

STATE OF NEW YORK

6629

2019-2020 Regular Sessions

IN ASSEMBLY

March 14, 2019

Introduced by M. of A. BURKE -- read once and referred to the Committee on Health

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

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

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

5 2. The department shall reimburse the approved costs paid by a munici-
6 pality for the purposes of this title, other than those reimbursable by
7 the medical assistance program or by third party payors, in an amount of
8 [~~fifty~~] seventy-five percent of the amount expended in accordance with
9 the rules and regulations of the commissioner~~[, provided, however, that~~
10 ~~in the discretion of the department and with the approval of the direc-~~
11 ~~tor of the division of the budget, the department may reimburse muni-~~
12 ~~cipalities in an amount greater than fifty percent of the amount~~
13 ~~expended]~~. Such state reimbursement to the municipality shall not be
14 paid prior to April first of the year in which the approved costs are
15 paid by the municipality, provided, however that, subject to the
16 approval of the director of the budget, the department may pay such
17 state aid reimbursement to the municipality prior to such date. No less
18 than ninety percent of the annual savings from this early intervention
19 expenditure reduction to local municipalities, compared to the prior
20 year early intervention expenditures shall be used for property tax levy
21 reductions or property tax rebates, effective in the local munici-
22 pality's next fiscal year after the effective date of this subdivision.
23 The minimum amount of annual property tax levy reductions resulting from
24 savings achieved as defined in this subdivision, shall be determined by
25 the comptroller and transmitted to each local municipality one hundred

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

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1 eighty days in advance of the start of the fiscal year for which the
2 property tax reduction is to be effective.

3 3. The department may perform audits, which may include site visita-
4 tion, to all or any of the following: municipalities; service coordina-
5 tors; evaluators or providers of early intervention services. The
6 department shall provide the municipalities with a copy of the findings
7 of such audits. Early intervention program state aid reimbursement or
8 portion thereof may be withheld if, on post-audit and review, the
9 commissioner finds that the early intervention services were not
10 provided or those provided were not in substantial conformance with the
11 rules and regulations established by the commissioner or that the recip-
12 ient of such services was not an eligible child as defined in section
13 twenty-five hundred forty-one of this title. In the event that the
14 commissioner determines that there may be a withholding of state
15 reimbursement to any municipality under this section, he or she shall
16 inform the state early intervention coordinating council and the rele-
17 vant local early intervention coordinating council and shall consider
18 alternative courses of action recommended within sixty days by either
19 body prior to withholding state reimbursement.

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

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

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