thousand dollars
3 each state fiscal year for the period April first, two thousand eleven
4 through March thirty-first, two thousand fourteen, [and] up to eleven
5 million one hundred thousand dollars each state fiscal year for the
6 period April first, two thousand fourteen through March thirty-first,
7 two thousand seventeen, AND UP TO ELEVEN MILLION ONE HUNDRED THOUSAND
8 DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND
9 SEVENTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND TWENTY.

10 (c) 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, enhanced community services
14 account, or any successor fund or account, for mental health services
15 programs for case management services for adults and children; supported
16 housing; home and community based waiver services; family based treat-
17 ment; family support services; mobile mental health teams; transitional
18 housing; and community oversight, established pursuant to articles seven
19 and forty-one of the mental hygiene law and subdivision nine of section
20 three hundred sixty-six of the social services law; and for comprehen-
21 sive care centers for eating disorders pursuant to the former section
22 twenty-seven hundred ninety-nine-1 of this chapter, provided however
23 that, for such centers, funds in the amount of five hundred thousand
24 dollars on an annualized basis shall be transferred from the enhanced
25 community services account, or any successor fund or account, and depos-
26 ited into the fund established by section ninety-five-e of the state
27 finance law; from the tobacco control and insurance initiatives pool
28 established for the following periods in the following amounts:

29 (i) forty-eight million dollars to be reserved, to be retained or for
30 distribution pursuant to a chapter of the laws of two thousand, for the
31 period January first, two thousand through December thirty-first, two
32 thousand;

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

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

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

45 (v) eighty-eight million dollars, plus five hundred thousand dollars,
46 to be reserved, to be retained or for distribution pursuant to a chapter
47 of the laws of two thousand four, and pursuant to the former section
48 twenty-seven hundred ninety-nine-1 of this chapter, for the period Janu-
49 ary first, two thousand four through December thirty-first, two thousand
50 four;

51 (vi) eighty-eight million dollars, plus five hundred thousand dollars,
52 to be reserved, to be retained or for distribution pursuant to a chapter
53 of the laws of two thousand five, and pursuant to the former section
54 twenty-seven hundred ninety-nine-1 of this chapter, for the period Janu-
55 ary first, two thousand five through December thirty-first, two thousand
56 five;

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

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

13 (ix) twenty-two million nine hundred thirteen thousand dollars, plus
14 one hundred twenty-five thousand dollars, to be reserved, to be retained
15 or for distribution pursuant to a chapter of the laws of two thousand
16 eight and pursuant to the former section twenty-seven hundred ninety-
17 nine-1 of this chapter, for the period January first, two thousand eight
18 through March thirty-first, two thousand eight.

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

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

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

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

38 (e) Funds shall be deposited by the commissioner, within amounts
39 appropriated, and the state comptroller is hereby authorized and
40 directed to receive for deposit to the credit of the state special
41 revenue funds - other, HCRA transfer fund, medical assistance account,
42 or any successor fund or account, for purposes of funding the state
43 share of services and expenses related to the family health plus program
44 including up to two and one-half million dollars annually for the period
45 January first, two thousand through December thirty-first, two thousand
46 two for administration and marketing costs associated with such program
47 established pursuant to clause (B) of subparagraph (v) of paragraph (a)
48 of subdivision two of section three hundred sixty-nine-ee of the social
49 services law from the tobacco control and insurance initiatives pool
50 established for the following periods in the following amounts:

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

53 (ii) thirty million five hundred thousand dollars for the period Janu-
54 ary first, two thousand one through December thirty-first, two thousand
55 one; and

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

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

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

33 (i) up to thirty-five million dollars for the period January first,
34 two thousand through December thirty-first, two thousand of which fifty
35 percentum shall be allocated to the program pursuant to section four
36 thousand three hundred twenty-one-a of the insurance law and fifty
37 percentum to the program pursuant to section four thousand three hundred
38 twenty-two-a of the insurance law;

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

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

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

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

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

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

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

26 (ix) up to forty million dollars for the period January first, two
27 thousand eight through December thirty-first, two thousand eight of
28 which fifty per centum shall be allocated to the program pursuant to
29 section four thousand three hundred twenty-one-a of the insurance law
30 and fifty per centum shall be allocated to the program pursuant to
31 section four thousand three hundred twenty-two-a of the insurance law.

32 (h) Funds shall be reserved and accumulated from year to year and
33 shall be available, including income from invested funds, for purposes
34 of services and expenses related to the healthy New York individual
35 program established pursuant to sections four thousand three hundred
36 twenty-six and four thousand three hundred twenty-seven of the insurance
37 law from the tobacco control and insurance initiatives pool established
38 for the following periods in the following amounts:

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

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

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

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

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

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

- 1 (vii) up to sixty-one million seven hundred thousand dollars for the
2 period January first, two thousand seven through December thirty-first,
3 two thousand seven; and
- 4 (viii) up to one hundred three million seven hundred fifty thousand
5 dollars for the period January first, two thousand eight through Decem-
6 ber thirty-first, two thousand eight.
- 7 (i) Funds shall be reserved and accumulated from year to year and
8 shall be available, including income from invested funds, for purposes
9 of services and expenses related to the healthy New York group program
10 established pursuant to sections four thousand three hundred twenty-six
11 and four thousand three hundred twenty-seven of the insurance law from
12 the tobacco control and insurance initiatives pool established for the
13 following periods in the following amounts:
- 14 (i) up to thirty-four million dollars for the period January first,
15 two thousand one through December thirty-first, two thousand one;
- 16 (ii) up to seventy-seven million dollars for the period January first,
17 two thousand two through December thirty-first, two thousand two;
- 18 (iii) up to ten million five hundred thousand dollars for the period
19 January first, two thousand three through December thirty-first, two
20 thousand three;
- 21 (iv) up to twenty-four million six hundred thousand dollars for the
22 period January first, two thousand four through December thirty-first,
23 two thousand four;
- 24 (v) up to thirty-four million six hundred thousand dollars for the
25 period January first, two thousand five through December thirty-first,
26 two thousand five;
- 27 (vi) up to fifty-four million eight hundred thousand dollars for the
28 period January first, two thousand six through December thirty-first,
29 two thousand six;
- 30 (vii) up to sixty-one million seven hundred thousand dollars for the
31 period January first, two thousand seven through December thirty-first,
32 two thousand seven; and
- 33 (viii) up to one hundred three million seven hundred fifty thousand
34 dollars for the period January first, two thousand eight through Decem-
35 ber thirty-first, two thousand eight.
- 36 (i-1) Notwithstanding the provisions of paragraphs (h) and (i) of this
37 subdivision, the commissioner shall reserve and accumulate up to two
38 million five hundred thousand dollars annually for the periods January
39 first, two thousand four through December thirty-first, two thousand
40 six, one million four hundred thousand dollars for the period January
41 first, two thousand seven through December thirty-first, two thousand
42 seven, two million dollars for the period January first, two thousand
43 eight through December thirty-first, two thousand eight, from funds
44 otherwise available for distribution under such paragraphs for the
45 services and expenses related to the pilot program for entertainment
46 industry employees included in subsection (b) of section one thousand
47 one hundred twenty-two of the insurance law, and an additional seven
48 hundred thousand dollars annually for the periods January first, two
49 thousand four through December thirty-first, two thousand six, an addi-
50 tional three hundred thousand dollars for the period January first, two
51 thousand seven through June thirtieth, two thousand seven for services
52 and expenses related to the pilot program for displaced workers included
53 in subsection (c) of section one thousand one hundred twenty-two of the
54 insurance law.
- 55 (j) Funds shall be reserved and accumulated from year to year and
56 shall be available, including income from invested funds, for purposes

1 of services and expenses related to the tobacco use prevention and
2 control program established pursuant to sections thirteen hundred nine-
3 ty-nine-ii and thirteen hundred ninety-nine-jj of this chapter, from the
4 tobacco control and insurance initiatives pool established for the
5 following periods in the following amounts:

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

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

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

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

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

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

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

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

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

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

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

41 (xii) up to twenty-one million four hundred twelve thousand dollars
42 for the period January first, two thousand eleven through March thirty-
43 first, two thousand eleven;

44 (xiii) up to fifty-two million one 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]

47 (xiv) up to six million dollars each state fiscal year for the period
48 April first, two thousand fourteen through March thirty-first, two thou-
49 sand seventeen[.]; AND

50 (XV) UP TO SIX MILLION DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD
51 APRIL FIRST, TWO THOUSAND SEVENTEEN THROUGH MARCH THIRTY-FIRST, TWO
52 THOUSAND TWENTY.

53 (k) Funds shall be deposited by the commissioner, within amounts
54 appropriated, and the state comptroller is hereby authorized and
55 directed to receive for deposit to the credit of the state special
56 revenue fund - other, HCRA transfer fund, health care services account,

1 or any successor fund or account, for purposes of services and expenses
2 related to public health programs, including comprehensive care centers
3 for eating disorders pursuant to the former section twenty-seven hundred
4 ninety-nine-1 of this chapter, provided however that, for such centers,
5 funds in the amount of five hundred thousand dollars on an annualized
6 basis shall be transferred from the health care services account, or any
7 successor fund or account, and deposited into the fund established by
8 section ninety-five-e of the state finance law for periods prior to
9 March thirty-first, two thousand eleven, from the tobacco control and
10 insurance initiatives pool established for the following periods in the
11 following amounts:

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

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

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

18 (iv) one hundred twenty-two million five hundred thousand dollars for
19 the period January first, two thousand three through December thirty-
20 first, two thousand three;

21 (v) one hundred eight million five hundred seventy-five thousand
22 dollars, plus an additional five hundred thousand dollars, for the peri-
23 od January first, two thousand four through December thirty-first, two
24 thousand four;

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

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

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

35 (ix) one hundred sixteen million nine hundred forty-nine thousand
36 dollars, plus an additional five hundred thousand dollars, for the peri-
37 od January first, two thousand eight through December thirty-first, two
38 thousand eight;

39 (x) 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 nine through December thirty-first, two
42 thousand nine;

43 (xi) 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 ten through December thirty-first, two
46 thousand ten;

47 (xii) twenty-nine million two hundred thirty-seven thousand two
48 hundred fifty dollars, plus an additional one hundred twenty-five thou-
49 sand dollars, for the period January first, two thousand eleven through
50 March thirty-first, two thousand eleven;

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

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

1 (l) 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 funds - other, HCRA transfer fund, medical assistance account,
5 or any successor fund or account, for purposes of funding the state
6 share of the personal care and certified home health agency rate or fee
7 increases established pursuant to subdivision three of section three
8 hundred sixty-seven-o of the social services law from the tobacco
9 control and insurance initiatives pool established for the following
10 periods in the following amounts:

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

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

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

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

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

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

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

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

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

37 (m) Funds shall be deposited by the commissioner, within amounts
38 appropriated, and the state comptroller is hereby authorized and
39 directed to receive for 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 services and expenses related to home care workers insurance
43 pilot demonstration programs established pursuant to subdivision two of
44 section three hundred sixty-seven-o of the social services law from the
45 tobacco control and insurance initiatives pool established for the
46 following periods in the following amounts:

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

49 (ii) three million eight hundred thousand dollars for the period Janu-
50 ary first, two thousand one through December thirty-first, two thousand
51 one;

52 (iii) three million eight hundred thousand dollars for the period
53 January first, two thousand two through December thirty-first, two thou-
54 sand two;

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

1 (xi) three hundred forty-four million nine hundred thousand dollars
2 for the period January first, two thousand ten through December thirty-
3 first, two thousand ten;

4 (xii) eighty-seven million seven hundred eighty-eight thousand dollars
5 for the period January first, two thousand eleven through March thirty-
6 first, two thousand eleven;

7 (xiii) one hundred forty-three million one hundred fifty thousand
8 dollars for the period April first, two thousand eleven through March
9 thirty-first, two thousand twelve;

10 (xiv) one hundred twenty million nine hundred fifty thousand dollars
11 for the period April first, two thousand twelve through March thirty-
12 first, two thousand thirteen;

13 (xv) one hundred twenty-eight million eight hundred fifty thousand
14 dollars for the period April first, two thousand thirteen through March
15 thirty-first, two thousand fourteen; [and]

16 (xvi) one hundred twenty-seven million four hundred sixteen thousand
17 dollars each state fiscal year for the period April first, two thousand
18 fourteen through March thirty-first, two thousand seventeen[.]; AND

19 (XVII) ONE HUNDRED TWENTY-SEVEN MILLION FOUR HUNDRED SIXTEEN THOUSAND
20 DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND
21 SEVENTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND TWENTY.

22 (o) Funds shall be reserved and accumulated and shall be transferred
23 to the Roswell Park Cancer Institute Corporation, from the tobacco
24 control and insurance initiatives pool established for the following
25 periods in the following amounts:

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

28 (ii) up to sixty million dollars for the period January first, two
29 thousand one through December thirty-first, two thousand one;

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

32 (iv) eighty-five million two hundred fifty thousand dollars for the
33 period January first, two thousand three through December thirty-first,
34 two thousand three;

35 (v) seventy-eight million dollars for the period January first, two
36 thousand four through December thirty-first, two thousand four;

37 (vi) seventy-eight million dollars for the period January first, two
38 thousand five through December thirty-first, two thousand five;

39 (vii) ninety-one million dollars for the period January first, two
40 thousand six through December thirty-first, two thousand six;

41 (viii) seventy-eight million dollars for the period January first, two
42 thousand seven through December thirty-first, two thousand seven;

43 (ix) seventy-eight million dollars for the period January first, two
44 thousand eight through December thirty-first, two thousand eight;

45 (x) seventy-eight million dollars for the period January first, two
46 thousand nine through December thirty-first, two thousand nine;

47 (xi) seventy-eight million dollars for the period January first, two
48 thousand ten through December thirty-first, two thousand ten;

49 (xii) nineteen million five hundred thousand dollars for the period
50 January first, two thousand eleven through March thirty-first, two thou-
51 sand eleven;

52 (xiii) sixty-nine million eight hundred forty thousand dollars each
53 state fiscal year for the period April first, two thousand eleven
54 through March thirty-first, two thousand fourteen; [and]

1 (xiv) up to ninety-six million six hundred thousand dollars each state
2 fiscal year for the period April first, two thousand fourteen through
3 March thirty-first, two thousand seventeen[.]; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (t) Funds shall be reserved and accumulated from year to year by the
33 commissioner and shall be made available, including income from invested
34 funds:

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

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

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

55 (u) Funds shall be deposited by the commissioner, within amounts
56 appropriated, and the state comptroller is hereby authorized and

1 directed to receive for deposit to the credit of the state special
2 revenue funds - other, HCRA transfer fund, medical assistance account,
3 or any successor fund or account, for purposes of funding the state
4 share of services and expenses related to the nursing home quality
5 improvement demonstration program established pursuant to section twen-
6 ty-eight hundred eight-d of this article from the tobacco control and
7 insurance initiatives pool established for the following periods in the
8 following amounts:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (x) up to thirty-two million five hundred thousand dollars for the
2 period January first, two thousand eleven through March thirty-first,
3 two thousand eleven;

4 (xi) up to one hundred twenty-seven million four hundred thousand
5 dollars each state fiscal year for the period April first, two thousand
6 eleven through March thirty-first, two thousand fourteen; [and]

7 (xii) up to one hundred twenty-seven million four hundred thousand
8 dollars each state fiscal year for the period April first, two thousand
9 fourteen through March thirty-first, two thousand seventeen[.]; AND

10 (XIII) UP TO ONE HUNDRED TWENTY-SEVEN MILLION FOUR HUNDRED THOUSAND
11 DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND
12 SEVENTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND TWENTY.

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

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

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

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

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

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

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

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

42 (viii) up to two million one hundred thousand dollars for the period
43 January first, two thousand nine through December thirty-first, two
44 thousand nine;

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

48 (x) up to five hundred twenty-five thousand dollars for the period
49 January first, two thousand eleven through March thirty-first, two thou-
50 sand eleven;

51 (xi) up to two million one hundred thousand dollars each state fiscal
52 year for the period April first, two thousand eleven through March thir-
53 ty-first, two thousand fourteen; [and]

54 (xii) up to two million one hundred thousand dollars each state fiscal
55 year for the period April first, two thousand fourteen through March
56 thirty-first, two thousand seventeen[.]; AND

1 (XIII) UP TO TWO MILLION ONE HUNDRED THOUSAND DOLLARS EACH STATE
2 FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND SEVENTEEN THROUGH
3 MARCH THIRTY-FIRST, TWO THOUSAND TWENTY.

4 (x) Funds shall be deposited by the commissioner, within amounts
5 appropriated, and the state comptroller is hereby authorized and
6 directed to receive for deposit to the credit of the state special
7 revenue funds - other, HCRA transfer fund, medical assistance account,
8 or any successor fund or account, for purposes of funding the state
9 share of the non-public general hospital rates increases for recruitment
10 and retention of health care workers from the tobacco control and insur-
11 ance initiatives pool established for the following periods in the
12 following amounts:

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

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

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

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

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

28 (vi) sixty-five million three hundred thousand dollars for the period
29 January first, two thousand seven through December thirty-first, two
30 thousand seven;

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

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

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

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

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

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

53 (iv) fifty-two million two hundred thousand dollars for the period
54 January first, two thousand five through December thirty-first, two
55 thousand five;

1 (v) fifty-two million two hundred thousand dollars for the period
2 January first, two thousand six through December thirty-first, two thou-
3 sand six;

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

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

8 (viii) twelve million two hundred fifty thousand dollars for the peri-
9 od January first, two thousand nine through March thirty-first, two
10 thousand nine.

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

16 (z) 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 funds - other, HCRA transfer fund, medical assistance account,
20 or any successor fund or account, for purposes of funding the state
21 share of the non-public residential health care facility rate increases
22 for recruitment and retention of health care workers pursuant to para-
23 graph (a) of subdivision eighteen of section twenty-eight hundred eight
24 of this article from the tobacco control and insurance initiatives pool
25 established for the following periods in the following amounts:

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

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

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

35 (iv) forty-six million three hundred thousand dollars for the period
36 January first, two thousand five through December thirty-first, two
37 thousand five;

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

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

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

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

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

53 (x) two million three hundred twenty-five thousand dollars for the
54 period January first, two thousand eleven through March thirty-first,
55 two thousand eleven.

1 (aa) Funds shall be reserved and accumulated from year to year and
2 shall be available, including income from invested funds, for purposes
3 of grants to public residential health care facilities for recruitment
4 and retention of health care workers pursuant to paragraph (b) of subdivi-
5 sion eighteen of section twenty-eight hundred eight of this article
6 from the tobacco control and insurance initiatives pool established for
7 the following periods in the following amounts:

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

11 (ii) eleven million seven hundred thousand dollars on an annualized
12 basis for the period January first, two thousand three through December
13 thirty-first, two thousand three;

14 (iii) sixteen million two hundred thousand dollars on an annualized
15 basis for the period January first, two thousand four through December
16 thirty-first, two thousand four;

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

20 (v) sixteen million two hundred thousand dollars for the period Janu-
21 ary first, two thousand six through December thirty-first, two thousand
22 six;

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

26 (vii) six million seven hundred fifty thousand dollars for the period
27 January first, two thousand eight through December thirty-first, two
28 thousand eight; and

29 (viii) one million three hundred fifty thousand dollars for the period
30 January first, two thousand nine through December thirty-first, two
31 thousand nine.

32 (bb)(i) Funds shall be deposited by the commissioner, within amounts
33 appropriated, and subject to the availability of federal financial
34 participation, and the state comptroller is hereby authorized and
35 directed to receive for deposit to the credit of the state special
36 revenue funds - other, HCRA transfer fund, medical assistance account,
37 or any successor fund or account, for the purpose of supporting the
38 state share of adjustments to Medicaid rates of payment for personal
39 care services provided pursuant to paragraph (e) of subdivision two of
40 section three hundred sixty-five-a of the social services law, for local
41 social service districts which include a city with a population of over
42 one million persons and computed and distributed in accordance with
43 memorandums of understanding to be entered into between the state of New
44 York and such local social service districts for the purpose of support-
45 ing the recruitment and retention of personal care service workers or
46 any worker with direct patient care responsibility, from the tobacco
47 control and insurance initiatives pool established for the following
48 periods and the following amounts:

49 (A) forty-four million dollars, on an annualized basis, for the period
50 April first, two thousand two through December thirty-first, two thou-
51 sand two;

52 (B) seventy-four million dollars, on an annualized basis, for the
53 period January first, two thousand three through December thirty-first,
54 two thousand three;

- 1 (C) one hundred four million dollars, on an annualized basis, for the
2 period January first, two thousand four through December thirty-first,
3 two thousand four;
- 4 (D) one hundred thirty-six million dollars, on an annualized basis,
5 for the period January first, two thousand five through December thir-
6 ty-first, two thousand five;
- 7 (E) one hundred thirty-six million dollars, on an annualized basis,
8 for the period January first, two thousand six through December thirty-
9 first, two thousand six;
- 10 (F) one hundred thirty-six million dollars for the period January
11 first, two thousand seven through December thirty-first, two thousand
12 seven;
- 13 (G) one hundred thirty-six million dollars for the period January
14 first, two thousand eight through December thirty-first, two thousand
15 eight;
- 16 (H) one hundred thirty-six million dollars for the period January
17 first, two thousand nine through December thirty-first, two thousand
18 nine;
- 19 (I) one hundred thirty-six million dollars for the period January
20 first, two thousand ten through December thirty-first, two thousand ten;
- 21 (J) thirty-four million dollars for the period January first, two
22 thousand eleven through March thirty-first, two thousand eleven;
- 23 (K) up to one hundred thirty-six million dollars each state fiscal
24 year for the period April first, two thousand eleven through March thir-
25 ty-first, two thousand fourteen; [and]
- 26 (L) up to one hundred thirty-six million dollars each state fiscal
27 year for the period March thirty-first, two thousand fourteen through
28 April first, two thousand seventeen[.]; AND
- 29 (M) UP TO ONE HUNDRED THIRTY-SIX MILLION DOLLARS EACH STATE FISCAL
30 YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND SEVENTEEN THROUGH MARCH
31 THIRTY-FIRST, TWO THOUSAND TWENTY.
- 32 (ii) Adjustments to Medicaid rates made pursuant to this paragraph
33 shall not, in aggregate, exceed the following amounts for the following
34 periods:
- 35 (A) for the period April first, two thousand two through December
36 thirty-first, two thousand two, one hundred ten million dollars;
- 37 (B) for the period January first, two thousand three through December
38 thirty-first, two thousand three, one hundred eighty-five million
39 dollars;
- 40 (C) for the period January first, two thousand four through December
41 thirty-first, two thousand four, two hundred sixty million dollars;
- 42 (D) for the period January first, two thousand five through December
43 thirty-first, two thousand five, three hundred forty million dollars;
- 44 (E) for the period January first, two thousand six through December
45 thirty-first, two thousand six, three hundred forty million dollars;
- 46 (F) for the period January first, two thousand seven through December
47 thirty-first, two thousand seven, three hundred forty million dollars;
- 48 (G) for the period January first, two thousand eight through December
49 thirty-first, two thousand eight, three hundred forty million dollars;
- 50 (H) for the period January first, two thousand nine through December
51 thirty-first, two thousand nine, three hundred forty million dollars;
- 52 (I) for the period January first, two thousand ten through December
53 thirty-first, two thousand ten, three hundred forty million dollars;
- 54 (J) for the period January first, two thousand eleven through March
55 thirty-first, two thousand eleven, eighty-five million dollars;

1 (K) for each state fiscal year within the period April first, two
2 thousand eleven through March thirty-first, two thousand fourteen, three
3 hundred forty million dollars; [and]

4 (L) for each state fiscal year within the period April first, two
5 thousand fourteen through March thirty-first, two thousand seventeen,
6 three hundred forty million dollars[.]; AND

7 (M) FOR EACH STATE FISCAL YEAR WITHIN THE PERIOD APRIL FIRST, TWO
8 THOUSAND SEVENTEEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND TWENTY,
9 THREE HUNDRED FORTY MILLION DOLLARS.

10 (iii) Personal care service providers which have their rates adjusted
11 pursuant to this paragraph shall use such funds for the purpose of
12 recruitment and retention of non-supervisory personal care services
13 workers or any worker with direct patient care responsibility only and
14 are prohibited from using such funds for any other purpose. Each such
15 personal care services provider shall submit, at a time and in a manner
16 to be determined by the commissioner, a written certification attesting
17 that such funds will be used solely for the purpose of recruitment and
18 retention of non-supervisory personal care services workers or any work-
19 er with direct patient care responsibility. The commissioner is author-
20 ized to audit each such provider to ensure compliance with the written
21 certification required by this subdivision and shall recoup any funds
22 determined to have been used for purposes other than recruitment and
23 retention of non-supervisory personal care services workers or any work-
24 er with direct patient care responsibility. Such recoupment shall be in
25 addition to any other penalties provided by law.

26 (cc) Funds shall be deposited by the commissioner, within amounts
27 appropriated, and the state comptroller is hereby authorized and
28 directed to receive for deposit to the credit of the state special
29 revenue funds - other, HCRA transfer fund, medical assistance account,
30 or any successor fund or account, for the purpose of supporting the
31 state share of adjustments to Medicaid rates of payment for personal
32 care services provided pursuant to paragraph (e) of subdivision two of
33 section three hundred sixty-five-a of the social services law, for local
34 social service districts which shall not include a city with a popu-
35 lation of over one million persons for the purpose of supporting the
36 personal care services worker recruitment and retention program as
37 established pursuant to section three hundred sixty-seven-q of the
38 social services law, from the tobacco control and insurance initiatives
39 pool established for the following periods and the following amounts:

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

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

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

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

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

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

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

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

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

7 (ee) 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 fund - other, HCRA transfer fund, medical assistance account, or
11 any successor fund or account, for purposes of funding the state share
12 of the free-standing diagnostic and treatment center rate increases for
13 recruitment and retention of health care workers pursuant to subdivision
14 seventeen of section twenty-eight hundred seven of this article from the
15 tobacco control and insurance initiatives pool established for the
16 following periods in the following amounts:

17 (i) three million two hundred fifty thousand dollars for the period
18 April first, two thousand two through December thirty-first, two thou-
19 sand two;

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

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

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

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

32 (vi) three million two hundred fifty thousand dollars for the period
33 January first, two thousand seven through December thirty-first, two
34 thousand seven;

35 (vii) three million four hundred thirty-eight thousand dollars for the
36 period January first, two thousand eight through December thirty-first,
37 two thousand eight;

38 (viii) two million four hundred fifty thousand dollars for the period
39 January first, two thousand nine through December thirty-first, two
40 thousand nine;

41 (ix) one million five hundred thousand dollars for the period January
42 first, two thousand ten through December thirty-first, two thousand ten;
43 and

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

47 (ff) 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 fund - other, HCRA transfer fund, medical assistance account, or
51 any successor fund or account, for purposes of funding the state share
52 of Medicaid expenditures for disabled persons as authorized pursuant to
53 former subparagraphs twelve and thirteen of paragraph (a) of subdivision
54 one of section three hundred sixty-six of the social services law from
55 the tobacco control and insurance initiatives pool established for the
56 following periods in the following amounts:

- 1 (i) one million eight hundred thousand dollars for the period April
2 first, two thousand two through December thirty-first, two thousand two;
3 (ii) sixteen million four hundred thousand dollars on an annualized
4 basis for the period January first, two thousand three through December
5 thirty-first, two thousand three;
6 (iii) eighteen million seven hundred thousand dollars on an annualized
7 basis for the period January first, two thousand four through December
8 thirty-first, two thousand four;
9 (iv) thirty million six hundred thousand dollars for the period Janu-
10 ary first, two thousand five through December thirty-first, two thousand
11 five;
12 (v) thirty million six hundred thousand dollars for the period January
13 first, two thousand six through December thirty-first, two thousand six;
14 (vi) thirty million six hundred thousand dollars for the period Janu-
15 ary first, two thousand seven through December thirty-first, two thou-
16 sand seven;
17 (vii) fifteen million dollars for the period January first, two thou-
18 sand eight through December thirty-first, two thousand eight;
19 (viii) fifteen million dollars for the period January first, two thou-
20 sand nine through December thirty-first, two thousand nine;
21 (ix) fifteen million dollars for the period January first, two thou-
22 sand ten through December thirty-first, two thousand ten;
23 (x) three million seven hundred fifty thousand dollars for the period
24 January first, two thousand eleven through March thirty-first, two thou-
25 sand eleven;
26 (xi) fifteen million dollars each state fiscal year for the period
27 April first, two thousand eleven through March thirty-first, two thou-
28 sand fourteen; [and]
29 (xii) fifteen million dollars each state fiscal year for the period
30 April first, two thousand fourteen through March thirty-first, two thou-
31 sand seventeen[.]; AND
32 (XIII) FIFTEEN MILLION DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD
33 APRIL FIRST, TWO THOUSAND SEVENTEEN THROUGH MARCH THIRTY-FIRST, TWO
34 THOUSAND TWENTY.
35 (gg) Funds shall be reserved and accumulated from year to year and
36 shall be available, including income from invested funds, for purposes
37 of grants to non-public general hospitals pursuant to paragraph (c) of
38 subdivision thirty of section twenty-eight hundred seven-c of this arti-
39 cle from the tobacco control and insurance initiatives pool established
40 for the following periods in the following amounts:
41 (i) up to one million three hundred thousand dollars on an annualized
42 basis for the period January first, two thousand two through December
43 thirty-first, two thousand two;
44 (ii) up to three million two hundred thousand dollars on an annualized
45 basis for the period January first, two thousand three through December
46 thirty-first, two thousand three;
47 (iii) up to five million six hundred thousand dollars on an annualized
48 basis for the period January first, two thousand four through December
49 thirty-first, two thousand four;
50 (iv) up to eight million six hundred thousand dollars for the period
51 January first, two thousand five through December thirty-first, two
52 thousand five;
53 (v) up to eight million six hundred thousand dollars on an annualized
54 basis for the period January first, two thousand six through December
55 thirty-first, two thousand six;

1 (vi) up to two million six hundred thousand dollars for the period
2 January first, two thousand seven through December thirty-first, two
3 thousand seven;
4 (vii) up to two million six hundred thousand dollars for the period
5 January first, two thousand eight through December thirty-first, two
6 thousand eight;
7 (viii) up to two million six hundred thousand dollars for the period
8 January first, two thousand nine through December thirty-first, two
9 thousand nine;
10 (ix) up to two million six hundred thousand dollars for the period
11 January first, two thousand ten through December thirty-first, two thou-
12 sand ten; and
13 (x) up to six hundred fifty thousand dollars for the period January
14 first, two thousand eleven through March thirty-first, two thousand
15 eleven.
16 (hh) 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 special revenue
19 fund - other, HCRA transfer fund, medical assistance account for
20 purposes of providing financial assistance to residential health care
21 facilities pursuant to subdivisions nineteen and twenty-one of section
22 twenty-eight hundred eight of this article, from the tobacco control and
23 insurance initiatives pool established for the following periods in the
24 following amounts:
25 (i) for the period April first, two thousand two through December
26 thirty-first, two thousand two, ten million dollars;
27 (ii) for the period January first, two thousand three through December
28 thirty-first, two thousand three, nine million four hundred fifty thou-
29 sand dollars;
30 (iii) for the period January first, two thousand four through December
31 thirty-first, two thousand four, nine million three hundred fifty thou-
32 sand dollars;
33 (iv) up to fifteen million dollars for the period January first, two
34 thousand five through December thirty-first, two thousand five;
35 (v) up to fifteen million dollars for the period January first, two
36 thousand six through December thirty-first, two thousand six;
37 (vi) up to fifteen million dollars for the period January first, two
38 thousand seven through December thirty-first, two thousand seven;
39 (vii) up to fifteen million dollars for the period January first, two
40 thousand eight through December thirty-first, two thousand eight;
41 (viii) up to fifteen million dollars for the period January first, two
42 thousand nine through December thirty-first, two thousand nine;
43 (ix) up to fifteen million dollars for the period January first, two
44 thousand ten through December thirty-first, two thousand ten;
45 (x) up to three million seven hundred fifty thousand dollars for the
46 period January first, two thousand eleven through March thirty-first,
47 two thousand eleven; and
48 (xi) fifteen million dollars each state fiscal year for the period
49 April first, two thousand eleven through March thirty-first, two thou-
50 sand fourteen.
51 (ii) 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 the purpose of supporting the
56 state share of Medicaid expenditures for disabled persons as authorized

1 by sections 1619 (a) and (b) of the federal social security act pursuant
2 to the tobacco control and insurance initiatives pool established for
3 the following periods in the following amounts:

4 (i) six million four hundred thousand dollars for the period April
5 first, two thousand two through December thirty-first, two thousand two;
6 (ii) eight million five hundred thousand dollars, for the period Janu-
7 ary first, two thousand three through December thirty-first, two thou-
8 sand three;

9 (iii) eight million five hundred thousand dollars for the period Janu-
10 ary first, two thousand four through December thirty-first, two thousand
11 four;

12 (iv) eight million five hundred thousand dollars for the period Janu-
13 ary first, two thousand five through December thirty-first, two thousand
14 five;

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

17 (vi) eight million six hundred thousand dollars for the period January
18 first, two thousand seven through December thirty-first, two thousand
19 seven;

20 (vii) eight million five hundred thousand dollars for the period Janu-
21 ary first, two thousand eight through December thirty-first, two thou-
22 sand eight;

23 (viii) eight million five hundred thousand dollars for the period
24 January first, two thousand nine through December thirty-first, two
25 thousand nine;

26 (ix) eight million five hundred thousand dollars for the period Janu-
27 ary first, two thousand ten through December thirty-first, two thousand
28 ten;

29 (x) two million one hundred twenty-five thousand dollars for the peri-
30 od January first, two thousand eleven through March thirty-first, two
31 thousand eleven;

32 (xi) eight million five hundred thousand dollars each state fiscal
33 year for the period April first, two thousand eleven through March thir-
34 ty-first, two thousand fourteen; [and]

35 (xii) eight million five hundred thousand dollars each state fiscal
36 year for the period April first, two thousand fourteen through March
37 thirty-first, two thousand seventeen[.]; AND

38 (XIII) EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS EACH STATE FISCAL
39 YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND SEVENTEEN THROUGH MARCH
40 THIRTY-FIRST, TWO THOUSAND TWENTY.

41 (jj) Funds shall be reserved and accumulated from year to year and
42 shall be available, including income from invested funds, for the
43 purposes of a grant program to improve access to infertility services,
44 treatments and procedures, from the tobacco control and insurance initi-
45 atives pool established for the period January first, two thousand two
46 through December thirty-first, two thousand two in the amount of nine
47 million one hundred seventy-five thousand dollars, for the period April
48 first, two thousand six through March thirty-first, two thousand seven
49 in the amount of five million dollars, for the period April first, two
50 thousand seven through March thirty-first, two thousand eight in the
51 amount of five million dollars, for the period April first, two thousand
52 eight through March thirty-first, two thousand nine in the amount of
53 five million dollars, and for the period April first, two thousand nine
54 through March thirty-first, two thousand ten in the amount of five
55 million dollars, for the period April first, two thousand ten through
56 March thirty-first, two thousand eleven in the amount of two million two

1 hundred thousand dollars, and for the period April first, two thousand
2 eleven through March thirty-first, two thousand twelve up to one million
3 one hundred thousand dollars.

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

12 (i) thirty-eight million eight hundred thousand dollars for the period
13 January first, two thousand two through December thirty-first, two thou-
14 sand two;

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

18 (iii) up to four hundred seventy-two million dollars for the period
19 January first, two thousand four through December thirty-first, two
20 thousand four;

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

23 (v) up to eight hundred sixty-six million three hundred thousand
24 dollars for the period January first, two thousand six through December
25 thirty-first, two thousand six;

26 (vi) up to six hundred sixteen million seven hundred thousand dollars
27 for the period January first, two thousand seven through December thir-
28 ty-first, two thousand seven;

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

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

34 (ll) Funds shall be deposited by the commissioner, within amounts
35 appropriated, and the state comptroller is hereby authorized and
36 directed to receive for deposit to the credit of the state special
37 revenue funds -- other, HCRA transfer fund, medical assistance account,
38 or any successor fund or account, for purposes of funding the state
39 share of Medicaid expenditures related to the city of New York from the
40 tobacco control and insurance initiatives pool established for the
41 following periods in the following amounts:

42 (i) eighty-two million seven hundred thousand dollars for the period
43 January first, two thousand two through December thirty-first, two thou-
44 sand two;

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

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

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

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

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

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

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

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

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

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

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

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

29 (B) for the period January first, two thousand five through December
30 thirty-first, two thousand five, seventy-five percent of the state
31 share; and[,]

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

34 (ii) Funding for the family health plus program will include up to
35 five million dollars annually for the period January first, two thousand
36 three through December thirty-first, two thousand six, up to five
37 million dollars for the period January first, two thousand seven through
38 December thirty-first, two thousand seven, up to seven million two
39 hundred thousand dollars for the period January first, two thousand
40 eight through December thirty-first, two thousand eight, up to seven
41 million two hundred thousand dollars for the period January first, two
42 thousand nine through December thirty-first, two thousand nine, up to
43 seven million two hundred thousand dollars for the period January first,
44 two thousand ten through December thirty-first, two thousand ten, up to
45 one million eight hundred thousand dollars for the period January first,
46 two thousand eleven through March thirty-first, two thousand eleven, up
47 to six million forty-nine thousand dollars for the period April first,
48 two thousand eleven through March thirty-first, two thousand twelve, up
49 to six million two hundred eighty-nine thousand dollars for the period
50 April first, two thousand twelve through March thirty-first, two thou-
51 sand thirteen, and up to six million four hundred sixty-one thousand
52 dollars for the period April first, two thousand thirteen through March
53 thirty-first, two thousand fourteen, for administration and marketing
54 costs associated with such program established pursuant to clauses (A)
55 and (B) of subparagraph (v) of paragraph (a) of subdivision two of
56 section three hundred sixty-nine-ee of the social services law from the

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

3 (A) one hundred ninety million six hundred thousand dollars for the
4 period January first, two thousand three through December thirty-first,
5 two thousand three;

6 (B) three hundred seventy-four million dollars for the period January
7 first, two thousand four through December thirty-first, two thousand
8 four;

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

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

15 (E) four hundred eighty-two million eight hundred thousand dollars for
16 the period January first, two thousand seven through December thirty-
17 first, two thousand seven;

18 (F) five hundred seventy million twenty-five thousand dollars for the
19 period January first, two thousand eight through December thirty-first,
20 two thousand eight;

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

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

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

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

33 (K) six hundred fifty million four hundred thousand dollars for the
34 period April first, two thousand twelve through March thirty-first, two
35 thousand thirteen;

36 (L) six hundred fifty million four hundred thousand dollars for the
37 period April first, two thousand thirteen through March thirty-first,
38 two thousand fourteen; and

39 (M) up to three hundred ten million five hundred ninety-five thousand
40 dollars for the period April first, two thousand fourteen through March
41 thirty-first, two thousand fifteen.

42 (nn) Funds shall be deposited by the commissioner, within amounts
43 appropriated, and the state comptroller is hereby authorized and
44 directed to receive for deposit to the credit of the state special
45 revenue fund - other, HCRA transfer fund, health care services account,
46 or any successor fund or account, for purposes related to adult home
47 initiatives for medicaid eligible residents of residential facilities
48 licensed pursuant to section four hundred sixty-b of the social services
49 law from the tobacco control and insurance initiatives pool established
50 for the following periods in the following amounts:

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

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

55 (iii) up to eight million dollars for the period January first, two
56 thousand five through December thirty-first, two thousand five,

1 provided, however, that up to five million two hundred fifty thousand
2 dollars of such funds shall be received by the comptroller and deposited
3 to the credit of the special revenue fund - other / aid to localities,
4 HCRA transfer fund - 061, enhanced community services account - 05, or
5 any successor fund or account, for the purposes set forth in this para-
6 graph;

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

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

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

25 (vii) up to two million seven hundred fifty thousand dollars for the
26 period January first, two thousand nine through December thirty-first,
27 two thousand nine;

28 (viii) up to two million seven hundred fifty thousand dollars for the
29 period January first, two thousand ten through December thirty-first,
30 two thousand ten; and

31 (ix) up to six hundred eighty-eight thousand dollars for the period
32 January first, two thousand eleven through March thirty-first, two thou-
33 sand eleven.

34 (oo) Funds shall be reserved and accumulated from year to year and
35 shall be available, including income from invested funds, for purposes
36 of grants to non-public general hospitals pursuant to paragraph (e) of
37 subdivision twenty-five of section twenty-eight hundred seven-c of this
38 article from the tobacco control and insurance initiatives pool estab-
39 lished for the following periods in the following amounts:

40 (i) up to five million dollars on an annualized basis for the period
41 January first, two thousand four through December thirty-first, two
42 thousand four;

43 (ii) up to five million dollars for the period January first, two
44 thousand five through December thirty-first, two thousand five;

45 (iii) up to five million dollars for the period January first, two
46 thousand six through December thirty-first, two thousand six;

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

49 (v) up to five million dollars for the period January first, two thou-
50 sand eight through December thirty-first, two thousand eight;

51 (vi) up to five million dollars for the period January first, two
52 thousand nine through December thirty-first, two thousand nine;

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

1 (viii) up to one million two hundred fifty thousand dollars for the
2 period January first, two thousand eleven through March thirty-first,
3 two thousand eleven.

4 (pp) Funds shall be reserved and accumulated from year to year and
5 shall be available, including income from invested funds, for the
6 purpose of supporting the provision of tax credits for long term care
7 insurance pursuant to subdivision one of section one hundred ninety of
8 the tax law, paragraph (a) of subdivision twenty-five-a of section two
9 hundred ten of such law, subsection (aa) of section six hundred six of
10 such law, paragraph one of subsection (k) of section fourteen hundred
11 fifty-six of such law and paragraph one of subdivision (m) of section
12 fifteen hundred eleven of such law, in the following amounts:

13 (i) ten million dollars for the period January first, two thousand
14 four through December thirty-first, two thousand four;

15 (ii) ten million dollars for the period January first, two thousand
16 five through December thirty-first, two thousand five;

17 (iii) ten million dollars for the period January first, two thousand
18 six through December thirty-first, two thousand six; and

19 (iv) five million dollars for the period January first, two thousand
20 seven through June thirtieth, two thousand seven.

21 (qq) Funds shall be reserved and accumulated from year to year and
22 shall be available, including income from invested funds, for the
23 purpose of supporting the long-term care insurance education and
24 outreach program established pursuant to section two hundred seventeen-a
25 of the elder law for the following periods in the following amounts:

26 (i) up to five million dollars for the period January first, two thou-
27 sand four through December thirty-first, two thousand four; of such
28 funds one million nine hundred fifty thousand dollars shall be made
29 available to the department for the purpose of developing, implementing
30 and administering the long-term care insurance education and outreach
31 program and three million fifty thousand dollars shall be deposited by
32 the commissioner, within amounts appropriated, and the comptroller is
33 hereby authorized and directed to receive for deposit to the credit of
34 the special revenue funds - other, HCRA transfer fund, long term care
35 insurance resource center account of the state office for the aging or
36 any future account designated for the purpose of implementing the long
37 term care insurance education and outreach program and providing the
38 long term care insurance resource centers with the necessary resources
39 to carry out their operations;

40 (ii) up to five million dollars for the period January first, two
41 thousand five through December thirty-first, two thousand five; of such
42 funds one million nine hundred fifty thousand dollars shall be made
43 available to the department for the purpose of developing, implementing
44 and administering the long-term care insurance education and outreach
45 program and three million fifty thousand dollars shall be deposited by
46 the commissioner, within amounts appropriated, and the comptroller is
47 hereby authorized and directed to receive for deposit to the credit of
48 the special revenue funds - other, HCRA transfer fund, long term care
49 insurance resource center account of the state office for the aging or
50 any future account designated for the purpose of implementing the long
51 term care insurance education and outreach program and providing the
52 long term care insurance resource centers with the necessary resources
53 to carry out their operations;

54 (iii) up to five million dollars for the period January first, two
55 thousand six through December thirty-first, two thousand six; of such
56 funds one million nine hundred fifty thousand dollars shall be made

1 available to the department for the purpose of developing, implementing
2 and administering the long-term care insurance education and outreach
3 program and three million fifty thousand dollars shall be made available
4 to the office for the aging for the purpose of providing the long term
5 care insurance resource centers with the necessary resources to carry
6 out their operations;

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

16 (v) up to five million dollars for the period January first, two thou-
17 sand eight through December thirty-first, two thousand eight; of such
18 funds one million nine hundred fifty thousand dollars shall be made
19 available to the department for the purpose of developing, implementing
20 and administering the long term care insurance education and outreach
21 program and three million fifty thousand dollars shall be made available
22 to the office for the aging for the purpose of providing the long term
23 care insurance resource centers with the necessary resources to carry
24 out their operations;

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

34 (vii) up to four hundred eighty-eight thousand dollars for the period
35 January first, two thousand ten through March thirty-first, two thousand
36 ten; of such funds four hundred eighty-eight thousand dollars shall be
37 made available to the department for the purpose of developing, imple-
38 menting and administering the long-term care insurance education and
39 outreach program.

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

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

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

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

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

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

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

4 (ss) Funds shall be reserved and accumulated from the tobacco control
5 and insurance initiatives pool and used for a health care stabilization
6 program established by the commissioner for the purposes of stabilizing
7 critical health care providers and health care programs whose ability to
8 continue to provide appropriate services are threatened by financial or
9 other challenges, in the amount of up to twenty-eight million dollars
10 for the period July first, two thousand four through June thirtieth, two
11 thousand five. Notwithstanding the provisions of section one hundred
12 twelve of the state finance law or any other inconsistent provision of
13 the state finance law or any other law, funds available for distribution
14 pursuant to this paragraph may be allocated and distributed by the
15 commissioner, or the state comptroller as applicable without a compet-
16 itive bid or request for proposal process. Considerations relied upon by
17 the commissioner in determining the allocation and distribution of these
18 funds shall include, but not be limited to, the following: (i) the
19 importance of the provider or program in meeting critical health care
20 needs in the community in which it operates; (ii) the provider or
21 program provision of care to under-served populations; (iii) the quality
22 of the care or services the provider or program delivers; (iv) the abil-
23 ity of the provider or program to continue to deliver an appropriate
24 level of care or services if additional funding is made available; (v)
25 the ability of the provider or program to access, in a timely manner,
26 alternative sources of funding, including other sources of government
27 funding; (vi) the ability of other providers or programs in the communi-
28 ty to meet the community health care needs; (vii) whether the provider
29 or program has an appropriate plan to improve its financial condition;
30 and (viii) whether additional funding would permit the provider or
31 program to consolidate, relocate, or close programs or services where
32 such actions would result in greater stability and efficiency in the
33 delivery of needed health care services or programs.

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

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

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

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

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

48 (v) up to two hundred fifty thousand dollars for the period January
49 first, two thousand eight through March thirty-first, two thousand
50 eight.

51 (uu) 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 disease management and telemedicine demonstration
54 programs authorized pursuant to section twenty-one hundred eleven of
55 this chapter for the following periods in the following amounts:

1 (i) five million dollars for the period January first, two thousand
2 four through December thirty-first, two thousand four, of which three
3 million dollars shall be available for disease management demonstration
4 programs and two million dollars shall be available for telemedicine
5 demonstration programs;

6 (ii) five million dollars for the period January first, two thousand
7 five through December thirty-first, two thousand five, of which three
8 million dollars shall be available for disease management demonstration
9 programs and two million dollars shall be available for telemedicine
10 demonstration programs;

11 (iii) nine million five hundred thousand dollars for the period Janu-
12 ary first, two thousand six through December thirty-first, two thousand
13 six, of which seven million five hundred thousand dollars shall be
14 available for disease management demonstration programs and two million
15 dollars shall be available for telemedicine demonstration programs;

16 (iv) nine million five hundred thousand dollars for the period January
17 first, two thousand seven through December thirty-first, two thousand
18 seven, of which seven million five hundred thousand dollars shall be
19 available for disease management demonstration programs and one million
20 dollars shall be available for telemedicine demonstration programs;

21 (v) nine million five hundred thousand dollars for the period January
22 first, two thousand eight through December thirty-first, two thousand
23 eight, of which seven million five hundred thousand dollars shall be
24 available for disease management demonstration programs and two million
25 dollars shall be available for telemedicine demonstration programs;

26 (vi) seven million eight hundred thirty-three thousand three hundred
27 thirty-three dollars for the period January first, two thousand nine
28 through December thirty-first, two thousand nine, of which seven million
29 five hundred thousand dollars shall be available for disease management
30 demonstration programs and three hundred thirty-three thousand three
31 hundred thirty-three dollars shall be available for telemedicine demon-
32 stration programs for the period January first, two thousand nine
33 through March first, two thousand nine;

34 (vii) one million eight hundred seventy-five thousand dollars for the
35 period January first, two thousand ten through March thirty-first, two
36 thousand ten shall be available for disease management demonstration
37 programs.

38 (ww) Funds shall be deposited by the commissioner, within amounts
39 appropriated, and the state comptroller is hereby authorized and
40 directed to receive for the deposit to the credit of the state special
41 revenue funds - other, HCRA transfer fund, medical assistance account,
42 or any successor fund or account, for purposes of funding the state
43 share of the general hospital rates increases for recruitment and
44 retention of health care workers pursuant to paragraph (e) of subdivi-
45 sion thirty of section twenty-eight hundred seven-c of this article from
46 the tobacco control and insurance initiatives pool established for the
47 following periods in the following amounts:

48 (i) sixty million five hundred thousand dollars for the period January
49 first, two thousand five through December thirty-first, two thousand
50 five; and

51 (ii) sixty million five hundred thousand dollars for the period Janu-
52 ary first, two thousand six through December thirty-first, two thousand
53 six.

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

1 revenue funds - other, HCRA transfer fund, medical assistance account,
2 or any successor fund or account, for purposes of funding the state
3 share of the general hospital rates increases for rural hospitals pursu-
4 ant to subdivision thirty-two of section twenty-eight hundred seven-c of
5 this article from the tobacco control and insurance initiatives pool
6 established for the following periods in the following amounts:

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

10 (ii) three million five hundred thousand dollars for the period Janu-
11 ary first, two thousand six through December thirty-first, two thousand
12 six;

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

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

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

22 (yy) Funds shall be reserved and accumulated from year to year and
23 shall be available, within amounts appropriated and notwithstanding
24 section one hundred twelve of the state finance law and any other
25 contrary provision of law, for the purpose of supporting grants not to
26 exceed five million dollars to be made by the commissioner without a
27 competitive bid or request for proposal process, in support of the
28 delivery of critically needed health care services, to health care
29 providers located in the counties of Erie and Niagara which executed a
30 memorandum of closing and conducted a merger closing in escrow on Novem-
31 ber twenty-fourth, nineteen hundred ninety-seven and which entered into
32 a settlement dated December thirtieth, two thousand four for a loss on
33 disposal of assets under the provisions of title XVIII of the federal
34 social security act applicable to mergers occurring prior to December
35 first, nineteen hundred ninety-seven.

36 (zz) Funds shall be reserved and accumulated from year to year and
37 shall be available, within amounts appropriated, for the purpose of
38 supporting expenditures authorized pursuant to section twenty-eight
39 hundred eighteen of this article from the tobacco control and insurance
40 initiatives pool established for the following periods in the following
41 amounts:

42 (i) six million five hundred thousand dollars for the period January
43 first, two thousand five through December thirty-first, two thousand
44 five;

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

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

- 1 (iv) one hundred seventy-one million five hundred thousand dollars for
2 the period January first, two thousand eight through December thirty-
3 first, two thousand eight;
- 4 (v) one hundred twenty-eight million seven hundred fifty thousand
5 dollars for the period January first, two thousand nine through December
6 thirty-first, two thousand nine;
- 7 (vi) one hundred thirty-one million three hundred seventy-five thou-
8 sand dollars for the period January first, two thousand ten through
9 December thirty-first, two thousand ten;
- 10 (vii) thirty-four million two hundred fifty thousand dollars for the
11 period January first, two thousand eleven through March thirty-first,
12 two thousand eleven;
- 13 (viii) four hundred thirty-three million three hundred sixty-six thou-
14 sand dollars for the period April first, two thousand eleven through
15 March thirty-first, two thousand twelve;
- 16 (ix) one hundred fifty million eight hundred six thousand dollars for
17 the period April first, two thousand twelve through March thirty-first,
18 two thousand thirteen;
- 19 (x) seventy-eight million seventy-one thousand dollars for the period
20 April first, two thousand thirteen through March thirty-first, two thou-
21 sand fourteen.
- 22 (aaa) Funds shall be reserved and accumulated from year to year and
23 shall be available, including income from invested funds, for services
24 and expenses related to school based health centers, in an amount up to
25 three million five hundred thousand dollars for the period April first,
26 two thousand six through March thirty-first, two thousand seven, up to
27 three million five hundred thousand dollars for the period April first,
28 two thousand seven through March thirty-first, two thousand eight, up to
29 three million five hundred thousand dollars for the period April first,
30 two thousand eight through March thirty-first, two thousand nine, up to
31 three million five hundred thousand dollars for the period April first,
32 two thousand nine through March thirty-first, two thousand ten, up to
33 three million five hundred thousand dollars for the period April first,
34 two thousand ten through March thirty-first, two thousand eleven, up to
35 two million eight hundred thousand dollars each state fiscal year for
36 the period April first, two thousand eleven through March thirty-first,
37 two thousand fourteen, [and] up to two million six hundred forty-four
38 thousand dollars each state fiscal year for the period April first, two
39 thousand fourteen through March thirty-first, two thousand seventeen,
40 AND UP TO TWO MILLION SIX HUNDRED FORTY-FOUR THOUSAND DOLLARS EACH STATE
41 FISCAL YEAR FOR THE PERIOD APRIL FIRST, TWO THOUSAND SEVENTEEN THROUGH
42 MARCH THIRTY-FIRST, TWO THOUSAND TWENTY. The total amount of funds
43 provided herein shall be distributed as grants based on the ratio of
44 each provider's total enrollment for all sites to the total enrollment
45 of all providers. This formula shall be applied to the total amount
46 provided herein.
- 47 (bbb) Funds shall be reserved and accumulated from year to year and
48 shall be available, including income from invested funds, for purposes
49 of awarding grants to operators of adult homes, enriched housing
50 programs and residences through the enhancing abilities and life experi-
51 ence (EnAbLe) program to provide for the installation, operation and
52 maintenance of air conditioning in resident rooms, consistent with this
53 paragraph, in an amount up to two million dollars for the period April
54 first, two thousand six through March thirty-first, two thousand seven,
55 up to three million eight hundred thousand dollars for the period April
56 first, two thousand seven through March thirty-first, two thousand

1 eight, up to three million eight hundred thousand dollars for the period
2 April first, two thousand eight through March thirty-first, two thousand
3 nine, up to three million eight hundred thousand dollars for the period
4 April first, two thousand nine through March thirty-first, two thousand
5 ten, and up to three million eight hundred thousand dollars for the
6 period April first, two thousand ten through March thirty-first, two
7 thousand eleven. Residents shall not be charged utility cost for the use
8 of air conditioners supplied under the EnAbLe program. All such air
9 conditioners must be operated in occupied resident rooms consistent with
10 requirements applicable to common areas.

11 (ccc) 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 increases in the rates for certified home health agencies, long
17 term home health care programs, AIDS home care programs, hospice
18 programs and managed long term care plans and approved managed long term
19 care operating demonstrations as defined in section forty-four hundred
20 three-f of this chapter for recruitment and retention of health care
21 workers pursuant to subdivisions nine and ten of section thirty-six
22 hundred fourteen of this chapter from the tobacco control and insurance
23 initiatives pool established for the following periods in the following
24 amounts:

25 (i) twenty-five million dollars for the period June first, two thou-
26 sand six through December thirty-first, two thousand six;

27 (ii) fifty million dollars for the period January first, two thousand
28 seven through December thirty-first, two thousand seven;

29 (iii) fifty million dollars for the period January first, two thousand
30 eight through December thirty-first, two thousand eight;

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

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

35 (vi) twelve million five hundred thousand dollars for the period Janu-
36 ary first, two thousand eleven through March thirty-first, two thousand
37 eleven;

38 (vii) up to fifty million dollars each state fiscal year for the peri-
39 od April first, two thousand eleven through March thirty-first, two
40 thousand fourteen; [and]

41 (viii) up to fifty million dollars each state fiscal year for the
42 period April first, two thousand fourteen through March thirty-first,
43 two thousand seventeen[.]; AND

44 (IX) UP TO FIFTY MILLION DOLLARS EACH STATE FISCAL YEAR FOR THE PERIOD
45 APRIL FIRST, TWO THOUSAND SEVENTEEN THROUGH MARCH THIRTY-FIRST, TWO
46 THOUSAND TWENTY.

47 (ddd) Funds shall be deposited by the commissioner, within amounts
48 appropriated, and the state comptroller is hereby authorized and
49 directed to receive for the 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 the state
52 share of increases in the medical assistance rates for providers for
53 purposes of enhancing the provision, quality and/or efficiency of home
54 care services pursuant to subdivision eleven of section thirty-six
55 hundred fourteen of this chapter from the tobacco control and insurance
56 initiatives pool established for the following period in the amount of

1 eight million dollars for the period April first, two thousand six
2 through December thirty-first, two thousand six.

3 (eee) Funds shall be reserved and accumulated from year to year and
4 shall be available, including income from invested funds, to the Center
5 for Functional Genomics at the State University of New York at Albany,
6 for the purposes of the Adirondack network for cancer education and
7 research in rural communities grant program to improve access to health
8 care and shall be made available from the tobacco control and insurance
9 initiatives pool established for the following period in the amount of
10 up to five million dollars for the period January first, two thousand
11 six through December thirty-first, two thousand six.

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

16 (ggg) 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, medical assistance account, or
20 any successor fund or account, for the purpose of supporting the state
21 share of Medicaid expenditures for hospital translation services as
22 authorized pursuant to paragraph (k) of subdivision one of section twen-
23 ty-eight hundred seven-c of this article from the tobacco control and
24 initiatives pool established for the following periods in the following
25 amounts:

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

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

31 (hhh) Funds shall be deposited by the commissioner, within amounts
32 appropriated, and the state comptroller is hereby authorized and
33 directed to receive for deposit to the credit of the state special
34 revenue fund - other, HCRA transfer fund, medical assistance account, or
35 any successor fund or account, for the purpose of supporting the state
36 share of Medicaid expenditures for adjustments to inpatient rates of
37 payment for general hospitals located in the counties of Nassau and
38 Suffolk as authorized pursuant to paragraph (l) of subdivision one of
39 section twenty-eight hundred seven-c of this article from the tobacco
40 control and initiatives pool established for the following periods in
41 the following amounts:

42 (i) two million five hundred thousand dollars for the period April
43 first, two thousand eight through December thirty-first, two thousand
44 eight; and

45 (ii) two million two hundred ninety-two thousand dollars for the peri-
46 od January first, two thousand nine through November thirtieth, two
47 thousand nine.

48 (iii) Funds shall be reserved and set aside and accumulated from year
49 to year and shall be made available, including income from investment
50 funds, for the purpose of supporting the New York state medical indem-
51 nity fund as authorized pursuant to title four of article twenty-nine-D
52 of this chapter, for the following periods and in the following amounts,
53 provided, however, that the commissioner is authorized to seek waiver
54 authority from the federal centers for medicare and Medicaid for the
55 purpose of securing Medicaid federal financial participation for such

1 program, in which case the funding authorized pursuant to this paragraph
2 shall be utilized as the non-federal share for such payments:

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

5 2. (a) For periods prior to January first, two thousand five, the
6 commissioner is authorized to contract with the article forty-three
7 insurance law plans, or such other contractors as the commissioner shall
8 designate, to receive and distribute funds from the tobacco control and
9 insurance initiatives pool established pursuant to this section. In the
10 event contracts with the article forty-three insurance law plans or
11 other commissioner's designees are effectuated, the commissioner shall
12 conduct annual audits of the receipt and distribution of such funds. The
13 reasonable costs and expenses of an administrator as approved by the
14 commissioner, not to exceed for personnel services on an annual basis
15 five hundred thousand dollars, for collection and distribution of funds
16 pursuant to this section shall be paid from such funds.

17 (b) Notwithstanding any inconsistent provision of section one hundred
18 twelve or one hundred sixty-three of the state finance law or any other
19 law, at the discretion of the commissioner without a competitive bid or
20 request for proposal process, contracts in effect for administration of
21 pools established pursuant to sections twenty-eight hundred seven-k,
22 twenty-eight hundred seven-l and twenty-eight hundred seven-m of this
23 article for the period January first, nineteen hundred ninety-nine
24 through December thirty-first, nineteen hundred ninety-nine may be
25 extended to provide for administration pursuant to this section and may
26 be amended as may be necessary.

27 § 23. This act shall take effect immediately; provided, however, that:

28 (a) the amendments made to sections 2807-s and 2807-j of the public
29 health law made by sections three, four and five of this act shall not
30 affect the expiration of such sections and shall expire therewith; and

31 (b) the amendments to subdivision 6 of section 2807-t of the public
32 health law made by section eight of this act shall not affect the expi-
33 ration of such section and shall be deemed to expire therewith; and

34 (c) the amendments to paragraph (i-1) of subdivision 1 of section
35 2807-v of the public health law made by section twenty-two of this act
36 shall not affect the repeal of such paragraph and shall be deemed
37 repealed therewith.

38

PART I

39 Section 1. Section 11 of chapter 884 of the laws of 1990, amending the
40 public health law relating to authorizing bad debt and charity care
41 allowances for certified home health agencies, as amended by section 1
42 of part D of chapter 57 of the laws of 2015, is amended to read as
43 follows:

44 § 11. This act shall take effect immediately and:

45 (a) sections one and three shall expire on December 31, 1996,

46 (b) sections four through ten shall expire on June 30, [2017] 2019,
47 and

48 (c) provided that the amendment to section 2807-b of the public health
49 law by section two of this act shall not affect the expiration of such
50 section 2807-b as otherwise provided by law and shall be deemed to
51 expire therewith.

52 § 2. Subdivision 4-a of section 71 of part C of chapter 60 of the laws
53 of 2014 amending the social services law relating to eliminating pres-
54 criber prevails for brand name drugs with generic equivalent, as amended

1 by section 6 of part D of chapter 59 of the laws of 2016, is amended to
2 read as follows:

3 4-a. section twenty-two of this act shall take effect April 1, 2014,
4 and shall be deemed expired January 1, [2018] 2019;

5 § 3. Subparagraph (vi) of paragraph (b) of subdivision 2 of section
6 2807-d of the public health law, as amended by section 3 of part D of
7 chapter 57 of the laws of 2015, is amended to read as follows:

8 (vi) Notwithstanding any contrary provision of this paragraph or any
9 other provision of law or regulation to the contrary, for residential
10 health care facilities the assessment shall be six percent of each resi-
11 dential health care facility's gross receipts received from all patient
12 care services and other operating income on a cash basis for the period
13 April first, two thousand two through March thirty-first, two thousand
14 three for hospital or health-related services, including adult day
15 services; provided, however, that residential health care facilities'
16 gross receipts attributable to payments received pursuant to title XVIII
17 of the federal social security act (medicare) shall be excluded from the
18 assessment; provided, however, that for all such gross receipts received
19 on or after April first, two thousand three through March thirty-first,
20 two thousand five, such assessment shall be five percent, and further
21 provided that for all such gross receipts received on or after April
22 first, two thousand five through March thirty-first, two thousand nine,
23 and on or after April first, two thousand nine through March thirty-
24 first, two thousand eleven such assessment shall be six percent, and
25 further provided that for all such gross receipts received on or after
26 April first, two thousand eleven through March thirty-first, two thou-
27 sand thirteen such assessment shall be six percent, and further provided
28 that for all such gross receipts received on or after April first, two
29 thousand thirteen through March thirty-first, two thousand fifteen such
30 assessment shall be six percent, and further provided that for all such
31 gross receipts received on or after April first, two thousand fifteen
32 through March thirty-first, two thousand seventeen such assessment shall
33 be six percent, AND FURTHER PROVIDED THAT FOR ALL SUCH GROSS RECEIPTS
34 RECEIVED ON OR AFTER APRIL FIRST, TWO THOUSAND SEVENTEEN THROUGH MARCH
35 THIRTY-FIRST, TWO THOUSAND NINETEEN SUCH ASSESSMENT SHALL BE SIX
36 PERCENT.

37 § 4. Subdivision 1 of section 194 of chapter 474 of the laws of 1996,
38 amending the education law and other laws relating to rates for residen-
39 tial health care facilities, as amended by section 5 of part D of chap-
40 ter 57 of the laws of 2015, is amended to read as follows:

41 1. Notwithstanding any inconsistent provision of law or regulation,
42 the trend factors used to project reimbursable operating costs to the
43 rate period for purposes of determining rates of payment pursuant to
44 article 28 of the public health law for residential health care facili-
45 ties for reimbursement of inpatient services provided to patients eligi-
46 ble for payments made by state governmental agencies on and after April
47 1, 1996 through March 31, 1999 and for payments made on and after July
48 1, 1999 through March 31, 2000 and on and after April 1, 2000 through
49 March 31, 2003 and on and after April 1, 2003 through March 31, 2007 and
50 on and after April 1, 2007 through March 31, 2009 and on and after April
51 1, 2009 through March 31, 2011 and on and after April 1, 2011 through
52 March 31, 2013 and on and after April 1, 2013 through March 31, 2015,
53 and on and after April 1, 2015 through March 31, 2017, AND ON AND AFTER
54 APRIL 1, 2017 THROUGH MARCH 31, 2019 shall reflect no trend factor
55 projections or adjustments for the period April 1, 1996, through March
56 31, 1997.

1 § 5. Subdivision 1 of section 89-a of part C of chapter 58 of the laws
2 of 2007, amending the social services law and other laws relating to
3 enacting the major components of legislation necessary to implement the
4 health and mental hygiene budget for the 2007-2008 state fiscal year, as
5 amended by section 6 of part D of chapter 57 of the laws of 2015, is
6 amended to read as follows:

7 1. Notwithstanding paragraph (c) of subdivision 10 of section 2807-c
8 of the public health law and section 21 of chapter 1 of the laws of
9 1999, as amended, and any other inconsistent provision of law or regu-
10 lation to the contrary, in determining rates of payments by state
11 governmental agencies effective for services provided beginning April 1,
12 2006, through March 31, 2009, and on and after April 1, 2009 through
13 March 31, 2011, and on and after April 1, 2011 through March 31, 2013,
14 and on and after April 1, 2013 through March 31, 2015, and on and after
15 April 1, 2015 through March 31, 2017, AND ON AND AFTER APRIL 1, 2017
16 THROUGH MARCH 31, 2019 for inpatient and outpatient services provided by
17 general hospitals and for inpatient services and outpatient adult day
18 health care services provided by residential health care facilities
19 pursuant to article 28 of the public health law, the commissioner of
20 health shall apply a trend factor projection of two and twenty-five
21 hundredths percent attributable to the period January 1, 2006 through
22 December 31, 2006, and on and after January 1, 2007, provided, however,
23 that on reconciliation of such trend factor for the period January 1,
24 2006 through December 31, 2006 pursuant to paragraph (c) of subdivision
25 10 of section 2807-c of the public health law, such trend factor shall
26 be the final US Consumer Price Index (CPI) for all urban consumers, as
27 published by the US Department of Labor, Bureau of Labor Statistics less
28 twenty-five hundredths of a percentage point.

29 § 6. Subdivision 5-a of section 246 of chapter 81 of the laws of 1995,
30 amending the public health law and other laws relating to medical
31 reimbursement and welfare reform, as amended by section 11 of part D of
32 chapter 57 of the laws of 2015, is amended to read as follows:

33 5-a. Section sixty-four-a of this act shall be deemed to have been in
34 full force and effect on and after April 1, 1995 through March 31, 1999
35 and on and after July 1, 1999 through March 31, 2000 and on and after
36 April 1, 2000 through March 31, 2003 and on and after April 1, 2003
37 through March 31, 2007, and on and after April 1, 2007 through March 31,
38 2009, and on and after April 1, 2009 through March 31, 2011, and on and
39 after April 1, 2011 through March 31, 2013, and on and after April 1,
40 2013 through March 31, 2015, and on and after April 1, 2015 through
41 March 31, 2017 AND ON AND AFTER APRIL 1, 2017 THROUGH MARCH 31, 2019;

42 § 7. Section 64-b of chapter 81 of the laws of 1995, amending the
43 public health law and other laws relating to medical reimbursement and
44 welfare reform, as amended by section 12 of part D of chapter 57 of the
45 laws of 2015, is amended to read as follows:

46 § 64-b. Notwithstanding any inconsistent provision of law, the
47 provisions of subdivision 7 of section 3614 of the public health law, as
48 amended, shall remain and be in full force and effect on April 1, 1995
49 through March 31, 1999 and on July 1, 1999 through March 31, 2000 and on
50 and after April 1, 2000 through March 31, 2003 and on and after April 1,
51 2003 through March 31, 2007, and on and after April 1, 2007 through
52 March 31, 2009, and on and after April 1, 2009 through March 31, 2011,
53 and on and after April 1, 2011 through March 31, 2013, and on and after
54 April 1, 2013 through March 31, 2015, and on and after April 1, 2015
55 through March 31, 2017 AND ON AND AFTER APRIL 1, 2017 THROUGH MARCH 31,
56 2019.

1 § 8. Subdivision (a) of section 40 of part B of chapter 109 of the
2 laws of 2010, amending the social services law relating to transporta-
3 tion costs, as amended by section 23 of part D of chapter 57 of the laws
4 of 2015, is amended to read as follows:

5 (a) sections two, three, three-a, three-b, three-c, three-d, three-e
6 and twenty-one of this act shall take effect July 1, 2010; sections
7 fifteen, sixteen, seventeen, eighteen and nineteen of this act shall
8 take effect January 1, 2011; and provided further that section twenty of
9 this act shall be deemed repealed [six] EIGHT years after the date the
10 contract entered into pursuant to section 365-h of the social services
11 law, as amended by section twenty of this act, is executed; provided
12 that the commissioner of health shall notify the legislative bill draft-
13 ing commission upon the execution of the contract entered into pursuant
14 to section 367-h of the social services law in order that the commission
15 may maintain an accurate and timely effective data base of the official
16 text of the laws of the state of New York in furtherance of effectuating
17 the provisions of section 44 of the legislative law and section 70-b of
18 the public officers law;

19 § 9. Section 4-a of part A of chapter 56 of the laws of 2013 amending
20 chapter 59 of the laws of 2011 amending the public health law and other
21 laws relating to general hospital reimbursement for annual rates relat-
22 ing to the cap on local Medicaid expenditures, as amended by section 29
23 of part D of chapter 57 of the laws of 2015, is amended to read as
24 follows:

25 § 4-a. Notwithstanding paragraph (c) of subdivision 10 of section
26 2807-c of the public health law, section 21 of chapter 1 of the laws of
27 1999, or any other contrary provision of law, in determining rates of
28 payments by state governmental agencies effective for services provided
29 on and after January 1, [2017] 2019 through March 31, [2017] 2019, for
30 inpatient and outpatient services provided by general hospitals, for
31 inpatient services and adult day health care outpatient services
32 provided by residential health care facilities pursuant to article 28 of
33 the public health law, except for residential health care facilities or
34 units of such facilities providing services primarily to children under
35 twenty-one years of age, for home health care services provided pursuant
36 to article 36 of the public health law by certified home health agen-
37 cies, long term home health care programs and AIDS home care programs,
38 and for personal care services provided pursuant to section 365-a of the
39 social services law, the commissioner of health shall apply no greater
40 than zero trend factors attributable to the [2017] 2019 calendar year in
41 accordance with paragraph (c) of subdivision 10 of section 2807-c of the
42 public health law, provided, however, that such no greater than zero
43 trend factors attributable to such [2017] 2019 calendar year shall also
44 be applied to rates of payment provided on and after January 1, [2017]
45 2019 through March 31, [2017] 2019 for personal care services provided
46 in those local social services districts, including New York city, whose
47 rates of payment for such services are established by such local social
48 services districts pursuant to a rate-setting exemption issued by the
49 commissioner of health to such local social services districts in
50 accordance with applicable regulations, and provided further, however,
51 that for rates of payment for assisted living program services provided
52 on and after January 1, [2017] 2019 through March 31, [2017] 2019, such
53 trend factors attributable to the [2017] 2019 calendar year shall be
54 established at no greater than zero percent.

55 § 10. Subdivisions 3 and 5 of section 47 of chapter 2 of the laws of
56 1998, amending the public health law and other laws relating to expand-

1 ing the child health insurance plan, as amended by section 61 of part C
2 of chapter 60 of the laws of 2014, are amended to read as follows:

3 3. section six of this act shall take effect January 1, 1999;
4 provided, however, that subparagraph (iii) of paragraph (c) of subdivi-
5 sion 9 of section 2510 of the public health law, as added by this act,
6 shall expire on July 1, [2017] 2019;

7 5. section twelve of this act shall take effect January 1, 1999;
8 provided, however, paragraphs (g) and (h) of subdivision 2 of section
9 2511 of the public health law, as added by such section, shall expire on
10 July 1, [2017] 2019;

11 § 11. Section 4 of chapter 19 of the laws of 1998, amending the social
12 services law relating to limiting the method of payment for prescription
13 drugs under the medical assistance program, as amended by section 65 of
14 part C of chapter 60 of the laws of 2014, is amended to read as follows:

15 § 4. This act shall take effect 120 days after it shall have become a
16 law and shall expire and be deemed repealed March 31, [2017] 2020.

17 § 12. Paragraph (e-1) of subdivision 12 of section 2808 of the public
18 health law, as amended by section 66 of part C of chapter 60 of the laws
19 of 2014, is amended to read as follows:

20 (e-1) Notwithstanding any inconsistent provision of law or regulation,
21 the commissioner shall provide, in addition to payments established
22 pursuant to this article prior to application of this section, addi-
23 tional payments under the medical assistance program pursuant to title
24 eleven of article five of the social services law for non-state operated
25 public residential health care facilities, including public residential
26 health care facilities located in the county of Nassau, the county of
27 Westchester and the county of Erie, but excluding public residential
28 health care facilities operated by a town or city within a county, in
29 aggregate annual amounts of up to one hundred fifty million dollars in
30 additional payments for the state fiscal year beginning April first, two
31 thousand six and for the state fiscal year beginning April first, two
32 thousand seven and for the state fiscal year beginning April first, two
33 thousand eight and of up to three hundred million dollars in such aggre-
34 gate annual additional payments for the state fiscal year beginning
35 April first, two thousand nine, and for the state fiscal year beginning
36 April first, two thousand ten and for the state fiscal year beginning
37 April first, two thousand eleven, and for the state fiscal years begin-
38 ning April first, two thousand twelve and April first, two thousand
39 thirteen, and of up to five hundred million dollars in such aggregate
40 annual additional payments for the state fiscal years beginning April
41 first, two thousand fourteen, April first, two thousand fifteen and
42 April first, two thousand sixteen AND OF UP TO FIVE HUNDRED MILLION
43 DOLLARS IN SUCH AGGREGATE ANNUAL ADDITIONAL PAYMENTS FOR THE STATE
44 FISCAL YEARS BEGINNING APRIL FIRST, TWO THOUSAND SEVENTEEN, APRIL FIRST,
45 TWO THOUSAND EIGHTEEN, AND APRIL FIRST, TWO THOUSAND NINETEEN. The
46 amount allocated to each eligible public residential health care facili-
47 ty for this period shall be computed in accordance with the provisions
48 of paragraph (f) of this subdivision, provided, however, that patient
49 days shall be utilized for such computation reflecting actual reported
50 data for two thousand three and each representative succeeding year as
51 applicable, and provided further, however, that, in consultation with
52 impacted providers, of the funds allocated for distribution in the state
53 fiscal year beginning April first, two thousand thirteen, up to thirty-
54 two million dollars may be allocated in accordance with paragraph (f-1)
55 of this subdivision.

1 § 13. Section 18 of chapter 904 of the laws of 1984, amending the
2 public health law and the social services law relating to encouraging
3 comprehensive health services, as amended by section 67-c of part C of
4 chapter 60 of the laws of 2014, is amended to read as follows:

5 § 18. This act shall take effect immediately, except that sections
6 six, nine, ten and eleven of this act shall take effect on the sixtieth
7 day after it shall have become a law, sections two, three, four and nine
8 of this act shall expire and be of no further force or effect on or
9 after March 31, [2017] 2020, section two of this act shall take effect
10 on April 1, 1985 or seventy-five days following the submission of the
11 report required by section one of this act, whichever is later, and
12 sections eleven and thirteen of this act shall expire and be of no
13 further force or effect on or after March 31, 1988.

14 § 14. Section 4 of part X2 of chapter 62 of the laws of 2003, amending
15 the public health law relating to allowing for the use of funds of the
16 office of professional medical conduct for activities of the patient
17 health information and quality improvement act of 2000, as amended by
18 section 4-b of part A of chapter 57 of the laws of 2015, is amended to
19 read as follows:

20 § 4. This act shall take effect immediately; provided that the
21 provisions of section one of this act shall be deemed to have been in
22 full force and effect on and after April 1, 2003, and shall expire March
23 31, [2017] 2020 when upon such date the provisions of such section shall
24 be deemed repealed.

25 § 15. Subdivision (o) of section 111 of part H of chapter 59 of the
26 laws of 2011, amending the public health law relating to the statewide
27 health information network of New York and the statewide planning and
28 research cooperative system and general powers and duties, as amended by
29 section 28 of part D of chapter 57 of the laws of 2015, is amended to
30 read as follows:

31 (o) sections thirty-eight and thirty-eight-a of this act shall expire
32 and be deemed repealed March 31, [2017] 2020;

33 § 16. Section 32 of part A of chapter 58 of the laws of 2008, amending
34 the elder law and other laws relating to reimbursement to participating
35 provider pharmacies and prescription drug coverage, as amended by
36 section 13 of part A of chapter 57 of the laws of 2015, is amended to
37 read as follows:

38 § 32. This act shall take effect immediately and shall be deemed to
39 have been in full force and effect on and after April 1, 2008; provided
40 however, that sections one, six-a, nineteen, twenty, twenty-four, and
41 twenty-five of this act shall take effect July 1, 2008; provided however
42 that sections sixteen, seventeen and eighteen of this act shall expire
43 April 1, [2017] 2020; provided, however, that the amendments made by
44 section twenty-eight of this act shall take effect on the same date as
45 section 1 of chapter 281 of the laws of 2007 takes effect; provided
46 further, that sections twenty-nine, thirty, and thirty-one of this act
47 shall take effect October 1, 2008; provided further, that section twen-
48 ty-seven of this act shall take effect January 1, 2009; and provided
49 further, that section twenty-seven of this act shall expire and be
50 deemed repealed March 31, [2017] 2020; and provided, further, however,
51 that the amendments to subdivision 1 of section 241 of the education law
52 made by section twenty-nine of this act shall not affect the expiration
53 of such subdivision and shall be deemed to expire therewith and provided
54 that the amendments to section 272 of the public health law made by
55 section thirty of this act shall not affect the repeal of such section
56 and shall be deemed repealed therewith.

1 § 17. Subdivision 3 of section 2999-p of the public health law, as
2 amended by chapter 461 of the laws of 2012, is amended to read as
3 follows:

4 3. The commissioner may issue a certificate of authority to an entity
5 that meets conditions for ACO certification as set forth in regulations
6 made by the commissioner pursuant to section twenty-nine hundred nine-
7 ty-nine-q of this article. The commissioner shall not issue any new
8 certificate under this article after December thirty-first, two thousand
9 [sixteen] TWENTY.

10 § 18. Subdivision 2 of section 246 of chapter 81 of the laws of 1995,
11 amending the public health law and other laws relating to medical
12 reimbursement and welfare reform, as amended by section 2 of part D of
13 chapter 57 of the laws of 2015, is amended to read as follows:

14 2. Sections five, seven through nine, twelve through fourteen, and
15 eighteen of this act shall be deemed to have been in full force and
16 effect on and after April 1, 1995 through March 31, 1999 and on and
17 after July 1, 1999 through March 31, 2000 and on and after April 1, 2000
18 through March 31, 2003 and on and after April 1, 2003 through March 31,
19 2006 and on and after April 1, 2006 through March 31, 2007 and on and
20 after April 1, 2007 through March 31, 2009 and on and after April 1,
21 2009 through March 31, 2011 and sections twelve, thirteen and fourteen
22 of this act shall be deemed to be in full force and effect on and after
23 April 1, 2011 through March 31, 2015 and on and after April 1, 2015
24 through March 31, 2017 AND ON AND AFTER APRIL 1, 2017 THROUGH MARCH 31,
25 2019;

26 § 19. This act shall take effect immediately and shall be deemed to
27 have been in full force and effect on and after April 1, 2017.

28 PART J

29 Intentionally Omitted

30 PART K

31 Intentionally Omitted

32 PART L

33 Intentionally Omitted

34 PART M

35 Section 1. The public health law is amended by adding a new section
36 1112 to read as follows:

37 § 1112. EMERGING CONTAMINANT MONITORING. 1. INDUSTRY AND MODERN TECH-
38 NOLOGY HAVE CREATED THOUSANDS OF NEW CHEMICALS THAT WOULD NOT OTHERWISE
39 EXIST IN NATURE. ALTHOUGH SOME OF THESE CHEMICALS HAVE PROVEN BENEFITS,
40 THE EFFECT OF MANY SUCH CHEMICALS ON HUMAN HEALTH IS UNKNOWN OR NOT
41 FULLY UNDERSTOOD. FURTHERMORE, WITH THE ADVANCE OF SCIENCE AND TECHNOLO-
42 GY, PUBLIC HEALTH SCIENTISTS AND EXPERTS ARE ABLE TO IDENTIFY NATURALLY
43 OCCURRING CONTAMINANTS THAT POSE PREVIOUSLY UNKNOWN HAZARDS TO HUMAN
44 HEALTH. WHERE THESE CHEMICALS OR CONTAMINANTS, COLLECTIVELY REFERRED TO
45 AS "EMERGING CONTAMINANTS," ENTER DRINKING WATER SUPPLIES, THEY CAN
46 PRESENT UNKNOWN BUT POTENTIALLY SERIOUS RISKS TO PUBLIC HEALTH. NEW
47 YORKERS SERVED BY PUBLIC WATER SUPPLIES HAVE THE RIGHT TO KNOW WHEN

1 POTENTIALLY HAZARDOUS SUBSTANCES CONTAMINATE THEIR DRINKING WATER AND
2 THE DEPARTMENT MUST BE EQUIPPED TO MONITOR AND PROTECT THE PUBLIC FROM
3 THESE EMERGING CONTAMINANTS.

4 2. A. "EMERGING CONTAMINANTS" SHALL MEAN ANY PHYSICAL, CHEMICAL,
5 MICROBIOLOGICAL OR RADIOLOGICAL SUBSTANCE LISTED AS AN EMERGING CONTAM-
6 INANT PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

7 B. "NOTIFICATION LEVEL" MEANS THE CONCENTRATION LEVEL OF AN EMERGING
8 CONTAMINANT IN DRINKING WATER THAT THE COMMISSIONER HAS DETERMINED,
9 BASED ON AVAILABLE SCIENTIFIC INFORMATION, WARRANTS PUBLIC NOTIFICATION
10 AND MAY REQUIRE ACTIONS, WHICH MAY INCLUDE ENHANCED MONITORING AND
11 ACTIVITIES TO REDUCE EXPOSURE, PURSUANT TO THIS SECTION.

12 C. "COVERED PUBLIC WATER SYSTEM" SHALL MEAN: (I) A PUBLIC WATER
13 SYSTEM THAT SERVES AT LEAST FIVE SERVICE CONNECTIONS USED BY YEAR-ROUND
14 RESIDENTS OR REGULARLY SERVES AT LEAST TWENTY-FIVE YEAR-ROUND RESIDENTS;
15 OR (II) A PUBLIC WATER SYSTEM THAT REGULARLY SERVES AT LEAST TWENTY-FIVE
16 OF THE SAME PEOPLE, FOUR HOURS OR MORE PER DAY, FOR FOUR OR MORE DAYS
17 PER WEEK, FOR TWENTY-SIX OR MORE WEEKS PER YEAR.

18 3. A. THE COMMISSIONER SHALL PROMULGATE REGULATIONS TO IDENTIFY AND
19 LIST SUBSTANCES AS EMERGING CONTAMINANTS THAT MEET THE FOLLOWING CRITE-
20 RIA:

21 (I) ARE NOT SUBJECT TO ANY OTHER SUBSTANCE-SPECIFIC DRINKING WATER
22 REGULATION OF THE DEPARTMENT THAT ESTABLISHES A MAXIMUM CONTAMINANT
23 LEVEL, MAXIMUM RESIDUAL DISINFECTANT LEVEL, OR ACTION LEVEL;

24 (II) ARE KNOWN OR ANTICIPATED TO OCCUR IN PUBLIC WATER SYSTEMS; AND

25 (III) BECAUSE OF THEIR QUANTITY, CONCENTRATION, OR PHYSICAL, CHEMICAL
26 OR INFECTIOUS CHARACTERISTICS, MAY CAUSE PHYSICAL INJURY OR ILLNESS, OR
27 OTHERWISE POSE A POTENTIAL HAZARD TO HUMAN HEALTH WHEN PRESENT IN DRINK-
28 ING WATER.

29 B. IN DETERMINING WHAT SUBSTANCES SHALL BE LISTED AS EMERGING CONTAM-
30 INANTS THE COMMISSIONER SHALL, AT A MINIMUM, CONSIDER:

31 (I) UNREGULATED CONTAMINANTS MONITORED PURSUANT TO THE FEDERAL SAFE
32 DRINKING WATER ACT (42 U.S.C. § 300G-1) AS AMENDED FROM TIME TO TIME;

33 (II) SUBSTANCES THAT REQUIRE REGULATION OR MONITORING WHEN PRESENT IN
34 DRINKING WATER IN OTHER JURISDICTIONS OUTSIDE THE STATE OF NEW YORK;

35 (III) PESTICIDE CHEMICALS FOR WHICH THE UNITED STATES ENVIRONMENTAL
36 PROTECTION AGENCY HAS SET HUMAN HEALTH BENCHMARKS FOR DRINKING WATER;

37 (IV) SUBSTANCES FOUND AT SITES IN REMEDIAL PROGRAMS LOCATED INSIDE AND
38 OUTSIDE THE STATE OF NEW YORK, INCLUDING BUT NOT LIMITED TO INACTIVE
39 HAZARDOUS WASTE SITES; AND

40 (V) RECOMMENDATIONS FROM THE DRINKING WATER QUALITY COUNCIL ESTAB-
41 LISHED PURSUANT TO SECTION ELEVEN HUNDRED THIRTEEN OF THIS TITLE.

42 C. THE COMMISSIONER SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING CHEMI-
43 CALS IDENTIFIED AS EMERGING CONTAMINANTS: 1,4-DIOXANE; PERFLUOROCTANE-
44 SULFONIC ACID; AND PERFLUOROCTANOIC ACID.

45 D. THE COMMISSIONER SHALL BY REGULATION REMOVE ANY SUBSTANCE FROM THE
46 LIST OF EMERGING CONTAMINANTS UPON ADOPTING A MAXIMUM CONTAMINANT LEVEL
47 FOR SUCH SUBSTANCE.

48 4. EVERY COVERED PUBLIC WATER SYSTEM SHALL TEST DRINKING WATER FOR THE
49 PRESENCE OF EMERGING CONTAMINANTS AT LEAST ONCE EVERY THREE YEARS PURSU-
50 ANT TO A SCHEDULE DETERMINED BY THE DEPARTMENT THROUGH REGULATION.

51 5. EVERY TEST CONDUCTED IN ACCORDANCE WITH THIS SECTION SHALL BE
52 CONDUCTED BY A LABORATORY CERTIFIED BY THE DEPARTMENT PURSUANT TO
53 SECTION FIVE HUNDRED TWO OF THIS CHAPTER. LABORATORIES SHALL SUBMIT SUCH
54 RESULTS ELECTRONICALLY TO THE DEPARTMENT, TO ANY OTHER HEALTH DEPARTMENT
55 WITH JURISDICTION OVER THE COVERED PUBLIC WATER SYSTEM, AND TO THE

1 COVERED PUBLIC WATER SYSTEM, IN THE MANNER PRESCRIBED PURSUANT TO
2 SECTION FIVE HUNDRED TWO OF THIS CHAPTER.

3 6. THE COMMISSIONER SHALL PROMULGATE REGULATIONS ESTABLISHING NOTIFI-
4 CATION LEVELS FOR ANY EMERGING CONTAMINANT LISTED PURSUANT TO SUBDIVI-
5 SION THREE OF THIS SECTION. ANY NOTIFICATION LEVEL ESTABLISHED PURSUANT
6 TO THIS SUBDIVISION SHALL BE EQUAL TO OR LOWER THAN ANY FEDERAL LIFETIME
7 HEALTH ADVISORY LEVEL ESTABLISHED PURSUANT TO THE FEDERAL SAFE DRINKING
8 WATER ACT (42 U.S.C. § 300G-1). IF NO FEDERAL LIFETIME HEALTH ADVISORY
9 LEVEL HAS BEEN ESTABLISHED, THE COMMISSIONER SHALL ESTABLISH NOTIFICA-
10 TION LEVELS BASED UPON THE AVAILABLE SCIENTIFIC INFORMATION, AND MAY
11 TAKE INTO CONSIDERATION RECOMMENDATIONS OF THE DRINKING WATER QUALITY
12 COUNCIL ESTABLISHED PURSUANT TO SECTION ELEVEN HUNDRED THIRTEEN OF THIS
13 TITLE.

14 7. NOTWITHSTANDING SUBDIVISION THREE OF THIS SECTION, THE COMMISSIONER
15 MAY, BY DECLARATION, ADD ANY PHYSICAL, CHEMICAL, MICROBIOLOGICAL OR
16 RADIOLOGICAL SUBSTANCE TO THE LIST OF EMERGING CONTAMINANTS ESTABLISHED
17 PURSUANT TO SUBDIVISION THREE OF THIS SECTION, ESTABLISH A NOTIFICATION
18 LEVEL, AND REQUIRE TESTING FOR SUCH SUBSTANCE, IF THE COMMISSIONER
19 DETERMINES THAT: (I) SUCH SUBSTANCE POSES OR HAS THE POTENTIAL TO POSE A
20 SIGNIFICANT HAZARD TO HUMAN HEALTH WHEN PRESENT IN DRINKING WATER; (II)
21 SUCH SUBSTANCE WAS RECENTLY DETECTED IN A PUBLIC WATER SYSTEM AND HAS
22 THE POTENTIAL TO BE PRESENT IN OTHER PUBLIC WATER SYSTEMS; AND (III) IT
23 APPEARS TO BE PREJUDICIAL TO THE INTERESTS OF THE PEOPLE TO DELAY ACTION
24 BY PREPARING AND FILING REGULATIONS. THE COMMISSIONER SHALL, HOWEVER,
25 PROMULGATE REGULATIONS ADDING SUCH NEW EMERGING CONTAMINANT OR ESTAB-
26 LISHING SUCH NOTIFICATION LEVEL WITHIN ONE YEAR OF SUCH DECLARATION.
27 SUCH DECLARATION SHALL CLEARLY STATE WHERE AND THE DATE BY WHICH SUCH
28 TESTING MUST OCCUR. AFTER THE COMMISSIONER PROMULGATES REGULATIONS
29 ADDING SUCH EMERGING CONTAMINANT, SUCH REGULATIONS SHALL SUPERSEDE THE
30 DECLARATION ISSUED PURSUANT TO THIS SUBDIVISION.

31 8. WHENEVER ONE OR MORE EMERGING CONTAMINANTS IS CONFIRMED TO BE PRES-
32 ENT IN DRINKING WATER AT CONCENTRATIONS AT OR ABOVE A NOTIFICATION LEVEL
33 ESTABLISHED PURSUANT TO THIS SECTION:

34 A. THE COVERED PUBLIC WATER SYSTEM SHALL NOTIFY THE DEPARTMENT WITHIN
35 TWENTY-FOUR HOURS;

36 B. THE COVERED PUBLIC WATER SYSTEM SHALL NOTIFY ALL OWNERS OF REAL
37 PROPERTY SERVED BY THE COVERED PUBLIC WATER SYSTEM IN A TIME AND MANNER
38 TO BE PRESCRIBED BY THE DEPARTMENT, PROVIDED THAT IN NO EVENT SHALL
39 NOTIFICATION OCCUR MORE THAN NINETY DAYS AFTER THE PRESENCE OF AN EMERG-
40 ING CONTAMINANT AT CONCENTRATIONS AT OR ABOVE A NOTIFICATION LEVEL
41 ESTABLISHED PURSUANT TO THIS SECTION IS CONFIRMED;

42 C. THE COMMISSIONER MAY DIRECTLY NOTIFY SUCH OWNERS OF REAL PROPERTY
43 IF IT IS DETERMINED THAT THE PUBLIC'S INTEREST WOULD BE BEST SERVED BY
44 SUCH NOTIFICATION, OR IF THE COMMISSIONER DETERMINES THAT THE COVERED
45 PUBLIC WATER SYSTEM IS NOT ACTING, OR CANNOT ACT IN A TIMELY MANNER;

46 D. THE COMMISSIONER MAY REQUIRE THAT THE COVERED PUBLIC WATER SYSTEM
47 TAKE SUCH ACTIONS AS MAY BE APPROPRIATE TO REDUCE EXPOSURE TO EMERGING
48 CONTAMINANTS. IF THE COMMISSIONER DETERMINES THAT THE CONCENTRATION OF
49 THE EMERGING CONTAMINANT CONSTITUTES AN ACTUAL OR POTENTIAL THREAT TO
50 PUBLIC HEALTH, BASED ON THE BEST AVAILABLE SCIENTIFIC INFORMATION, THE
51 COMMISSIONER SHALL CONSULT WITH THE COMMISSIONER OF THE DEPARTMENT OF
52 ENVIRONMENTAL CONSERVATION REGARDING ANY FURTHER ACTION THAT MAY BE
53 APPROPRIATE, INCLUDING BUT NOT LIMITED TO ACTIONS PURSUANT TO TITLE
54 TWELVE OF ARTICLE TWENTY-SEVEN OF THE ENVIRONMENTAL CONSERVATION LAW.

55 9. THE COMMISSIONER SHALL WORK IN CONSULTATION WITH THE COMMISSIONER
56 OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO DEVELOP EDUCATIONAL

1 MATERIALS, AND MAY TAKE INTO CONSIDERATION RECOMMENDATIONS OF THE DRINK-
 2 ING WATER QUALITY COUNCIL ESTABLISHED PURSUANT TO SECTION ELEVEN HUNDRED
 3 THIRTEEN OF THIS TITLE. SUCH EDUCATIONAL MATERIALS SHALL BE MADE AVAIL-
 4 ABLE TO THE COVERED PUBLIC WATER SYSTEM AND THE GENERAL PUBLIC, RELATING
 5 TO METHODOLOGIES FOR REDUCING EXPOSURE TO EMERGING CONTAMINANTS AND
 6 POTENTIAL ACTIONS THAT MAY BE TAKEN TO MITIGATE OR REMEDIATE EMERGING
 7 CONTAMINANTS. THE COMMISSIONER SHALL ALSO PROVIDE THE COVERED PUBLIC
 8 WATER SYSTEM WITH INFORMATION RELATING TO POTENTIAL FUNDING SOURCES
 9 PROVIDED BY THE STATE AND FEDERAL GOVERNMENT FOR MITIGATION OR REMEDIAL
 10 ACTIVITIES, AND TO REDUCE THE EXPOSURE TO EMERGING CONTAMINANTS.

11 10. ANY OWNER OF REAL PROPERTY, INCLUDING ANY OWNER'S AGENT, TO WHOM A
 12 COVERED PUBLIC WATER SYSTEM HAS PROVIDED NOTIFICATION OF THE EXCEEDANCE
 13 OF A NOTIFICATION LEVEL ESTABLISHED PURSUANT TO SUBDIVISION SIX OF THIS
 14 SECTION, SHALL TAKE ALL REASONABLE AND NECESSARY STEPS TO PROVIDE, WITH-
 15 IN TEN DAYS, ANY TENANTS WITH COPIES OF THE NOTIFICATION PROVIDED BY THE
 16 COVERED PUBLIC WATER SYSTEM.

17 11. THE COMMISSIONER MAY PROMULGATE REGULATIONS PURSUANT TO WHICH THE
 18 DEPARTMENT MAY PROVIDE FINANCIAL ASSISTANCE FOR COMPLIANCE WITH THE
 19 TESTING REQUIREMENTS OF THIS SECTION, TO ANY COVERED PUBLIC WATER SYSTEM
 20 UPON A SHOWING THAT THE COSTS ASSOCIATED WITH TESTING DRINKING WATER IN
 21 COMPLIANCE WITH THIS SECTION WOULD IMPOSE A FINANCIAL HARDSHIP. SUCH
 22 REGULATIONS SHALL, WHEN PRIORITIZING PUBLIC WATER SYSTEMS FOR ELIGIBIL-
 23 ITY FOR FINANCIAL ASSISTANCE, INCORPORATE PROVISIONS THAT GIVE PREFER-
 24 ENCE TO PUBLIC WATER SYSTEMS SERVING LESS THAN TEN THOUSAND INDIVIDUALS.

25 12. THE COMMISSIONER SHALL PERIODICALLY REVIEW SUBSTANCES THAT HAVE
 26 BEEN IDENTIFIED AS EMERGING CONTAMINANTS PURSUANT TO THIS SECTION AND
 27 DETERMINE IF THE DEPARTMENT SHOULD ESTABLISH A MAXIMUM CONTAMINANT LEVEL
 28 FOR THE SUBSTANCE. SUCH REVIEW SHALL OCCUR, AT A MINIMUM, ONCE EVERY
 29 THREE YEARS.

30 § 2. Section 502 of the public health law is amended by adding a new
 31 subdivision 10 to read as follows:

32 10. THE DEPARTMENT MAY REQUIRE AN ENVIRONMENTAL LABORATORY TO REPORT
 33 LABORATORY TEST RESULTS TO THE DEPARTMENT, OR TO ANY OTHER HEALTH
 34 DEPARTMENT IN AN ELECTRONIC MANNER PRESCRIBED BY THE DEPARTMENT.

35 § 3. This act shall take effect immediately.

36 PART N

37 Intentionally Omitted

38 PART O

39 Intentionally Omitted

40 PART P

41 Section 1. Section 48-a of part A of chapter 56 of the laws of 2013
 42 amending chapter 59 of the laws of 2011 amending the public health law
 43 and other laws relating to general hospital reimbursement for annual
 44 rates relating to the cap on local Medicaid expenditures, as amended by
 45 section 29 of part B of chapter 59 of the laws of 2016, is amended to
 46 read as follows:

47 § 48-a. 1. Notwithstanding any contrary provision of law, the commis-
 48 sioners of the office of alcoholism and substance abuse services and the
 49 office of mental health are authorized, subject to the approval of the
 50 director of the budget, to transfer to the commissioner of health state

1 funds to be utilized as the state share for the purpose of increasing
2 payments under the medicaid program to managed care organizations
3 licensed under article 44 of the public health law or under article 43
4 of the insurance law. Such managed care organizations shall utilize such
5 funds for the purpose of reimbursing providers licensed pursuant to
6 article 28 of the public health law or article 31 or 32 of the mental
7 hygiene law for ambulatory behavioral health services, as determined by
8 the commissioner of health, in consultation with the commissioner of
9 alcoholism and substance abuse services and the commissioner of the
10 office of mental health, provided to medicaid [eligible] ENROLLED outpa-
11 tients AND FOR ALL OTHER BEHAVIORAL HEALTH SERVICES EXCEPT INPATIENT
12 INCLUDED IN NEW YORK STATE'S MEDICAID REDESIGN WAIVER APPROVED BY THE
13 CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS). Such reimbursement
14 shall be in the form of fees for such services which are equivalent to
15 the payments established for such services under the ambulatory patient
16 group (APG) rate-setting methodology as utilized by the department of
17 health, the office of alcoholism and substance abuse services, or the
18 office of mental health for rate-setting purposes OR ANY SUCH OTHER FEES
19 PURSUANT TO THE MEDICAID STATE PLAN OR OTHERWISE APPROVED BY CMS IN THE
20 MEDICAID REDESIGN WAIVER; provided, however, that the increase to such
21 fees that shall result from the provisions of this section shall not, in
22 the aggregate and as determined by the commissioner of health, in
23 consultation with the commissioner of alcoholism and substance abuse
24 services and the commissioner of the office of mental health, be greater
25 than the increased funds made available pursuant to this section. The
26 increase of such ambulatory behavioral health fees to providers avail-
27 able under this section shall be for all rate periods on and after the
28 effective date of section [1] 29 of part [C] B of chapter [57] 59 of the
29 laws of [2015] 2016 through March 31, [2018] 2020 for patients in the
30 city of New York, for all rate periods on and after the effective date
31 of section [1] 29 of part [C] B of chapter [57] 59 of the laws of [2015]
32 2016 through [June 30, 2018] MARCH 31, 2020 for patients outside the
33 city of New York, and for all rate periods on and after the effective
34 date of such chapter through [June 30, 2018] MARCH 31, 2020 for all
35 services provided to persons under the age of twenty-one; provided,
36 however, [eligible providers may work with managed care plans to achieve
37 quality and efficiency objectives and engage in shared savings] THE
38 COMMISSIONER OF HEALTH, IN CONSULTATION WITH THE COMMISSIONER OF ALCO-
39 HOLISM AND SUBSTANCE ABUSE SERVICES AND THE COMMISSIONER OF MENTAL
40 HEALTH, MAY REQUIRE, AS A CONDITION OF APPROVAL OF SUCH AMBULATORY
41 BEHAVIORAL HEALTH FEES, THAT AGGREGATE MANAGED CARE EXPENDITURES TO
42 ELIGIBLE PROVIDERS MEET THE ALTERNATIVE PAYMENT METHODOLOGY REQUIREMENTS
43 AS SET FORTH IN ATTACHMENT I OF THE NEW YORK STATE MEDICAID SECTION ONE
44 THOUSAND ONE HUNDRED FIFTEEN MEDICAID REDESIGN TEAM WAIVER AS APPROVED
45 BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES. THE COMMISSIONER OF
46 HEALTH SHALL, IN CONSULTATION WITH THE COMMISSIONER OF ALCOHOLISM AND
47 SUBSTANCE ABUSE SERVICES AND THE COMMISSIONER OF MENTAL HEALTH, WAIVE
48 SUCH CONDITIONS IF A SUFFICIENT NUMBER OF PROVIDERS, AS DETERMINED BY
49 THE COMMISSIONER, SUFFER A FINANCIAL HARDSHIP AS A CONSEQUENCE OF SUCH
50 ALTERNATIVE PAYMENT METHODOLOGY REQUIREMENTS, OR IF HE OR SHE SHALL
51 DETERMINE THAT SUCH ALTERNATIVE PAYMENT METHODOLOGIES SIGNIFICANTLY
52 THREATEN INDIVIDUALS ACCESS TO AMBULATORY BEHAVIORAL HEALTH SERVICES.
53 SUCH WAIVER MAY BE APPLIED ON A PROVIDER SPECIFIC OR INDUSTRY WIDE
54 BASIS. FURTHER, SUCH CONDITIONS MAY BE WAIVED, AS THE COMMISSIONER
55 DETERMINES NECESSARY, TO COMPLY WITH FEDERAL RULES OR REGULATIONS
56 GOVERNING THESE PAYMENT METHODOLOGIES. Nothing in this section shall

1 prohibit managed care organizations and providers from negotiating
2 different rates and methods of payment during such periods described
3 above, subject to the approval of the department of health. The depart-
4 ment of health shall consult with the office of alcoholism and substance
5 abuse services and the office of mental health in determining whether
6 such alternative rates shall be approved. The commissioner of health
7 may, in consultation with the commissioner of alcoholism and substance
8 abuse services and the commissioner of the office of mental health,
9 promulgate regulations, including emergency regulations promulgated
10 prior to October 1, 2015 to establish rates for ambulatory behavioral
11 health services, as are necessary to implement the provisions of this
12 section. Rates promulgated under this section shall be included in the
13 report required under section 45-c of part A of this chapter.

14 2. Notwithstanding any contrary provision of law, the fees paid by
15 managed care organizations licensed under article 44 of the public
16 health law or under article 43 of the insurance law, to providers
17 licensed pursuant to article 28 of the public health law or article 31
18 or 32 of the mental hygiene law, for ambulatory behavioral health
19 services provided to patients enrolled in the child health insurance
20 program pursuant to title one-A of article 25 of the public health law,
21 shall be in the form of fees for such services which are equivalent to
22 the payments established for such services under the ambulatory patient
23 group (APG) rate-setting methodology OR ANY SUCH OTHER FEES ESTABLISHED
24 PURSUANT TO THE MEDICAID STATE PLAN. The commissioner of health shall
25 consult with the commissioner of alcoholism and substance abuse services
26 and the commissioner of the office of mental health in determining such
27 services and establishing such fees. Such ambulatory behavioral health
28 fees to providers available under this section shall be for all rate
29 periods on and after the effective date of this chapter through [June
30 30, 2018] MARCH 31, 2020, provided, however, that managed care organiza-
31 tions and providers may negotiate different rates and methods of payment
32 during such periods described above, subject to the approval of the
33 department of health. The department of health shall consult with the
34 office of alcoholism and substance abuse services and the office of
35 mental health in determining whether such alternative rates shall be
36 approved. The report required under section 16-a of part C of chapter
37 60 of the laws of 2014 shall also include the population of patients
38 enrolled in the child health insurance program pursuant to title one-A
39 of article 25 of the public health law in its examination on the transi-
40 tion of behavioral health services into managed care.

41 § 2. Section 1 of part H of chapter 111 of the laws of 2010 relating
42 to increasing Medicaid payments to providers through managed care organ-
43 izations and providing equivalent fees through an ambulatory patient
44 group methodology, as amended by section 30 of part B of chapter 59 of
45 the laws of 2016, is amended to read as follows:

46 Section 1. a. Notwithstanding any contrary provision of law, the
47 commissioners of mental health and alcoholism and substance abuse
48 services are authorized, subject to the approval of the director of the
49 budget, to transfer to the commissioner of health state funds to be
50 utilized as the state share for the purpose of increasing payments under
51 the medicaid program to managed care organizations licensed under arti-
52 cle 44 of the public health law or under article 43 of the insurance
53 law. Such managed care organizations shall utilize such funds for the
54 purpose of reimbursing providers licensed pursuant to article 28 of the
55 public health law, or pursuant to article 31 or article 32 of the mental
56 hygiene law for ambulatory behavioral health services, as determined by

1 the commissioner of health in consultation with the commissioner of
2 mental health and commissioner of alcoholism and substance abuse
3 services, provided to medicaid [eligible] ENROLLED outpatients AND FOR
4 ALL OTHER BEHAVIORAL HEALTH SERVICES EXCEPT INPATIENT INCLUDED IN NEW
5 YORK STATE'S MEDICAID REDESIGN WAIVER APPROVED BY THE CENTERS FOR MEDI-
6 CARE AND MEDICAID SERVICES (CMS). Such reimbursement shall be in the
7 form of fees for such services which are equivalent to the payments
8 established for such services under the ambulatory patient group (APG)
9 rate-setting methodology as utilized by the department of health or by
10 the office of mental health or office of alcoholism and substance abuse
11 services for rate-setting purposes OR ANY SUCH OTHER FEES PURSUANT TO
12 THE MEDICAID STATE PLAN OR OTHERWISE APPROVED BY CMS IN THE MEDICAID
13 REDESIGN WAIVER; provided, however, that the increase to such fees that
14 shall result from the provisions of this section shall not, in the
15 aggregate and as determined by the commissioner of health in consulta-
16 tion with the commissioners of mental health and alcoholism and
17 substance abuse services, be greater than the increased funds made
18 available pursuant to this section. The increase of such behavioral
19 health fees to providers available under this section shall be for all
20 rate periods on and after the effective date of section [2] 30 of part
21 [C] B of chapter [57] 59 of the laws of [2015] 2016 through March 31,
22 [2018] 2020 for patients in the city of New York, for all rate periods
23 on and after the effective date of section [2] 30 of part [C] B of chap-
24 ter [57] 59 of the laws of [2015] 2016 through [June 30, 2018] MARCH 31,
25 2020 for patients outside the city of New York, and for all rate periods
26 on and after the effective date of section [2] 30 of part [C] B of chap-
27 ter [57] 59 of the laws of [2015] 2016 through [June 30, 2018] MARCH 31,
28 2020 for all services provided to persons under the age of twenty-one;
29 provided, however, [eligible providers may work with managed care plans
30 to achieve quality and efficiency objectives and engage in shared
31 savings] THE COMMISSIONER OF HEALTH, IN CONSULTATION WITH THE COMMIS-
32 SIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES AND THE COMMISSIONER
33 OF MENTAL HEALTH, MAY REQUIRE, AS A CONDITION OF APPROVAL OF SUCH AMBU-
34 LATORY BEHAVIORAL HEALTH FEES, THAT AGGREGATE MANAGED CARE EXPENDITURES
35 TO ELIGIBLE PROVIDERS MEET THE ALTERNATIVE PAYMENT METHODOLOGY REQUIRE-
36 MENTS AS SET FORTH IN ATTACHMENT I OF THE NEW YORK STATE MEDICAID
37 SECTION ONE THOUSAND ONE HUNDRED FIFTEEN MEDICAID REDESIGN TEAM WAIVER
38 AS APPROVED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES. THE
39 COMMISSIONER OF HEALTH SHALL, IN CONSULTATION WITH THE COMMISSIONER OF
40 ALCOHOLISM AND SUBSTANCE ABUSE SERVICES AND THE COMMISSIONER OF MENTAL
41 HEALTH, WAIVE SUCH CONDITIONS IF A SUFFICIENT NUMBER OF PROVIDERS, AS
42 DETERMINED BY THE COMMISSIONER, SUFFER A FINANCIAL HARDSHIP AS A CONSE-
43 QUENCE OF SUCH ALTERNATIVE PAYMENT METHODOLOGY REQUIREMENTS, OR IF HE OR
44 SHE SHALL DETERMINE THAT SUCH ALTERNATIVE PAYMENT METHODOLOGIES SIGNIF-
45 ICANTLY THREATEN INDIVIDUALS ACCESS TO AMBULATORY BEHAVIORAL HEALTH
46 SERVICES. SUCH WAIVER MAY BE APPLIED ON A PROVIDER SPECIFIC OR INDUSTRY
47 WIDE BASIS. FURTHER, SUCH CONDITIONS MAY BE WAIVED, AS THE COMMISSIONER
48 DETERMINES NECESSARY, TO COMPLY WITH FEDERAL RULES OR REGULATIONS
49 GOVERNING THESE PAYMENT METHODOLOGIES. Nothing in this section shall
50 prohibit managed care organizations and providers from negotiating
51 different rates and methods of payment during such periods described,
52 subject to the approval of the department of health. The department of
53 health shall consult with the office of alcoholism and substance abuse
54 services and the office of mental health in determining whether such
55 alternative rates shall be approved. The commissioner of health may, in
56 consultation with the 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 b. Notwithstanding any contrary provision of law, the fees paid by
8 managed care organizations licensed under article 44 of the public
9 health law or under article 43 of the insurance law, to providers
10 licensed pursuant to article 28 of the public health law or article 31
11 or 32 of the mental hygiene law, for ambulatory behavioral health
12 services provided to patients enrolled in the child health insurance
13 program pursuant to title one-A of article 25 of the public health law,
14 shall be in the form of fees for such services which are equivalent to
15 the payments established for such services under the ambulatory patient
16 group (APG) rate-setting methodology. The commissioner of health shall
17 consult with the commissioner of alcoholism and substance abuse services
18 and the commissioner of the office of mental health in determining such
19 services and establishing such fees. Such ambulatory behavioral health
20 fees to providers available under this section shall be for all rate
21 periods on and after the effective date of this chapter through [June
22 30, 2018] MARCH 31, 2020, provided, however, that managed care organiza-
23 tions and providers may negotiate different rates and methods of payment
24 during such periods described above, subject to the approval of the
25 department of health. The department of health shall consult with the
26 office of alcoholism and substance abuse services and the office of
27 mental health in determining whether such alternative rates shall be
28 approved. The report required under section 16-a of part C of chapter
29 60 of the laws of 2014 shall also include the population of patients
30 enrolled in the child health insurance program pursuant to title one-A
31 of article 25 of the public health law in its examination on the transi-
32 tion of behavioral health services into managed care.

33 § 3. This act shall take effect immediately and shall be deemed to
34 have been in full force and effect on and after April 1, 2017; provided,
35 however, that the amendments to section 48-a of part A of chapter 56 of
36 the laws of 2013 made by section one of this act shall not affect the
37 repeal of such section and shall be deemed repealed therewith; provided
38 further, that the amendments to section 1 of part H of chapter 111 of
39 the laws of 2010 made by section two of this act shall not affect the
40 expiration of such section and shall be deemed to expire therewith.

41

PART Q

42 Section 1. Subdivisions 3-b and 3-c of section 1 of part C of chapter
43 57 of the laws of 2006, relating to establishing a cost of living
44 adjustment for designated human services programs, as amended by section
45 1 of part I of chapter 60 of the laws of 2014, are amended to read as
46 follows:

47 3-b. Notwithstanding any inconsistent provision of law, beginning
48 April 1, 2009 and ending March 31, 2016 AND BEGINNING APRIL 1, 2017 AND
49 ENDING MARCH 31, 2018, the commissioners shall not include a COLA for
50 the purpose of establishing rates of payments, contracts or any other
51 form of reimbursement, PROVIDED THAT THE COMMISSIONERS OF THE OFFICE FOR
52 PEOPLE WITH DEVELOPMENTAL DISABILITIES, THE OFFICE OF MENTAL HEALTH, AND
53 THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES SHALL NOT INCLUDE
54 A COLA BEGINNING APRIL 1, 2017 AND ENDING MARCH 31, 2019.

1 3-c. Notwithstanding any inconsistent provision of law, beginning
2 April 1, [2016] 2018 and ending March 31, [2019] 2021, the commissioners
3 shall develop the COLA under this section using the actual U.S. consumer
4 price index for all urban consumers (CPI-U) published by the United
5 States department of labor, bureau of labor statistics for the twelve
6 month period ending in July of the budget year prior to such state
7 fiscal year, for the purpose of establishing rates of payments,
8 contracts or any other form of reimbursement.

9 § 2. Section 1 of part C of chapter 57 of the laws of 2006, relating
10 to establishing a cost of living adjustment for designated human service
11 programs, is amended by adding a new subdivision 3-e to read as follows:

12 3-E. (I) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION 3-B OF THIS
13 SECTION OR ANY OTHER INCONSISTENT PROVISION OF LAW, AND SUBJECT TO THE
14 AVAILABILITY OF THE APPROPRIATION THEREFOR, FOR THE PROGRAMS LISTED IN
15 PARAGRAPHS (I), (II), AND (III) OF SUBDIVISION 4 OF THIS SECTION, THE
16 COMMISSIONERS SHALL PROVIDE FUNDING TO SUPPORT (1) AN OVERALL AVERAGE
17 THREE AND ONE-QUARTER PERCENT (3.25%) INCREASE TO TOTAL SALARIES FOR
18 DIRECT CARE STAFF, DIRECT SUPPORT PROFESSIONALS FOR EACH ELIGIBLE STATE-
19 FUNDED PROGRAM BEGINNING JANUARY 1, 2018; AND (2) AN OVERALL AVERAGE
20 THREE AND ONE-QUARTER PERCENT (3.25%) INCREASE TO TOTAL SALARIES FOR
21 DIRECT CARE STAFF AND DIRECT SUPPORT PROFESSIONALS, AND CLINICAL STAFF
22 FOR EACH ELIGIBLE STATE-FUNDED PROGRAM BEGINNING APRIL 1, 2018. FOR THE
23 PURPOSE OF THIS FUNDING INCREASE, DIRECT SUPPORT PROFESSIONALS ARE INDI-
24 VIDUALS EMPLOYED IN CONSOLIDATED FISCAL REPORTING POSITION TITLE CODES
25 RANGING FROM 100 TO 199; DIRECT CARE STAFF ARE INDIVIDUALS EMPLOYED IN
26 CONSOLIDATED FISCAL REPORTING POSITION TITLE CODES RANGING FROM 200 TO
27 299; AND CLINICAL STAFF ARE INDIVIDUALS EMPLOYED IN CONSOLIDATED FISCAL
28 REPORTING POSITION TITLE CODES RANGING FROM 300 TO 399.

29 (II) THE FUNDING MADE AVAILABLE PURSUANT TO PARAGRAPH (I) OF THIS
30 SUBDIVISION SHALL BE USED: (1) TO HELP ALLEVIATE THE RECRUITMENT AND
31 RETENTION CHALLENGES OF DIRECT CARE STAFF, DIRECT SUPPORT PROFESSIONALS
32 AND CLINICAL STAFF EMPLOYED IN ELIGIBLE PROGRAMS; AND (2) TO CONTINUE
33 AND TO EXPAND EFFORTS TO SUPPORT THE PROFESSIONALISM OF THE DIRECT CARE
34 WORKFORCE. EACH LOCAL GOVERNMENT UNIT OR DIRECT CONTRACT PROVIDER
35 RECEIVING SUCH FUNDING SHALL HAVE FLEXIBILITY IN ALLOCATING SUCH FUNDING
36 TO SUPPORT SALARY INCREASES TO PARTICULAR JOB TITLES TO BEST ADDRESS THE
37 NEEDS OF ITS DIRECT CARE STAFF, DIRECT SUPPORT PROFESSIONALS AND CLIN-
38 ICAL STAFF. EACH LOCAL GOVERNMENT UNIT OR DIRECT CONTRACT PROVIDER
39 RECEIVING SUCH FUNDING SHALL ALSO SUBMIT A WRITTEN CERTIFICATION, IN
40 SUCH FORM AND AT SUCH TIME AS EACH COMMISSIONER SHALL PRESCRIBE, ATTEST-
41 ING TO HOW SUCH FUNDING WILL BE OR WAS USED FOR PURPOSES ELIGIBLE UNDER
42 THIS SECTION. FURTHER, PROVIDERS SHALL SUBMIT A RESOLUTION FROM THEIR
43 GOVERNING BODY TO THE APPROPRIATE COMMISSIONER, ATTESTING THAT THE FUND-
44 ING RECEIVED WILL BE USED SOLELY TO SUPPORT SALARY AND SALARY-RELATED
45 FRINGE BENEFIT INCREASES FOR DIRECT CARE STAFF, DIRECT SUPPORT PROFES-
46 SIONALS AND CLINICAL STAFF, PURSUANT TO PARAGRAPH (I) OF THIS SUBDIVI-
47 SION. SALARY INCREASES THAT TAKE EFFECT ON AND AFTER APRIL 1, 2017 MAY
48 BE USED TO DEMONSTRATE COMPLIANCE WITH THE JANUARY 1, 2018 FUNDING
49 INCREASE AUTHORIZED BY THIS SECTION, EXCEPT FOR SALARY INCREASES NECES-
50 SARY TO COMPLY WITH STATE MINIMUM WAGE REQUIREMENTS. SUCH COMMISSIONERS
51 SHALL BE AUTHORIZED TO RECOUP ANY FUNDS AS APPROPRIATED HEREIN DETER-
52 MINED TO HAVE BEEN USED IN A MANNER INCONSISTENT WITH SUCH STANDARDS OR
53 INCONSISTENT WITH THE PROVISIONS OF THIS SUBDIVISION, AND SUCH COMMIS-
54 SIONERS SHALL BE AUTHORIZED TO EMPLOY ANY LEGAL MECHANISM TO RECOUP SUCH
55 FUNDS, INCLUDING AN OFFSET OF OTHER FUNDS THAT ARE OWED TO SUCH LOCAL
56 GOVERNMENTAL UNIT OR PROVIDER.

1 (III) WHERE APPROPRIATE, TRANSFERS TO THE DEPARTMENT OF HEALTH SHALL
2 BE MADE AS REIMBURSEMENT FOR THE STATE SHARE OF MEDICAL ASSISTANCE.

3 § 3. This act shall take effect immediately and shall be deemed to
4 have been in full force and effect on and after April 1, 2017; provided,
5 however, that the amendments to section 1 of part C of chapter 57 of the
6 laws of 2006 made by sections one and two of this act shall not affect
7 the repeal of such section and shall be deemed repealed therewith.

8 PART R

9 Section 1. The public health law is amended by adding a new section
10 1113 to read as follows:

11 § 1113. DRINKING WATER QUALITY COUNCIL; ESTABLISHED. 1. THERE SHALL BE
12 ESTABLISHED, WITHIN THE DEPARTMENT, THE DRINKING WATER QUALITY COUNCIL.
13 SUCH COUNCIL SHALL BE COMPOSED OF TWELVE MEMBERS AS FOLLOWS:

14 (A) THE COMMISSIONER, OR THE COMMISSIONER'S DESIGNEE, WHO SHALL BE THE
15 CHAIR OF THE COUNCIL;

16 (B) THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION OR DESIGNEE;

17 (C) A DESIGNEE OF THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION WITH
18 EXPERTISE IN WATER RESOURCES;

19 (D) A DESIGNEE OF THE COMMISSIONER WITH EXPERTISE IN DRINKING WATER;
20 AND

21 (E) EIGHT MEMBERS APPOINTED BY THE GOVERNOR, TWO OF WHOM SHALL BE
22 RECOMMENDED BY THE TEMPORARY PRESIDENT OF THE SENATE, AND TWO BY THE
23 SPEAKER OF THE ASSEMBLY.

24 2. (A) OF THE FOUR MEMBERS APPOINTED TO THE DRINKING WATER QUALITY
25 COUNCIL AND RECOMMENDED BY THE TEMPORARY PRESIDENT OF THE SENATE AND THE
26 SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE
27 SPEAKER OF THE ASSEMBLY SHALL EACH RECOMMEND:

28 (I) ONE MEMBER WHO REPRESENTS WATER PURVEYORS; AND

29 (II) ONE MEMBER REPRESENTING THE PUBLIC, WHO HAS A BACKGROUND OR
30 EXPERTISE IN TOXICOLOGY OR HEALTH RISK ASSESSMENT.

31 (B) OF THE FOUR ADDITIONAL MEMBERS APPOINTED TO THE DRINKING WATER
32 QUALITY COUNCIL, THE GOVERNOR SHALL APPOINT:

33 (I) ONE MEMBER WHO REPRESENTS WATER PURVEYORS;

34 (II) ONE MEMBER WHO HAS A BACKGROUND OR EXPERTISE IN TOXICOLOGY OR
35 HEALTH RISK ASSESSMENT;

36 (III) ONE MEMBER WHO HAS A BACKGROUND OR EXPERTISE IN MICROBIOLOGY;
37 AND

38 (IV) ONE MEMBER WHO HAS A BACKGROUND OR EXPERTISE IN ENVIRONMENTAL
39 ENGINEERING.

40 (C) THE MEMBERS OF SUCH COUNCIL APPOINTED PURSUANT TO PARAGRAPH (E) OF
41 SUBDIVISION ONE OF THIS SECTION SHALL SERVE TERMS OF TWO YEARS.

42 (D) THE MEMBERS APPOINTED PURSUANT TO PARAGRAPH (E) OF SUBDIVISION ONE
43 OF THIS SECTION SHALL EACH SERVE HIS OR HER TERM OF OFFICE OR UNTIL HIS
44 OR HER SUCCESSOR IS APPOINTED; PROVIDED THAT ANY VACANCY IN THE POSITION
45 OF AN APPOINTED MEMBER SHALL BE FILLED IN THE SAME MANNER AS THE
46 ORIGINAL APPOINTMENT AND ONLY FOR THE UNEXPIRED TERM OF THE VACANCY.

47 3. THE MEMBERS OF THE DRINKING WATER QUALITY COUNCIL SHALL RECEIVE NO
48 COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND
49 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT
50 TO THIS TITLE.

51 4. THE DRINKING WATER QUALITY COUNCIL SHALL MEET AT SUCH TIMES AND
52 PLACES AS MAY BE DETERMINED BY ITS CHAIR. THE COUNCIL SHALL MEET AT A
53 MINIMUM OF TWO TIMES PER YEAR. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC
54 PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW. A MAJORITY OF THE

1 MEMBERS OF SUCH COUNCIL SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF
2 BUSINESS. ACTION MAY BE TAKEN, AND MOTIONS AND RESOLUTIONS ADOPTED, AT
3 ANY MEETING BY THE AFFIRMATIVE VOTE OF A MAJORITY OF THE FULL MEMBERSHIP
4 OF THE COUNCIL.

5 5. THE COUNCIL SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT RELATING
6 TO:

7 (A) THOSE CONTAMINANTS, WHICH THE DEPARTMENT MAY LIST AS EMERGING
8 CONTAMINANTS PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED TWELVE OF THIS
9 TITLE.

10 (I) IN DETERMINING WHAT SUBSTANCES SHALL BE RECOMMENDED AS EMERGING
11 CONTAMINANTS THE COUNCIL SHALL, AT A MINIMUM, CONSIDER:

12 A. UNREGULATED CONTAMINANTS MONITORED PURSUANT TO THE FEDERAL SAFE
13 DRINKING WATER ACT (42 USC § 300G-1) AS AMENDED FROM TIME TO TIME;

14 B. SUBSTANCES THAT REQUIRE REGULATION OR MONITORING WHEN PRESENT IN
15 DRINKING WATER IN OTHER JURISDICTIONS OUTSIDE THE STATE OF NEW YORK;

16 C. PESTICIDE CHEMICALS FOR WHICH THE UNITED STATES ENVIRONMENTAL
17 PROTECTION AGENCY HAS SET HUMAN HEALTH BENCHMARKS FOR DRINKING WATER;

18 D. SUBSTANCES FOUND AT SITES IN REMEDIAL PROGRAMS LOCATED INSIDE AND
19 OUTSIDE THE STATE OF NEW YORK, INCLUDING BUT NOT LIMITED TO INACTIVE
20 HAZARDOUS WASTE SITES; AND

21 E. WATERBORNE PATHOGENS AND MICROBIOLOGICAL CONTAMINANTS.

22 (II) THE COUNCIL SHALL RECOMMEND A NOTIFICATION LEVEL FOR EACH RECOM-
23 MENDED EMERGING CONTAMINANT.

24 (III) THE COUNCIL SHALL RECOMMEND TIMEFRAMES AND FREQUENCIES IN WHICH
25 TESTING SHOULD BE REQUIRED FOR THE RECOMMENDED EMERGING CONTAMINANTS,
26 ALLOWING FOR VARIATION BASED ON CIRCUMSTANCES SUCH AS THE SOURCE OF
27 WATER, THE REGION AND SIZE OF THE WATER SYSTEM.

28 (IV) THE COUNCIL SHALL PROVIDE THE DEPARTMENT WITH ITS FIRST LIST OF
29 RECOMMENDED EMERGING CONTAMINANTS AND CORRESPONDING NOTIFICATION LEVELS
30 FOR WHICH TESTING SHALL BE REQUIRED NO LATER THAN ONE YEAR FROM THE
31 INITIAL MEETING OF THE COUNCIL, AND THE COUNCIL SHALL UPDATE THE LIST
32 AND RECOMMEND NOTIFICATION LEVELS ANNUALLY THEREAFTER;

33 (B) A REVIEW OF SUBSTANCES IDENTIFIED AS EMERGING CONTAMINANTS PURSU-
34 ANT TO SECTION ONE THOUSAND ONE HUNDRED TWELVE OF THIS TITLE. WHERE
35 APPROPRIATE THE COUNCIL SHALL RECOMMEND EITHER A MAXIMUM CONTAMINANT
36 LEVEL (MCL), OR THE REMOVAL OF THE SUBSTANCE FROM THE LIST OF EMERGING
37 CONTAMINANTS, ON THE BASIS OF AVAILABLE SCIENTIFIC EVIDENCE AND ANY
38 OTHER RELEVANT FACTORS;

39 (C) THE FORM AND CONTENT OF PUBLIC NOTIFICATIONS ISSUED PURSUANT TO
40 SECTION ONE THOUSAND ONE HUNDRED TWELVE OF THIS TITLE;

41 (D) WORKING WITH OTHER STATE AGENCIES AND THE FEDERAL GOVERNMENT TO
42 ENSURE FUNDS ARE AVAILABLE AND ACCESSIBLE, PARTIES KNOWN TO BE RESPONSI-
43 BLE FOR CONTAMINATION ARE PURSUED, AND MITIGATION, REMEDIATION, AND
44 CLEANUP PROJECTS OCCUR IN A TIMELY MANNER;

45 (E) THE DEVELOPMENT OF EDUCATIONAL MATERIALS REGARDING PRIVATE WELL
46 WATER TESTING;

47 (F) THE APPROPRIATE USE OF, AND METHODS AND MANNER OF CONDUCTING,
48 BIOMONITORING AND BIOMONITORING STUDIES;

49 (G) THE INCLUSION OF INFORMATION ON THE ONLINE TRACKING AND MAPPING
50 SYSTEM ESTABLISHED IN SECTION 3-0315 OF THE ENVIRONMENTAL CONSERVATION
51 LAW; AND

52 (H) ANYTHING ELSE THE DEPARTMENT OR THE DEPARTMENT OF ENVIRONMENTAL
53 CONSERVATION DESIGNATES.

54 6. THE DRINKING WATER QUALITY COUNCIL SHALL BE ENTITLED TO REQUEST AND
55 RECEIVE INFORMATION FROM ANY STATE, MUNICIPAL DEPARTMENT, BOARD, COMMIS-
56 SION OR AGENCY THAT MAY BE REQUIRED OR ARE DEEMED NECESSARY FOR THE

1 PURPOSES OF SUCH COUNCIL, INCLUDING BUT NOT LIMITED TO ALL WATER INFOR-
2 MATION AND ANNUAL REPORTS THE DEPARTMENT HAS RELATING TO BOTH PUBLIC AND
3 PRIVATE WATER SUPPLIES.

4 7. BEFORE THE COUNCIL ADVANCES ANY RECOMMENDATION TO THE DEPARTMENT,
5 THE COUNCIL SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC AND STAKEHOLDER
6 COMMENTS. FINAL RECOMMENDATIONS OF THE COUNCIL SHALL BE POSTED ON THE
7 DEPARTMENT'S WEBSITE WITHIN THIRTY DAYS AFTER THE COUNCIL ADOPTS SUCH
8 RECOMMENDATIONS.

9 § 2. This act shall take effect immediately.

10 PART S

11 Section 1. Subdivision 2 of section 365-1 of the social services law,
12 as added by section 37 of part H of chapter 59 of the laws of 2011, is
13 amended to read as follows:

14 2. In addition to payments made for health home services pursuant to
15 subdivision one of this section, the commissioner is authorized to pay
16 additional amounts to providers of health home services that meet proc-
17 ess or outcome standards specified by the commissioner. SUCH ADDITIONAL
18 AMOUNTS MAY BE PAID WITH STATE FUNDS ONLY IF FEDERAL FINANCIAL PARTIC-
19 IPATION FOR SUCH PAYMENTS IS UNAVAILABLE.

20 § 2. Section 364-j of the social services law is amended by adding a
21 new subdivision 33 to read as follows:

22 33. FOR SERVICES UNDER THIS TITLE PROVIDED BY RESIDENTIAL HEALTH CARE
23 FACILITIES UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, THE
24 COMMISSIONER SHALL DIRECT MANAGED CARE ORGANIZATIONS LICENSED UNDER
25 ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW, ARTICLE FORTY-THREE OF THE
26 INSURANCE LAW, AND THIS SECTION, TO CONTINUE TO REIMBURSE AT A BENCHMARK
27 RATE WHICH IS TO BE THE FEE-FOR-SERVICE RATE CALCULATED PURSUANT TO
28 SECTION TWENTY-EIGHT HUNDRED EIGHT OF THE PUBLIC HEALTH LAW. THE BENCH-
29 MARK FEE-FOR-SERVICE RATE SHALL CONTINUE TO BE PAID BY SUCH MANAGED CARE
30 ORGANIZATIONS FOR ALL SERVICES PROVIDED BY RESIDENTIAL HEALTHCARE FACIL-
31 ITIES FROM THE EFFECTIVE DATE OF THIS SUBDIVISION AT LEAST UNTIL DECEM-
32 BER THIRTY-FIRST, TWO THOUSAND TWENTY. THE COMMISSIONER MAY REQUIRE, AS
33 A CONDITION OF CONTINUING TO REQUIRE PAYMENT AT SUCH BENCHMARK RATE THAT
34 AGGREGATE MANAGED CARE EXPENDITURES TO RESIDENTIAL HEALTH CARE FACILI-
35 TIES MEET THE ALTERNATIVE PAYMENT METHODOLOGY REQUIREMENTS SET FORTH IN
36 ATTACHMENT I OF THE NEW YORK STATE SECTION 1115 MEDICAID REDESIGN TEAM
37 WAIVER AS APPROVED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES.
38 THE COMMISSIONER OF HEALTH SHALL WAIVE SUCH REQUIREMENTS IF A SUFFICIENT
39 NUMBER OF PROVIDERS, AS DETERMINED BY THE COMMISSIONER, SUFFER A FINAN-
40 CIAL HARDSHIP AS A CONSEQUENCE OF SUCH ALTERNATIVE PAYMENT METHODOLOGY
41 REQUIREMENTS, OR IF THE COMMISSIONER DETERMINES THAT SUCH ALTERNATIVE
42 PAYMENT METHODOLOGIES SIGNIFICANTLY THREATEN INDIVIDUALS' ACCESS TO
43 RESIDENTIAL HEALTH CARE FACILITY SERVICES; SUCH WAIVER MAY BE APPLIED ON
44 A PROVIDER-SPECIFIC OR INDUSTRY-WIDE BASIS. FURTHER, SUCH REQUIREMENTS
45 MAY BE WAIVED, AS THE COMMISSIONER DETERMINES NECESSARY, TO COMPLY WITH
46 FEDERAL RULES OR REGULATIONS GOVERNING THESE PAYMENT METHODOLOGIES.

47 § 3. Subdivision 2 of section 365-a of the social services law is
48 amended by adding a new paragraph (dd) to read as follows:

49 (DD) PASTEURIZED DONOR HUMAN MILK (PDHM), WHICH MAY INCLUDE FORTIFIERS
50 AS MEDICALLY INDICATED, FOR INPATIENT USE, FOR WHICH A LICENSED MEDICAL
51 PRACTITIONER HAS ISSUED AN ORDER FOR AN INFANT WHO IS MEDICALLY OR PHYS-
52 ICALLY UNABLE TO RECEIVE MATERNAL BREAST MILK OR PARTICIPATE IN BREAST
53 FEEDING OR WHOSE MOTHER IS MEDICALLY OR PHYSICALLY UNABLE TO PRODUCE
54 MATERNAL BREAST MILK AT ALL OR IN SUFFICIENT QUANTITIES OR PARTICIPATE

1 IN BREAST FEEDING DESPITE OPTIMAL LACTATION SUPPORT. SUCH INFANT SHALL:
2 (I) HAVE A DOCUMENTED BIRTH WEIGHT OF LESS THAN ONE THOUSAND FIVE
3 HUNDRED GRAMS; OR (II) HAVE A CONGENITAL OR ACQUIRED CONDITION THAT
4 PLACES THE INFANT AT A HIGH RISK FOR DEVELOPMENT OF NECROTIZING ENTERO-
5 COLITIS; OR (III) HAVE A CONGENITAL OR ACQUIRED CONDITION THAT MAY BENE-
6 FIT FROM THE USE OF DONOR BREAST MILK AS DETERMINED BY THE COMMISSIONER
7 OF HEALTH OR HIS OR HER DESIGNEE.

8 § 4. Subdivision 2 of section 365-a of the social services law is
9 amended by adding a new paragraph (ee) to read as follows:

10 (EE) MEDICAL ASSISTANCE SHALL INCLUDE THE COVERAGE OF A SET OF
11 SERVICES TO ENSURE IMPROVED OUTCOMES OF WOMEN WHO ARE IN THE PROCESS OF
12 OVULATION ENHANCING DRUGS, LIMITED TO THE PROVISION OF SUCH TREATMENT,
13 OFFICE VISITS, HYSTEROSALPINGOGRAM SERVICES, PELVIC ULTRASOUNDS, AND
14 BLOOD TESTING; SERVICES SHALL BE LIMITED TO THOSE NECESSARY TO MONITOR
15 SUCH TREATMENT. IN THE EVENT THAT NINETY PERCENT FEDERAL FINANCIAL
16 PARTICIPATION FOR SUCH SERVICES IS NOT AVAILABLE, THE STATE SHARE OF
17 APPROPRIATIONS RELATED TO THESE SERVICES SHALL BE USED FOR A GRANT
18 PROGRAM INTENDED TO ACCOMPLISH THE PURPOSE OF THIS SECTION.

19 § 5. Section 3614-c of the public health law, as amended by chapter 56
20 of the laws of 2016, subparagraph (iv) of paragraph (a) of subdivision 3
21 as amended by section 1 and subparagraph (iv) of paragraph (b) of subdi-
22 vision 3 as amended by section 2 of part E of chapter 73 of the laws of
23 2016, is amended to read as follows:

24 § 3614-c. Home care worker wage parity. 1. As used in this section,
25 the following terms shall have the following meaning:

26 (a) "Living wage law" means any law enacted by Nassau, Suffolk or
27 Westchester county or a city with a population of one million or more
28 which establishes a minimum wage for some or all employees who perform
29 work on contracts with such county or city.

30 (b) "Total compensation" means all wages and other direct compensation
31 paid to or provided on behalf of the employee including, but not limited
32 to, wages, health, education or pension benefits, supplements in lieu of
33 benefits and compensated time off, except that it does not include
34 employer taxes or employer portion of payments for statutory benefits,
35 including but not limited to FICA, disability insurance, unemployment
36 insurance and workers' compensation.

37 (c) "Prevailing rate of total compensation" means the average hourly
38 amount of total compensation paid to all home care aides covered by
39 whatever collectively bargained agreement covers the greatest number of
40 home care aides in a city with a population of one million or more. For
41 purposes of this definition, any set of collectively bargained agree-
42 ments in such city with substantially the same terms and conditions
43 relating to total compensation shall be considered as a single collec-
44 tively bargained agreement.

45 (d) "Home care aide" means a home health aide, personal care aide,
46 home attendant, PERSONAL ASSISTANT PERFORMING CONSUMER DIRECTED PERSONAL
47 ASSISTANCE SERVICES PURSUANT TO SECTION THREE HUNDRED SIXTY-FIVE-F OF
48 THE SOCIAL SERVICES LAW, or other licensed or unlicensed person whose
49 primary responsibility includes the provision of in-home assistance with
50 activities of daily living, instrumental activities of daily living or
51 health-related tasks; provided, however, that home care aide does not
52 include any individual (i) working on a casual basis, or (ii) (EXCEPT
53 FOR A PERSON EMPLOYED UNDER THE CONSUMER DIRECTED PERSONAL ASSISTANCE
54 PROGRAM UNDER SECTION THREE HUNDRED SIXTY-FIVE-F OF THE SOCIAL SERVICES
55 LAW) who is a relative through blood, marriage or adoption of: (1) the
56 employer; or (2) the person for whom the worker is delivering services,

1 under a program funded or administered by federal, state or local
2 government.

3 (e) "Managed care plan" means any managed care program, organization
4 or demonstration covering personal care or home health aide services,
5 and which receives premiums funded, in whole or in part, by the New York
6 state medical assistance program, including but not limited to all Medi-
7 caid managed care, Medicaid managed long term care, Medicaid advantage,
8 and Medicaid advantage plus plans and all programs of all-inclusive care
9 for the elderly.

10 (f) "Episode of care" means any service unit reimbursed, in whole or
11 in part, by the New York state medical assistance program, whether
12 through direct reimbursement or covered by a premium payment, and which
13 covers, in whole or in part, any service provided by a home care aide,
14 including but not limited to all service units defined as visits, hours,
15 days, months or episodes.

16 (g) "Cash portion of the minimum rate of home care [aid] AIDE total
17 compensation" means the minimum amount of home care aide total compen-
18 sation that may be paid in cash wages, as determined by the department
19 in consultation with the department of labor.

20 (h) "Benefit portion of the minimum rate of home care aide total
21 compensation" means the portion of home care aide total compensation
22 that may be paid in cash or health, education or pension benefits, wage
23 differentials, supplements in lieu of benefits and compensated time off,
24 as determined by the department in consultation with the department of
25 labor. Cash wages paid pursuant to increases in the state or federal
26 minimum wage cannot be used to satisfy the benefit portion of the mini-
27 mum rate of home care aide total compensation.

28 2. Notwithstanding any inconsistent provision of law, rule or regu-
29 lation, no payments by government agencies shall be made to certified
30 home health agencies, long term home health care programs [or], managed
31 care plans, OR THE CONSUMER DIRECTED PERSONAL ASSISTANCE PROGRAM UNDER
32 SECTION THREE HUNDRED SIXTY-FIVE-F OF THE SOCIAL SERVICES LAW, for any
33 episode of care furnished, in whole or in part, by any home care aide
34 who is compensated at amounts less than the applicable minimum rate of
35 home care aide total compensation established pursuant to this section.

36 3. (a) The minimum rate of home care aide total compensation in a city
37 with a population of one million or more shall be:

38 (i) for the period March first, two thousand twelve through February
39 twenty-eighth, two thousand thirteen, ninety percent of the total
40 compensation mandated by the living wage law of such city;

41 (ii) for the period March first, two thousand thirteen through Febru-
42 ary twenty-eighth, two thousand fourteen, ninety-five percent of the
43 total compensation mandated by the living wage law of such city;

44 (iii) for the period March first, two thousand fourteen through March
45 thirty-first two thousand sixteen, no less than the prevailing rate of
46 total compensation as of January first, two thousand eleven, or the
47 total compensation mandated by the living wage law of such city, which-
48 ever is greater;

49 (iv) for all periods on or after April first, two thousand sixteen,
50 the cash portion of the minimum rate of home care aide total compen-
51 sation shall be ten dollars or the minimum wage as laid out in paragraph

52 (a) of subdivision one of section six hundred fifty-two of the labor
53 law, whichever is higher. The benefit portion of the minimum rate of
54 home care aide total compensation shall be four dollars and nine cents.

55 (b) The minimum rate of home care aide total compensation in the coun-
56 ties of Nassau, Suffolk and Westchester shall be:

1 (i) for the period March first, two thousand thirteen through February
2 twenty-eighth, two thousand fourteen, ninety percent of the total
3 compensation mandated by the living wage law as set on March first, two
4 thousand thirteen of a city with a population of a million or more;

5 (ii) for the period March first, two thousand fourteen through Febru-
6 ary twenty-eighth, two thousand fifteen, ninety-five percent of the
7 total compensation mandated by the living wage law as set on March
8 first, two thousand fourteen of a city with a population of a million or
9 more;

10 (iii) for the period March first, two thousand fifteen, through Febru-
11 ary twenty-eighth, two thousand sixteen, one hundred percent of the
12 total compensation mandated by the living wage law as set on March
13 first, two thousand fifteen of a city with a population of a million or
14 more;

15 (iv) for all periods on or after March first, two thousand sixteen,
16 the cash portion of the minimum rate of home care aide total compen-
17 sation shall be ten dollars or the minimum wage as laid out in paragraph
18 (b) of subdivision one of section six hundred fifty-two of the labor
19 law, whichever is higher. The benefit portion of the minimum rate of
20 home care aide total compensation shall be three dollars and twenty-two
21 cents.

22 4. The terms of this section shall apply equally to services provided
23 by home care aides who work on episodes of care as direct employees of
24 certified home health agencies, long term home health care programs, or
25 managed care plans, or as employees of licensed home care services agen-
26 cies, limited licensed home care services agencies, OR THE CONSUMER
27 DIRECTED PERSONAL ASSISTANCE PROGRAM UNDER SECTION THREE HUNDRED SIXTY-
28 FIVE-F OF THE SOCIAL SERVICES LAW, or under any other arrangement.

29 5. No payments by government agencies shall be made to certified home
30 health agencies, long term home health care programs, [or] managed care
31 plans, OR THE CONSUMER DIRECTED PERSONAL ASSISTANCE PROGRAM UNDER
32 SECTION THREE HUNDRED SIXTY-FIVE-F OF THE SOCIAL SERVICES LAW, for any
33 episode of care without the certified home health agency, long term home
34 health care program, [or] managed care plan OR THE CONSUMER DIRECTED
35 PERSONAL ASSISTANCE PROGRAM having delivered prior written certification
36 to the commissioner, on forms prepared by the department in consultation
37 with the department of labor, that all services provided under each
38 episode of care are in full compliance with the terms of this section
39 and any regulations promulgated pursuant to this section.

40 6. If a certified home health agency or long term home health care
41 program elects to provide home care aide services through contracts with
42 licensed home care services agencies or through other third parties,
43 provided that the episode of care on which the home care aide works is
44 covered under the terms of this section, the certified home health agen-
45 cy, long term home health care program, or managed care plan must obtain
46 a written certification from the licensed home care services agency or
47 other third party, on forms prepared by the department in consultation
48 with the department of labor, which attests to the licensed home care
49 services agency's or other third party's compliance with the terms of
50 this section. Such certifications shall also obligate the certified home
51 health agency, long term home health care program, or managed care plan
52 to obtain, on no less than a quarterly basis, all information from the
53 licensed home care services agency, FISCAL INTERMEDIARY or other third
54 parties necessary to verify compliance with the terms of this section.
55 Such certifications and the information exchanged pursuant to them shall
56 be retained by all certified home health agencies, long term home health

1 care programs, or managed care plans, and all licensed home care
2 services agencies, or other third parties for a period of no less than
3 ten years, and made available to the department upon request.

4 7. The commissioner shall distribute to all certified home health
5 agencies, long term home health care programs, [and] managed care plans,
6 AND FISCAL INTERMEDIARIES IN THE CONSUMER DIRECTED PERSONAL ASSISTANCE
7 PROGRAM UNDER SECTION THREE HUNDRED SIXTY-FIVE-F OF THE SOCIAL SERVICES
8 LAW, official notice of the minimum rates of home care aide compensation
9 at least one hundred twenty days prior to the effective date of each
10 minimum rate for each social services district covered by the terms of
11 this section.

12 8. The commissioner is authorized to promulgate regulations, and may
13 promulgate emergency regulations, to implement the provisions of this
14 section.

15 9. Nothing in this section should be construed as applicable to any
16 service provided by certified home health agencies, long term home
17 health care programs, [or] managed care plans, OR CONSUMER DIRECTED
18 PERSONAL ASSISTANCE PROGRAM UNDER SECTION THREE HUNDRED SIXTY-FIVE-F OF
19 THE SOCIAL SERVICES LAW except for all episodes of care reimbursed in
20 whole or in part by the New York Medicaid program.

21 10. No certified home health agency, managed care plan [or], long term
22 home health care program, OR FISCAL INTERMEDIARY IN THE CONSUMER
23 DIRECTED PERSONAL ASSISTANCE PROGRAM UNDER SECTION THREE HUNDRED SIXTY-
24 FIVE-F OF THE SOCIAL SERVICES LAW shall be liable for recoupment of
25 payments for services provided through a licensed home care services
26 agency or other third party with which the certified home health agency,
27 long term home health care program, or managed care plan has a contract
28 because the licensed agency or other third party failed to comply with
29 the provisions of this section if the certified home health agency, long
30 term home health care program, [or] managed care plan, OR FISCAL INTER-
31 MEDIARY has reasonably and in good faith collected certifications and
32 all information required pursuant to subdivisions five and six of this
33 section.

34 § 6. Notwithstanding any other provision of law, the commissioner of
35 health is authorized to sell accounts receivable balances owed to the
36 state by Medicaid providers to financial institutions; provided that no
37 such sale of accounts receivable balances shall include any state
38 support, including a guarantee or contingent obligation of state funds
39 to mitigate the risk of nonpayment by providers owing on these account
40 receivable balances. The commissioner in consultation with the director
41 of the budget is authorized to determine the sale prices of any such
42 accounts receivable balances and shall include sale terms governing the
43 reasonable collection of such balances by the financial institution.
44 Following any such sale, providers owing on these accounts receivable
45 balances shall not include any additional cost, interest, or financing
46 charges solely as a result of such sale but shall be fully responsible
47 for paying the accounts receivable balances. Proceeds from the sale of
48 the accounts receivable balances shall be deposited to the Medicaid
49 escrow fund and be used to offset Medicaid costs under the Medicaid
50 global spending cap. The commissioner shall provide the legislature with
51 a description of the terms of any such sale, including a list of the
52 impacted Medicaid providers, at least thirty days prior to the sale.

53 § 7. This act shall take effect immediately; provided, however that:

54 a. the amendments to section 364-j of the social services law made by
55 section two of this act shall not affect the repeal of such section and
56 shall be deemed to be repealed therewith;

1 b. sections three and five of this act shall take effect July 1, 2017;
2 and

3 c. section six of this act shall expire April 1, 2019; however, such
4 expiration shall not invalidate or otherwise impact any sale of accounts
5 receivable effected pursuant to such section prior to its expiration.

6 PART T

7 Section 1. This act shall be known and may be cited as the "clean
8 water infrastructure act of 2017".

9 § 2. Article 15 of the environmental conservation law is amended by
10 adding a new title 33 to read as follows:

11 TITLE 33

12 SOURCE WATER PROTECTION PROJECTS

13 SECTION 15-3301. DEFINITIONS.

14 15-3303. LAND ACQUISITION PROJECTS FOR SOURCE WATER PROTECTION.

15 15-3305. APPROVAL AND EXECUTION OF PROJECTS.

16 § 15-3301. DEFINITIONS.

17 AS USED IN THIS TITLE THE FOLLOWING TERMS SHALL MEAN:

18 1. "LAND ACQUISITION PROJECTS" MEANS OPEN SPACE ACQUISITION PROJECTS
19 UNDERTAKEN WITH WILLING SELLERS INCLUDING, BUT NOT LIMITED TO, THE
20 PURCHASE OF CONSERVATION EASEMENTS, UNDERTAKEN BY A MUNICIPALITY, A
21 NOT-FOR-PROFIT CORPORATION, OR PURCHASE OF CONSERVATION EASEMENTS BY A
22 SOIL AND WATER CONSERVATION DISTRICT.

23 2. "MUNICIPALITY" MEANS THE SAME AS SUCH TERM AS DEFINED IN SECTION
24 56-0101 OF THIS CHAPTER.

25 3. "NOT-FOR-PROFIT CORPORATION" MEANS A CORPORATION FORMED PURSUANT TO
26 THE NOT-FOR-PROFIT CORPORATION LAW AND QUALIFIED FOR TAX-EXEMPT STATUS
27 UNDER THE FEDERAL INTERNAL REVENUE CODE.

28 4. "SOIL AND WATER CONSERVATION DISTRICT" MEANS THE SAME AS SUCH TERM
29 AS DEFINED IN SECTION THREE OF THE SOIL AND WATER CONSERVATION DISTRICTS
30 LAW.

31 5. "STATE ASSISTANCE PAYMENT" MEANS PAYMENT OF THE STATE SHARE OF THE
32 COST OF PROJECTS AUTHORIZED BY THIS TITLE TO PRESERVE, ENHANCE, RESTORE
33 AND IMPROVE THE QUALITY OF THE STATE'S ENVIRONMENT.

34 § 15-3303. LAND ACQUISITION PROJECTS FOR SOURCE WATER PROTECTION.

35 1. THE COMMISSIONER IS AUTHORIZED TO PROVIDE STATE ASSISTANCE TO MUNI-
36 CIPALITIES, NOT-FOR-PROFIT CORPORATIONS AND SOIL AND WATER CONSERVATION
37 DISTRICTS TO UNDERTAKE LAND ACQUISITION PROJECTS FOR SOURCE WATER
38 PROTECTION, IN COOPERATION WITH WILLING SELLERS. LAND ACQUISITION
39 PROJECTS FOR SOURCE WATER PROTECTION SHALL SUPPORT, EXPAND OR ENHANCE
40 DRINKING WATER QUALITY PROTECTION, INCLUDING BUT NOT LIMITED TO AQUI-
41 FERS, WATERSHEDS, RESERVOIRS, LAKES, RIVERS AND STREAMS.

42 2. A. ANY BUFFER ENCUMBERED BY A CONSERVATION EASEMENT ACQUIRED PURSU-
43 ANT TO THIS SECTION THAT ENCUMBERS LANDS USED IN AGRICULTURAL PRODUCTION
44 AS DEFINED IN SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS
45 LAW IN A COUNTY DESIGNATED STATE CERTIFIED AGRICULTURAL DISTRICT CREATED
46 UNDER SECTION THREE HUNDRED THREE OF THE AGRICULTURE AND MARKETS LAW MAY
47 ALLOW AGRICULTURAL ACTIVITY THAT QUALIFIES SUCH LANDS, PROVIDED SUCH
48 ACTIVITY ON SUCH LANDS DOES NOT IMPAIR DRINKING WATER AND COMPLIES WITH
49 AN AGRICULTURAL ENVIRONMENTAL MANAGEMENT PROGRAM PLAN DEVELOPED BY THE
50 STATE SOIL AND WATER CONSERVATION COMMITTEE, IN PARTNERSHIP WITH THE
51 DEPARTMENT.

1 B. NOTWITHSTANDING ANY LIMITATIONS PROVIDED HEREIN ON LANDS ACQUIRED
2 PURSUANT TO THIS TITLE A LICENSE OR EASEMENT MAY BE GRANTED BY THE OWNER
3 OF SUCH PROPERTY TO A PUBLIC UTILITY FOR A PUBLIC PURPOSE.

4 3. IN EVALUATING LAND ACQUISITION PROJECTS FOR SOURCE WATER PROTECTION
5 PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL GIVE PRIORITY TO PROJECTS
6 WHICH PROTECT OR RECHARGE DRINKING WATER SOURCES AND WATERSHEDS INCLUD-
7 ING RIPARIAN BUFFERS AND WETLANDS.

8 4. A. NO STATE ASSISTANCE MAY BE PROVIDED PURSUANT TO THIS SECTION TO
9 FUND ANY LAND ACQUISITION PROJECT WHICH IS UNDERTAKEN BY EMINENT DOMAIN
10 UNLESS SUCH PROCESS IS UNDERTAKEN WITH A WILLING SELLER.

11 B. THE DEPARTMENT SHALL NOT PROVIDE FUNDING PURSUANT TO THIS TITLE FOR
12 ANY LAND ACQUISITION PROJECT FOR SOURCE WATER PROTECTION BY A NOT-FOR-
13 PROFIT CORPORATION, IF ANY TOWN, VILLAGE OR CITY WITHIN WHICH SUCH A
14 PROJECT IS LOCATED, BY RESOLUTION, WITHIN NINETY DAYS OF NOTIFICATION BY
15 SUCH CORPORATION OF ITS INTEREST IN ACQUIRING SUCH PROJECTS, OBJECTS TO
16 SUCH ACQUISITION.

17 5. CONSISTENT WITH SECTION ELEVEN-B OF THE SOIL AND WATER CONSERVATION
18 DISTRICTS LAW, THE SOIL AND WATER CONSERVATION COMMITTEE IN CONSULTATION
19 WITH THE COMMISSIONER OF AGRICULTURE AND MARKETS IS AUTHORIZED TO
20 PROVIDE STATE ASSISTANCE PAYMENTS TO COUNTY SOIL AND WATER CONSERVATION
21 DISTRICTS, WITHIN AMOUNTS APPROPRIATED, FOR LAND ACQUISITION PROJECTS
22 FOR SOURCE WATER PROTECTION PROJECTS TO SUPPORT, EXPAND OR ENHANCE
23 DRINKING WATER QUALITY PROTECTION, INCLUDING BUT NOT LIMITED TO AQUI-
24 FERS, WATERSHEDS, RESERVOIRS, LAKES, RIVERS AND STREAMS. SUCH COMMITTEE
25 SHALL GIVE PRIORITY TO PROJECTS WHICH ESTABLISH BUFFERS FROM WATERS
26 WHICH SERVES AS OR ARE TRIBUTARIES TO DRINKING WATER SUPPLIES FOR SUCH
27 PROJECTS USING STATE ASSISTANCE PURSUANT TO THIS SECTION.

28 6. REAL PROPERTY ACQUIRED, DEVELOPED, IMPROVED, RESTORED OR REHABILI-
29 TATED BY OR THROUGH A MUNICIPALITY OR NOT-FOR-PROFIT CORPORATION WITH
30 FUNDS MADE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT BE SOLD, LEASED,
31 EXCHANGED, DONATED OR OTHERWISE DISPOSED OF OR USED FOR OTHER THAN THE
32 PUBLIC PURPOSES OF THIS TITLE WITHOUT THE EXPRESS AUTHORITY OF AN ACT OF
33 THE LEGISLATURE, WHICH SHALL PROVIDE FOR THE SUBSTITUTION OF OTHER LANDS
34 OF EQUAL ENVIRONMENTAL VALUE AND FAIR MARKET VALUE AND REASONABLY EQUIV-
35 ALENT USEFULNESS AND LOCATION TO THOSE TO BE DISCONTINUED, SOLD OR
36 DISPOSED OF, AND SUCH OTHER REQUIREMENTS AS SHALL BE APPROVED BY THE
37 COMMISSIONER.

38 7. IF THE STATE ACQUIRES A REAL PROPERTY INTEREST IN LAND PURCHASED BY
39 A MUNICIPALITY OR NOT-FOR-PROFIT WITH FUNDS MADE AVAILABLE PURSUANT TO
40 THIS TITLE, THE STATE SHALL PAY THE FAIR MARKET VALUE OF SUCH INTEREST
41 LESS THE AMOUNT OF FUNDING PROVIDED BY THE STATE PURSUANT TO THIS
42 SECTION.

43 8. TO THE FULLEST EXTENT PRACTICABLE, IT IS THE POLICY OF THE STATE TO
44 PROMOTE AN EQUITABLE REGIONAL DISTRIBUTION OF FUNDS, CONSISTENT WITH THE
45 PURPOSE OF THIS SECTION.

46 § 15-3305. APPROVAL AND EXECUTION OF PROJECTS.

47 1. LAND ACQUISITION PROJECTS FOR SOURCE WATER PROTECTION MAY BE UNDER-
48 TAKEN PURSUANT TO THE PROVISIONS OF THIS ARTICLE AND OTHER APPLICABLE
49 PROVISIONS OF LAW ONLY WITH THE APPROVAL OF THE COMMISSIONER.

50 2. THE COMMISSIONER SHALL REVIEW SUCH PROJECT APPLICATION AND MAY
51 APPROVE, DISAPPROVE OR RECOMMEND MODIFICATIONS THERETO CONSISTENT WITH
52 APPLICABLE LAW, CRITERIA, STANDARDS OR RULES AND REGULATIONS RELATIVE TO
53 SUCH PROJECTS. IN REVIEWING APPLICATIONS FOR PROJECTS PURSUANT TO THIS
54 SECTION, THE COMMISSIONER SHALL GIVE DUE CONSIDERATION TO:

55 A. THE PROJECT'S CONTRIBUTION TO THE PROTECTION OF DRINKING WATER
56 SUPPLIES;

1 B. THE PRESENCE OF A WATER PLAN, INCLUDING A SOURCE WATER
2 ASSESSMENT/PROTECTION PLAN OR OTHER SIMILAR PLAN WHICH IDENTIFIES MEAS-
3 URES TO REDUCE THREATS TO DRINKING WATER SOURCES AND PRIORITIES FOR LAND
4 ACQUISITION PROJECTS; AND,

5 C. FINANCIAL NEED OR HARDSHIP.

6 3. ALL LAND ACQUISITION PROJECTS SHALL BE UNDERTAKEN IN THE STATE OF
7 NEW YORK. THE TOTAL AMOUNT OF THE STATE ASSISTANCE PAYMENTS TOWARD THE
8 COST OF ANY SUCH PROJECT SHALL BE SET FORTH IN ANY REQUEST FOR PROPOSAL
9 ISSUED TO SOLICIT PROJECTS AND WILL IN NO EVENT EXCEED SEVENTY-FIVE
10 PERCENT OF THE COST.

11 FOR THE PURPOSE OF DETERMINING THE AMOUNT OF THE STATE ASSISTANCE
12 PAYMENTS, THE COST OF THE PROJECT SHALL NOT BE MORE THAN THE AMOUNT SET
13 FORTH IN THE APPLICATION FOR STATE ASSISTANCE PAYMENTS APPROVED BY THE
14 COMMISSIONER. THE STATE ASSISTANCE PAYMENTS TOWARD THE COST OF A PROJECT
15 SHALL BE PAID ON AUDIT AND WARRANT OF THE STATE COMPTROLLER ON A CERTIF-
16 ICATE OF AVAILABILITY OF THE DIRECTOR OF THE BUDGET.

17 4. A. THE COMMISSIONER AND A MUNICIPALITY MAY ENTER INTO A CONTRACT
18 FOR THE UNDERTAKING BY THE MUNICIPALITY OF A SOURCE WATER PROTECTION
19 PROJECT. SUCH PROJECT SHALL BE RECOMMENDED TO THE COMMISSIONER BY THE
20 GOVERNING BODY OF THE MUNICIPALITY AND, WHEN APPROVED BY THE COMMISSION-
21 ER, MAY BE UNDERTAKEN BY THE MUNICIPALITY PURSUANT TO THIS TITLE AND ANY
22 OTHER APPLICABLE PROVISION OF LAW.

23 B. THE COMMISSIONER AND A NOT-FOR-PROFIT CORPORATION MAY ENTER INTO A
24 CONTRACT FOR THE UNDERTAKING BY THE NOT-FOR-PROFIT CORPORATION OF A
25 SOURCE WATER PROTECTION PROJECT. SUCH A PROJECT SHALL BE RECOMMENDED TO
26 THE COMMISSIONER BY THE GOVERNING BODY OF A NOT-FOR-PROFIT CORPORATION
27 WHICH DEMONSTRATES TO THE SATISFACTION OF THE COMMISSIONER THAT IT IS
28 CAPABLE OF OPERATING AND MAINTAINING SUCH PROPERTY FOR THE BENEFIT OF
29 DRINKING WATER AND/OR WATER QUALITY PROTECTION. UPON APPROVAL BY THE
30 COMMISSIONER, SUCH PROJECT MAY BE UNDERTAKEN PURSUANT TO THE PROVISIONS
31 OF THIS TITLE AND ANY OTHER APPLICABLE PROVISION OF LAW.

32 5. NO MONIES SHALL BE EXPENDED FOR SOURCE WATER PROTECTION LAND ACQUI-
33 SITION PROJECTS EXCEPT PURSUANT TO AN APPROPRIATION THEREFOR.

34 § 3. The public health law is amended by adding a new section 1114 to
35 read as follows:

36 § 1114. LEAD SERVICE LINE REPLACEMENT GRANT PROGRAM. 1. TO THE EXTENT
37 PRACTICABLE, THE DEPARTMENT SHALL ALLOCATE APPROPRIATED FUNDS EQUITABLY
38 AMONG REGIONS OF THE STATE. WITHIN EACH REGION, THE DEPARTMENT SHALL
39 GIVE PRIORITY TO MUNICIPALITIES THAT HAVE A HIGH PERCENTAGE OF ELEVATED
40 CHILDHOOD BLOOD LEAD LEVELS, BASED ON THE MOST RECENT AVAILABLE DATA. IN
41 DISTRIBUTING THE AWARDS ALLOCATED FOR EACH REGION TO SUCH PRIORITY MUNI-
42 CIPALITIES, THE DEPARTMENT SHALL ALSO CONSIDER WHETHER THE COMMUNITY IS
43 LOW INCOME AND THE NUMBER OF LEAD SERVICE LINES IN NEED OF REPLACEMENT.
44 THE DEPARTMENT MAY REQUEST THAT SUCH MUNICIPALITIES PROVIDE SUCH
45 DOCUMENTATION AS THE DEPARTMENT MAY REQUIRE TO CONFIRM AWARD ELIGIBIL-
46 ITY.

47 2. THE DEPARTMENT SHALL PUBLISH INFORMATION, APPLICATION FORMS, PROCE-
48 DURES AND GUIDELINES RELATING TO THE PROGRAM ON ITS WEBSITE AND IN A
49 MANNER THAT IS ACCESSIBLE TO THE PUBLIC AND ALL POTENTIAL AWARD RECIPI-
50 ENTS.

51 § 4. Article 27 of the environmental conservation law is amended by
52 adding a new title 12 to read as follows:

53 TITLE 12

54 MITIGATION AND REMEDIATION OF CERTAIN SOLID WASTE SITES AND
55 DRINKING WATER CONTAMINATION

1 SECTION 27-1201. DEFINITIONS.
2 27-1203. MITIGATION AND REMEDIATION OF SOLID WASTE SITES.
3 27-1205. MITIGATION OF CONTAMINANTS IN DRINKING WATER.
4 27-1207. USE AND REPORTING OF THE SOLID WASTE MITIGATION ACCOUNT
5 AND THE DRINKING WATER RESPONSE ACCOUNT.
6 27-1209. RULES AND REGULATIONS.
7 27-1211. PROTECTION AGAINST LIABILITY AND LIABILITY EXEMPTIONS
8 AND DEFENSES.

9 § 27-1201. DEFINITIONS.

10 WHEN USED IN THIS TITLE:

11 1. "CONTAMINANT" MEANS EMERGING CONTAMINANTS PURSUANT TO SECTION ELEV-
12 EN HUNDRED TWELVE OF THE PUBLIC HEALTH LAW, AND, FOR SOLID WASTE SITES,
13 SHALL INCLUDE PARAMETERS IDENTIFIED IN REGULATIONS REQUIRED TO BE TESTED
14 BY LANDFILLS TO ENSURE THE PROTECTION OF GROUNDWATER QUALITY.

15 2. "CONTAMINATION" OR "CONTAMINATED" MEANS THE PRESENCE OF A CONTAM-
16 INANT IN ANY ENVIRONMENTAL MEDIA, INCLUDING SOIL, SURFACE WATER, OR
17 GROUNDWATER, SUFFICIENT TO CAUSE OR SUBSTANTIALLY CONTRIBUTE TO AN
18 EXCEEDANCE OF STANDARDS, CRITERIA, AND GUIDANCE VALUES ESTABLISHED BY
19 THE DEPARTMENT OR DRINKING WATER STANDARDS, INCLUDING MAXIMUM CONTAM-
20 INANT LEVELS, NOTIFICATION LEVELS, MAXIMUM RESIDUAL DISINFECTANT LEVELS
21 OR ACTION LEVELS ESTABLISHED BY THE DEPARTMENT OF HEALTH.

22 3. "DRINKING WATER CONTAMINATION SITE" MEANS ANY AREA OR SITE THAT IS
23 CAUSING OR SUBSTANTIALLY CONTRIBUTING TO THE CONTAMINATION OF ONE OR
24 MORE PUBLIC DRINKING WATER SUPPLIES.

25 4. "DRINKING WATER RESPONSE ACCOUNT" MEANS THE ACCOUNT ESTABLISHED
26 PURSUANT TO SUBDIVISION ONE OF SECTION NINETY-SEVEN-B OF THE STATE
27 FINANCE LAW.

28 5. "MITIGATION" MEANS THE INVESTIGATION, SAMPLING, MANAGEMENT, OR
29 TREATMENT OF A SOLID WASTE SITE OR DRINKING WATER CONTAMINATION SITE
30 REQUIRED TO ENSURE THE AVAILABILITY OF SAFE DRINKING WATER, INCLUDING
31 PUBLIC WATER SYSTEMS AND INDIVIDUAL ONSITE WATER SUPPLY SYSTEMS NECES-
32 SARY TO MEET STANDARDS, CRITERIA, AND GUIDANCE VALUES ESTABLISHED BY THE
33 DEPARTMENT OR DRINKING WATER STANDARDS, INCLUDING MAXIMUM CONTAMINANT
34 LEVELS, NOTIFICATION LEVELS, MAXIMUM RESIDUAL DISINFECTANT LEVELS, OR
35 ACTION LEVELS ESTABLISHED BY THE DEPARTMENT OF HEALTH THAT CAN BE
36 SUCCESSFULLY CARRIED OUT WITH AVAILABLE, IMPLEMENTABLE AND COST-EFFEC-
37 TIVE TECHNOLOGY. "MITIGATION" ACTIVITIES INCLUDE BUT ARE NOT LIMITED TO
38 THE INSTALLATION OF DRINKING WATER TREATMENT SYSTEMS, THE PROVISION OF
39 ALTERNATIVE WATER SUPPLIES, OR REPAIR OF A LANDFILL CAP. "MITIGATION"
40 DOES NOT MEAN REMEDIATION.

41 6. "SOLID WASTE SITE" MEANS A SITE WHERE (A) THE DEPARTMENT HAS A
42 REASONABLE BASIS TO SUSPECT THAT THE ILLEGAL DISPOSAL OF SOLID WASTE
43 OCCURRED OR, (B) A COURT OF COMPETENT JURISDICTION HAS DETERMINED THAT
44 AN ILLEGAL DISPOSAL OF SOLID WASTE OCCURRED, OR (C) THE DEPARTMENT KNOWS
45 OR HAS A REASONABLE BASIS TO SUSPECT THAT AN INACTIVE SOLID WASTE
46 MANAGEMENT FACILITY WHICH DOES NOT HAVE A CURRENT MONITORING PROGRAM IS
47 IMPACTING OR CONTAMINATING ONE OR MORE DRINKING WATER SUPPLIES. SOLID
48 WASTE SITE SHALL NOT INCLUDE A SITE WHICH IS CURRENTLY SUBJECT TO INVES-
49 TIGATION OR REMEDIATION PURSUANT TO TITLE THIRTEEN OR FOURTEEN OF THIS
50 ARTICLE OR ANY SITE WHICH COMPLETED SUCH PROGRAMS AND WAS EITHER
51 DELISTED BY OR RECEIVED A CERTIFICATE OF COMPLETION FROM THE DEPARTMENT.

52 7. "SOLID WASTE MITIGATION ACCOUNT" MEANS THE ACCOUNT ESTABLISHED
53 PURSUANT TO SUBDIVISION ONE OF SECTION NINETY-SEVEN-B OF THE STATE
54 FINANCE LAW.

55 8. "SOLID WASTE MANAGEMENT FACILITY" MEANS ANY FACILITY EMPLOYED FOR
56 SOLID WASTE COLLECTION, PROCESSING AND DISPOSAL INCLUDING PROCESSING

1 SYSTEMS, INCLUDING RESOURCE RECOVERY FACILITIES OR OTHER FACILITIES FOR
2 REDUCING SOLID WASTE VOLUME, SANITARY LANDFILLS, REGULATED FACILITIES
3 FOR THE DISPOSAL OF CONSTRUCTION AND DEMOLITION DEBRIS, REGULATED PLANTS
4 AND FACILITIES FOR COMPACTING, COMPOSTING OR PYROLIZATION OF SOLID
5 WASTES, REGULATED MULCH FACILITIES, LANDSPREADING AND SOIL AMENDING
6 OPERATIONS, AND INCINERATORS.

7 § 27-1203. MITIGATION AND REMEDIATION OF SOLID WASTE SITES.

8 1. THE SOLID WASTE SITE PRIORITY IN THIS STATE IS TO MITIGATE AND
9 REMEDIATE ANY SOLID WASTE SITE CAUSING OR SUBSTANTIALLY CONTRIBUTING TO
10 IMPAIRMENTS OF DRINKING WATER QUALITY WHICH MAY IMPACT PUBLIC HEALTH.

11 2. THE DEPARTMENT SHALL, IN CONJUNCTION WITH THE DEPARTMENT OF HEALTH,
12 DEVELOP A SYSTEM TO SELECT AND PRIORITIZE SITES FOR MITIGATION AND REME-
13 DIATION, CONSIDERING THE EFFECTS ON THE HEALTH OF THE STATE.

14 3. BEGINNING JULY FIRST, TWO THOUSAND NINETEEN AND ANNUALLY THEREAFT-
15 ER, THE DEPARTMENT SHALL PREPARE AND SUBMIT TO THE GOVERNOR AND THE
16 LEGISLATURE A COMPREHENSIVE PLAN DESIGNED TO MITIGATE AND REMEDIATE
17 SOLID WASTE SITES. THIS PLAN SHALL ESTABLISH A SOLID WASTE SITE MITI-
18 GATION AND REMEDIATION PRIORITY LIST.

19 4. THE DEPARTMENT IS AUTHORIZED TO CONDUCT PRELIMINARY INVESTIGATIONS
20 TO DETERMINE IF A SOLID WASTE SITE IS CAUSING OR SUBSTANTIALLY CONTRIB-
21 UTING TO IMMINENT OR DOCUMENTED DRINKING WATER SOURCE CONTAMINATION. THE
22 DEPARTMENT, AND ANY EMPLOYEE, AGENT, CONSULTANT OR OTHER PERSON ACTING
23 AT THE DIRECTION OF THE DEPARTMENT, SHALL HAVE THE AUTHORITY TO ENTER
24 ALL SOLID WASTE SITES FOR THE PURPOSE OF PRELIMINARY INVESTIGATION,
25 MITIGATION AND REMEDIATION, PROVIDED THAT THE DEPARTMENT HAS MADE A
26 REASONABLE EFFORT TO IDENTIFY THE OWNER OF SUCH PROPERTY TO NOTIFY SUCH
27 OWNER OF THE INTENT TO ENTER THE PROPERTY AT LEAST TEN DAYS IN ADVANCE.
28 IN THE EVENT THE COMMISSIONER OF HEALTH MAKES A WRITTEN DETERMINATION
29 THAT SUCH TEN DAY NOTICE WILL NOT BE SUFFICIENT TO PROTECT PUBLIC
30 HEALTH, TWO DAYS' WRITTEN NOTICE SHALL BE SUFFICIENT. ANY INSPECTION OF
31 THE PROPERTY AND EACH TAKING OF SAMPLES SHALL TAKE PLACE AT REASONABLE
32 TIMES AND SHALL BE COMMENCED AND COMPLETED WITH REASONABLE PROMPTNESS.
33 SUCH PRELIMINARY INVESTIGATION SHALL INCLUDE:

34 A. CONDUCTING OR CAUSING TO BE CONDUCTED FIELD INVESTIGATIONS OF HIGH
35 PRIORITY SITES IDENTIFIED IN THE PLAN ESTABLISHED PURSUANT TO SUBDIVI-
36 SION THREE OF THIS SECTION FOR THE PURPOSE OF FURTHER DEFINING NECESSARY
37 MITIGATION AND REMEDIATION, IF ANY. TO THE MAXIMUM EXTENT PRACTICABLE,
38 THE DEPARTMENT SHALL UTILIZE EXISTING INFORMATION INCLUDING, BUT NOT
39 LIMITED TO, SUBSURFACE BORINGS AND ANY ANALYSES OR TESTS OF SAMPLES
40 TAKEN FROM SUCH SITES BY OWNERS OR OPERATORS, OTHER RESPONSIBLE PERSONS
41 AND ANY FEDERAL OR NON-FEDERAL AGENCIES;

42 B. MAKING ANY SUBSURFACE BORINGS AND ANY ANALYSES OR TESTS OF SAMPLES
43 TAKEN AS MAY BE NECESSARY OR DESIRABLE TO EFFECTUATE THE FIELD INVESTI-
44 GATIONS OF SITES AS REQUIRED UNDER THIS SECTION SUBJECT TO THE REQUIRE-
45 MENTS OF THIS TITLE. IF THE OWNER OF A SOLID WASTE SITE CAN BE IDENTI-
46 FIED, THE DEPARTMENT SHALL PROVIDE SUCH OWNER WITH A MINIMUM OF TEN
47 DAYS' WRITTEN NOTICE OF THE INTENT TO TAKE SUCH BORINGS OR SAMPLES IN
48 ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION TWELVE OF SECTION 27-1205
49 OF THIS TITLE. IF ANY ANALYSIS IS MADE OF SUCH SAMPLES, A COPY OF THE
50 RESULTS OF SUCH ANALYSIS SHALL BE FURNISHED PROMPTLY TO THE OWNER OR
51 OPERATOR. UPON THE COMPLETION OF ALL SAMPLING ACTIVITIES, THE DEPARTMENT
52 OR AUTHORIZED PERSON SHALL REMOVE, OR CAUSE TO BE REMOVED, ALL EQUIPMENT
53 AND WELL MACHINERY AND RETURN THE GROUND SURFACE OF THE PROPERTY TO ITS
54 CONDITION PRIOR TO SUCH SAMPLING, UNLESS THE DEPARTMENT OR AUTHORIZED
55 PERSON, AND THE OWNER OF THE PROPERTY SHALL OTHERWISE AGREE;

1 C. MAKING ANY RECORD SEARCHES OR DOCUMENT REVIEWS AS MAY BE NECESSARY
2 OR DESIRABLE TO EFFECTUATE THE PURPOSES OF THIS SECTION SUBJECT TO THE
3 REQUIREMENTS OF THIS TITLE.

4 5. IF THE DEPARTMENT OR THE DEPARTMENT OF HEALTH, AS APPROPRIATE,
5 DETERMINES THAT A SOLID WASTE SITE POSES A SIGNIFICANT THREAT TO THE
6 PUBLIC HEALTH OR ENVIRONMENT DUE TO HAZARDOUS WASTE, THE DEPARTMENT
7 SHALL REFER THE SITE TO THE INACTIVE HAZARDOUS WASTE DISPOSAL SITE REME-
8 DIAL PROGRAM PURSUANT TO TITLE THIRTEEN OF THIS ARTICLE.

9 6. WHERE THE DEPARTMENT HAS DETERMINED THROUGH A PRELIMINARY INVESTI-
10 GATION CONDUCTED PURSUANT TO SUBDIVISION FOUR OF THIS SECTION THAT A
11 SOLID WASTE SITE IS CAUSING OR SUBSTANTIALLY CONTRIBUTING TO CONTAM-
12 INATION OF A PUBLIC DRINKING WATER SUPPLY, THE OWNER OR OPERATOR OF A
13 SOLID WASTE SITE SHALL, AT THE DEPARTMENT'S WRITTEN REQUEST, COOPERATE
14 WITH ANY AND ALL REMEDIAL MEASURES DEEMED NECESSARY AND WHICH SHALL BE
15 UNDERTAKEN BY THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF
16 HEALTH, FOR THE MITIGATION AND REMEDIATION OF A SOLID WASTE SITE OR AREA
17 WHICH IS NECESSARY TO ENSURE THAT DRINKING WATER MEETS APPLICABLE STAND-
18 ARDS, INCLUDING MAXIMUM CONTAMINANT LEVELS, NOTIFICATION LEVELS, MAXIMUM
19 RESIDUAL DISINFECTANT LEVELS, OR ACTION LEVELS ESTABLISHED BY THE
20 DEPARTMENT OF HEALTH. THE DEPARTMENT MAY IMPLEMENT NECESSARY MEASURES TO
21 MITIGATE AND REMEDIATE THE SOLID WASTE SITE WITHIN AMOUNTS APPROPRIATED
22 FOR SUCH PURPOSES FROM THE SOLID WASTE MITIGATION ACCOUNT.

23 § 27-1205. MITIGATION OF CONTAMINANTS IN DRINKING WATER.

24 1. WHENEVER THE COMMISSIONER OF HEALTH HAS REQUIRED A PUBLIC WATER
25 SYSTEM TO TAKE ACTION TO REDUCE EXPOSURE TO AN EMERGING CONTAMINANT OR
26 EMERGING CONTAMINANTS AND HAS DETERMINED THAT THE CONCENTRATION OF THE
27 EMERGING CONTAMINANT CONSTITUTES AN ACTUAL OR POTENTIAL THREAT TO PUBLIC
28 HEALTH BASED ON THE BEST AVAILABLE SCIENTIFIC INFORMATION PURSUANT TO
29 SECTION ELEVEN HUNDRED TWELVE OF THE PUBLIC HEALTH LAW, THE DEPARTMENT
30 IN CONJUNCTION WITH THE DEPARTMENT OF HEALTH, MAY, PURSUANT TO THE CLEAN
31 WATER INFRASTRUCTURE ACT OF 2017 AND WITHIN THE UP TO ONE HUNDRED THIRTY
32 MILLION DOLLARS APPROPRIATED FOR SUCH PURPOSES, UNDERTAKE ALL REASONABLE
33 AND NECESSARY ADDITIONAL MITIGATION MEASURES IN ANY AREA OF THE STATE IN
34 WHICH CONTAMINATION IS KNOWN TO BE PRESENT. THE DEPARTMENT SHALL EMPLOY
35 FEASIBLE MEASURES THAT CAN BE SUCCESSFULLY CARRIED OUT WITH AVAILABLE,
36 IMPLEMENTABLE AND COST EFFECTIVE TECHNOLOGY. SUCH AREA SHALL INCLUDE, AT
37 A MINIMUM, ALL PROPERTIES SERVED BY THE PUBLIC WATER SYSTEM, ANY INDI-
38 VIDUAL ONSITE WATER SUPPLY SYSTEMS IMPACTED BY THE CONTAMINATION, AND
39 ANY LAND AND ANY SURFACE OR UNDERGROUND WATER SOURCES IMPACTED BY THE
40 CONTAMINATION. SUCH APPROVED MEASURES SHALL BE PROTECTIVE OF PUBLIC
41 HEALTH AND MAY INCLUDE BUT NOT BE LIMITED TO THE INSTALLATION OF TREAT-
42 MENT SYSTEMS OR THE PROVISION OF ALTERNATIVE WATER SUPPLY SOURCES TO
43 ENSURE THAT DRINKING WATER MEETS APPLICABLE STANDARDS, INCLUDING MAXIMUM
44 CONTAMINANT LEVELS, NOTIFICATION LEVELS, MAXIMUM RESIDUAL DISINFECTANT
45 LEVELS, OR ACTION LEVELS ESTABLISHED BY THE DEPARTMENT OF HEALTH.

46 2. IF THE DEPARTMENT OR THE DEPARTMENT OF HEALTH, AS APPLICABLE,
47 DETERMINES THAT A DRINKING WATER CONTAMINATION SITE POSES A SIGNIFICANT
48 THREAT TO THE PUBLIC HEALTH OR ENVIRONMENT FROM A HAZARDOUS WASTE, THE
49 DEPARTMENT SHALL REFER THE SITE TO THE INACTIVE HAZARDOUS WASTE DISPOSAL
50 SITE REMEDIAL PROGRAM PURSUANT TO TITLE THIRTEEN OF THIS ARTICLE.

51 3. WHENEVER THE COMMISSIONER OF HEALTH HAS REQUIRED A PUBLIC WATER
52 SYSTEM TO TAKE ACTION TO REDUCE EXPOSURE TO EMERGING CONTAMINANTS AND
53 HAS DETERMINED THAT THE CONCENTRATION OF THE EMERGING CONTAMINANT
54 CONSTITUTES AN ACTUAL OR POTENTIAL THREAT TO PUBLIC HEALTH BASED ON THE
55 BEST AVAILABLE SCIENTIFIC INFORMATION PURSUANT TO SECTION ELEVEN HUNDRED
56 TWELVE OF THE PUBLIC HEALTH LAW:

1 A. THE DEPARTMENT SHALL HAVE THE AUTHORITY TO UNDERTAKE DIRECTLY IN
2 CONJUNCTION WITH THE DEPARTMENT OF HEALTH, THE DEVELOPMENT AND IMPLEMEN-
3 TATION OF ALL NECESSARY AND REASONABLE MITIGATION AND REMEDIATION MEAS-
4 URES OF DRINKING WATER CONTAMINATION, AS APPROVED BY THE DEPARTMENT OF
5 HEALTH, TO ADDRESS EMERGING CONTAMINANTS IN PUBLIC WATER SUPPLIES;

6 B. THE COMMISSIONER MAY ORDER, AFTER NOTICE AND OPPORTUNITY FOR A
7 HEARING, THE OWNER AND/OR OPERATOR OF THE DRINKING WATER CONTAMINATION
8 SITE AND/OR ANY PERSON RESPONSIBLE FOR SUCH CONTAMINATION TO UNDERTAKE
9 ALL REASONABLE AND NECESSARY MITIGATION AND REMEDIATION, AS APPROVED BY
10 THE DEPARTMENT OF HEALTH, TO ENSURE THAT DRINKING WATER MEETS APPLICABLE
11 STANDARDS, INCLUDING MAXIMUM CONTAMINANT LEVELS, NOTIFICATION LEVELS,
12 MAXIMUM RESIDUAL DISINFECTANT LEVELS, OR ACTION LEVELS ESTABLISHED BY
13 THE DEPARTMENT OF HEALTH, AND EMPLOY FEASIBLE MEASURES THAT CAN BE
14 SUCCESSFULLY CARRIED OUT WITH AVAILABLE, IMPLEMENTABLE AND COST EFFEC-
15 TIVE TECHNOLOGY, SUBJECT TO THE APPROVAL OF THE DEPARTMENT AND THE
16 DEPARTMENT OF HEALTH, AT SUCH SITE, AND TO IMPLEMENT SUCH PROGRAM WITHIN
17 REASONABLE TIME LIMITS SPECIFIED IN THE ORDER. PROVIDED, HOWEVER, THAT
18 IN THE EVENT THE COMMISSIONER OF HEALTH SHALL ISSUE AN ORDER PURSUANT TO
19 SUBDIVISION THREE OF SECTION ONE THOUSAND THREE HUNDRED EIGHTY-NINE-B OF
20 THE PUBLIC HEALTH LAW, SUCH ORDER OF THE COMMISSIONER OF HEALTH SHALL
21 SUPERSEDE ANY ORDER ISSUED HEREUNDER.

22 4. THE DEPARTMENT SHALL HAVE THE AUTHORITY A. TO DELEGATE RESPONSIBIL-
23 ITY FOR A SPECIFIC DRINKING WATER CONTAMINATION SITE TO THE MUNICIPALITY
24 IN WHICH SUCH SITE IS LOCATED AND B. TO CONTRACT WITH ANY OTHER PERSON
25 TO PERFORM NECESSARY WORK IN CONNECTION WITH SUCH SITES.

26 5. SECTION EIGHT OF THE COURT OF CLAIMS ACT OR ANY OTHER PROVISION OF
27 LAW TO THE CONTRARY NOTWITHSTANDING, THE STATE SHALL BE IMMUNE FROM
28 LIABILITY AND ACTION WITH RESPECT TO ANY ACT OR OMISSION DONE IN THE
29 DISCHARGE OF THE DEPARTMENT'S AFORESAID RESPONSIBILITY PURSUANT TO THIS
30 TITLE; PROVIDED, HOWEVER, THAT THIS SUBDIVISION SHALL NOT LIMIT THE
31 LIABILITY WHICH MAY OTHERWISE EXIST FOR UNLAWFUL, WILLFUL, OR MALICIOUS
32 ACTS OR OMISSIONS ON THE PART OF THE STATE, STATE AGENCIES, OR THEIR
33 OFFICERS, EMPLOYEES OR AGENTS; OR FOR THE OWNERSHIP OR RESPONSIBILITY
34 FOR THE DISPOSAL OF SUCH CONTAMINANT, INCLUDING LIABILITY FOR THE COST
35 OF REMEDIATION, PURSUANT TO THIS SECTION.

36 6. WHENEVER THE COMMISSIONER OF HEALTH, AFTER INVESTIGATION, FINDS:

37 A. THAT A PUBLIC DRINKING WATER CONTAMINATION SITE REPRESENTS AN ACTU-
38 AL OR POTENTIAL THREAT TO THE PUBLIC HEALTH; AND

39 B. THE THREAT MAKES IT PREJUDICIAL TO THE PUBLIC INTEREST TO DELAY
40 ACTION UNTIL A HEARING CAN BE HELD PURSUANT TO THIS TITLE, THE DEPART-
41 MENT MAY, PURSUANT TO PARAGRAPH A OF SUBDIVISION THREE OF THIS SECTION
42 AND WITHIN THE FUNDS AVAILABLE TO THE DEPARTMENT FROM THE DRINKING WATER
43 RESPONSE ACCOUNT, DEVELOP AND IMPLEMENT, IN CONJUNCTION WITH THE DEPART-
44 MENT OF HEALTH, ALL REASONABLE AND NECESSARY MITIGATION AND REMEDIAL
45 MEASURES TO ADDRESS DRINKING WATER CONTAMINATION FOR SUCH SITE TO ENSURE
46 THAT DRINKING WATER MEETS APPLICABLE STANDARDS, INCLUDING MAXIMUM
47 CONTAMINANT LEVELS, NOTIFICATION LEVELS, MAXIMUM RESIDUAL DISINFECTANT
48 LEVELS OR ACTION LEVELS ESTABLISHED BY THE DEPARTMENT OF HEALTH. FIND-
49 INGS REQUIRED PURSUANT TO THIS SUBDIVISION SHALL BE IN WRITING AND MAY
50 BE MADE BY THE COMMISSIONER OF HEALTH ON AN EX PARTE BASIS SUBJECT TO
51 JUDICIAL REVIEW.

52 7. ANY ORDER ISSUED PURSUANT TO PARAGRAPH B OF SUBDIVISION THREE OF
53 THIS SECTION SHALL BE ISSUED ONLY AFTER NOTICE AND THE OPPORTUNITY FOR A
54 HEARING IS PROVIDED TO PERSONS WHO MAY BE THE SUBJECT OF SUCH ORDER.
55 THE COMMISSIONER OR THE COMMISSIONER OF HEALTH SHALL DETERMINE WHICH
56 PERSONS ARE RESPONSIBLE PURSUANT TO SAID SUBDIVISION ACCORDING TO APPLI-

1 CABLE PRINCIPLES OF STATUTORY OR COMMON LAW LIABILITY. SUCH PERSONS
2 SHALL BE ENTITLED TO RAISE ANY DEFENSE SET FORTH IN SECTION 27-1211 OF
3 THIS TITLE OR COMMON LAW DEFENSE AT ANY SUCH HEARING AND SUCH DEFENSES
4 SHALL HAVE THE SAME FORCE AND EFFECT AT SUCH HEARINGS AS THEY WOULD HAVE
5 IN A COURT OF LAW. IN THE EVENT A HEARING IS HELD, NO ORDER SHALL BE
6 ISSUED BY THE COMMISSIONER UNDER SUBDIVISION THREE OF THIS SECTION UNTIL
7 A FINAL DECISION HAS BEEN RENDERED. ANY SUCH ORDER SHALL BE REVIEWABLE
8 PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES
9 WITHIN THIRTY DAYS AFTER SERVICE OF SUCH ORDER. THE COMMISSIONER OR THE
10 COMMISSIONER OF HEALTH MAY REQUEST THE PARTICIPATION OF THE ATTORNEY
11 GENERAL IN SUCH HEARINGS.

12 8. THE COMMISSIONER SHALL MAKE ALL REASONABLE EFFORTS, IN ACCORDANCE
13 WITH THE REQUIREMENTS OF SUBDIVISION SIX OF SECTION NINETY-SEVEN-B OF
14 THE STATE FINANCE LAW, TO RECOVER ALL MITIGATION COSTS INCURRED PURSUANT
15 TO SUBDIVISIONS ONE AND THREE OF THIS SECTION FROM THE OWNER AND/OR
16 OPERATOR OF THE DRINKING WATER CONTAMINATION SITE.

17 9. WHEN A MUNICIPALITY DEVELOPS AND IMPLEMENTS REMEDIATION TO ADDRESS
18 A DRINKING WATER CONTAMINATION SITE, DETERMINED PURSUANT TO SUBDIVISION
19 FOUR OF THIS SECTION, AND THE PLAN IS APPROVED BY THE DEPARTMENT, IN
20 CONJUNCTION WITH THE DEPARTMENT OF HEALTH, WHICH IS OWNED OR HAS BEEN
21 OPERATED BY SUCH MUNICIPALITY OR WHEN THE DEPARTMENT, IN CONJUNCTION
22 WITH THE DEPARTMENT OF HEALTH, PURSUANT TO AN AGREEMENT WITH A MUNICI-
23 PALITY, DEVELOPS AND IMPLEMENTS SUCH REMEDIATION, THE COMMISSIONER
24 SHALL, IN THE NAME OF THE STATE, AGREE IN SUCH AGREEMENT TO PROVIDE FROM
25 THE DRINKING WATER RESPONSE ACCOUNT, WITHIN THE LIMITATIONS OF APPROPRI-
26 ATIONS THEREFOR, SEVENTY-FIVE PERCENT OF THE ELIGIBLE DESIGN AND
27 CONSTRUCTION COSTS OF SUCH PROGRAM FOR WHICH SUCH MUNICIPALITY IS LIABLE
28 SOLELY BECAUSE OF ITS OWNERSHIP AND/OR OPERATION OF SUCH SITE AND WHICH
29 ARE NOT RECOVERED FROM OR REIMBURSED OR PAID BY A RESPONSIBLE PARTY OR
30 THE FEDERAL GOVERNMENT.

31 10. NOTHING CONTAINED WITHIN THIS SECTION SHALL BE CONSTRUED AS
32 IMPAIRING OR IN ANY MANNER AFFECTING THE RIGHT OR JURISDICTION OF THE
33 ATTORNEY GENERAL TO SEEK APPROPRIATE RELIEF PURSUANT TO HIS OR HER STAT-
34 UTORY OR COMMON LAW AUTHORITY.

35 11. MONEYS FOR ACTIONS TAKEN OR TO BE TAKEN BY THE DEPARTMENT, THE
36 DEPARTMENT OF HEALTH OR ANY OTHER STATE AGENCY PURSUANT TO THIS TITLE
37 SHALL BE PAYABLE DIRECTLY TO SUCH AGENCIES FROM THE DRINKING WATER
38 RESPONSE ACCOUNT PURSUANT TO SECTION NINETY-SEVEN-B OF THE STATE FINANCE
39 LAW.

40 12. A. EVERY PERSON SHALL, UPON THE WRITTEN REQUEST OF THE COMMISSION-
41 ER OR A DESIGNEE, PERMIT A DULY DESIGNATED OFFICER OR EMPLOYEE OF THE
42 DEPARTMENT AT ALL REASONABLE TIMES TO HAVE ACCESS TO AND TO COPY ALL
43 BOOKS, PAPERS, DOCUMENTS AND RECORDS PERTINENT TO AN ONGOING INVESTI-
44 GATION OF DRINKING WATER CONTAMINATION IDENTIFIED IN SECTION 27-1203 OF
45 THIS TITLE.

46 B. THE COMMISSIONER MAY SIGN AND ISSUE SUBPOENAS IN THE NAME OF THE
47 DEPARTMENT REQUIRING THE PRODUCTION OF BOOKS, PAPERS, DOCUMENTS AND
48 OTHER RECORDS AND MAY TAKE TESTIMONY BY DEPOSITIONS UNDER OATH OF ANY
49 PERSON RELATING TO THE ONGOING INVESTIGATION OF A DRINKING WATER CONTAM-
50 INATION IDENTIFIED IN THIS TITLE. SUCH SUBPOENAS AND DEPOSITIONS SHALL
51 BE REGULATED BY THE STATE OF NEW YORK'S CIVIL PRACTICE LAW AND RULES.
52 THE COMMISSIONER MAY INVOKE THE POWERS OF THE SUPREME COURT OF THE STATE
53 OF NEW YORK TO COMPEL COMPLIANCE WITH ANY SUCH SUBPOENA OR ANY REQUEST
54 TO TAKE SUCH DEPOSITIONS.

55 C. WHEN THE DEPARTMENT HAS SUBSTANTIAL EVIDENCE THAT SUCH DRINKING
56 WATER CONTAMINATION SITE IS CAUSING OR SUBSTANTIALLY CONTRIBUTING TO THE

1 CONTAMINATION OF DRINKING WATER, AND SUBJECT TO THE APPLICABLE NOTICE
2 PROVISIONS SET FORTH IN PARAGRAPH D OF THIS SUBDIVISION, ANY DULY DESIG-
3 NATED OFFICER OR EMPLOYEE OF THE DEPARTMENT, OR OF ANY STATE AGENCY, AND
4 ANY AGENT, CONSULTANT, CONTRACTOR, OR OTHER PERSON, INCLUDING AN EMPLOY-
5 EE, AGENT, CONSULTANT, OR CONTRACTOR OF A RESPONSIBLE PERSON ACTING AT
6 THE DIRECTION OF THE DEPARTMENT, SO AUTHORIZED IN WRITING BY THE COMMIS-
7 SIONER, MAY ENTER ANY DRINKING WATER CONTAMINATION SITE AND AREAS NEAR
8 SUCH SITE AND INSPECT AND TAKE SAMPLES OF WASTES, SOIL, AIR, SURFACE
9 WATER, AND GROUNDWATER. IN ORDER TO TAKE SUCH SAMPLES, THE DEPARTMENT OR
10 AUTHORIZED PERSON MAY UTILIZE OR CAUSE TO BE UTILIZED SUCH SAMPLING
11 METHODS AS IT DETERMINES TO BE NECESSARY INCLUDING, BUT NOT LIMITED TO,
12 SOIL BORINGS AND MONITORING WELLS.

13 D. THE DEPARTMENT OR AUTHORIZED PERSON SHALL NOT TAKE ANY SAMPLES
14 INVOLVING THE SUBSTANTIAL DISTURBANCE OF THE GROUND SURFACE OF ANY PROP-
15 erty UNLESS IT HAS MADE A REASONABLE EFFORT TO IDENTIFY THE OWNER OF THE
16 PROPERTY AND TO NOTIFY SUCH OWNER OF THE INTENT TO TAKE SUCH SAMPLES. IF
17 THE OWNER CAN BE IDENTIFIED, THE DEPARTMENT SHALL PROVIDE SUCH OWNER
18 WITH A MINIMUM OF TEN DAYS' WRITTEN NOTICE OF THE INTENT, UNLESS SUCH
19 OWNERS AND OCCUPANTS CONSENT TO AN EARLIER DATE, TO TAKE SUCH SAMPLES,
20 UNLESS THE COMMISSIONER MAKES A WRITTEN DETERMINATION THAT SUCH TEN DAY
21 NOTICE WILL NOT ALLOW THE DEPARTMENT TO PROTECT THE ENVIRONMENT OR
22 PUBLIC HEALTH, IN WHICH CASE TWO DAYS' WRITTEN NOTICE SHALL BE SUFFI-
23 CIENT. ANY INSPECTION OF THE PROPERTY AND EACH SUCH TAKING OF SAMPLES
24 SHALL TAKE PLACE AT REASONABLE TIMES AND SHALL BE COMMENCED AND
25 COMPLETED WITH REASONABLE PROMPTNESS. IF ANY OFFICER, EMPLOYEE, AGENT,
26 CONSULTANT, CONTRACTOR, OR OTHER PERSON SO AUTHORIZED IN WRITING BY THE
27 COMMISSIONER OBTAINS ANY SAMPLES PRIOR TO LEAVING THE PREMISES, HE OR
28 SHE SHALL GIVE TO THE OWNER OR OPERATOR A RECEIPT DESCRIBING THE SAMPLE
29 OBTAINED AND, IF REQUESTED, A PORTION OF SUCH SAMPLE EQUAL IN VOLUME OR
30 WEIGHT TO THE PORTION RETAINED. IF ANY ANALYSIS IS MADE OF SUCH SAMPLES,
31 A COPY OF THE RESULTS OF SUCH ANALYSIS SHALL BE FURNISHED PROMPTLY TO
32 THE OWNER OR OPERATOR. UPON THE COMPLETION OF ALL SAMPLING ACTIVITIES,
33 THE DEPARTMENT OR AUTHORIZED PERSON SHALL REMOVE, OR CAUSE TO BE
34 REMOVED, ALL EQUIPMENT AND WELL MACHINERY AND RETURN THE GROUND SURFACE
35 OF THE PROPERTY TO ITS CONDITION PRIOR TO SUCH SAMPLING, UNLESS THE
36 DEPARTMENT OR AUTHORIZED PERSON, AND THE OWNER OF THE PROPERTY SHALL
37 OTHERWISE AGREE.

38 E. THE EXPENSE OF ANY SUCH MITIGATION BY THE DEPARTMENT OR THE DEPART-
39 MENT OF HEALTH SHALL BE PAID BY THE DRINKING WATER RESPONSE ACCOUNT, BUT
40 MAY BE RECOVERED FROM ANY RESPONSIBLE PERSON IN ANY ACTION OR PROCEEDING
41 BROUGHT PURSUANT TO THE STATE FINANCE LAW, THIS TITLE, OTHER STATE OR
42 FEDERAL STATUTE, OR COMMON LAW IF THE PERSON SO AUTHORIZED IN WRITING IS
43 AN EMPLOYEE, AGENT, CONSULTANT, OR CONTRACTOR OF A RESPONSIBLE PERSON
44 ACTING AT THE DIRECTION OF THE DEPARTMENT, THEN THE EXPENSE OF ANY SUCH
45 SAMPLING AND ANALYSIS SHALL BE PAID BY THE RESPONSIBLE PERSON.

46 F. ANY DULY DESIGNATED OFFICER OR EMPLOYEE OF THE DEPARTMENT OR ANY
47 OTHER STATE AGENCY, AND ANY AGENT, CONSULTANT, CONTRACTOR, OR OTHER
48 PERSON ACTING AT THE DIRECTION OF THE DEPARTMENT, AUTHORIZED IN WRITING
49 BY THE COMMISSIONER, MAY ENTER ANY DRINKING WATER CONTAMINATION SITE AND
50 AREAS NEAR SUCH SITE TO UNDERTAKE ALL REASONABLE AND NECESSARY MITI-
51 GATION AND REMEDIATION FOR SUCH SITE, PROVIDED: (A) THE COMMISSIONER HAS
52 SENT A WRITTEN NOTICE TO THE OWNERS OF RECORD OR ANY KNOWN OCCUPANTS OF
53 SUCH SITE OR NEARBY AREAS OF THE INTENDED ENTRY AND WORK AT LEAST TEN
54 DAYS PRIOR TO SUCH INITIAL ENTRY UNLESS SUCH OWNERS AND OCCUPANTS
55 CONSENT TO AN EARLIER DATE; AND (B) THE DEPARTMENT HAS SUBSTANTIAL
56 EVIDENCE THAT SUCH DRINKING WATER CONTAMINATION SITE IS CAUSING OR

1 SUBSTANTIALLY CONTRIBUTING TO THE CONTAMINATION OF DRINKING WATER. IN
2 THE EVENT THE COMMISSIONER OF HEALTH MAKES A WRITTEN DETERMINATION THAT
3 SUCH TEN DAY NOTICE WILL NOT BE SUFFICIENT TO PROTECT PUBLIC HEALTH, TWO
4 DAYS' WRITTEN NOTICE SHALL BE SUFFICIENT.

5 § 27-1207. USE AND REPORTING OF THE SOLID WASTE MITIGATION ACCOUNT AND
6 THE DRINKING WATER RESPONSE ACCOUNT.

7 1. PURSUANT TO THE CLEAN WATER INFRASTRUCTURE ACT OF TWO THOUSAND
8 SEVENTEEN AND WITHIN THE UP TO ONE HUNDRED THIRTY MILLION DOLLARS APPRO-
9 PRIATED FOR SUCH PURPOSES, MITIGATION AND REMEDIATION EFFORTS TO ADDRESS
10 PUBLIC DRINKING WATER CONTAMINATION FROM EMERGING CONTAMINANTS AND SOLID
11 WASTE SITES CAUSING OR SUBSTANTIALLY CONTRIBUTING TO DRINKING WATER
12 IMPAIRMENT THAT IMPACTS PUBLIC HEALTH MAY BE CONDUCTED IN ACCORDANCE
13 WITH THIS TITLE.

14 2. THE SOLID WASTE MITIGATION ACCOUNT SHALL BE MADE AVAILABLE TO THE
15 DEPARTMENT AND THE DEPARTMENT OF HEALTH, AS APPLICABLE, FOR THE FOLLOW-
16 ING PURPOSES:

- 17 A. ENUMERATION AND ASSESSMENT OF SOLID WASTE SITES;
- 18 B. INVESTIGATION AND ENVIRONMENTAL CHARACTERIZATION OF SOLID WASTE
19 SITES, INCLUDING ENVIRONMENTAL SAMPLING;
- 20 C. MITIGATION AND REMEDIATION OF SOLID WASTE SITES;
- 21 D. MONITORING OF SOLID WASTE SITES; AND
- 22 E. ADMINISTRATION AND ENFORCEMENT OF THE REQUIREMENTS OF SECTION
23 27-1203 OF THIS TITLE.

24 3. THE DRINKING WATER RESPONSE ACCOUNT SHALL BE MADE AVAILABLE TO THE
25 DEPARTMENT AND THE DEPARTMENT OF HEALTH, AS APPLICABLE, FOR THE FOLLOW-
26 ING PURPOSES:

- 27 A. MITIGATION OF DRINKING WATER CONTAMINATION;
- 28 B. INVESTIGATION OF DRINKING WATER CONTAMINATION;
- 29 C. REMEDIATION OF DRINKING WATER CONTAMINATION; AND
- 30 D. ADMINISTRATION AND ENFORCEMENT OF THE REQUIREMENTS OF THIS TITLE
31 EXCEPT THE PROVISIONS OF SECTION 27-1203.

32 4. ON OR BEFORE JULY FIRST, TWO THOUSAND NINETEEN AND JULY FIRST OF
33 EACH SUCCEEDING YEAR, THE DEPARTMENT SHALL REPORT ON THE STATUS OF THE
34 PROGRAMS.

35 § 27-1209. RULES AND REGULATIONS.

36 THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS NECESSARY AND
37 APPROPRIATE TO CARRY OUT THE PURPOSES OF THIS TITLE AND SHALL AT A MINI-
38 MUM INCLUDE SUCH PROVISIONS FOR REQUISITE DUE PROCESS AND MEANINGFUL
39 PUBLIC PARTICIPATION AS ARE APPROPRIATE TO ANY ACTION UNDERTAKEN PURSU-
40 ANT TO THIS TITLE, TAKING INTO CONSIDERATION THE NATURE AND DEGREE OF
41 ANY PUBLIC HEALTH IMPACTS AND THE URGENCY OF ANY NEED FOR INVESTIGATION
42 OR REMEDIATION OF CONTAMINATION.

43 § 27-1211. PROTECTION AGAINST LIABILITY AND LIABILITY EXEMPTIONS AND
44 DEFENSES.

45 IN ADDITION TO COMMON LAW DEFENSES, THE PROVISIONS OF SECTIONS 27-1321
46 AND 27-1323 OF THIS ARTICLE SHALL APPLY TO A SOLID WASTE SITE THAT IS
47 CAUSING OR SUBSTANTIALLY CONTRIBUTING TO CONTAMINATION OF PUBLIC DRINK-
48 ING WATER SUPPLIES OR A DRINKING WATER CONTAMINATION SITE PURSUANT TO
49 THIS TITLE AND SHALL APPLY TO EMERGING CONTAMINANTS IN THE SAME WAY
50 APPLICABLE TO HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

51 § 5. Subdivisions 1, 2 and 6 and paragraphs (i) and (j) of subdivision
52 3 of section 97-b of the state finance law, subdivision 1 as amended and
53 paragraph (j) of subdivision 3 as added by section 4 of part I of chap-
54 ter 1 of the laws of 2003, subdivision 2 as amended by section 5 of part
55 X of chapter 58 of the laws of 2015, paragraph (i) of subdivision 3 as
56 amended by section 1 of part R of chapter 59 of the laws of 2007, subdi-

1 vision 6 as amended by chapter 38 of the laws of 1985, are amended and
2 two new paragraphs (k) and (l) are added to subdivision 3 to read as
3 follows:

4 1. There is hereby established in the custody of the state comptroller
5 a nonlapsing revolving fund to be known as the "hazardous waste remedial
6 fund", which shall consist of a "site investigation and construction
7 account", an "industry fee transfer account", an "environmental restora-
8 tion project account", "hazardous waste cleanup account", [and] a
9 "hazardous waste remediation oversight and assistance account", A
10 "SOLID WASTE MITIGATION ACCOUNT", AND A "DRINKING WATER RESPONSE
11 ACCOUNT".

12 2. Such fund shall consist of all of the following:

13 (a) moneys appropriated for transfer to the fund's site investigation
14 and construction account; (b) all fines and other sums accumulated in
15 the fund prior to April first, nineteen hundred eighty-eight pursuant to
16 section 71-2725 of the environmental conservation law for deposit in the
17 fund's site investigation and construction account; (c) all moneys
18 collected or received by the department of taxation and finance pursuant
19 to section 27-0923 of the environmental conservation law for deposit in
20 the fund's industry fee transfer account; (d) all moneys paid into the
21 fund pursuant to section 72-0201 of the environmental conservation law
22 which shall be deposited in the fund's industry fee transfer account;
23 (e) all moneys paid into the fund pursuant to paragraph (b) of subdivi-
24 sion one of section one hundred eighty-six of the navigation law which
25 shall be deposited in the fund's industry fee transfer account; (f) all
26 [monies] MONEYS recovered under sections 56-0503, 56-0505 and 56-0507 of
27 the environmental conservation law into the fund's environmental resto-
28 ration project account; (g) all fees paid into the fund pursuant to
29 section 72-0402 of the environmental conservation law which shall be
30 deposited in the fund's industry fee transfer account; (h) payments
31 received for all state costs incurred in negotiating and overseeing the
32 implementation of brownfield site cleanup agreements pursuant to title
33 fourteen of article twenty-seven of the environmental conservation law
34 shall be deposited in the hazardous waste remediation oversight and
35 assistance account; (I) ALL MONEYS RECOVERED PURSUANT TO TITLE TWELVE OF
36 ARTICLE TWENTY-SEVEN OF THE ENVIRONMENTAL CONSERVATION LAW INTO THE
37 FUND'S DRINKING WATER RESPONSE ACCOUNT; and [(i)] (J) other moneys cred-
38 ited or transferred thereto from any other fund or source for deposit in
39 the fund's site investigation and construction account.

40 (i) with respect to moneys in the hazardous waste remediation over-
41 sight and assistance account, non-bondable costs associated with hazard-
42 ous waste remediation projects. Such costs shall be limited to agency
43 staff costs associated with the administration of state assistance for
44 brownfield opportunity areas pursuant to section nine hundred seventy-r
45 of the general municipal law, agency staff costs associated with the
46 administration of technical assistance grants pursuant to titles thir-
47 teen and fourteen of article twenty-seven of the environmental conserva-
48 tion law, and costs of the department of environmental conservation
49 related to the geographic information system required by section 3-0315
50 of the environmental conservation law; [and]

51 (j) with respect to moneys in the hazardous waste remediation over-
52 sight and assistance account, technical assistance grants pursuant to
53 titles thirteen and fourteen of article twenty-seven of the environ-
54 mental conservation law[.];

55 (K) WITH RESPECT TO MONEYS IN THE SOLID WASTE MITIGATION ACCOUNT, WHEN
56 ALLOCATED, SHALL BE AVAILABLE TO THE DEPARTMENT OF ENVIRONMENTAL CONSER-

1 VATION TO UNDERTAKE MITIGATION AND REMEDIATION AS THE DEPARTMENT OF
2 ENVIRONMENTAL CONSERVATION MAY DETERMINE NECESSARY RELATED TO A SOLID
3 WASTE SITE PURSUANT TO TITLE TWELVE OF ARTICLE TWENTY-SEVEN OF THE ENVI-
4 RONMENTAL CONSERVATION LAW WHICH INDICATES THAT CONDITIONS ON SUCH PROP-
5 erty ARE IMPAIRING DRINKING WATER QUALITY AND TO ENSURE THE PROVISION OF
6 SAFE DRINKING WATER, PROVIDED HOWEVER, THAT NO MORE THAN FIVE MILLION
7 DOLLARS WILL BE AVAILABLE ANNUALLY FOR SUCH ACCOUNT; AND

8 (L) WITH RESPECT TO MONEYS IN THE DRINKING WATER RESPONSE ACCOUNT,
9 WHEN ALLOCATED, SHALL BE AVAILABLE TO THE DEPARTMENT OF ENVIRONMENTAL
10 CONSERVATION, AND TO THE DEPARTMENT OF HEALTH, TO UNDERTAKE MITIGATION
11 AND REMEDIATION AS THE DEPARTMENTS MAY DETERMINE NECESSARY RELATED TO A
12 DRINKING WATER CONTAMINATION SITE PURSUANT TO TITLE TWELVE OF ARTICLE
13 TWENTY-SEVEN OF THE ENVIRONMENTAL CONSERVATION LAW WHICH INDICATES THAT
14 CONDITIONS ON SUCH PROPERTY ARE IMPAIRING DRINKING WATER QUALITY,
15 PROVIDED HOWEVER, THAT NO MORE THAN TWENTY MILLION DOLLARS WILL BE
16 AVAILABLE ANNUALLY FOR SUCH ACCOUNT.

17 6. The commissioner of the department of environmental conservation
18 shall make all reasonable efforts to recover the full amount of any
19 funds expended from the fund pursuant to paragraph (a) AND PARAGRAPH (L)
20 of subdivision three of this section through litigation or cooperative
21 agreements with responsible persons. Any and all moneys recovered or
22 reimbursed pursuant to this section through voluntary agreements or
23 court orders shall be deposited with the comptroller and credited to the
24 account of such fund from which such expenditures were made.

25 § 6. 1. This section shall be known and be cited as the "New York
26 State water infrastructure improvement act of 2017".

27 2. For purposes of this act:

28 a. "water quality infrastructure project" shall mean "sewage treatment
29 works" as defined in section 17-1903 of the environmental conservation
30 law or "eligible project" as defined in paragraphs (a), (b), (c) and (e)
31 of subdivision 4 of section 1160 of the public health law.

32 b. "construction" shall mean:

33 (i) for sewage treatment works, the same as defined in section 17-1903
34 of the environmental conservation law; and

35 (ii) for eligible projects, the same meaning as defined in section
36 1160 of the public health law.

37 c. "municipality" shall mean any county, city, town, village, district
38 corporation, county or town improvement district, school district, Indi-
39 an nation or tribe recognized by the state or the United States with a
40 reservation wholly or partly within the boundaries of New York state,
41 any public benefit corporation or public authority established pursuant
42 to the laws of New York or any agency of New York state which is
43 empowered to construct and operate a water quality infrastructure
44 project, or any two or more of the foregoing which are acting jointly in
45 connection with a water quality infrastructure project.

46 3. a. The environmental facilities corporation shall undertake and
47 provide state financial assistance payments, from funds appropriated for
48 such purpose, to municipalities in support of water quality infrastruc-
49 ture projects provided, however, in any such year that funds are appro-
50 priated for such purpose, no municipality shall receive more than five
51 million dollars of appropriated funds. Such state financial assistance
52 payments shall be awarded only to water quality infrastructure projects
53 for:

54 (i) replacement or repair of infrastructure; or

55 (ii) compliance with environmental and public health laws and regu-
56 lations related to water quality.

1 b. Any state financial assistance payment awarded pursuant to this act
2 shall not exceed seventy-five percent of the project cost.

3 c. A municipality may make an application for such state financial
4 assistance payment, in a manner, form and timeframe and containing such
5 information as the environmental facilities corporation may require
6 provided however, such requirements shall not include a requirement for
7 prior listing on the intended use plan.

8 d. A municipality shall not be required to accept environmental facil-
9 ities corporation loan financing in order to obtain a state financial
10 assistance payment pursuant to this act if it can provide proof of
11 having obtained similarly low cost financing or other funding from
12 another source.

13 e. In awarding such financial assistance payments, the corporation
14 shall be prohibited from requiring as a condition of receipt, or other-
15 wise giving preference to, applicants who agree to participate in the
16 design, creation, or implementation of a municipal consolidation plan.

17 f. In awarding such state financial assistance payments, the environ-
18 mental facilities corporation shall consider and give preference to
19 municipalities that meet the hardship criteria established by the envi-
20 ronmental facilities corporation pursuant to section 1285-m of the
21 public authorities law and projects that result in the greatest water
22 quality improvement or greatest reduction in serious risk to public
23 health. For the purposes of this act, the hardship criteria of section
24 1285-m of the public authorities law shall also apply to sewage treat-
25 ment works as defined in section 17-1903 of the environmental conserva-
26 tion law.

27 g. Water quality infrastructure projects financed with state financial
28 assistance made available pursuant to this section shall be subject to
29 the requirements of article 8 of the labor law, the requirements of
30 article 17-B of the executive law and the requirements and provisions of
31 all applicable minority- and women-owned business mandates including,
32 but not limited to article 15-A of the executive law.

33 § 7. The public authorities law is amended by adding a new section
34 1285-s to read as follows:

35 § 1285-S. NEW YORK STATE INTERMUNICIPAL WATER INFRASTRUCTURE GRANTS
36 PROGRAM. 1. FOR PURPOSES OF THIS SECTION:

37 (A) "WATER QUALITY INFRASTRUCTURE PROJECT" SHALL MEAN "SEWAGE TREAT-
38 MENT WORKS" AS DEFINED IN SECTION 17-1903 OF THE ENVIRONMENTAL CONSERVA-
39 TION LAW OR "ELIGIBLE PROJECT" AS DEFINED IN PARAGRAPHS (A), (B), (C)
40 AND (E) OF SUBDIVISION FOUR OF SECTION ELEVEN HUNDRED SIXTY OF THE
41 PUBLIC HEALTH LAW.

42 (B) "CONSTRUCTION" SHALL MEAN:

43 (I) FOR SEWAGE TREATMENT WORKS, THE SAME MEANING AS DEFINED IN SECTION
44 17-1903 OF THE ENVIRONMENTAL CONSERVATION LAW; AND

45 (II) FOR ELIGIBLE PROJECTS, THE SAME MEANING AS DEFINED IN SECTION ONE
46 THOUSAND ONE HUNDRED SIXTY OF THE PUBLIC HEALTH LAW.

47 (C) "MUNICIPALITY" SHALL MEAN ANY COUNTY, CITY, TOWN, VILLAGE,
48 DISTRICT CORPORATION, COUNTY OR TOWN IMPROVEMENT DISTRICT, SCHOOL
49 DISTRICT, INDIAN NATION OR TRIBE RECOGNIZED BY THE STATE OR THE UNITED
50 STATES WITH A RESERVATION WHOLLY OR PARTLY WITHIN THE BOUNDARIES OF NEW
51 YORK STATE, ANY PUBLIC BENEFIT CORPORATION OR PUBLIC AUTHORITY ESTAB-
52 LISHED PURSUANT TO THE LAWS OF NEW YORK OR ANY AGENCY OF NEW YORK STATE
53 WHICH IS EMPOWERED TO CONSTRUCT AND OPERATE AN INTERMUNICIPAL WATER
54 QUALITY INFRASTRUCTURE PROJECT, OR ANY TWO OR MORE OF THE FOREGOING
55 WHICH ARE ACTING JOINTLY IN CONNECTION WITH AN INTERMUNICIPAL WATER
56 QUALITY INFRASTRUCTURE PROJECT.

1 2. (A) THE ENVIRONMENTAL FACILITIES CORPORATION SHALL UNDERTAKE AND
2 PROVIDE STATE FINANCIAL ASSISTANCE PAYMENTS, FROM FUNDS APPROPRIATED FOR
3 SUCH PURPOSE, TO MUNICIPALITIES IN SUPPORT OF INTERMUNICIPAL WATER QUAL-
4 ITY INFRASTRUCTURE PROJECTS PROVIDED, HOWEVER, IN ANY SUCH YEAR THAT
5 FUNDS ARE APPROPRIATED FOR SUCH PURPOSE, EACH PROJECT SHALL RECEIVE AN
6 AWARD OF UP TO TEN MILLION DOLLARS OF APPROPRIATED FUNDS; PROVIDED THAT
7 SUCH MONIES SHALL NOT EXCEED SIXTY PERCENT OF THE TOTAL PROJECT COST;
8 AND PROVIDED FURTHER THAT THE TOTAL STATE FINANCIAL ASSISTANCE PAYMENT
9 FOR THE PROJECT DOES NOT REPRESENT A DISPROPORTIONATE SHARE OF THE TOTAL
10 AMOUNT OF AVAILABLE FUNDING IN ANY GIVEN YEAR.

11 (B) INTERMUNICIPAL WATER QUALITY INFRASTRUCTURE PROJECTS SHALL SERVE
12 MULTIPLE MUNICIPALITIES AND MAY INCLUDE A SHARED WATER QUALITY INFRAS-
13 TRUCTURE PROJECT OR INTERCONNECTION OF MULTIPLE MUNICIPAL WATER QUALITY
14 INFRASTRUCTURE PROJECTS AND SHALL BE AWARDED ONLY TO WATER QUALITY
15 INFRASTRUCTURE PROJECTS FOR:

16 (I) CONSTRUCTION, REPLACEMENT OR REPAIR OF INFRASTRUCTURE PROVIDED,
17 HOWEVER, THAT SUCH ASSISTANCE SHALL NOT BE AWARDED FOR CONSTRUCTION TO
18 EXCLUSIVELY SUPPORT RESIDENTIAL OR COMMERCIAL DEVELOPMENT; OR

19 (II) COMPLIANCE WITH ENVIRONMENTAL AND PUBLIC HEALTH LAWS AND REGU-
20 LATIONS RELATED TO WATER QUALITY.

21 (C) COOPERATING MUNICIPALITIES MAY MAKE AN APPLICATION FOR AN INTERMU-
22 NICIPAL WATER INFRASTRUCTURE GRANT, IN A MANNER, FORM AND TIMEFRAME AND
23 CONTAINING SUCH INFORMATION AS THE ENVIRONMENTAL FACILITIES CORPORATION
24 MAY REQUIRE PROVIDED HOWEVER, SUCH REQUIREMENTS SHALL NOT INCLUDE A
25 REQUIREMENT FOR PRIOR LISTING ON THE INTENDED USE PLAN.

26 (D) COOPERATING MUNICIPALITIES SHALL NOT BE REQUIRED TO ACCEPT ENVI-
27 RONMENTAL FACILITIES CORPORATION LOAN FINANCING IN ORDER TO OBTAIN A
28 STATE FINANCIAL ASSISTANCE PAYMENT PURSUANT TO THIS SECTION IF IT CAN
29 PROVIDE PROOF OF HAVING OBTAINED SIMILARLY LOW COST FINANCING OR OTHER
30 FUNDING FROM ANOTHER SOURCE.

31 (E) IN AWARDING FINANCIAL ASSISTANCE PAYMENTS, THE CORPORATION SHALL
32 BE PROHIBITED FROM REQUIRING AS A CONDITION OF RECEIPT, OR OTHERWISE
33 GIVING PREFERENCE TO, APPLICANTS WHO AGREE TO PARTICIPATE IN THE DESIGN,
34 CREATION, OR IMPLEMENTATION OF A MUNICIPAL CONSOLIDATION PLAN.

35 3. INTERMUNICIPAL WATER QUALITY INFRASTRUCTURE PROJECTS FINANCED WITH
36 STATE FINANCIAL ASSISTANCE MADE AVAILABLE PURSUANT TO THIS SECTION SHALL
37 BE SUBJECT TO THE REQUIREMENTS OF ARTICLE EIGHT OF THE LABOR LAW, THE
38 REQUIREMENTS OF ARTICLE SEVENTEEN-B OF THE EXECUTIVE LAW AND THE
39 REQUIREMENTS AND PROVISIONS OF ALL APPLICABLE MINORITY- AND WOMEN-OWNED
40 BUSINESS MANDATES INCLUDING, BUT NOT LIMITED TO ARTICLE FIFTEEN-A OF THE
41 EXECUTIVE LAW.

42 § 8. The public authorities law is amended by adding a new section
43 1285-t to read as follows:

44 § 1285-T. WATER INFRASTRUCTURE EMERGENCY FINANCIAL ASSISTANCE. 1. FOR
45 PURPOSES OF THIS SECTION, "MUNICIPALITY" MEANS ANY COUNTY, CITY, TOWN,
46 VILLAGE, DISTRICT CORPORATION, COUNTY OR TOWN IMPROVEMENT DISTRICT,
47 SCHOOL DISTRICT, INDIAN NATION OR TRIBE RECOGNIZED BY THE STATE OR THE
48 UNITED STATES WITH A RESERVATION WHOLLY OR PARTLY WITHIN THE BOUNDARIES
49 OF NEW YORK STATE, ANY PUBLIC BENEFIT CORPORATION OR PUBLIC AUTHORITY
50 ESTABLISHED PURSUANT TO THE LAWS OF NEW YORK OR ANY AGENCY OF NEW YORK
51 STATE WHICH IS EMPOWERED TO CONSTRUCT AND OPERATE A WASTEWATER OR DRINK-
52 ING WATER INFRASTRUCTURE PROJECT, OR ANY TWO OR MORE OF THE FOREGOING
53 WHICH ARE ACTING JOINTLY IN CONNECTION WITH SUCH A PROJECT.

54 2. UPON A MUNICIPALITY'S FORMAL DECLARATION OF AN EMERGENCY, THE MUNI-
55 CIPALITY SHALL PROVIDE THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION OR
56 THE DEPARTMENT OF HEALTH, AS APPROPRIATE, WITH INFORMATION TO ASSESS ANY

1 SITUATION IN WHICH THE STATE OF THE MUNICIPALITY'S WASTEWATER OR WATER
2 INFRASTRUCTURE IS CAUSING OR MAY CAUSE AN IMMINENT HAZARD TO THE PUBLIC
3 HEALTH OR WELFARE, OR THE ENVIRONMENT. AFTER ITS ASSESSMENT, IF EITHER
4 DEPARTMENT DETERMINES THE STATE OF THE INFRASTRUCTURE IS RESULTING OR
5 MAY RESULT IN IMMINENT HAZARD TO THE PUBLIC HEALTH OR WELFARE, OR TO THE
6 ENVIRONMENT, THE CORPORATION SHALL PROVIDE TEMPORARY EMERGENCY ASSIST-
7 ANCE, WITHIN AMOUNTS APPROPRIATED, TO THE MUNICIPALITY IN AN AMOUNT NOT
8 TO EXCEED REASONABLE COSTS FOR INFRASTRUCTURE CONSTRUCTION, REPLACEMENT,
9 OR REPAIR, AND RELATED ENGINEERING COSTS, THAT IS IMMEDIATELY NECESSARY
10 TO ELIMINATE OR SUBSTANTIALLY REDUCE SUCH HAZARD.

11 3. THE CORPORATION AND THE MUNICIPALITY SHALL ENTER INTO AN AGREEMENT
12 SIGNED BY AN OFFICER DULY AUTHORIZED BY THE GOVERNING BODY OF THE MUNI-
13 CIPALITY PURSUANT TO WHICH THE CORPORATION SHALL TRANSMIT EMERGENCY
14 FINANCIAL ASSISTANCE IN AN AMOUNT DETERMINED BY THE DEPARTMENT OF ENVI-
15 RONMENTAL CONSERVATION OR THE DEPARTMENT OF HEALTH, AS APPLICABLE, AS
16 NECESSARY TO ADDRESS THE IMMINENT HAZARD, AND SHALL PROVIDE THE ASSIST-
17 ANCE PAYMENT TO THE MUNICIPALITY WITHIN TWO BUSINESS DAYS OF RECEIPT OF
18 SUCH DETERMINATION. THE MUNICIPALITY SHALL SUBMIT AN ITEMIZED COST ESTI-
19 MATE FROM THE MUNICIPALITY'S ENGINEER OR ENGINEERING CONSULTANT TO THE
20 APPLICABLE DEPARTMENT SUFFICIENT TO MAKE SUCH DETERMINATION.

21 4. NO LATER THAN FOURTEEN DAYS AFTER THE CESSATION OF THE EMERGENCY,
22 THE MUNICIPALITY SHALL PROVIDE TO THE CORPORATION DOCUMENTATION FOR ALL
23 COSTS PAID WITH THE EMERGENCY ASSISTANCE AND REFUND TO THE CORPORATION
24 ANY PORTION OF THE FINANCIAL ASSISTANCE NOT USED OR COMMITTED TO PAY FOR
25 THE CONSTRUCTION, REPLACEMENT, OR REPAIR AND RELATED ENGINEERING COSTS
26 DETERMINED TO BE NECESSARY UNDER SUBDIVISION ONE OF THIS SECTION.

27 5. SUBJECT TO APPROPRIATION OR DULY AUTHORIZED INDEBTEDNESS, THE MUNI-
28 CIPALITY SHALL REPAY THE CORPORATION WITHIN ONE YEAR OF ITS RECEIPT OF
29 EMERGENCY FINANCIAL ASSISTANCE THE FULL AMOUNT OF SUCH ASSISTANCE
30 PROVIDED TO IT UNDER THIS SECTION. THE CORPORATION MAY EXTEND THE TIME
31 TO REPAY FOR UP TO ONE ADDITIONAL YEAR IF THE CORPORATION DETERMINES IN
32 ITS SOLE DISCRETION THAT SUCH AN EXTENSION IS WARRANTED UNDER THE
33 CIRCUMSTANCES.

34 6. NOTHING IN THIS SECTION NULLIFIES THE ELIGIBILITY OF A MUNICIPALITY
35 FOR OTHER INFRASTRUCTURE FUNDING, INCLUDING GRANT, WHICH MAY BE PROVIDED
36 BY THE STATE FOR WATER INFRASTRUCTURE DIRECTLY RELATED TO THE INFRAS-
37 TRUCTURE FOR WHICH EMERGENCY FINANCIAL ASSISTANCE IS AWARDED UNDER THIS
38 SECTION, INCLUDING FUNDING THE MUNICIPALITY COULD USE TO REPAY THE EMER-
39 GENCY FINANCIAL ASSISTANCE. IF THE MUNICIPALITY RECEIVES SUCH OTHER
40 FUNDING FROM THE STATE OR ANY FINANCIAL ASSISTANCE FROM A THIRD PARTY
41 FOR THE SAME INFRASTRUCTURE, THE MUNICIPALITY SHALL WITHIN TEN DAYS
42 FIRST REPAY THE CORPORATION THE OUTSTANDING BALANCE OF THE EMERGENCY
43 FINANCIAL ASSISTANCE BEFORE PAYING ANY REMAINING COSTS FOR THE WATER
44 INFRASTRUCTURE.

45 § 9. The public authorities law is amended by adding a new section
46 1285-u to read as follows:

47 § 1285-U. SEPTIC SYSTEM REPLACEMENT FUND. 1. DEFINITIONS. FOR
48 PURPOSES OF THIS SECTION:

49 (A) "CESSPOOL" MEANS A DRYWELL THAT RECEIVES UNTREATED SANITARY WASTE
50 CONTAINING HUMAN EXCRETA, WHICH SOMETIMES HAS AN OPEN BOTTOM AND/OR
51 PERFORATED SIDES.

52 (B) "FUND" MEANS THE STATE SEPTIC SYSTEM REPLACEMENT FUND CREATED BY
53 THIS SECTION.

54 (C) "PARTICIPATING COUNTY" MEANS A COUNTY THAT NOTIFIES THE CORPO-
55 RATION THAT IT SEEKS AUTHORITY TO ADMINISTER A SEPTIC SYSTEM REPLACEMENT
56 PROGRAM WITHIN ITS MUNICIPAL BOUNDARIES AND AGREES TO ABIDE BY THE

1 PROGRAM'S GOALS, GUIDELINES, ELIGIBILITY REQUIREMENTS AND REIMBURSEMENT
2 PROCEDURES AND PROVIDE INFORMATION TO PROPERTY OWNERS REGARDING PROGRAM
3 PARAMETERS INCLUDING ELIGIBILITY CRITERIA.

4 (D) "SEPTIC SYSTEM" MEANS A SYSTEM THAT PROVIDES FOR THE TREATMENT
5 AND/OR DISPOSITION OF THE COMBINATION OF HUMAN AND SANITARY WASTE WITH
6 WATER NOT EXCEEDING ONE THOUSAND GALLONS PER DAY, SERVING A SINGLE
7 PARCEL OF LAND, INCLUDING RESIDENCES AND SMALL BUSINESSES.

8 (E) "SEPTIC SYSTEM PROJECT" MEANS THE REPLACEMENT OF A CESSPOOL WITH A
9 SEPTIC SYSTEM, THE INSTALLATION, REPLACEMENT OR UPGRADE OF A SEPTIC
10 SYSTEM OR SEPTIC SYSTEM COMPONENTS, OR INSTALLATION OF ENHANCED TREAT-
11 MENT TECHNOLOGIES, INCLUDING AN ADVANCED NITROGEN REMOVAL SYSTEM, TO
12 SIGNIFICANTLY AND QUANTIFIABLY REDUCE ENVIRONMENTAL AND/OR PUBLIC HEALTH
13 IMPACTS ASSOCIATED WITH EFFLUENT FROM A CESSPOOL OR SEPTIC SYSTEM TO
14 GROUNDWATER USED AS DRINKING WATER, OR A THREATENED OR AN IMPAIRED
15 WATERBODY.

16 (F) "SMALL BUSINESS" MEANS ANY BUSINESS WHICH IS RESIDENT IN THIS
17 STATE, INDEPENDENTLY OWNED AND OPERATED, NOT DOMINANT IN ITS FIELD, AND
18 EMPLOYING NOT MORE THAN ONE HUNDRED INDIVIDUALS.

19 2. (A) THERE IS HEREBY CREATED THE STATE SEPTIC SYSTEM REPLACEMENT
20 FUND, WHICH SHALL BE ADMINISTERED BY THE CORPORATION TO REIMBURSE PROP-
21 erty owners for up to fifty percent of the eligible costs incurred for
22 eligible septic system projects, provided that no property owner shall
23 be reimbursed more than ten thousand dollars.

24 (B) ELIGIBLE COSTS INCLUDE DESIGN AND INSTALLATION COSTS, AND COSTS OF
25 THE SYSTEM, SYSTEM COMPONENTS, OR ENHANCED TREATMENT TECHNOLOGIES, BUT
26 SHALL NOT INCLUDE COSTS ASSOCIATED WITH ROUTINE MAINTENANCE SUCH AS A
27 PUMP OUT OF A SEPTIC TANK.

28 (C) THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, IN CONSULTATION WITH
29 THE DEPARTMENT OF HEALTH AND PARTICIPATING COUNTIES, SHALL FROM THE LIST
30 OF PARTICIPATING COUNTIES ESTABLISH PRIORITY GEOGRAPHIC AREAS AND, IN
31 THE ABSENCE OF COUNTY INFORMATION, IDENTIFY ELIGIBLE SEPTIC SYSTEM
32 PROJECTS, BASED ON AN AREA'S VULNERABILITY TO CONTAMINATION, INCLUDING
33 THE PRESENCE OF A SOLE SOURCE AQUIFER, OR KNOWN WATER QUALITY IMPAIR-
34 MENT, POPULATION DENSITY, SOILS, HYDROGEOLOGY, CLIMATE, AND REASONABLE
35 ABILITY FOR SEPTIC SYSTEM PROJECTS TO MITIGATE WATER QUALITY IMPACTS.
36 THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION MAY DELEGATE TO A PARTIC-
37 IPATING COUNTY THE IDENTIFICATION OF PRIORITY GEOGRAPHIC AREAS. THE
38 DEPARTMENT OF ENVIRONMENTAL CONSERVATION, IN CONSULTATION WITH PARTIC-
39 IPATING COUNTIES IN WHICH PRIORITY AREAS HAVE BEEN IDENTIFIED, SHALL
40 DETERMINE THE AMOUNT OF MONEY FROM THE FUND TO BE PROVIDED TO EACH
41 PARTICIPATING COUNTY BASED ON DENSITY, DEMAND FOR REIMBURSEMENT FROM THE
42 FUND AND THE CRITERIA USED TO ESTABLISH THE PRIORITY GEOGRAPHIC AREAS.
43 THE CORPORATION SHALL PUBLISH INFORMATION, APPLICATION FORMS, PROCEDURES
44 AND GUIDELINES RELATING TO THE PROGRAM ON ITS WEBSITE AND IN A MANNER
45 THAT IS ACCESSIBLE TO THE PUBLIC.

46 (D) THE CORPORATION SHALL PROVIDE STATE FINANCIAL ASSISTANCE PAYMENTS
47 FROM THE FUND, FROM MONEYS APPROPRIATED BY THE LEGISLATURE AND AVAILABLE
48 FOR THAT PURPOSE, TO PARTICIPATING COUNTIES TO ADMINISTER A SEPTIC
49 SYSTEM REPLACEMENT PROGRAM TO SUPPORT SEPTIC SYSTEM PROJECTS WITHIN
50 THEIR MUNICIPAL BOUNDARIES UNDERTAKEN BY PROPERTY OWNERS WITHIN THEIR
51 MUNICIPAL BOUNDARIES. WHERE SUCH PROJECT IS LOCATED IN A PRIORITY
52 GEOGRAPHIC AREA IDENTIFIED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVA-
53 TION AS THREATENED OR IMPAIRED BY NITROGEN, INCLUDING GROUNDWATER USED
54 AS DRINKING WATER, SUCH SEPTIC SYSTEM PROJECT MUST REDUCE NITROGEN
55 LEVELS BY AT LEAST THIRTY PERCENT.

1 (E) THE CORPORATION SHALL MAKE PAYMENTS MONTHLY TO A PARTICIPATING
2 COUNTY UPON THE RECEIPT BY THE CORPORATION OF A CERTIFICATION FROM THE
3 PARTICIPATING COUNTY OF THE TOTAL COSTS INCURRED BY PROPERTY OWNERS
4 WITHIN ITS MUNICIPAL BOUNDARIES FOR SEPTIC SYSTEM PROJECTS WITHIN ITS
5 MUNICIPAL BOUNDARIES THAT ARE ELIGIBLE FOR REIMBURSEMENT FROM THE FUND.

6 3. (A) A PARTICIPATING COUNTY SHALL NOTIFY PROPERTY OWNERS WHO MAY BE
7 ELIGIBLE TO PARTICIPATE IN THE PROGRAM. DETERMINATIONS OF ELIGIBILITY
8 WILL BE MADE BY THE PARTICIPATING COUNTY BASED ON THE PUBLISHED PROGRAM
9 CRITERIA AND CONSIDERATION OF A PROPERTY'S LOCATION IN RELATION TO A
10 WATERBODY, IMPACTS TO GROUNDWATER USED AS DRINKING WATER, AND THE CONDI-
11 TION OF THE PROPERTY OWNER'S CURRENT SEPTIC SYSTEM AS DETERMINED BY:

12 (I) THE COUNTY HEALTH DEPARTMENT OFFICIAL; OR

13 (II) OTHER DESIGNATED AUTHORITY HAVING JURISDICTION, PURSUANT TO
14 SEPTIC INSPECTIONS REQUIRED BY A MUNICIPAL SEPARATE STORM SEWER SYSTEM
15 PERMIT; OR

16 (III) A SEPTIC CONTRACTOR PURSUANT TO THE APPLICABLE COUNTY SANITARY
17 CODE.

18 (B) AN OWNER OF PROPERTY SERVED BY A SEPTIC SYSTEM OR CESSPOOL MAY
19 APPLY TO A PARTICIPATING COUNTY ON AN APPLICATION SUBSTANTIALLY IN THE
20 FORM PROVIDED BY THE CORPORATION.

21 (C) PROPERTY OWNERS IN PARTICIPATING COUNTIES MUST HAVE SIGNED A PROP-
22 erty owner participation agreement with the county before the start of
23 the design phase to be eligible for reimbursement from the fund. The
24 agreement must be substantially in the form provided by the corporation
25 and include, without limitation, the program's goals, guidelines, eligi-
26 bility requirements and reimbursement procedures.

27 (D) A PROPERTY OWNER MAY APPLY FOR REIMBURSEMENT OF ELIGIBLE COSTS BY
28 SUBMITTING TO THE PARTICIPATING COUNTY A REIMBURSEMENT APPLICATION,
29 WHICH MUST INCLUDE AT LEAST:

30 (I) A SIGNED PROPERTY OWNER PARTICIPATION AGREEMENT;

31 (II) A COMPLETED REIMBURSEMENT APPLICATION FORM SUBSTANTIALLY IN THE
32 FORM PROVIDED BY THE CORPORATION;

33 (III) ANY APPLICABLE DESIGN APPROVAL FOR THE SEPTIC SYSTEM PROJECT;

34 (IV) DESCRIPTION OF ALL WORK COMPLETED; AND

35 (V) COST DOCUMENTATION AND INVOICE OR INVOICES FOR ELIGIBLE COSTS.

36 (E) PARTICIPATING COUNTIES WILL BE RESPONSIBLE FOR REVIEWING THEIR
37 PROPERTY OWNERS' APPLICATIONS AND APPROVING, MODIFYING OR DENYING THE
38 REIMBURSEMENT REQUESTS AS APPROPRIATE AND ISSUING REIMBURSEMENT PAYMENTS
39 TO PROPERTY OWNERS FROM FINANCIAL ASSISTANCE PAYMENTS MADE TO THE COUNTY
40 FROM THE FUND.

41 (F) PARTICIPATION IN THIS PROGRAM AND THE RECEIPT OF PAYMENTS SHALL
42 NOT PREVENT PARTICIPATING COUNTIES FROM PROVIDING ADDITIONAL REIMBURSE-
43 MENT TO PROPERTY OWNERS.

44 (G) SUBJECT TO THE LIMITATIONS OF PARAGRAPH (D) OF THIS SUBDIVISION,
45 THE COUNTY MAY SET GRADUATED INCENTIVE REIMBURSEMENT RATES FOR SEPTIC
46 SYSTEM PROJECTS TO MAXIMIZE POLLUTION REDUCTION OUTCOMES.

47 4. ON OR BEFORE MARCH FIRST, TWO THOUSAND NINETEEN, AND ANNUALLY THERE-
48 EAFTER, THE CORPORATION SHALL SUBMIT TO THE GOVERNOR, THE TEMPORARY
49 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY A REPORT REGARD-
50 ING THE PROGRAM. SUCH REPORT SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO,
51 THE NUMBER AND AMOUNT OF GRANTS PROVIDED, THE NUMBER AND AMOUNT OF ANY
52 GRANTS DENIED, GEOGRAPHIC DISTRIBUTION OF SUCH PROJECTS AND ANY OTHER
53 INFORMATION THE CORPORATION DETERMINES USEFUL IN EVALUATING THE BENEFITS
54 OF THE PROGRAM.

1 § 10. Subdivision 4 of section 11-b of the soil and water conservation
2 districts law, as amended by chapter 538 of the laws of 1996, is amended
3 to read as follows:

4 4. Eligible costs that may be funded pursuant to this section are
5 architectural and engineering services, plans and specifications,
6 including watershed based or individual agricultural nonpoint source
7 pollution assessments, consultant and legal services, CONSERVATION EASE-
8 MENTS AND ASSOCIATED TRANSACTION COSTS SPECIFIC TO TITLE THIRTY-THREE OF
9 ARTICLE FIFTEEN OF THE ENVIRONMENTAL CONSERVATION LAW and other direct
10 expenses related to project implementation.

11 § 11. Report on integrated database of infrastructure projects. The
12 environmental facilities corporation shall, in cooperation with the
13 departments of health and environmental conservation, study and prepare
14 a report to the legislature by January 30, 2018, on the feasibility of
15 establishing, an integrated database or platform incorporating past,
16 present, and ongoing infrastructure projects that have been applied for,
17 as well as those which have been funded through grant and loan programs
18 administered by the department of environmental conservation, the
19 department of health, and the environmental facilities corporation
20 relating to water quality infrastructure for the purpose of informing
21 ongoing and future policy and funding initiatives.

22 § 12. Subdivision 1 of section 3-0315 of the environmental conserva-
23 tion law, as added by section 1 of part C of chapter 1 of the laws of
24 2003, is amended to read as follows:

25 1. The department IN CONJUNCTION WITH THE COMMISSIONER OF HEALTH shall
26 create [or modify an existing] AND MAINTAIN A geographic information
27 system, [and maintain such system] AND ASSOCIATED DATA STORAGE AND
28 ANALYTICAL SYSTEMS for purposes OF COLLECTING, STREAMLINING, AND VISUAL-
29 IZING INTEGRATED DATA, PERMITS, AND RELEVANT SITES ABOUT DRINKING WATER
30 QUALITY including, but not limited to, incorporating [information from
31 remedial programs under its jurisdiction, and] SUPPLY WELL AND MONITOR-
32 ING WELL DATA, EMERGING CONTAMINANT DATA, WATER QUALITY MONITORING DATA,
33 PERTINENT DATA FROM REMEDIATION AND LANDFILL SITES, PERMITTED DISCHARGE
34 LOCATIONS AND OTHER POTENTIAL CONTAMINATION RISKS TO WATER SUPPLIES.
35 SUCH SYSTEM shall also incorporate information from the source water
36 assessment program collected by the department of health, data from
37 annual water supply statements prepared pursuant to section eleven
38 hundred fifty-one of the public health law, information from the data-
39 base pursuant to title fourteen of article twenty-seven of this chapter,
40 and any other existing data regarding soil and groundwater contamination
41 currently gathered by the department, as well as data on contamination
42 that is readily available from the United States geological survey and
43 other sources determined appropriate by the department. IN ADDITION TO
44 FACILITATING INTERAGENCY COORDINATION AND PREDICTIVE ANALYSIS TO PROTECT
45 WATER QUALITY, SUCH SYSTEM SHALL PROVIDE STATE AGENCY INFORMATION TO THE
46 PUBLIC THROUGH A WEBSITE, WITHIN REASONABLE LIMITATIONS TO ENSURE CONFID-
47 ENTIALITY AND SECURITY.

48 § 13. If any clause, sentence, paragraph, section or part of this act
49 shall be adjudged by any court of competent jurisdiction to be invalid,
50 such judgment shall not affect, impair or invalidate the remainder ther-
51 eof, but shall be confined in its operation to the clause, sentence,
52 paragraph, section or part thereof directly involved in the controversy
53 in which such judgment shall have been rendered.

54 § 14. This act shall take effect immediately; provided, however, that
55 emergency financial assistance will not be available under section
56 1285-t of the public authorities law established pursuant to section

1 eight of this act until one hundred twenty days after this act shall
2 take effect; and provided further that the provisions of section nine of
3 this act shall take effect on the one hundred eightieth day after it
4 shall become a law.

5 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
6 sion, section or part of this act shall be adjudged by any court of
7 competent jurisdiction to be invalid, such judgment shall not affect,
8 impair, or invalidate the remainder thereof, but shall be confined in
9 its operation to the clause, sentence, paragraph, subdivision, section
10 or part thereof directly involved in the controversy in which such judg-
11 ment shall have been rendered. It is hereby declared to be the intent of
12 the legislature that this act would have been enacted even if such
13 invalid provisions had not been included herein.

14 § 3. This act shall take effect immediately provided, however, that
15 the applicable effective date of Parts A through T of this act shall be
16 as specifically set forth in the last section of such Parts.