STATE OF NEW YORK

694

2017-2018 Regular Sessions

IN SENATE

January 4, 2017

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

AN ACT to amend the public health law, in relation to funding for free-standing mental health clinics

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

Section 1. Subdivision 10 of section 2807-p of the public health law, as added by section 103 of part C of chapter 58 of the laws of 2009, is amended to read as follows:

10. (a) Notwithstanding any inconsistent provision of this section or any other contrary provision of law, the commissioner is authorized to seek a waiver from the federal department of health and human services pursuant to section eleven hundred fifteen of the federal social security act, or such other federal law provision as may be deemed appropriate, seeking federal financial participation in payments made pursuant to this section, in which case the state funding made available pursuant to this section shall be utilized as the non-federal share of such payments. To the extent as may be required, payments made pursuant to this section and in accordance with this subdivision, may be deemed to be disproportionate share hospital payments in accordance with the provisions of the federal social security act.

(b) [~~If federal financial participation in payments made pursuant to this section are made available in accordance with the provisions of this subdivision, free-standing~~] **Free-standing** clinics licensed solely pursuant to article thirty-one of the mental hygiene law shall also be deemed eligible for participation in such payments to the same degree and in accordance with the same distribution methodology otherwise provided in this section, provided, however, that only those units of service provided by such free-standing clinics that constitute medical services that are otherwise eligible for consideration for Medicaid payments shall be reflected in distributions made pursuant to this

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

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section, and further provided, however, that the commissioner may, in consultation with the commissioner of the office of mental health, require such clinics, as a condition of receiving such distributions, to provide reports and data to the department as the commissioner deems necessary to adequately implement the provisions of this subdivision with regard to such clinics.

§ 2. This act shall take effect immediately.