

STATE OF NEW YORK

4007--B

IN SENATE

February 1, 2023

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

AN ACT to repeal sections 91 and 92 of part H of chapter 59 of the laws of 2011 relating to the year to year rate of growth of Department of Health state funds and Medicaid funding, relating to the state Medicaid spending cap and related processes (Part A); to amend chapter 451 of the laws of 2007, amending the public health law, the social services law and the insurance law relating to providing enhanced consumer and provider protections, in relation to the effectiveness of certain provisions relating to contracts between plans, insurers, or corporations and hospitals; to amend part C of chapter 58 of the laws of 2007, amending the social services law and other laws relating to adjustments of rates, in relation to the effectiveness of certain provisions relating to the amount of income to be applied toward the cost of medical care, services and supplies of institutionalized spouses; to amend chapter 906 of the laws of 1984, amending the social services law relating to expanding medical assistance eligibility and the scope of services available to certain persons with disabilities, in relation to the effectiveness thereof; to amend the social services law, in relation to the age of eligibility for home and community-based services waivers; to amend chapter 313 of the laws of 2018, amending the public health law relating to body imaging scanning equipment, in relation to the effectiveness thereof; to amend chapter 426 of the laws of 1983, amending the public health law relating to professional misconduct proceedings, in relation to the effectiveness of certain provisions thereof; to amend chapter 582 of the laws of 1984, amending the public health law relating to regulating activities of physicians, in relation to the effectiveness of certain provisions thereof; to amend the public health law, in relation to extending the demonstration period in certain physician committees; to amend chapter 505 of the laws of 1995, amending the public health law relating to the operation of department of health facilities, in relation to the effectiveness thereof; to amend the public health law, in relation to

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

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reimbursement rate promulgation for residential health care facilities; to amend the public health law, in relation to certified home health agency services payments; 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 part X2 of 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 the effectiveness of certain provisions relating to increasing information available to patients; to amend part H of 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 making certain provisions permanent; to amend part A of 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; 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 extending the effectiveness of certain provisions thereof; 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 extending the effectiveness of certain provisions thereof; to amend the social services law, in relation to the effectiveness of certain provisions relating to negotiation of supplemental rebates relating to medication assisted treatment; to amend part B of chapter 57 of the laws of 2015, amending the social services law and other laws relating to supplemental rebates, in relation to the effectiveness thereof; to amend part KK of chapter 56 of the laws of 2020, amending the public health law relating to the designation of statewide general hospital quality and sole community pools and the reduction of capital related inpatient expenses, in relation to the effectiveness thereof; to amend part C of chapter 60 of the laws of 2014, amending the social services law relating to fair hearings within the Fully Integrated Duals Advantage program, in relation to the effectiveness thereof; to amend chapter 779 of the laws of 1986, amending the social services law relating to authorizing services for non-residents in adult homes, residences for adults and enriched housing programs, in relation to extending the effectiveness of certain provisions thereof; 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 extending the provisions thereof; 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 part A of 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, in relation to extending government rates for behavioral services and adding an alternative payment meth-

odology requirement; and to amend the public health law, in relation to residential health care facility assessments; to amend part MM of chapter 57 of the laws of 2021 amending the public health law relating to aiding in the transition to adulthood for children with medical fragility living in pediatric nursing homes and other settings, in relation to the effectiveness thereof; to amend the social services law, in relation to coverage for services provided by school-based health centers for medical assistance recipients; and to amend part JJ of chapter 57 of the laws of 2021 amending the social services law relating to managed care programs, in relation to the effectiveness thereof (Part B); to amend part A3 of 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 extending the effectiveness of provisions thereof; 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 amend the public health law, in relation to extending certain provisions relating to the distribution of pool allocations and graduate medical education; to amend the public health law, in relation to extending certain provisions relating to health care initiative pool distributions; to amend the social services law, in relation to extending payment provisions for general hospitals; and to amend the public health law, in relation to extending certain provisions relating to the assessments on covered lives (Part C); intentionally omitted (Part D); to amend the public health law, in relation to amending and extending the voluntary indigent care pool; in relation to establishing the definition of rural emergency hospital; and in relation to expanding eligibility for vital access provider assurance program funding; and to amend part I of chapter 57 of the laws of 2022 relating to providing a one percent across the board payment increase to all qualifying fee-for-service Medicaid rates, in relation to Medicaid payments made for the operating component of hospital inpatient and outpatient services (Part E); 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 extending the effectiveness of certain provisions thereof; 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 part H of chapter 57 of the laws of 2017 amending the New York Health Care Reform Act of 1996 and other laws relating to extending certain provisions relating thereto, in relation to extending provisions relating to excess coverage (Part F); to amend the elder law, in relation to programs for the aging (Part G); to amend the social services law, in relation to enacting the 1332 state innovation program; and to amend the state finance law, in relation to establishing the 1332 state innovation program fund (Part H); to amend the public health law, in relation to extending authority to enroll certain recipients in need of more than 120 days of community based-long term care in a managed long term care plan; to amend the public health law, in relation to extending the moratorium on the processing and approval of applications seeking a certificate of authority as a managed long term care plan, setting performance standards for managed

long term care plans; to amend part I of chapter 57 of the laws of 2022 providing a one percent across the board payment increase to all qualifying fee-for-service Medicaid rates, in relation to providing an additional increase to all qualifying fee-for-service Medicaid rates for the operating component of residential health care facilities services and an additional increase to all qualifying fee-for-service Medicaid rates for the operating component of assisted living programs; and 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 medical expenditures, in relation to extending the provisions thereof (Part I); intentionally omitted (Part J); to amend the social services law, in relation to authorizing Medicaid eligibility for certain services provided to individuals who are in a correctional institution, and for certain services provided to individuals who are in an institution for mental disease and provides for a workgroup to study qualified residential treatment programs; and providing for the repeal of certain provisions upon expiration thereof (Part K); to amend the insurance law, in relation to site of service review and coverage for services provided at hospital-based outpatient clinics (Part L); to amend the public health law, in relation to fees for construction of hospitals and to licensure requirements and reimbursements for certain home health services (Part M); to amend the social services law, in relation to expanding the Medicaid Buy-In program for people with disabilities (Part N); to amend the public health law, in relation to regulating the sale or distribution of flavored tobacco products (Part O); to amend the public health law, in relation to establishing a new state-wide health care transformative program (Part P); to amend the social services law, in relation to establishing Medicaid reimbursement for community health workers (CHWs) for high-risk populations; and to amend the public health law, in relation to permitting licensed mental health counselors and licensed marriage and family therapists in community health centers to be reimbursed (Part Q); to amend the social services law and the public health law, in relation to expanding Medicaid coverage of preventative health care services (Part R); to amend the public health law, the education law, the civil service law, the retirement and social security law and the state finance law, in relation to modernizing the state of New York's emergency medical system and workforce; and to repeal section 3032 of the public health law relating thereto (Part S); to amend the multiple residence law, in relation to lead testing in certain multiple dwellings; and to amend the executive law, in relation to expanding the powers of the secretary of state with respect to the New York state uniform fire prevention and building code (Part T); to amend the general business law, in relation to providing for the protection of electronic health information (Part U); intentionally omitted (Part V); intentionally omitted (Part W); to amend the public health law, in relation to providing for the registration of temporary health care services agencies (Part X); to amend the civil practice law and rules and the judiciary law, in relation to affidavits for medical debt actions (Subpart A); to amend the insurance law, in relation to prescription drug price and supply chain transparency; and to amend the state finance law, in relation to funds deposited in the pharmacy benefit manager regulatory fund (Subpart B); to amend the public health law, in relation to requiring hospitals participating in the general hospital indigent care pool to use certain forms for the collection of medical debt

(Subpart C); and to amend the insurance law, in relation to guaranty fund coverage for insurers writing health insurance (Subpart D) (Part Y); to amend the public health law, in relation to quality improvement and increased consumer transparency in assisted living residences (Part Z); to amend the public health law, in relation to hepatitis C screening and requiring third trimester syphilis testing; and to amend chapter 425 of the laws of 2013 amending the public health law relating to requiring hospitals to offer hepatitis C testing, in relation to making such provisions permanent (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); in relation to establishing a cost of living adjustment for designated human services programs (Part DD); to amend part A of chapter 56 of the laws of 2013, 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 2013-2014 state fiscal year, in relation to the effectiveness of certain provisions thereof (Part EE); to amend the education law, in relation to expanding the description of certain services which are not prohibited by statutes governing the practice of nursing (Part FF); intentionally omitted (Part GG); to amend the mental hygiene law, in relation to certified community behavioral health clinics (Part HH); to amend the insurance law and the financial services law, in relation to insurance coverage for behavioral health services (Subpart A); to amend the insurance law and the public health law, in relation to utilization review standards for mental health services (Subpart B); to amend the insurance law and the public health law, in relation to telehealth payment parity (Subpart C); to amend the insurance law, in relation to private rights of action (Subpart D); to amend the insurance law, in relation to substance use disorder treatment (Subpart E); and to amend the insurance law and the public health law, in relation to network adequacy for mental health and substance use disorder services (Subpart F) (Part II); to amend the mental hygiene law, in relation to the imposition of sanctions by the commissioner of mental health (Part JJ); to amend the social services law, in relation to removing certain restrictions on access to home care services; and to repeal certain provisions of such law relating thereto (Part KK); to establish a task force on missing women and girls who are black, indigenous and people of color; and providing for the repeal of such provisions upon expiration thereof (Part LL); to amend the mental hygiene law, in relation to authorizing certain facilities to provide treatment for the mental health and health care needs of individuals admitted for a substance use disorder (Part MM); to amend the mental hygiene law, in relation to establishing the independent developmental disability ombudsman program (Part NN); to amend the social services law, in relation to the determination of eligibility for medical assistance benefits (Part OO); to amend the public health law and the state finance law, in relation to establishing a reproductive health services training grant program (Part PP); to amend the public health law, in relation to establishing the women's health education program for correctional facilities and rights of pregnant incarcerated individuals; to amend the public health law, in relation to requiring certain testing to be offered; to amend the correction law, in relation to providing pregnant incarcerated individuals with access to prenatal vitamins and a specialized diet; and to require the department of health to collect data on women's health care in prisons and publish a report (Part QQ); to amend the public health law, in relation to the minimum wage for home care aides; and

in relation to state-directed payments to providers of medicaid services for the purposes of supporting wage increases (Part RR); to amend the social services law, in relation to including doulas as medical services providers for Medicaid recipients; directing the commissioner of health to submit an application for amendments and waivers to add doulas to state Medicaid coverage; and providing minimum reimbursement levels for their services (Part SS); directing the commissioner of health to conduct a study on the rates of reimbursement made through the New York state Medicaid durable medical equipment, orthotics, prosthetics and supplies program for rate adequacy and patient access; and providing for the repeal of such provisions upon expiration thereof (Part TT); to amend the public health law, in relation to retroactive enrollment in the Child Health Insurance Plan (Part UU); to amend the social services law and the public health law, in relation to pharmacy services provided by managed care providers and to repeal sections 1 and 1-a of part FFF of chapter 56 of the laws of 2020 relating to directing the department of health to remove the pharmacy benefit from the managed care benefit package and to provide the pharmacy benefit under the fee for service program, in relation thereto (Part VV); to amend the public health law, in relation to pediatric residential health care facilities participating in a demonstration program for residential health care for children with medical fragility in transition to young adults and young adults with medical fragility (Part WW); to amend the social services law, in relation to reimbursement of transportation costs for certain enrollees under Medicaid (Part XX); in relation to prohibiting the Department of Health from disenrolling a participant in the Medicaid Health Home program based on the duration of time such participant has been enrolled in the program (Part YY); directing the office of mental health to convene workgroups on Black, Latina, and LGBTQ+ children and youth suicide prevention; and providing for the repeal of such provisions upon the expiration thereof (Part ZZ); to amend the public health law and the insurance law, in relation to the definition of clinical peer reviewer (Part AAA); to amend the public health law, in relation to enacting the reproductive freedom and equity grant program (Part BBB); to amend the public health law, in relation to reimbursement of pediatric diagnostic and treatment centers (Part CCC); to amend the public health law, in relation to establishing the office of hospice and palliative care access and quality (Part DDD); directing the commissioner of mental health to establish a maternal mental health workgroup to study and issue recommendations related to maternal mental health and perinatal and postpartum mood and anxiety disorders; and providing for the repeal of such provision upon expiration thereof (Part EEE); to amend the public health law, in relation to providing funding for certified home health agencies and hospice programs to increase services in underserved or hard to serve areas of the state (Part FFF); to amend the social services law and the public health law, in relation to establishing a quality incentive program for managed care providers (Part GGG); and to direct the office of mental health to convene a task force on implementing non-police responses to mental health, alcohol use, and substance use crises; and providing for the repeal of such provisions upon the expiration thereof (Part HHH)

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 necessary to implement the state health and mental hygiene budget for
3 the 2023-2024 state fiscal year. Each component is wholly contained
4 within a Part identified as Parts A through HHH. The effective date for
5 each particular provision contained within such Part is set forth in the
6 last section of such Part. Any provision in any section contained within
7 a Part, including the effective date of the Part, which makes a refer-
8 ence to a section "of this act", when used in connection with that
9 particular component, shall be deemed to mean and refer to the corre-
10 sponding section of the Part in which it is found. Section three of this
11 act sets forth the general effective date of this act.

12 PART A

13 Section 1. Sections 91 and 92 of part H of chapter 59 of the laws of
14 2011 relating to the year to year rate of growth of Department of Health
15 state funds and Medicaid funding are REPEALED.
16 § 2. This act shall take effect immediately.

17 PART B

18 Section 1. Subdivision 1 of section 20 of chapter 451 of the laws of
19 2007 amending the public health law, the social services law and the
20 insurance law relating to providing enhanced consumer and provider
21 protections, as amended by chapter 181 of the laws of 2021, is amended
22 to read as follows:

23 1. sections four, eleven and thirteen of this act shall take effect
24 immediately and shall expire and be deemed repealed June 30, [~~2023~~]
25 2025;

26 § 2. Subdivision 6-a of section 93 of part C of chapter 58 of the laws
27 of 2007, amending the social services law and other laws relating to
28 adjustments of rates, as amended by section 2 of part T of chapter 57 of
29 the laws of 2018, is amended to read as follows:

30 6-a. section fifty-seven of this act shall expire and be deemed
31 repealed [~~on March 31, 2023~~] March 31, 2028; provided that the amend-
32 ments made by such section to subdivision 4 of section 366-c of the
33 social services law shall apply with respect to determining initial and
34 continuing eligibility for medical assistance, including the continued
35 eligibility of recipients originally determined eligible prior to the
36 effective date of this act, and provided further that such amendments
37 shall not apply to any person or group of persons if it is subsequently
38 determined by the Centers for Medicare and Medicaid services or by a
39 court of competent jurisdiction that medical assistance with federal
40 financial participation is available for the costs of services provided
41 to such person or persons under the provisions of subdivision 4 of
42 section 366-c of the social services law in effect immediately prior to
43 the effective date of this act.

44 § 3. Section 3 of chapter 906 of the laws of 1984, amending the social
45 services law relating to expanding medical assistance eligibility and
46 the scope of services available to certain persons with disabilities, as
47 amended by section 4 of part T of chapter 57 of the laws of 2018, is
48 amended to read as follows:

1 § 3. This act shall take effect on the thirtieth day after it shall
2 have become a law and shall be of no further force and effect after
3 [~~March 31, 2023~~] March 31, 2028, at which time the provisions of this
4 act shall be deemed to be repealed.

5 § 4. Subparagraph (i) of paragraph b of subdivision 6 of section 366
6 of the social services law, as amended by chapter 389 of the laws of
7 2008, is amended to read as follows:

8 (i) be [~~eighteen~~] twenty-one years of age or under;

9 § 5. Subparagraph (i) of paragraph b of subdivision 7 of section 366
10 of the social services law, as amended by chapter 324 of the laws of
11 2004, is amended to read as follows:

12 (i) be [~~eighteen~~] twenty-one years of age or under;

13 § 6. Subparagraph (i) of paragraph b of subdivision 9 of section 366
14 of the social services law, as added by chapter 170 of the laws of 1994,
15 is amended to read as follows:

16 (i) be under [~~eighteen~~] twenty-one years of age;

17 § 7. Section 2 of chapter 313 of the laws of 2018, amending the public
18 health law relating to body imaging scanning equipment, is amended to
19 read as follows:

20 § 2. This act shall take effect on the one hundred twentieth day after
21 it shall have become a law; provided, however, that, effective imme-
22 diately, the addition, amendment, and/or repeal of any rules and regu-
23 lations necessary to implement the provisions of this act on its effec-
24 tive date are directed to be completed on or before such effective date;
25 and provided further, that this act shall expire and be deemed repealed
26 [~~five years after such effective date~~] January 30, 2029.

27 § 8. Section 5 of chapter 426 of the laws of 1983, amending the public
28 health law relating to professional misconduct proceedings, as amended
29 by chapter 106 of the laws of 2018, is amended to read as follows:

30 § 5. This act shall take effect June 1, 1983 and shall remain in full
31 force and effect until July 1, [~~2023~~] 2033.

32 § 9. Section 5 of chapter 582 of the laws of 1984, amending the public
33 health law relating to regulating activities of physicians, as amended
34 by chapter 106 of the laws of 2018, is amended to read as follows:

35 § 5. This act shall take effect immediately, provided however that the
36 provisions of this act shall remain in full force and effect until July
37 1, [~~2023~~] 2033 at which time the provisions of this act shall be deemed
38 to be repealed.

39 § 10. Subparagraph (ii) of paragraph (c) of subdivision 11 of section
40 230 of the public health law, as amended by chapter 106 of the laws of
41 2018, is amended to read as follows:

42 (ii) Participation and membership during a three year demonstration
43 period in a physician committee of the Medical Society of the State of
44 New York or the New York State Osteopathic Society whose purpose is to
45 confront and refer to treatment physicians who are thought to be suffer-
46 ing from alcoholism, drug abuse, or mental illness. Such demonstration
47 period shall commence on April first, nineteen hundred eighty and termi-
48 nate on May thirty-first, nineteen hundred eighty-three. An additional
49 demonstration period shall commence on June first, nineteen hundred
50 eighty-three and terminate on March thirty-first, nineteen hundred
51 eighty-six. An additional demonstration period shall commence on April
52 first, nineteen hundred eighty-six and terminate on March thirty-first,
53 nineteen hundred eighty-nine. An additional demonstration period shall
54 commence April first, nineteen hundred eighty-nine and terminate March
55 thirty-first, nineteen hundred ninety-two. An additional demonstration
56 period shall commence April first, nineteen hundred ninety-two and

1 terminate March thirty-first, nineteen hundred ninety-five. An addi-
2 tional demonstration period shall commence on April first, nineteen
3 hundred ninety-five and terminate on March thirty-first, nineteen
4 hundred ninety-eight. An additional demonstration period shall commence
5 on April first, nineteen hundred ninety-eight and terminate on March
6 thirty-first, two thousand three. An additional demonstration period
7 shall commence on April first, two thousand three and terminate on March
8 thirty-first, two thousand thirteen. An additional demonstration period
9 shall commence April first, two thousand thirteen and terminate on March
10 thirty-first, two thousand eighteen. An additional demonstration period
11 shall commence April first, two thousand eighteen and terminate on July
12 first, two thousand [~~twenty-three~~ thirty-three provided, however, that
13 the commissioner may prescribe requirements for the continuation of such
14 demonstration program, including periodic reviews of such programs and
15 submission of any reports and data necessary to permit such reviews.
16 During these additional periods, the provisions of this subparagraph
17 shall also apply to a physician committee of a county medical society.

18 § 11. Section 4 of chapter 505 of the laws of 1995, amending the
19 public health law relating to the operation of department of health
20 facilities, as amended by section 1 of part E of chapter 57 of the laws
21 of 2019, is amended to read as follows:

22 § 4. This act shall take effect immediately; provided, however, that
23 the provisions of paragraph (b) of subdivision 4 of section 409-c of the
24 public health law, as added by section three of this act, shall take
25 effect January 1, 1996 and shall expire and be deemed repealed [~~twenty-~~
26 ~~eight years from the effective date thereof~~] March 31, 2028.

27 § 12. Paragraph (b) of subdivision 17 of section 2808 of the public
28 health law, as amended by section 15 of part E of chapter 57 of the laws
29 of 2019, is amended to read as follows:

30 (b) Notwithstanding any inconsistent provision of law or regulation to
31 the contrary, for the state fiscal years beginning April first, two
32 thousand ten and ending March thirty-first, two thousand [~~twenty-three~~
33 twenty-seven, the commissioner shall not be required to revise certified
34 rates of payment established pursuant to this article for rate periods
35 prior to April first, two thousand [~~twenty-three~~ twenty-seven, based on
36 consideration of rate appeals filed by residential health care facili-
37 ties or based upon adjustments to capital cost reimbursement as a result
38 of approval by the commissioner of an application for construction under
39 section twenty-eight hundred two of this article, in excess of an aggre-
40 gate annual amount of eighty million dollars for each such state fiscal
41 year provided, however, that for the period April first, two thousand
42 eleven through March thirty-first, two thousand twelve such aggregate
43 annual amount shall be fifty million dollars. In revising such rates
44 within such fiscal limit, the commissioner shall, in prioritizing such
45 rate appeals, include consideration of which facilities the commissioner
46 determines are facing significant financial hardship as well as such
47 other considerations as the commissioner deems appropriate and, further,
48 the commissioner is authorized to enter into agreements with such facil-
49 ities or any other facility to resolve multiple pending rate appeals
50 based upon a negotiated aggregate amount and may offset such negotiated
51 aggregate amounts against any amounts owed by the facility to the
52 department, including, but not limited to, amounts owed pursuant to
53 section twenty-eight hundred seven-d of this article; provided, however,
54 that the commissioner's authority to negotiate such agreements resolving
55 multiple pending rate appeals as hereinbefore described shall continue
56 on and after April first, two thousand [~~twenty-three~~ twenty-seven. Rate

1 adjustments made pursuant to this paragraph remain fully subject to
2 approval by the director of the budget in accordance with the provisions
3 of subdivision two of section twenty-eight hundred seven of this arti-
4 cle.

5 § 13. Paragraph (a) of subdivision 13 of section 3614 of the public
6 health law, as amended by section 16 of part E of chapter 57 of the laws
7 of 2019, is amended to read as follows:

8 (a) Notwithstanding any inconsistent provision of law or regulation
9 and subject to the availability of federal financial participation,
10 effective April first, two thousand twelve through March thirty-first,
11 two thousand [~~twenty-three~~ **twenty-seven**], payments by government agen-
12 cies for services provided by certified home health agencies, except for
13 such services provided to children under eighteen years of age and other
14 discreet groups as may be determined by the commissioner pursuant to
15 regulations, shall be based on episodic payments. In establishing such
16 payments, a statewide base price shall be established for each sixty day
17 episode of care and adjusted by a regional wage index factor and an
18 individual patient case mix index. Such episodic payments may be further
19 adjusted for low utilization cases and to reflect a percentage limita-
20 tion of the cost for high-utilization cases that exceed outlier thresh-
21 olds of such payments.

22 § 14. Section 4 of chapter 19 of the laws of 1998, amending the social
23 services law relating to limiting the method of payment for prescription
24 drugs under the medical assistance program, as amended by section 2 of
25 part BB of chapter 56 of the laws of 2020, is amended to read as
26 follows:

27 § 4. This act shall take effect 120 days after it shall have become a
28 law and shall expire and be deemed repealed March 31, [~~2023~~ **2026**].

29 § 15. Paragraph (e-1) of subdivision 12 of section 2808 of the public
30 health law, as amended by section 3 of part BB of chapter 56 of the laws
31 of 2020, is amended to read as follows:

32 (e-1) Notwithstanding any inconsistent provision of law or regulation,
33 the commissioner shall provide, in addition to payments established
34 pursuant to this article prior to application of this section, addi-
35 tional payments under the medical assistance program pursuant to title
36 eleven of article five of the social services law for non-state operated
37 public residential health care facilities, including public residential
38 health care facilities located in the county of Nassau, the county of
39 Westchester and the county of Erie, but excluding public residential
40 health care facilities operated by a town or city within a county, in
41 aggregate annual amounts of up to one hundred fifty million dollars in
42 additional payments for the state fiscal year beginning April first, two
43 thousand six and for the state fiscal year beginning April first, two
44 thousand seven and for the state fiscal year beginning April first, two
45 thousand eight and of up to three hundred million dollars in such aggre-
46 gate annual additional payments for the state fiscal year beginning
47 April first, two thousand nine, and for the state fiscal year beginning
48 April first, two thousand ten and for the state fiscal year beginning
49 April first, two thousand eleven, and for the state fiscal years begin-
50 ning April first, two thousand twelve and April first, two thousand
51 thirteen, and of up to five hundred million dollars in such aggregate
52 annual additional payments for the state fiscal years beginning April
53 first, two thousand fourteen, April first, two thousand fifteen and
54 April first, two thousand sixteen and of up to five hundred million
55 dollars in such aggregate annual additional payments for the state
56 fiscal years beginning April first, two thousand seventeen, April first,

1 two thousand eighteen, and April first, two thousand nineteen, and of up
2 to five hundred million dollars in such aggregate annual additional
3 payments for the state fiscal years beginning April first, two thousand
4 twenty, April first, two thousand twenty-one, and April first, two thou-
5 sand twenty-two, and of up to five hundred million dollars in such
6 aggregate annual additional payments for the state fiscal years begin-
7 ning April first, two thousand twenty-three, April first, two thousand
8 twenty-four, and April first, two thousand twenty-five. The amount allo-
9 cated to each eligible public residential health care facility for this
10 period shall be computed in accordance with the provisions of paragraph
11 (f) of this subdivision, provided, however, that patient days shall be
12 utilized for such computation reflecting actual reported data for two
13 thousand three and each representative succeeding year as applicable,
14 and provided further, however, that, in consultation with impacted
15 providers, of the funds allocated for distribution in the state fiscal
16 year beginning April first, two thousand thirteen, up to thirty-two
17 million dollars may be allocated in accordance with paragraph (f-1) of
18 this subdivision.

19 § 16. Section 18 of chapter 904 of the laws of 1984, amending the
20 public health law and the social services law relating to encouraging
21 comprehensive health services, as amended by section 4 of part BB of
22 chapter 56 of the laws of 2020, is amended to read as follows:

23 § 18. This act shall take effect immediately, except that sections
24 six, nine, ten and eleven of this act shall take effect on the sixtieth
25 day after it shall have become a law, sections two, three, four and nine
26 of this act shall expire and be of no further force or effect on or
27 after March 31, ~~2023~~ 2026, section two of this act shall take effect
28 on April 1, 1985 or seventy-five days following the submission of the
29 report required by section one of this act, whichever is later, and
30 sections eleven and thirteen of this act shall expire and be of no
31 further force or effect on or after March 31, 1988.

32 § 17. Section 4 of part X2 of chapter 62 of the laws of 2003, amending
33 the public health law relating to allowing for the use of funds of the
34 office of professional medical conduct for activities of the patient
35 health information and quality improvement act of 2000, as amended by
36 section 5 of part BB of chapter 56 of the laws of 2020, is amended to
37 read as follows:

38 § 4. This act shall take effect immediately[, ~~provided that the~~
39 ~~provisions of section one of this act shall be deemed to have been in~~
40 ~~full force and effect on and after April 1, 2003, and shall expire March~~
41 ~~31, 2023 when upon such date the provisions of such section shall be~~
42 ~~deemed repealed~~].

43 § 18. Subdivision (o) of section 111 of part H of chapter 59 of the
44 laws of 2011, amending the public health law relating to the statewide
45 health information network of New York and the statewide planning and
46 research cooperative system and general powers and duties, as amended by
47 section 6 of part BB of chapter 56 of the laws of 2020, is amended to
48 read as follows:

49 [~~(o) sections thirty-eight and thirty-eight-a of this act shall expire~~
50 ~~and be deemed repealed March 31, 2023;~~]

51 § 19. Section 32 of part A of chapter 58 of the laws of 2008, amending
52 the elder law and other laws relating to reimbursement to participating
53 provider pharmacies and prescription drug coverage, as amended by
54 section 7 of part BB of chapter 56 of the laws of 2020, is amended to
55 read as follows:

1 § 32. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2008; provided
3 however, that sections one, six-a, nineteen, twenty, twenty-four, and
4 twenty-five of this act shall take effect July 1, 2008; provided however
5 that sections sixteen, seventeen and eighteen of this act shall expire
6 April 1, [~~2023~~] 2026; provided, however, that the amendments made by
7 section twenty-eight of this act shall take effect on the same date as
8 section 1 of chapter 281 of the laws of 2007 takes effect; provided
9 further, that sections twenty-nine, thirty, and thirty-one of this act
10 shall take effect October 1, 2008; provided further, that section twen-
11 ty-seven of this act shall take effect January 1, 2009; and provided
12 further, that section twenty-seven of this act shall expire and be
13 deemed repealed March 31, [~~2023~~] 2026; and provided, further, however,
14 that the amendments to subdivision 1 of section 241 of the education law
15 made by section twenty-nine of this act shall not affect the expiration
16 of such subdivision and shall be deemed to expire therewith and provided
17 that the amendments to section 272 of the public health law made by
18 section thirty of this act shall not affect the repeal of such section
19 and shall be deemed repealed therewith.

20 § 20. Section 228 of chapter 474 of the laws of 1996, amending the
21 education law and other laws relating to rates for residential health
22 care facilities, as amended by section 12 of part BB of chapter 56 of
23 the laws of 2020, is amended to read as follows:

24 § 228. 1. Definitions. (a) Regions, for purposes of this section,
25 shall mean a downstate region to consist of Kings, New York, Richmond,
26 Queens, Bronx, Nassau and Suffolk counties and an upstate region to
27 consist of all other New York state counties. A certified home health
28 agency or long term home health care program shall be located in the
29 same county utilized by the commissioner of health for the establishment
30 of rates pursuant to article 36 of the public health law.

31 (b) Certified home health agency (CHHA) shall mean such term as
32 defined in section 3602 of the public health law.

33 (c) Long term home health care program (LTHHCP) shall mean such term
34 as defined in subdivision 8 of section 3602 of the public health law.

35 (d) Regional group shall mean all those CHHAs and LTHHCPs, respective-
36 ly, located within a region.

37 (e) Medicaid revenue percentage, for purposes of this section, shall
38 mean CHHA and LTHHCP revenues attributable to services provided to
39 persons eligible for payments pursuant to title 11 of article 5 of the
40 social services law divided by such revenues plus CHHA and LTHHCP reven-
41 ues attributable to services provided to beneficiaries of Title XVIII of
42 the federal social security act (medicare).

43 (f) Base period, for purposes of this section, shall mean calendar
44 year 1995.

45 (g) Target period. For purposes of this section, the 1996 target peri-
46 od shall mean August 1, 1996 through March 31, 1997, the 1997 target
47 period shall mean January 1, 1997 through November 30, 1997, the 1998
48 target period shall mean January 1, 1998 through November 30, 1998, the
49 1999 target period shall mean January 1, 1999 through November 30, 1999,
50 the 2000 target period shall mean January 1, 2000 through November 30,
51 2000, the 2001 target period shall mean January 1, 2001 through November
52 30, 2001, the 2002 target period shall mean January 1, 2002 through
53 November 30, 2002, the 2003 target period shall mean January 1, 2003
54 through November 30, 2003, the 2004 target period shall mean January 1,
55 2004 through November 30, 2004, and the 2005 target period shall mean
56 January 1, 2005 through November 30, 2005, the 2006 target period shall

1 mean January 1, 2006 through November 30, 2006, and the 2007 target
2 period shall mean January 1, 2007 through November 30, 2007 and the 2008
3 target period shall mean January 1, 2008 through November 30, 2008, and
4 the 2009 target period shall mean January 1, 2009 through November 30,
5 2009 and the 2010 target period shall mean January 1, 2010 through
6 November 30, 2010 and the 2011 target period shall mean January 1, 2011
7 through November 30, 2011 and the 2012 target period shall mean January
8 1, 2012 through November 30, 2012 and the 2013 target period shall mean
9 January 1, 2013 through November 30, 2013, and the 2014 target period
10 shall mean January 1, 2014 through November 30, 2014 and the 2015 target
11 period shall mean January 1, 2015 through November 30, 2015 and the 2016
12 target period shall mean January 1, 2016 through November 30, 2016 and
13 the 2017 target period shall mean January 1, 2017 through November 30,
14 2017 and the 2018 target period shall mean January 1, 2018 through
15 November 30, 2018 and the 2019 target period shall mean January 1, 2019
16 through November 30, 2019 and the 2020 target period shall mean January
17 1, 2020 through November 30, 2020[~~r~~] and the 2021 target period shall
18 mean January 1, 2021 through November 30, 2021 and the 2022 target peri-
19 od shall mean January 1, 2022 through November 30, 2022 and the 2023
20 target period shall mean January 1, 2023 through November 30, 2023 and
21 the 2024 target period shall mean January 1, 2024 through November 30,
22 2024 and the 2025 target period shall mean January 1, 2025 through
23 November 30, 2025 and the 2026 target period shall mean January 1, 2026
24 through November 30, 2026 and the 2027 target period shall mean January
25 1, 2027 through November 30, 2027.

26 2. (a) Prior to February 1, 1997, for each regional group the commis-
27 sioner of health shall calculate the 1996 medicaid revenue percentages
28 for the period commencing August 1, 1996 to the last date for which such
29 data is available and reasonably accurate.

30 (b) Prior to February 1, 1998, prior to February 1, 1999, prior to
31 February 1, 2000, prior to February 1, 2001, prior to February 1, 2002,
32 prior to February 1, 2003, prior to February 1, 2004, prior to February
33 1, 2005, prior to February 1, 2006, prior to February 1, 2007, prior to
34 February 1, 2008, prior to February 1, 2009, prior to February 1, 2010,
35 prior to February 1, 2011, prior to February 1, 2012, prior to February
36 1, 2013, prior to February 1, 2014, prior to February 1, 2015, prior to
37 February 1, 2016, prior to February 1, 2017, prior to February 1, 2018,
38 prior to February 1, 2019, prior to February 1, 2020, prior to February
39 1, 2021, prior to February 1, 2022, [~~and~~] prior to February 1, 2023,
40 prior to February 1, 2024, prior to February 1, 2025, prior to February
41 1, 2026 and prior to February 1, 2027 for each regional group the
42 commissioner of health shall calculate the prior year's medicaid revenue
43 percentages for the period commencing January 1 through November 30 of
44 such prior year.

45 3. By September 15, 1996, for each regional group the commissioner of
46 health shall calculate the base period medicaid revenue percentage.

47 4. (a) For each regional group, the 1996 target medicaid revenue
48 percentage shall be calculated by subtracting the 1996 medicaid revenue
49 reduction percentages from the base period medicaid revenue percentages.
50 The 1996 medicaid revenue reduction percentage, taking into account
51 regional and program differences in utilization of medicaid and medicare
52 services, for the following regional groups shall be equal to:

53 (i) one and one-tenth percentage points for CHHAs located within the
54 downstate region;

55 (ii) six-tenths of one percentage point for CHHAs located within the
56 upstate region;

1 (iii) one and eight-tenths percentage points for LTHHCPS located with-
2 in the downstate region; and

3 (iv) one and seven-tenths percentage points for LTHHCPS located within
4 the upstate region.

5 (b) For 1997, 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007,
6 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019,
7 2020, 2021, 2022 [~~and~~], 2023, 2024, 2025, 2026 and 2027 for each
8 regional group, the target medicaid revenue percentage for the respec-
9 tive year shall be calculated by subtracting the respective year's medi-
10 caid revenue reduction percentage from the base period medicaid revenue
11 percentage. The medicaid revenue reduction percentages for 1997, 1998,
12 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011,
13 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 [~~and~~],
14 2023, 2024, 2025, 2026 and 2027, taking into account regional and

15 program differences in utilization of medicaid and medicare services,
16 for the following regional groups shall be equal to for each such year:

17 (i) one and one-tenth percentage points for CHHAs located within the
18 downstate region;

19 (ii) six-tenths of one percentage point for CHHAs located within the
20 upstate region;

21 (iii) one and eight-tenths percentage points for LTHHCPS located with-
22 in the downstate region; and

23 (iv) one and seven-tenths percentage points for LTHHCPS located within
24 the upstate region.

25 (c) For each regional group, the 1999 target medicaid revenue percent-
26 age shall be calculated by subtracting the 1999 medicaid revenue
27 reduction percentage from the base period medicaid revenue percentage.
28 The 1999 medicaid revenue reduction percentages, taking into account
29 regional and program differences in utilization of medicaid and medicare
30 services, for the following regional groups shall be equal to:

31 (i) eight hundred twenty-five thousandths (.825) of one percentage
32 point for CHHAs located within the downstate region;

33 (ii) forty-five hundredths (.45) of one percentage point for CHHAs
34 located within the upstate region;

35 (iii) one and thirty-five hundredths percentage points (1.35) for
36 LTHHCPS located within the downstate region; and

37 (iv) one and two hundred seventy-five thousandths percentage points
38 (1.275) for LTHHCPS located within the upstate region.

39 5. (a) For each regional group, if the 1996 medicaid revenue percent-
40 age is not equal to or less than the 1996 target medicaid revenue
41 percentage, the commissioner of health shall compare the 1996 medicaid
42 revenue percentage to the 1996 target medicaid revenue percentage to
43 determine the amount of the shortfall which, when divided by the 1996
44 medicaid revenue reduction percentage, shall be called the 1996
45 reduction factor. These amounts, expressed as a percentage, shall not
46 exceed one hundred percent. If the 1996 medicaid revenue percentage is
47 equal to or less than the 1996 target medicaid revenue percentage, the
48 1996 reduction factor shall be zero.

49 (b) For 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006,
50 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018,
51 2019, 2020, 2021, 2022 [~~and~~], 2023, 2024, 2025, 2026 and 2027, for each
52 regional group, if the medicaid revenue percentage for the respective
53 year is not equal to or less than the target medicaid revenue percentage
54 for such respective year, the commissioner of health shall compare such
55 respective year's medicaid revenue percentage to such respective year's
56 target medicaid revenue percentage to determine the amount of the short-

1 fall which, when divided by the respective year's medicaid revenue
2 reduction percentage, shall be called the reduction factor for such
3 respective year. These amounts, expressed as a percentage, shall not
4 exceed one hundred percent. If the medicaid revenue percentage for a
5 particular year is equal to or less than the target medicaid revenue
6 percentage for that year, the reduction factor for that year shall be
7 zero.

8 6. (a) For each regional group, the 1996 reduction factor shall be
9 multiplied by the following amounts to determine each regional group's
10 applicable 1996 state share reduction amount:

11 (i) two million three hundred ninety thousand dollars (\$2,390,000) for
12 CHHAs located within the downstate region;

13 (ii) seven hundred fifty thousand dollars (\$750,000) for CHHAs located
14 within the upstate region;

15 (iii) one million two hundred seventy thousand dollars (\$1,270,000)
16 for LTHHCPS located within the downstate region; and

17 (iv) five hundred ninety thousand dollars (\$590,000) for LTHHCPS
18 located within the upstate region.

19 For each regional group reduction, if the 1996 reduction factor shall
20 be zero, there shall be no 1996 state share reduction amount.

21 (b) For 1997, 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007,
22 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019,
23 2020, 2021, 2022 [~~and~~], 2023, 2024, 2025, 2026 and 2027, for each
24 regional group, the reduction factor for the respective year shall be
25 multiplied by the following amounts to determine each regional group's
26 applicable state share reduction amount for such respective year:

27 (i) two million three hundred ninety thousand dollars (\$2,390,000) for
28 CHHAs located within the downstate region;

29 (ii) seven hundred fifty thousand dollars (\$750,000) for CHHAs located
30 within the upstate region;

31 (iii) one million two hundred seventy thousand dollars (\$1,270,000)
32 for LTHHCPS located within the downstate region; and

33 (iv) five hundred ninety thousand dollars (\$590,000) for LTHHCPS
34 located within the upstate region.

35 For each regional group reduction, if the reduction factor for a
36 particular year shall be zero, there shall be no state share reduction
37 amount for such year.

38 (c) For each regional group, the 1999 reduction factor shall be multi-
39 plied by the following amounts to determine each regional group's appli-
40 cable 1999 state share reduction amount:

41 (i) one million seven hundred ninety-two thousand five hundred dollars
42 (\$1,792,500) for CHHAs located within the downstate region;

43 (ii) five hundred sixty-two thousand five hundred dollars (\$562,500)
44 for CHHAs located within the upstate region;

45 (iii) nine hundred fifty-two thousand five hundred dollars (\$952,500)
46 for LTHHCPS located within the downstate region; and

47 (iv) four hundred forty-two thousand five hundred dollars (\$442,500)
48 for LTHHCPS located within the upstate region.

49 For each regional group reduction, if the 1999 reduction factor shall
50 be zero, there shall be no 1999 state share reduction amount.

51 7. (a) For each regional group, the 1996 state share reduction amount
52 shall be allocated by the commissioner of health among CHHAs and LTHHCPS
53 on the basis of the extent of each CHHA's and LTHHCPS's failure to
54 achieve the 1996 target medicaid revenue percentage, calculated on a
55 provider specific basis utilizing revenues for this purpose, expressed
56 as a proportion of the total of each CHHA's and LTHHCPS's failure to

1 achieve the 1996 target medicaid revenue percentage within the applica-
2 ble regional group. This proportion shall be multiplied by the applica-
3 ble 1996 state share reduction amount calculation pursuant to paragraph
4 (a) of subdivision 6 of this section. This amount shall be called the
5 1996 provider specific state share reduction amount.

6 (b) For 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006,
7 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018,
8 2019, 2020, 2021, 2022 [~~and~~], 2023, 2024, 2025, 2026 and 2027 for each
9 regional group, the state share reduction amount for the respective year
10 shall be allocated by the commissioner of health among CHHAs and LTHHCPs
11 on the basis of the extent of each CHHA's and LTHHCP's failure to
12 achieve the target medicaid revenue percentage for the applicable year,
13 calculated on a provider specific basis utilizing revenues for this
14 purpose, expressed as a proportion of the total of each CHHA's and
15 LTHHCP's failure to achieve the target medicaid revenue percentage for
16 the applicable year within the applicable regional group. This propor-
17 tion shall be multiplied by the applicable year's state share reduction
18 amount calculation pursuant to paragraph (b) or (c) of subdivision 6 of
19 this section. This amount shall be called the provider specific state
20 share reduction amount for the applicable year.

21 8. (a) The 1996 provider specific state share reduction amount shall
22 be due to the state from each CHHA and LTHHCP and may be recouped by the
23 state by March 31, 1997 in a lump sum amount or amounts from payments
24 due to the CHHA and LTHHCP pursuant to title 11 of article 5 of the
25 social services law.

26 (b) The provider specific state share reduction amount for 1997, 1998,
27 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010,
28 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022
29 [~~and~~], 2023, 2024, 2025, 2026 and 2027 respectively, shall be due to the
30 state from each CHHA and LTHHCP and each year the amount due for such
31 year may be recouped by the state by March 31 of the following year in a
32 lump sum amount or amounts from payments due to the CHHA and LTHHCP
33 pursuant to title 11 of article 5 of the social services law.

34 9. CHHAs and LTHHCPs shall submit such data and information at such
35 times as the commissioner of health may require for purposes of this
36 section. The commissioner of health may use data available from third-
37 party payors.

38 10. On or about June 1, 1997, for each regional group the commissioner
39 of health shall calculate for the period August 1, 1996 through March
40 31, 1997 a medicaid revenue percentage, a reduction factor, a state
41 share reduction amount, and a provider specific state share reduction
42 amount in accordance with the methodology provided in paragraph (a) of
43 subdivision 2, paragraph (a) of subdivision 5, paragraph (a) of subdivi-
44 sion 6 and paragraph (a) of subdivision 7 of this section. The provider
45 specific state share reduction amount calculated in accordance with this
46 subdivision shall be compared to the 1996 provider specific state share
47 reduction amount calculated in accordance with paragraph (a) of subdivi-
48 sion 7 of this section. Any amount in excess of the amount determined in
49 accordance with paragraph (a) of subdivision 7 of this section shall be
50 due to the state from each CHHA and LTHHCP and may be recouped in
51 accordance with paragraph (a) of subdivision 8 of this section. If the
52 amount is less than the amount determined in accordance with paragraph
53 (a) of subdivision 7 of this section, the difference shall be refunded
54 to the CHHA and LTHHCP by the state no later than July 15, 1997. CHHAs
55 and LTHHCPs shall submit data for the period August 1, 1996 through
56 March 31, 1997 to the commissioner of health by April 15, 1997.

1 11. If a CHHA or LTHHCP fails to submit data and information as
2 required for purposes of this section:

3 (a) such CHHA or LTHHCP shall be presumed to have no decrease in medi-
4 caid revenue percentage between the applicable base period and the
5 applicable target period for purposes of the calculations pursuant to
6 this section; and

7 (b) the commissioner of health shall reduce the current rate paid to
8 such CHHA and such LTHHCP by state governmental agencies pursuant to
9 article 36 of the public health law by one percent for a period begin-
10 ning on the first day of the calendar month following the applicable due
11 date as established by the commissioner of health and continuing until
12 the last day of the calendar month in which the required data and infor-
13 mation are submitted.

14 12. The commissioner of health shall inform in writing the director of
15 the budget and the chair of the senate finance committee and the chair
16 of the assembly ways and means committee of the results of the calcu-
17 lations pursuant to this section.

18 § 21. Paragraph (f) of subdivision 1 of section 64 of chapter 81 of
19 the laws of 1995, amending the public health law and other laws relating
20 to medical reimbursement and welfare reform, as amended by section 13 of
21 part BB of chapter 56 of the laws of 2020, is amended to read as
22 follows:

23 (f) Prior to February 1, 2001, February 1, 2002, February 1, 2003,
24 February 1, 2004, February 1, 2005, February 1, 2006, February 1, 2007,
25 February 1, 2008, February 1, 2009, February 1, 2010, February 1, 2011,
26 February 1, 2012, February 1, 2013, February 1, 2014, February 1, 2015,
27 February 1, 2016, February 1, 2017, February 1, 2018, February 1, 2019,
28 February 1, 2020, February 1, 2021, February 1, 2022 [~~and~~], February 1,
29 2023, February 1, 2024, February 1, 2025 and February 1, 2026, the
30 commissioner of health shall calculate the result of the statewide total
31 of residential health care facility days of care provided to benefici-
32 aries of title XVIII of the federal social security act (medicare),
33 divided by the sum of such days of care plus days of care provided to
34 residents eligible for payments pursuant to title 11 of article 5 of the
35 social services law minus the number of days provided to residents
36 receiving hospice care, expressed as a percentage, for the period
37 commencing January 1, through November 30, of the prior year respective-
38 ly, based on such data for such period. This value shall be called the
39 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011,
40 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 [~~and~~],
41 2023, 2024, 2025 and 2026 statewide target percentage respectively.

42 § 22. Subparagraph (ii) of paragraph (b) of subdivision 3 of section
43 64 of chapter 81 of the laws of 1995, amending the public health law and
44 other laws relating to medical reimbursement and welfare reform, as
45 amended by section 14 of part BB of chapter 56 of the laws of 2020, is
46 amended to read as follows:

47 (ii) If the 1997, 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006,
48 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018,
49 2019, 2020, 2021, 2022 [~~and~~], 2023, 2024, 2025 and 2026 statewide target
50 percentages are not for each year at least three percentage points high-
51 er than the statewide base percentage, the commissioner of health shall
52 determine the percentage by which the statewide target percentage for
53 each year is not at least three percentage points higher than the state-
54 wide base percentage. The percentage calculated pursuant to this para-
55 graph shall be called the 1997, 1998, 2000, 2001, 2002, 2003, 2004,
56 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016,

1 2017, 2018, 2019, 2020, 2021, 2022 [~~and~~], 2023, 2024, 2025 and 2026
2 statewide reduction percentage respectively. If the 1997, 1998, 2000,
3 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012,
4 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 [~~and~~], 2023,
5 2024, 2025 and 2026 statewide target percentage for the respective year
6 is at least three percentage points higher than the statewide base
7 percentage, the statewide reduction percentage for the respective year
8 shall be zero.

9 § 23. Subparagraph (iii) of paragraph (b) of subdivision 4 of section
10 64 of chapter 81 of the laws of 1995, amending the public health law and
11 other laws relating to medical reimbursement and welfare reform, as
12 amended by section 15 of part BB of chapter 56 of the laws of 2020, is
13 amended to read as follows:

14 (iii) The 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008,
15 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020,
16 2021, 2022 [~~and~~], 2023, 2024, 2025 and 2026 statewide reduction percent-
17 age shall be multiplied by one hundred two million dollars respectively
18 to determine the 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007,
19 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019,
20 2020, 2021, 2022 [~~and~~], 2023, 2024, 2025 and 2026 statewide aggregate
21 reduction amount. If the 1998 and the 2000, 2001, 2002, 2003, 2004,
22 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016,
23 2017, 2018, 2019, 2020, 2021, 2022 [~~and~~], 2023, 2024, 2025 and 2026
24 statewide reduction percentage shall be zero respectively, there shall
25 be no 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009,
26 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 2020, 2021,
27 2022 [~~and~~], 2023, 2024, 2025 and 2026 reduction amount.

28 § 24. The opening paragraph of paragraph (e) of subdivision 7 of
29 section 367-a of the social services law, as amended by section 1 of
30 part GG of chapter 56 of the laws of 2020, is amended to read as
31 follows:

32 During the period from April first, two thousand fifteen through March
33 thirty-first, two thousand [~~twenty-three~~] twenty-six, the commissioner
34 may, in lieu of a managed care provider or pharmacy benefit manager,
35 negotiate directly and enter into an arrangement with a pharmaceutical
36 manufacturer for the provision of supplemental rebates relating to phar-
37 maceutical utilization by enrollees of managed care providers pursuant
38 to section three hundred sixty-four-j of this title and may also negoti-
39 ate directly and enter into such an agreement relating to pharmaceutical
40 utilization by medical assistance recipients not so enrolled. Such
41 rebate arrangements shall be limited to the following: antiretrovirals
42 approved by the FDA for the treatment of HIV/AIDS, opioid dependence
43 agents and opioid antagonists listed in a statewide formulary estab-
44 lished pursuant to subparagraph (vii) of this paragraph, hepatitis C
45 agents, high cost drugs as provided for in subparagraph (viii) of this
46 paragraph, gene therapies as provided for in subparagraph (ix) of this
47 paragraph, and any other class or drug designated by the commissioner
48 for which the pharmaceutical manufacturer has in effect a rebate
49 arrangement with the federal secretary of health and human services
50 pursuant to 42 U.S.C. § 1396r-8, and for which the state has established
51 standard clinical criteria. No agreement entered into pursuant to this
52 paragraph shall have an initial term or be extended beyond the expira-
53 tion or repeal of this paragraph.

54 § 25. Subdivision 1 of section 60 of part B of chapter 57 of the laws
55 of 2015, amending the social services law and other laws relating to

1 supplemental rebates, as amended by section 8 of part GG of chapter 56
2 of the laws of 2020, is amended to read as follows:

3 1. section one of this act shall expire and be deemed repealed March
4 31, [~~2026~~] 2029;

5 § 26. Section 8 of part KK of chapter 56 of the laws of 2020, amending
6 the public health law relating to the designation of statewide general
7 hospital quality and sole community pools and the reduction of capital
8 related inpatient expenses, is amended to read as follows:

9 § 8. This act shall take effect immediately and shall be deemed to
10 have been in full force and effect on and after April 1, 2020, provided,
11 further that sections [~~three~~] four through [~~nine~~] seven of this act
12 shall expire and be deemed repealed March 31, [~~2023~~] 2026; provided
13 further, however, that the director of the budget may, in consultation
14 with the commissioner of health, delay the effective dates prescribed
15 herein for a period of time which shall not exceed ninety days following
16 the conclusion or termination of an executive order issued pursuant to
17 section 28 of the executive law declaring a state disaster emergency for
18 the entire state of New York, upon such delay the director of budget
19 shall notify the chairs of the assembly ways and means committee and
20 senate finance committee and the chairs of the assembly and senate
21 health committee; provided further, however, that the director of the
22 budget shall notify the legislative bill drafting commission upon the
23 occurrence of a delay in the effective date of this act in order that
24 the commission may maintain an accurate and timely effective data base
25 of the official text of the laws of the state of New York in furtherance
26 of effectuating the provisions of section 44 of the legislative law and
27 section 70-b of the public officers law.

28 § 27. Subdivision 4-a of section 71 of part C of chapter 60 of the
29 laws of 2014, amending the social services law relating to fair hearings
30 within the Fully Integrated Duals Advantage program, as amended by
31 section 7 of part MM of chapter 56 of the laws of 2020, is amended to
32 read as follows:

33 4-a. section twenty-two of this act shall take effect April 1, 2014,
34 and shall be deemed expired January 1, [~~2024~~] 2027;

35 § 28. Section 4 of chapter 779 of the laws of 1986, amending the
36 social services law relating to authorizing services for non-residents
37 in adult homes, residences for adults and enriched housing programs, as
38 amended by section 1 of item PP of subpart B of part XXX of chapter 58
39 of the laws of 2020, is amended to read as follows:

40 § 4. This act shall take effect on the one hundred twentieth day after
41 it shall have become a law and shall remain in full force and effect
42 until July 1, [~~2023~~] 2027, provided however, that effective immediately,
43 the addition, amendment and/or repeal of any rules or regulations neces-
44 sary for the implementation of the foregoing sections of this act on its
45 effective date are authorized and directed to be made and completed on
46 or before such effective date.

47 § 29. Section 11 of chapter 884 of the laws of 1990, amending the
48 public health law relating to authorizing bad debt and charity care
49 allowances for certified home health agencies, as amended by section 1
50 of part S of chapter 57 of the laws of 2021, is amended to read as
51 follows:

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

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

54 (b) sections four through ten shall expire on June 30, [~~2023~~] 2025,

55 and

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

5 § 30. Subdivision 5-a of section 246 of chapter 81 of the laws of
6 1995, amending the public health law and other laws relating to medical
7 reimbursement and welfare reform, as amended by section 3 of part S of
8 chapter 57 of the laws of 2021, is amended to read as follows:

9 5-a. Section sixty-four-a of this act shall be deemed to have been in
10 full force and effect on and after April 1, 1995 through March 31, 1999
11 and on and after July 1, 1999 through March 31, 2000 and on and after
12 April 1, 2000 through March 31, 2003 and on and after April 1, 2003
13 through March 31, 2007, and on and after April 1, 2007 through March 31,
14 2009, and on and after April 1, 2009 through March 31, 2011, and on and
15 after April 1, 2011 through March 31, 2013, and on and after April 1,
16 2013 through March 31, 2015, and on and after April 1, 2015 through
17 March 31, 2017 and on and after April 1, 2017 through March 31, 2019,
18 and on and after April 1, 2019 through March 31, 2021, and on and after
19 April 1, 2021 through March 31, 2023, and on and after April 1, 2023
20 through March 31, 2027;

21 § 31. Section 64-b of chapter 81 of the laws of 1995, amending the
22 public health law and other laws relating to medical reimbursement and
23 welfare reform, as amended by section 4 of part S of chapter 57 of the
24 laws of 2021, is amended to read as follows:

25 § 64-b. Notwithstanding any inconsistent provision of law, the
26 provisions of subdivision 7 of section 3614 of the public health law, as
27 amended, shall remain and be in full force and effect on April 1, 1995
28 through March 31, 1999 and on July 1, 1999 through March 31, 2000 and on
29 and after April 1, 2000 through March 31, 2003 and on and after April 1,
30 2003 through March 31, 2007, and on and after April 1, 2007 through
31 March 31, 2009, and on and after April 1, 2009 through March 31, 2011,
32 and on and after April 1, 2011 through March 31, 2013, and on and after
33 April 1, 2013 through March 31, 2015, and on and after April 1, 2015
34 through March 31, 2017 and on and after April 1, 2017 through March 31,
35 2019, and on and after April 1, 2019 through March 31, 2021, and on and
36 after April 1, 2021 through March 31, 2023, and on and after April 1,
37 2023 through March 31, 2027.

38 § 32. Section 4-a of part A of chapter 56 of the laws of 2013, amend-
39 ing chapter 59 of the laws of 2011 amending the public health law and
40 other laws relating to general hospital reimbursement for annual rates,
41 as amended by section 5 of part S of chapter 57 of the laws of 2021, is
42 amended to read as follows:

43 § 4-a. Notwithstanding paragraph (c) of subdivision 10 of section
44 2807-c of the public health law, section 21 of chapter 1 of the laws of
45 1999, or any other contrary provision of law, in determining rates of
46 payments by state governmental agencies effective for services provided
47 on and after January 1, 2017 through March 31, [~~2023~~] 2025, for inpa-
48 tient and outpatient services provided by general hospitals, for inpa-
49 tient services and adult day health care outpatient services provided by
50 residential health care facilities pursuant to article 28 of the public
51 health law, except for residential health care facilities or units of
52 such facilities providing services primarily to children under twenty-
53 one years of age, for home health care services provided pursuant to
54 article 36 of the public health law by certified home health agencies,
55 long term home health care programs and AIDS home care programs, and for
56 personal care services provided pursuant to section 365-a of the social

1 services law, the commissioner of health shall apply no greater than
2 zero trend factors attributable to the 2017, 2018, 2019, 2020, 2021,
3 2022 [~~and~~], 2023, 2024 and 2025 calendar years in accordance with para-
4 graph (c) of subdivision 10 of section 2807-c of the public health law,
5 provided, however, that such no greater than zero trend factors attrib-
6 utable to such 2017, 2018, 2019, 2020, 2021, 2022 [~~and~~], 2023, 2024 and
7 2025 calendar years shall also be applied to rates of payment provided
8 on and after January 1, 2017 through March 31, [~~2023~~] 2025 for personal
9 care services provided in those local social services districts, includ-
10 ing New York city, whose rates of payment for such services are estab-
11 lished by such local social services districts pursuant to a rate-set-
12 ting exemption issued by the commissioner of health to such local social
13 services districts in accordance with applicable regulations; and
14 provided further, however, that for rates of payment for assisted living
15 program services provided on and after January 1, 2017 through March 31,
16 [~~2023~~] 2025, such trend factors attributable to the 2017, 2018, 2019,
17 2020, 2021, 2022 [~~and~~], 2023, 2024 and 2025 calendar years shall be
18 established at no greater than zero percent.

19 § 33. Subdivision 2 of section 246 of chapter 81 of the laws of 1995,
20 amending the public health law and other laws relating to medical
21 reimbursement and welfare reform, as amended by section 6 of part S of
22 chapter 57 of the laws of 2021, is amended to read as follows:

23 2. Sections five, seven through nine, twelve through fourteen, and
24 eighteen of this act shall be deemed to have been in full force and
25 effect on and after April 1, 1995 through March 31, 1999 and on and
26 after July 1, 1999 through March 31, 2000 and on and after April 1, 2000
27 through March 31, 2003 and on and after April 1, 2003 through March 31,
28 2006 and on and after April 1, 2006 through March 31, 2007 and on and
29 after April 1, 2007 through March 31, 2009 and on and after April 1,
30 2009 through March 31, 2011 and sections twelve, thirteen and fourteen
31 of this act shall be deemed to be in full force and effect on and after
32 April 1, 2011 through March 31, 2015 and on and after April 1, 2015
33 through March 31, 2017 and on and after April 1, 2017 through March 31,
34 2019, and on and after April 1, 2019 through March 31, 2021, and on and
35 after April 1, 2021 through March 31, 2023, and on and after April 1,
36 2023 through March 31, 2025;

37 § 34. Subparagraph (vi) of paragraph (b) of subdivision 2 of section
38 2807-d of the public health law, as amended by section 11 of part S of
39 chapter 57 of the laws of 2021, is amended to read as follows:

40 (vi) Notwithstanding any contrary provision of this paragraph or any
41 other provision of law or regulation to the contrary, for residential
42 health care facilities the assessment shall be six percent of each resi-
43 dential health care facility's gross receipts received from all patient
44 care services and other operating income on a cash basis for the period
45 April first, two thousand two through March thirty-first, two thousand
46 three for hospital or health-related services, including adult day
47 services; provided, however, that residential health care facilities'
48 gross receipts attributable to payments received pursuant to title XVIII
49 of the federal social security act (medicare) shall be excluded from the
50 assessment; provided, however, that for all such gross receipts received
51 on or after April first, two thousand three through March thirty-first,
52 two thousand five, such assessment shall be five percent, and further
53 provided that for all such gross receipts received on or after April
54 first, two thousand five through March thirty-first, two thousand nine,
55 and on or after April first, two thousand nine through March thirty-
56 first, two thousand eleven such assessment shall be six percent, and

1 further provided that for all such gross receipts received on or after
2 April first, two thousand eleven through March thirty-first, two thou-
3 sand thirteen such assessment shall be six percent, and further provided
4 that for all such gross receipts received on or after April first, two
5 thousand thirteen through March thirty-first, two thousand fifteen such
6 assessment shall be six percent, and further provided that for all such
7 gross receipts received on or after April first, two thousand fifteen
8 through March thirty-first, two thousand seventeen such assessment shall
9 be six percent, and further provided that for all such gross receipts
10 received on or after April first, two thousand seventeen through March
11 thirty-first, two thousand nineteen such assessment shall be six
12 percent, and further provided that for all such gross receipts received
13 on or after April first, two thousand nineteen through March thirty-
14 first, two thousand twenty-one such assessment shall be six percent, and
15 further provided that for all such gross receipts received on or after
16 April first, two thousand twenty-one through March thirty-first, two
17 thousand twenty-three such assessment shall be six percent, and further
18 provided that for all such gross receipts received on or after April
19 first, two thousand twenty-three through March thirty-first, two thou-
20 sand twenty-five such assessment shall be six percent.

21 § 35. Section 3 of part MM of chapter 57 of the laws of 2021 amending
22 the public health law relating to aiding in the transition to adulthood
23 for children with medical fragility living in pediatric nursing homes
24 and other settings is amended to read as follows:

25 § 3. This act shall take effect on the one hundred twentieth day after
26 it shall have become a law; provided however, that section one of this
27 act shall expire and be deemed repealed [~~two~~ four years after such
28 effective date; and provided further, that section two of this act shall
29 expire and be deemed repealed [~~three~~ five years after such effective
30 date.

31 § 35-a. Paragraph (d-3) of subdivision 3 of section 364-j of the
32 social services law, as added by section 1 of part JJ of chapter 57 of
33 the laws of 2021, is amended to read as follows:

34 (d-3) Services provided in school-based health centers shall not be
35 provided to medical assistance recipients through managed care programs
36 established pursuant to this section [~~until at least April first, two~~
37 ~~thousand twenty-three,~~] and shall continue to be provided outside of
38 managed care programs.

39 § 35-b. Section 2 of part JJ of chapter 57 of the laws of 2021 amend-
40 ing the social services law relating to managed care programs, is
41 amended to read as follows:

42 § 2. This act shall take effect immediately [~~and shall expire April 1,~~
43 ~~2023, when upon such date the provisions of this act shall be deemed~~
44 ~~repealed~~]; provided [~~further,~~ that the amendments to section 364-j of
45 the social services law made by section one of this act shall not affect
46 the repeal of such section and shall be deemed repealed therewith.

47 § 36. This act shall take effect immediately and shall be deemed to
48 have been in full force and effect on and after April 1, 2023; provided,
49 however, that the amendments to subdivision 6 of section 366 of the
50 social services law made by section four of this act shall not affect
51 the repeal of such subdivision and shall be deemed repealed therewith;
52 provided further, however, that the amendments to subparagraph (ii) of
53 paragraph (c) of subdivision 11 of section 230 of the public health law
54 made by section ten of this act shall not affect the expiration of such
55 subparagraph and shall be deemed to expire therewith; and provided
56 further, however, that the amendments to the opening paragraph of para-

1 graph (e) of subdivision 7 of section 367-a of the social services law
2 made by section twenty-four of this act shall not affect the repeal of
3 such paragraph and shall be deemed repealed therewith; provided further,
4 that the amendments to section 364-j of the social services law made by
5 section thirty-five-a of this act shall not affect the repeal of such
6 section and shall be deemed repealed therewith.

7

PART C

8 Section 1. Section 34 of part A3 of chapter 62 of the laws of 2003
9 amending the general business law and other laws relating to enacting
10 major components necessary to implement the state fiscal plan for the
11 2003-04 state fiscal year, as amended by section 1 of part Y of chapter
12 56 of the laws of 2020, is amended to read as follows:

13 § 34. (1) Notwithstanding any inconsistent provision of law, rule or
14 regulation and effective April 1, 2008 through March 31, [~~2023~~ 2026,
15 the commissioner of health is authorized to transfer and the state comp-
16 troller is authorized and directed to receive for deposit to the credit
17 of the department of health's special revenue fund - other, health care
18 reform act (HCRA) resources fund - 061, provider collection monitoring
19 account, within amounts appropriated each year, those funds collected
20 and accumulated pursuant to section 2807-v of the public health law,
21 including income from invested funds, for the purpose of payment for
22 administrative costs of the department of health related to adminis-
23 tration of statutory duties for the collections and distributions
24 authorized by section 2807-v of the public health law.

25 (2) Notwithstanding any inconsistent provision of law, rule or regu-
26 lation and effective April 1, 2008 through March 31, [~~2023~~ 2026, the
27 commissioner of health is authorized to transfer and the state comp-
28 troller is authorized and directed to receive for deposit to the credit
29 of the department of health's special revenue fund - other, health care
30 reform act (HCRA) resources fund - 061, provider collection monitoring
31 account, within amounts appropriated each year, those funds collected
32 and accumulated and interest earned through surcharges on payments for
33 health care services pursuant to section 2807-s of the public health law
34 and from assessments pursuant to section 2807-t of the public health law
35 for the purpose of payment for administrative costs of the department of
36 health related to administration of statutory duties for the collections
37 and distributions authorized by sections 2807-s, 2807-t, and 2807-m of
38 the public health law.

39 (3) Notwithstanding any inconsistent provision of law, rule or regu-
40 lation and effective April 1, 2008 through March 31, [~~2023~~ 2026, the
41 commissioner of health is authorized to transfer and the comptroller is
42 authorized to deposit, within amounts appropriated each year, those
43 funds authorized for distribution in accordance with the provisions of
44 paragraph (a) of subdivision 1 of section 2807-l of the public health
45 law for the purposes of payment for administrative costs of the depart-
46 ment of health related to the child health insurance plan program
47 authorized pursuant to title 1-A of article 25 of the public health law
48 into the special revenue funds - other, health care reform act (HCRA)
49 resources fund - 061, child health insurance account, established within
50 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, [~~2023~~ 2026, the
53 commissioner of health is authorized to transfer and the comptroller is
54 authorized to deposit, within amounts appropriated each year, those

1 funds allocated pursuant to paragraph (j) of subdivision 1 of section
2 2807-v of the public health law for the purpose of payment for adminis-
3 trative costs of the department of health related to administration of
4 the state's tobacco control programs and cancer services provided pursu-
5 ant to sections 2807-r and 1399-ii of the public health law into such
6 accounts established within the department of health for such purposes.

7 (6) Notwithstanding any inconsistent provision of law, rule or regu-
8 lation and effective April 1, 2008 through March 31, [~~2023~~] 2026, the
9 commissioner of health is authorized to transfer and the comptroller is
10 authorized to deposit, within amounts appropriated each year, the funds
11 authorized for distribution in accordance with the provisions of section
12 2807-l of the public health law for the purposes of payment for adminis-
13 trative costs of the department of health related to the programs funded
14 pursuant to section 2807-l of the public health law into the special
15 revenue funds - other, health care reform act (HCRA) resources fund -
16 061, pilot health insurance account, established within the department
17 of health.

18 (7) Notwithstanding any inconsistent provision of law, rule or regu-
19 lation and effective April 1, 2008 through March 31, [~~2023~~] 2026, the
20 commissioner of health is authorized to transfer and the comptroller is
21 authorized to deposit, within amounts appropriated each year, those
22 funds authorized for distribution in accordance with the provisions of
23 subparagraph (ii) of paragraph (f) of subdivision 19 of section 2807-c
24 of the public health law from monies accumulated and interest earned in
25 the bad debt and charity care and capital statewide pools through an
26 assessment charged to general hospitals pursuant to the provisions of
27 subdivision 18 of section 2807-c of the public health law and those
28 funds authorized for distribution in accordance with the provisions of
29 section 2807-l of the public health law for the purposes of payment for
30 administrative costs of the department of health related to programs
31 funded under section 2807-l of the public health law into the special
32 revenue funds - other, health care reform act (HCRA) resources fund -
33 061, primary care initiatives account, established within the department
34 of health.

35 (8) Notwithstanding any inconsistent provision of law, rule or regu-
36 lation and effective April 1, 2008 through March 31, [~~2023~~] 2026, the
37 commissioner of health is authorized to transfer and the comptroller is
38 authorized to deposit, within amounts appropriated each year, those
39 funds authorized for distribution in accordance with section 2807-l of
40 the public health law for the purposes of payment for administrative
41 costs of the department of health related to programs funded under
42 section 2807-l of the public health law into the special revenue funds -
43 other, health care reform act (HCRA) resources fund - 061, health care
44 delivery administration account, established within the department of
45 health.

46 (9) Notwithstanding any inconsistent provision of law, rule or regu-
47 lation and effective April 1, 2008 through March 31, [~~2023~~] 2026, the
48 commissioner of health is authorized to transfer and the comptroller is
49 authorized to deposit, within amounts appropriated each year, those
50 funds authorized pursuant to sections 2807-d, 3614-a and 3614-b of the
51 public health law and section 367-i of the social services law and for
52 distribution in accordance with the provisions of subdivision 9 of
53 section 2807-j of the public health law for the purpose of payment for
54 administration of statutory duties for the collections and distributions
55 authorized by sections 2807-c, 2807-d, 2807-j, 2807-k, 2807-l, 3614-a
56 and 3614-b of the public health law and section 367-i of the social

1 services law into the special revenue funds - other, health care reform
2 act (HCRA) resources fund - 061, provider collection monitoring account,
3 established within the department of health.

4 § 2. Subparagraphs (iv) and (v) of paragraph (a) of subdivision 9 of
5 section 2807-j of the public health law, as amended by section 2 of part
6 Y of chapter 56 of the laws of 2020, are amended to read as follows:

7 (iv) seven hundred sixty-five million dollars annually of the funds
8 accumulated for the periods January first, two thousand through December
9 thirty-first, two thousand [~~twenty-two~~] twenty five, and

10 (v) one hundred ninety-one million two hundred fifty thousand dollars
11 of the funds accumulated for the period January first, two thousand
12 [~~twenty-three~~] twenty-six through March thirty-first, two thousand
13 [~~twenty-three~~] twenty-six.

14 § 3. Subdivision 5 of section 168 of chapter 639 of the laws of 1996,
15 constituting the New York Health Care Reform Act of 1996, as amended by
16 section 3 of part Y of chapter 56 of the laws of 2020, is amended to
17 read as follows:

18 5. sections 2807-c, 2807-j, 2807-s and 2807-t of the public health
19 law, as amended or as added by this act, shall expire on December 31,
20 [~~2023~~] 2026, and shall be thereafter effective only in respect to any
21 act done on or before such date or action or proceeding arising out of
22 such act including continued collections of funds from assessments and
23 allowances and surcharges established pursuant to sections 2807-c,
24 2807-j, 2807-s and 2807-t of the public health law, and administration
25 and distributions of funds from pools established pursuant to sections
26 2807-c, 2807-j, 2807-k, 2807-l, 2807-m, 2807-s and 2807-t of the public
27 health law related to patient services provided before December 31,
28 [~~2023~~] 2026, and continued expenditure of funds authorized for programs
29 and grants until the exhaustion of funds therefor;

30 § 4. Subdivision 1 of section 138 of chapter 1 of the laws of 1999,
31 constituting the New York Health Care Reform Act of 2000, as amended by
32 section 4 of part Y of chapter 56 of the laws of 2020, is amended to
33 read as follows:

34 1. sections 2807-c, 2807-j, 2807-s, and 2807-t of the public health
35 law, as amended by this act, shall expire on December 31, [~~2023~~] 2026,
36 and shall be thereafter effective only in respect to any act done before
37 such date or action or proceeding arising out of such act including
38 continued collections of funds from assessments and allowances and
39 surcharges established pursuant to sections 2807-c, 2807-j, 2807-s and
40 2807-t of the public health law, and administration and distributions of
41 funds from pools established pursuant to sections 2807-c, 2807-j,
42 2807-k, 2807-l, 2807-m, 2807-s, 2807-t, 2807-v and 2807-w of the public
43 health law, as amended or added by this act, related to patient services
44 provided before December 31, [~~2023~~] 2026, and continued expenditure of
45 funds authorized for programs and grants until the exhaustion of funds
46 therefor;

47 § 5. Section 2807-l of the public health law, as amended by section 5
48 of part Y of chapter 56 of the laws of 2020, is amended to read as
49 follows:

50 § 2807-l. Health care initiatives pool distributions. 1. Funds accumu-
51 lated in the health care initiatives pools pursuant to paragraph (b) of
52 subdivision nine of section twenty-eight hundred seven-j of this arti-
53 cle, or the health care reform act (HCRA) resources fund established
54 pursuant to section ninety-two-dd of the state finance law, whichever is
55 applicable, including income from invested funds, shall be distributed

1 or retained by the commissioner or by the state comptroller, as applica-
2 ble, in accordance with the following.

3 (a) Funds shall be reserved and accumulated from year to year and
4 shall be available, including income from invested funds, for purposes
5 of distributions to programs to provide health care coverage for unin-
6 sured or underinsured children pursuant to sections twenty-five hundred
7 ten and twenty-five hundred eleven of this chapter from the respective
8 health care initiatives pools established for the following periods in
9 the following amounts:

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

13 (ii) from the pool for the period January first, nineteen hundred
14 ninety-eight through December thirty-first, nineteen hundred ninety-
15 eight, up to one hundred sixty-four million five hundred thousand
16 dollars;

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

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

22 (v) from the pool for the period January first, two thousand one
23 through December thirty-first, two thousand one, two hundred thirty-five
24 million dollars;

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

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

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

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

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

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

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

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

54 (xiv) from the health care reform act (HCRA) resources fund for the
55 period April first, two thousand eleven, through March thirty-first, two

1 thousand twelve, up to three hundred twenty-four million seven hundred
2 forty-four thousand dollars;

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

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

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

14 (b) Funds shall be reserved and accumulated from year to year and
15 shall be available, including income from invested funds, for purposes
16 of distributions for health insurance programs under the individual
17 subsidy programs established pursuant to the expanded health care cover-
18 age act of nineteen hundred eighty-eight as amended, and for evaluation
19 of such programs from the respective health care initiatives pools or
20 the health care reform act (HCRA) resources fund, whichever is applica-
21 ble, established for the following periods in the following amounts:

22 (i) (A) an amount not to exceed six million dollars on an annualized
23 basis for the periods January first, nineteen hundred ninety-seven
24 through December thirty-first, nineteen hundred ninety-nine; up to six
25 million dollars for the period January first, two thousand through
26 December thirty-first, two thousand; up to five million dollars for the
27 period January first, two thousand one through December thirty-first,
28 two thousand one; up to four million dollars for the period January
29 first, two thousand two through December thirty-first, two thousand two;
30 up to two million six hundred thousand dollars for the period January
31 first, two thousand three through December thirty-first, two thousand
32 three; up to one million three hundred thousand dollars for the period
33 January first, two thousand four through December thirty-first, two
34 thousand four; up to six hundred seventy thousand dollars for the period
35 January first, two thousand five through June thirtieth, two thousand
36 five; up to one million three hundred thousand dollars for the period
37 April first, two thousand six through March thirty-first, two thousand
38 seven; and up to one million three hundred thousand dollars annually for
39 the period April first, two thousand seven through March thirty-first,
40 two thousand nine, shall be allocated to individual subsidy programs;
41 and

42 (B) an amount not to exceed seven million dollars on an annualized
43 basis for the periods during the period January first, nineteen hundred
44 ninety-seven through December thirty-first, nineteen hundred ninety-nine
45 and four million dollars annually for the periods January first, two
46 thousand through December thirty-first, two thousand two, and three
47 million dollars for the period January first, two thousand three through
48 December thirty-first, two thousand three, and two million dollars for
49 the period January first, two thousand four through December thirty-
50 first, two thousand four, and two million dollars for the period January
51 first, two thousand five through June thirtieth, two thousand five shall
52 be allocated to the catastrophic health care expense program.

53 (ii) Notwithstanding any law to the contrary, the characterizations of
54 the New York state small business health insurance partnership program
55 as in effect prior to June thirtieth, two thousand three, voucher
56 program as in effect prior to December thirty-first, two thousand one,

1 individual subsidy program as in effect prior to June thirtieth, two
2 thousand five, and catastrophic health care expense program, as in
3 effect prior to June thirtieth, two thousand five, may, for the purposes
4 of identifying matching funds for the community health care conversion
5 demonstration project described in a waiver of the provisions of title
6 XIX of the federal social security act granted to the state of New York
7 and dated July fifteenth, nineteen hundred ninety-seven, may continue to
8 be used to characterize the insurance programs in sections four thousand
9 three hundred twenty-one-a, four thousand three hundred twenty-two-a,
10 four thousand three hundred twenty-six and four thousand three hundred
11 twenty-seven of the insurance law, which are successor programs to these
12 programs.

13 (c) Up to seventy-eight million dollars shall be reserved and accumu-
14 lated from year to year from the pool for the period January first,
15 nineteen hundred ninety-seven through December thirty-first, nineteen
16 hundred ninety-seven, for purposes of public health programs, up to
17 seventy-six million dollars shall be reserved and accumulated from year
18 to year from the pools for the periods January first, nineteen hundred
19 ninety-eight through December thirty-first, nineteen hundred ninety-
20 eight and January first, nineteen hundred ninety-nine through December
21 thirty-first, nineteen hundred ninety-nine, up to eighty-four million
22 dollars shall be reserved and accumulated from year to year from the
23 pools for the period January first, two thousand through December thir-
24 ty-first, two thousand, up to eighty-five million dollars shall be
25 reserved and accumulated from year to year from the pools for the period
26 January first, two thousand one through December thirty-first, two thou-
27 sand one, up to eighty-six million dollars shall be reserved and accumu-
28 lated from year to year from the pools for the period January first, two
29 thousand two through December thirty-first, two thousand two, up to
30 eighty-six million one hundred fifty thousand dollars shall be reserved
31 and accumulated from year to year from the pools for the period January
32 first, two thousand three through December thirty-first, two thousand
33 three, up to fifty-eight million seven hundred eighty thousand dollars
34 shall be reserved and accumulated from year to year from the pools for
35 the period January first, two thousand four through December thirty-
36 first, two thousand four, up to sixty-eight million seven hundred thirty
37 thousand dollars shall be reserved and accumulated from year to year
38 from the pools or the health care reform act (HCRA) resources fund,
39 whichever is applicable, for the period January first, two thousand five
40 through December thirty-first, two thousand five, up to ninety-four
41 million three hundred fifty thousand dollars shall be reserved and accu-
42 mulated from year to year from the health care reform act (HCRA)
43 resources fund for the period January first, two thousand six through
44 December thirty-first, two thousand six, up to seventy million nine
45 hundred thirty-nine thousand dollars shall be reserved and accumulated
46 from year to year from the health care reform act (HCRA) resources fund
47 for the period January first, two thousand seven through December thir-
48 ty-first, two thousand seven, up to fifty-five million six hundred
49 eighty-nine thousand dollars annually shall be reserved and accumulated
50 from year to year from the health care reform act (HCRA) resources fund
51 for the period January first, two thousand eight through December thir-
52 ty-first, two thousand ten, up to thirteen million nine hundred twenty-
53 two thousand dollars shall be reserved and accumulated from year to year
54 from the health care reform act (HCRA) resources fund for the period
55 January first, two thousand eleven through March thirty-first, two thou-
56 sand eleven, and for periods on and after April first, two thousand

1 eleven, up to funding amounts specified below and shall be available,
2 including income from invested funds, for:

3 (i) deposit by the commissioner, within amounts appropriated, and the
4 state comptroller is hereby authorized and directed to receive for
5 deposit to, to the credit of the department of health's special revenue
6 fund - other, hospital based grants program account or the health care
7 reform act (HCRA) resources fund, whichever is applicable, for purposes
8 of services and expenses related to general hospital based grant
9 programs, up to twenty-two million dollars annually from the nineteen
10 hundred ninety-seven pool, nineteen hundred ninety-eight pool, nineteen
11 hundred ninety-nine pool, two thousand pool, two thousand one pool and
12 two thousand two pool, respectively, up to twenty-two million dollars
13 from the two thousand three pool, up to ten million dollars for the
14 period January first, two thousand four through December thirty-first,
15 two thousand four, up to eleven million dollars for the period January
16 first, two thousand five through December thirty-first, two thousand
17 five, up to twenty-two million dollars for the period January first, two
18 thousand six through December thirty-first, two thousand six, up to
19 twenty-two million ninety-seven thousand dollars annually for the period
20 January first, two thousand seven through December thirty-first, two
21 thousand ten, up to five million five hundred twenty-four thousand
22 dollars for the period January first, two thousand eleven through March
23 thirty-first, two thousand eleven, up to thirteen million four hundred
24 forty-five thousand dollars for the period April first, two thousand
25 eleven through March thirty-first, two thousand twelve, and up to thir-
26 teen million three hundred seventy-five thousand dollars each state
27 fiscal year for the period April first, two thousand twelve through
28 March thirty-first, two thousand fourteen;

29 (ii) deposit by the commissioner, within amounts appropriated, and the
30 state comptroller is hereby authorized and directed to receive for
31 deposit to, to the credit of the emergency medical services training
32 account established in section ninety-seven-q of the state finance law
33 or the health care reform act (HCRA) resources fund, whichever is appli-
34 cable, up to sixteen million dollars on an annualized basis for the
35 periods January first, nineteen hundred ninety-seven through December
36 thirty-first, nineteen hundred ninety-nine, up to twenty million dollars
37 for the period January first, two thousand through December thirty-
38 first, two thousand, up to twenty-one million dollars for the period
39 January first, two thousand one through December thirty-first, two thou-
40 sand one, up to twenty-two million dollars for the period January first,
41 two thousand two through December thirty-first, two thousand two, up to
42 twenty-two million five hundred fifty thousand dollars for the period
43 January first, two thousand three through December thirty-first, two
44 thousand three, up to nine million six hundred eighty thousand dollars
45 for the period January first, two thousand four through December thir-
46 ty-first, two thousand four, up to twelve million one hundred thirty
47 thousand dollars for the period January first, two thousand five through
48 December thirty-first, two thousand five, up to twenty-four million two
49 hundred fifty thousand dollars for the period January first, two thou-
50 sand six through December thirty-first, two thousand six, up to twenty
51 million four hundred ninety-two thousand dollars annually for the period
52 January first, two thousand seven through December thirty-first, two
53 thousand ten, up to five million one hundred twenty-three thousand
54 dollars for the period January first, two thousand eleven through March
55 thirty-first, two thousand eleven, up to eighteen million three hundred
56 fifty thousand dollars for the period April first, two thousand eleven

1 through March thirty-first, two thousand twelve, up to eighteen million
2 nine hundred fifty thousand dollars for the period April first, two
3 thousand twelve through March thirty-first, two thousand thirteen, up to
4 nineteen million four hundred nineteen thousand dollars for the period
5 April first, two thousand thirteen through March thirty-first, two thou-
6 sand fourteen, and up to nineteen million six hundred fifty-nine thou-
7 sand seven hundred dollars each state fiscal year for the period of
8 April first, two thousand fourteen through March thirty-first, two thou-
9 sand [~~twenty-three~~] twenty-six;

10 (iii) priority distributions by the commissioner up to thirty-two
11 million dollars on an annualized basis for the period January first, two
12 thousand through December thirty-first, two thousand four, up to thir-
13 ty-eight million dollars on an annualized basis for the period January
14 first, two thousand five through December thirty-first, two thousand
15 six, up to eighteen million two hundred fifty thousand dollars for the
16 period January first, two thousand seven through December thirty-first,
17 two thousand seven, up to three million dollars annually for the period
18 January first, two thousand eight through December thirty-first, two
19 thousand ten, up to seven hundred fifty thousand dollars for the period
20 January first, two thousand eleven through March thirty-first, two thou-
21 sand 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 [~~twenty-three~~] twenty-six to be allocated (A) for the purposes estab-
27 lished pursuant to subparagraph (ii) of paragraph (f) of subdivision
28 nineteen of section twenty-eight hundred seven-c of this article as in
29 effect on December thirty-first, nineteen hundred ninety-six and as may
30 thereafter be amended, up to fifteen million dollars annually for the
31 periods January first, two thousand through December thirty-first, two
32 thousand four, up to twenty-one million dollars annually for the period
33 January first, two thousand five through December thirty-first, two
34 thousand six, and up to seven million five hundred thousand dollars for
35 the period January first, two thousand seven through March thirty-first,
36 two thousand seven;

37 (B) pursuant to a memorandum of understanding entered into by the
38 commissioner, the majority leader of the senate and the speaker of the
39 assembly, for the purposes outlined in such memorandum upon the recom-
40 mendation of the majority leader of the senate, up to eight million
41 five hundred thousand dollars annually for the period January first, two
42 thousand through December thirty-first, two thousand six, and up to four
43 million two hundred fifty thousand dollars for the period January first,
44 two thousand seven through June thirtieth, two thousand seven, and for
45 the purposes outlined in such memorandum upon the recommendation of the
46 speaker of the assembly, up to eight million five hundred thousand
47 dollars annually for the periods January first, two thousand through
48 December thirty-first, two thousand six, and up to four million two
49 hundred fifty thousand dollars for the period January first, two thou-
50 sand seven through June thirtieth, two thousand seven; and

51 (C) for services and expenses, including grants, related to emergency
52 assistance distributions as designated by the commissioner. Notwith-
53 standing section one hundred twelve or one hundred sixty-three of the
54 state finance law or any other contrary provision of law, such distrib-
55 utions shall be limited to providers or programs where, as determined by
56 the commissioner, emergency assistance is vital to protect the life or

1 safety of patients, to ensure the retention of facility caregivers or
2 other staff, or in instances where health facility operations are jeop-
3 ardized, or where the public health is jeopardized or other emergency
4 situations exist, up to three million dollars annually for the period
5 April first, two thousand seven through March thirty-first, two thousand
6 eleven, up to two million nine hundred thousand dollars each state
7 fiscal year for the period April first, two thousand eleven through
8 March thirty-first, two thousand fourteen, up to two million nine
9 hundred thousand dollars each state fiscal year for the period April
10 first, two thousand fourteen through March thirty-first, two thousand
11 seventeen, up to two million nine hundred thousand dollars each state
12 fiscal year for the period April first, two thousand seventeen through
13 March thirty-first, two thousand twenty, [~~and~~] up to two million nine
14 hundred thousand dollars each state fiscal year for the period April
15 first, two thousand twenty through March thirty-first, two thousand
16 twenty-three, and up to two million nine hundred thousand dollars each
17 state fiscal year for the period April first, two thousand twenty-three
18 through March thirty-first, two thousand twenty-six. Upon any distrib-
19 ution of such funds, the commissioner shall immediately notify the chair
20 and ranking minority member of the senate finance committee, the assem-
21 bly ways and means committee, the senate committee on health, and the
22 assembly committee on health;

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

55 (v) deposit by the commissioner, within amounts appropriated, and the
56 state comptroller is hereby authorized and directed to receive for

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

23 (d) (i) An amount of up to twenty million dollars annually for the
24 period January first, two thousand through December thirty-first, two
25 thousand six, up to ten million dollars for the period January first,
26 two thousand seven through June thirtieth, two thousand seven, up to
27 twenty million dollars annually for the period January first, two thou-
28 sand eight through December thirty-first, two thousand ten, up to five
29 million dollars for the period January first, two thousand eleven
30 through March thirty-first, two thousand eleven, up to nineteen million
31 six hundred thousand dollars each state fiscal year for the period April
32 first, two thousand eleven through March thirty-first, two thousand
33 fourteen, up to nineteen million six hundred thousand dollars each state
34 fiscal year for the period April first, two thousand fourteen through
35 March thirty-first, two thousand seventeen, up to nineteen million six
36 hundred thousand dollars each state fiscal year for the period of April
37 first, two thousand seventeen through March thirty-first, two thousand
38 twenty, ~~and~~ up to nineteen million six hundred thousand dollars each
39 state fiscal year for the period of April first, two thousand twenty
40 through March thirty-first, two thousand twenty-three, and up to nine-
41 teen million six hundred thousand dollars each state fiscal year for the
42 period of April first, two thousand twenty-three through March thirty-
43 first, two thousand twenty-six, shall be transferred to the health
44 facility restructuring pool established pursuant to section twenty-eight
45 hundred 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 (f) Funds shall be accumulated and transferred from as follows:

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 (A) thirty-four million six hundred thousand dollars shall be trans-
55 ferred to funds reserved and accumulated pursuant to paragraph (b) of
56 subdivision nineteen of section twenty-eight hundred seven-c of this

1 article, and (B) eighty-two million dollars shall be transferred and
2 deposited and credited to the credit of the state general fund medical
3 assistance local assistance account;

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

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

14 (iv) from the pool or the health care reform act (HCRA) resources
15 fund, whichever is applicable, for the period January first, two thou-
16 sand through December thirty-first, two thousand four, eighty-two
17 million dollars annually, and for the period January first, two thousand
18 five through December thirty-first, two thousand five, eighty-two
19 million dollars, and for the period January first, two thousand six
20 through December thirty-first, two thousand six, eighty-two million
21 dollars, and for the period January first, two thousand seven through
22 December thirty-first, two thousand seven, eighty-two million dollars,
23 and for the period January first, two thousand eight through December
24 thirty-first, two thousand eight, ninety million seven hundred thousand
25 dollars shall be deposited by the commissioner, and the state comp-
26 troller is hereby authorized and directed to receive for deposit to the
27 credit of the state special revenue fund - other, HCRA transfer fund,
28 medical assistance account;

29 (v) from the health care reform act (HCRA) resources fund for the
30 period January first, two thousand nine through December thirty-first,
31 two thousand nine, one hundred eight million nine hundred seventy-five
32 thousand dollars, and for the period January first, two thousand ten
33 through December thirty-first, two thousand ten, one hundred twenty-six
34 million one hundred thousand dollars, for the period January first, two
35 thousand eleven through March thirty-first, two thousand eleven, twenty
36 million five hundred thousand dollars, and for each state fiscal year
37 for the period April first, two thousand eleven through March thirty-
38 first, two thousand fourteen, one hundred forty-six million four hundred
39 thousand dollars, shall be deposited by the commissioner, and the state
40 comptroller is hereby authorized and directed to receive for deposit, to
41 the credit of the state special revenue fund - other, HCRA transfer
42 fund, medical assistance account.

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

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

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

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

4 (h) Funds shall be reserved and accumulated from year to year by the
5 commissioner and shall be available, including income from invested
6 funds, for purposes of primary care education and training pursuant to
7 article nine of this chapter from the respective health care initiatives
8 pools established for the following periods in the following percentage
9 amounts of funds remaining after allocations in accordance with para-
10 graphs (a) through (f) of this subdivision and shall be available for
11 distributions as follows:

12 (i) funds shall be reserved and accumulated:

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

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

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

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

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

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

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

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

37 (i) Funds shall be reserved and accumulated from year to year and
38 shall be available, including income from invested funds, for distrib-
39 utions in accordance with section twenty-nine hundred fifty-two and
40 section twenty-nine hundred fifty-eight of this chapter for rural health
41 care delivery development and rural health care access development,
42 respectively, from the respective health care initiatives pools or the
43 health care reform act (HCRA) resources fund, whichever is applicable,
44 for the following periods in the following percentage amounts of funds
45 remaining after allocations in accordance with paragraphs (a) through
46 (f) of this subdivision, and for periods on and after January first, two
47 thousand, in the following amounts:

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

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

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

1 (iv) from the pool for the periods January first, two thousand through
2 December thirty-first, two thousand two, seventeen million dollars annu-
3 ally, and for the period January first, two thousand three through
4 December thirty-first, two thousand three, up to fifteen million eight
5 hundred fifty thousand dollars;

6 (v) from the pool or the health care reform act (HCRA) resources fund,
7 whichever is applicable, for the period January first, two thousand four
8 through December thirty-first, two thousand four, up to fifteen million
9 eight hundred fifty thousand dollars, for the period January first, two
10 thousand five through December thirty-first, two thousand five, up to
11 nineteen million two hundred thousand dollars, for the period January
12 first, two thousand six through December thirty-first, two thousand six,
13 up to nineteen million two hundred thousand dollars, for the period
14 January first, two thousand seven through December thirty-first, two
15 thousand ten, up to eighteen million one hundred fifty thousand dollars
16 annually, for the period January first, two thousand eleven through
17 March thirty-first, two thousand eleven, up to four million five hundred
18 thirty-eight thousand dollars, for each state fiscal year for the period
19 April first, two thousand eleven through March thirty-first, two thou-
20 sand fourteen, up to sixteen million two hundred thousand dollars, up to
21 sixteen million two hundred thousand dollars each state fiscal year for
22 the period April first, two thousand fourteen through March thirty-
23 first, two thousand seventeen, up to sixteen million two hundred thou-
24 sand dollars each state fiscal year for the period April first, two
25 thousand seventeen through March thirty-first, two thousand twenty,
26 [~~and~~] up to sixteen million two hundred thousand dollars each state
27 fiscal year for the period April first, two thousand twenty through
28 March thirty-first, two thousand twenty-three, and up to sixteen million
29 two hundred thousand dollars each state fiscal year for the period April
30 first, two thousand twenty-three through March thirty-first, two thou-
31 sand twenty-six.

32 (j) Funds shall be reserved and accumulated from year to year and
33 shall be available, including income from invested funds, for purposes
34 of distributions related to health information and health care quality
35 improvement pursuant to former section twenty-eight hundred seven-n of
36 this article from the respective health care initiatives pools estab-
37 lished for the following periods in the following percentage amounts of
38 funds remaining after allocations in accordance with paragraphs (a)
39 through (f) of this subdivision:

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

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

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

49 (k) Funds shall be reserved and accumulated from year to year and
50 shall be available, including income from invested funds, for allo-
51 cations and distributions in accordance with section twenty-eight
52 hundred seven-p of this article for diagnostic and treatment center
53 uncompensated care from the respective health care initiatives pools or
54 the health care reform act (HCRA) resources fund, whichever is applica-
55 ble, for the following periods in the following percentage amounts of
56 funds remaining after allocations in accordance with paragraphs (a)

1 through (f) of this subdivision, and for periods on and after January
2 first, two thousand, in the following amounts:

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

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

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

12 (iv) from the pool for the periods January first, two thousand through
13 December thirty-first, two thousand two, forty-eight million dollars
14 annually, and for the period January first, two thousand three through
15 June thirtieth, two thousand three, twenty-four million dollars;

16 (v) (A) from the pool or the health care reform act (HCRA) resources
17 fund, whichever is applicable, for the period July first, two thousand
18 three through December thirty-first, two thousand three, up to six
19 million dollars, for the period January first, two thousand four through
20 December thirty-first, two thousand six, up to twelve million dollars
21 annually, for the period January first, two thousand seven through
22 December thirty-first, two thousand thirteen, up to forty-eight million
23 dollars annually, for the period January first, two thousand fourteen
24 through March thirty-first, two thousand fourteen, up to twelve million
25 dollars for the period April first, two thousand fourteen through March
26 thirty-first, two thousand seventeen, up to forty-eight million dollars
27 annually, for the period April first, two thousand seventeen through
28 March thirty-first, two thousand twenty, up to forty-eight million
29 dollars annually, [~~and~~] for the period April first, two thousand twenty
30 through March thirty-first, two thousand twenty-three, up to forty-eight
31 million dollars annually, and for the period April first, two thousand
32 twenty-three through March thirty-first, two thousand twenty-six, up to
33 forty-eight million dollars annually;

34 (B) from the health care reform act (HCRA) resources fund for the
35 period January first, two thousand six through December thirty-first,
36 two thousand six, an additional seven million five hundred thousand
37 dollars, for the period January first, two thousand seven through Decem-
38 ber thirty-first, two thousand thirteen, an additional seven million
39 five hundred thousand dollars annually, for the period January first,
40 two thousand fourteen through March thirty-first, two thousand fourteen,
41 an additional one million eight hundred seventy-five thousand dollars,
42 for the period April first, two thousand fourteen through March thirty-
43 first, two thousand seventeen, an additional seven million five hundred
44 thousand dollars annually, for the period April first, two thousand
45 seventeen through March thirty-first, two thousand twenty, an additional
46 seven million five hundred thousand dollars annually, [~~and~~] for the
47 period April first, two thousand twenty through March thirty-first, two
48 thousand twenty-three, an additional seven million five hundred thousand
49 dollars annually, and for the period April first, two thousand twenty-
50 three through March thirty-first, two thousand twenty-six, an additional
51 seven million five hundred thousand dollars annually for voluntary non-
52 profit diagnostic and treatment center uncompensated care in accordance
53 with subdivision four-c of section twenty-eight hundred seven-p of this
54 article; and

55 (vi) funds reserved and accumulated pursuant to this paragraph for
56 periods on and after July first, two thousand three, shall be deposited

1 by the commissioner, within amounts appropriated, and the state comp-
2 troller is hereby authorized and directed to receive for deposit to the
3 credit of the state special revenue funds - other, HCRA transfer fund,
4 medical assistance account, for purposes of funding the state share of
5 rate adjustments made pursuant to section twenty-eight hundred seven-p
6 of this article, provided, however, that in the event federal financial
7 participation is not available for rate adjustments made pursuant to
8 paragraph (b) of subdivision one of section twenty-eight hundred seven-p
9 of this article, funds shall be distributed pursuant to paragraph (a) of
10 subdivision one of section twenty-eight hundred seven-p of this article
11 from the respective health care initiatives pools or the health care
12 reform act (HCRA) resources fund, whichever is applicable.

13 (l) Funds shall be reserved and accumulated from year to year by the
14 commissioner and shall be available, including income from invested
15 funds, for transfer to and allocation for services and expenses for the
16 payment of benefits to recipients of drugs under the AIDS drug assist-
17 ance program (ADAP) - HIV uninsured care program as administered by
18 Health Research Incorporated from the respective health care initi-
19 atives pools or the health care reform act (HCRA) resources fund, which-
20 ever is applicable, established for the following periods in the follow-
21 ing percentage amounts of funds remaining after allocations in
22 accordance with paragraphs (a) through (f) of this subdivision, and for
23 periods on and after January first, two thousand, in the following
24 amounts:

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

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

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

34 (iv) from the pool for the periods January first, two thousand through
35 December thirty-first, two thousand two, up to twelve million dollars
36 annually, and for the period January first, two thousand three through
37 December thirty-first, two thousand three, up to forty million dollars;
38 and

39 (v) from the pool or the health care reform act (HCRA) resources fund,
40 whichever is applicable, for the periods January first, two thousand
41 four through December thirty-first, two thousand four, up to fifty-six
42 million dollars, for the period January first, two thousand five through
43 December thirty-first, two thousand six, up to sixty million dollars
44 annually, for the period January first, two thousand seven through
45 December thirty-first, two thousand ten, up to sixty million dollars
46 annually, for the period January first, two thousand eleven through
47 March thirty-first, two thousand eleven, up to fifteen million dollars,
48 each state fiscal year for the period April first, two thousand eleven
49 through March thirty-first, two thousand fourteen, up to forty-two
50 million three hundred thousand dollars and up to forty-one million fifty
51 thousand dollars each state fiscal year for the period April first, two
52 thousand fourteen through March thirty-first, two thousand [~~twenty-~~
53 ~~three~~] twenty-six.

54 (m) Funds shall be reserved and accumulated from year to year and
55 shall be available, including income from invested funds, for purposes
56 of distributions pursuant to section twenty-eight hundred seven-r of

1 this article for cancer related services from the respective health care
2 initiatives pools or the health care reform act (HCRA) resources fund,
3 whichever is applicable, established for the following periods in the
4 following percentage amounts of funds remaining after allocations in
5 accordance with paragraphs (a) through (f) of this subdivision, and for
6 periods on and after January first, two thousand, in the following
7 amounts:

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

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

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

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

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

23 (vi) from the pool or the health care reform act (HCRA) resources
24 fund, whichever is applicable, for the period January first, two thou-
25 sand five through December thirty-first, two thousand six, up to ten
26 million fifty thousand dollars on an annual basis, for the period Janu-
27 ary first, two thousand seven through December thirty-first, two thou-
28 sand ten, up to nineteen million dollars annually, and for the period
29 January first, two thousand eleven through March thirty-first, two thou-
30 sand eleven, up to four million seven hundred fifty thousand dollars.

31 (n) Funds shall be accumulated and transferred from the health care
32 reform act (HCRA) resources fund as follows: for the period April first,
33 two thousand seven through March thirty-first, two thousand eight, and
34 on an annual basis for the periods April first, two thousand eight
35 through November thirtieth, two thousand nine, funds within amounts
36 appropriated shall be transferred and deposited and credited to the
37 credit of the state special revenue funds - other, HCRA transfer fund,
38 medical assistance account, for purposes of funding the state share of
39 rate adjustments made to public and voluntary hospitals in accordance
40 with paragraphs (i) and (j) of subdivision one of section twenty-eight
41 hundred seven-c of this article.

42 2. Notwithstanding any inconsistent provision of law, rule or regu-
43 lation, any funds accumulated in the health care initiatives pools
44 pursuant to paragraph (b) of subdivision nine of section twenty-eight
45 hundred seven-j of this article, as a result of surcharges, assessments
46 or other obligations during the periods January first, nineteen hundred
47 ninety-seven through December thirty-first, nineteen hundred ninety-
48 nine, which are unused or uncommitted for distributions pursuant to this
49 section shall be reserved and accumulated from year to year by the
50 commissioner and, within amounts appropriated, transferred and deposited
51 into the special revenue funds - other, miscellaneous special revenue
52 fund - 339, child health insurance account or any successor fund or
53 account, for purposes of distributions to implement the child health
54 insurance program established pursuant to sections twenty-five hundred
55 ten and twenty-five hundred eleven of this chapter for periods on and
56 after January first, two thousand one; provided, however, funds reserved

1 and accumulated for priority distributions pursuant to subparagraph
2 (iii) of paragraph (c) of subdivision one of this section shall not be
3 transferred and deposited into such account pursuant to this subdivi-
4 sion; and provided further, however, that any unused or uncommitted pool
5 funds accumulated and allocated pursuant to paragraph (j) of subdivision
6 one of this section shall be distributed for purposes of the health
7 information and quality improvement act of 2000.

8 3. Revenue from distributions pursuant to this section shall not be
9 included in gross revenue received for purposes of the assessments
10 pursuant to subdivision eighteen of section twenty-eight hundred seven-c
11 of this article, subject to the provisions of paragraph (e) of subdivi-
12 sion eighteen of section twenty-eight hundred seven-c of this article,
13 and shall not be included in gross revenue received for purposes of the
14 assessments pursuant to section twenty-eight hundred seven-d of this
15 article, subject to the provisions of subdivision twelve of section
16 twenty-eight hundred seven-d of this article.

17 § 6. Subdivision 5-a of section 2807-m of the public health law, as
18 amended by section 6 of part Y of chapter 56 of the laws of 2020, is
19 amended to read as follows:

20 5-a. Graduate medical education innovations pool. (a) Supplemental
21 distributions. (i) Thirty-one million dollars for the period January
22 first, two thousand eight through December thirty-first, two thousand
23 eight, shall be set aside and reserved by the commissioner from the
24 regional pools established pursuant to subdivision two of this section
25 and shall be available for distributions pursuant to subdivision five of
26 this section and in accordance with section 86-1.89 of title 10 of the
27 codes, rules and regulations of the state of New York as in effect on
28 January first, two thousand eight; provided, however, for purposes of
29 funding the empire clinical research investigation program (ECRIP) in
30 accordance with paragraph eight of subdivision (e) and paragraph two of
31 subdivision (f) of section 86-1.89 of title 10 of the codes, rules and
32 regulations of the state of New York, distributions shall be made using
33 two regions defined as New York city and the rest of the state and the
34 dollar amount set forth in subparagraph (i) of paragraph two of subdivi-
35 sion (f) of section 86-1.89 of title 10 of the codes, rules and regu-
36 lations of the state of New York shall be increased from sixty thousand
37 dollars to seventy-five thousand dollars.

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

44 (b) Empire clinical research investigator program (ECRIP). Nine
45 million one hundred twenty thousand dollars annually for the period
46 January first, two thousand nine through December thirty-first, two
47 thousand ten, and two million two hundred eighty thousand dollars for
48 the period January first, two thousand eleven, through March thirty-
49 first, two thousand eleven, nine million one hundred twenty thousand
50 dollars each state fiscal year for the period April first, two thousand
51 eleven through March thirty-first, two thousand fourteen, up to eight
52 million six hundred twelve thousand dollars each state fiscal year for
53 the period April first, two thousand fourteen through March thirty-
54 first, two thousand seventeen, up to eight million six hundred twelve
55 thousand dollars each state fiscal year for the period April first, two
56 thousand seventeen through March thirty-first, two thousand twenty,

1 [~~and~~] up to eight million six hundred twelve thousand dollars each state
2 fiscal year for the period April first, two thousand twenty through
3 March thirty-first, two thousand twenty-three, and up to eight million
4 six hundred twelve thousand dollars each state fiscal year for the peri-
5 od April first, two thousand twenty-three through March thirty-first,
6 two thousand twenty-six, shall be set aside and reserved by the commis-
7 sioner from the regional pools established pursuant to subdivision two
8 of this section to be allocated regionally with two-thirds of the avail-
9 able funding going to New York city and one-third of the available fund-
10 ing going to the rest of the state and shall be available for distrib-
11 ution as follows:

12 Distributions shall first be made to consortia and teaching general
13 hospitals for the empire clinical research investigator program (ECRIP)
14 to help secure federal funding for biomedical research, train clinical
15 researchers, recruit national leaders as faculty to act as mentors, and
16 train residents and fellows in biomedical research skills based on
17 hospital-specific data submitted to the commissioner by consortia and
18 teaching general hospitals in accordance with clause (G) of this subpar-
19 agraph. Such distributions shall be made in accordance with the follow-
20 ing methodology:

21 (A) The greatest number of clinical research positions for which a
22 consortium or teaching general hospital may be funded pursuant to this
23 subparagraph shall be one percent of the total number of residents
24 training at the consortium or teaching general hospital on July first,
25 two thousand eight for the period January first, two thousand nine
26 through December thirty-first, two thousand nine rounded up to the near-
27 est one position.

28 (B) Distributions made to a consortium or teaching general hospital
29 shall equal the product of the total number of clinical research posi-
30 tions submitted by a consortium or teaching general hospital and
31 accepted by the commissioner as meeting the criteria set forth in para-
32 graph (b) of subdivision one of this section, subject to the reduction
33 calculation set forth in clause (C) of this subparagraph, times one
34 hundred ten thousand dollars.

35 (C) If the dollar amount for the total number of clinical research
36 positions in the region calculated pursuant to clause (B) of this
37 subparagraph exceeds the total amount appropriated for purposes of this
38 paragraph, including clinical research positions that continue from and
39 were funded in prior distribution periods, the commissioner shall elimi-
40 nate one-half of the clinical research positions submitted by each
41 consortium or teaching general hospital rounded down to the nearest one
42 position. Such reduction shall be repeated until the dollar amount for
43 the total number of clinical research positions in the region does not
44 exceed the total amount appropriated for purposes of this paragraph. If
45 the repeated reduction of the total number of clinical research posi-
46 tions in the region by one-half does not render a total funding amount
47 that is equal to or less than the total amount reserved for that region
48 within the appropriation, the funding for each clinical research posi-
49 tion in that region shall be reduced proportionally in one thousand
50 dollar increments until the total dollar amount for the total number of
51 clinical research positions in that region does not exceed the total
52 amount reserved for that region within the appropriation. Any reduction
53 in funding will be effective for the duration of the award. No clinical
54 research positions that continue from and were funded in prior distrib-
55 ution periods shall be eliminated or reduced by such methodology.

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

3 (I) Each consortium or teaching general hospital with a one-year ECRIP
4 award shall receive its annual distribution amount in full upon
5 completion of the requirements set forth in items (I) and (II) of clause
6 (G) of this subparagraph. The requirements set forth in items (IV) and
7 (V) of clause (G) of this subparagraph must be completed by the consor-
8 tium or teaching general hospital in order for the consortium or teach-
9 ing general hospital to be eligible to apply for ECRIP funding in any
10 subsequent funding cycle.

11 (II) Each consortium or teaching general hospital with a two-year
12 ECRIP award shall receive its first annual distribution amount in full
13 upon completion of the requirements set forth in items (I) and (II) of
14 clause (G) of this subparagraph. Each consortium or teaching general
15 hospital will receive its second annual distribution amount in full upon
16 completion of the requirements set forth in item (III) of clause (G) of
17 this subparagraph. The requirements set forth in items (IV) and (V) of
18 clause (G) of this subparagraph must be completed by the consortium or
19 teaching general hospital in order for the consortium or teaching gener-
20 al hospital to be eligible to apply for ECRIP funding in any subsequent
21 funding cycle.

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

28 (F) Undistributed or returned funds available to fund clinical
29 research positions pursuant to this paragraph for a distribution period
30 shall be available to fund clinical research positions in a subsequent
31 distribution period.

32 (G) In order to be eligible for distributions pursuant to this subpar-
33 agraph, each consortium and teaching general hospital shall provide to
34 the commissioner by July first of each distribution period, the follow-
35 ing data and information on a hospital-specific basis. Such data and
36 information shall be certified as to accuracy and completeness by the
37 chief executive officer, chief financial officer or chair of the consor-
38 tium governing body of each consortium or teaching general hospital and
39 shall be maintained by each consortium and teaching general hospital for
40 five years from the date of submission:

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

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

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

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

9 (V) Tracking information concerning past researchers, including but
10 not limited to (A) background information, (B) employment history, (C)
11 research status, (D) current research activities, (E) publications and
12 presentations, (F) research support, and (G) any other information
13 necessary to track the researcher; and

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

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

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

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

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

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

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

35 (c) Physician loan repayment program. One million nine hundred sixty
36 thousand dollars for the period January first, two thousand eight
37 through December thirty-first, two thousand eight, one million nine
38 hundred sixty thousand dollars for the period January first, two thou-
39 sand nine through December thirty-first, two thousand nine, one million
40 nine hundred sixty thousand dollars for the period January first, two
41 thousand ten through December thirty-first, two thousand ten, four
42 hundred ninety thousand dollars for the period January first, two thou-
43 sand eleven through March thirty-first, two thousand eleven, one million
44 seven hundred thousand dollars each state fiscal year for the period
45 April first, two thousand eleven through March thirty-first, two thou-
46 sand fourteen, up to one million seven hundred five thousand dollars
47 each state fiscal year for the period April first, two thousand fourteen
48 through March thirty-first, two thousand seventeen, up to one million
49 seven hundred five thousand dollars each state fiscal year for the peri-
50 od April first, two thousand seventeen through March thirty-first, two
51 thousand twenty, [~~and~~] up to one million seven hundred five thousand
52 dollars each state fiscal year for the period April first, two thousand
53 twenty through March thirty-first, two thousand twenty-three, and up to
54 one million seven hundred five thousand dollars each state fiscal year
55 for the period April first, two thousand twenty-three through March
56 thirty-first, two thousand twenty-six, shall be set aside and reserved

1 by the commissioner from the regional pools established pursuant to
2 subdivision two of this section and shall be available for purposes of
3 physician loan repayment in accordance with subdivision ten of this
4 section. Notwithstanding any contrary provision of this section,
5 sections one hundred twelve and one hundred sixty-three of the state
6 finance law, or any other contrary provision of law, such funding shall
7 be allocated regionally with one-third of available funds going to New
8 York city and two-thirds of available funds going to the rest of the
9 state and shall be distributed in a manner to be determined by the
10 commissioner without a competitive bid or request for proposal process
11 as follows:

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

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

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

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

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

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

39 (d) Physician practice support. Four million nine hundred thousand
40 dollars for the period January first, two thousand eight through Decem-
41 ber thirty-first, two thousand eight, four million nine hundred thousand
42 dollars annually for the period January first, two thousand nine through
43 December thirty-first, two thousand ten, one million two hundred twen-
44 ty-five thousand dollars for the period January first, two thousand
45 eleven through March thirty-first, two thousand eleven, four million
46 three 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, up to four million three hundred sixty thousand dollars
49 each state fiscal year for the period April first, two thousand fourteen
50 through March thirty-first, two thousand seventeen, up to four million
51 three hundred sixty thousand dollars for each state fiscal year for the
52 period April first, two thousand seventeen through March thirty-first,
53 two thousand twenty, ~~and~~ up to four million three hundred sixty thou-
54 sand dollars for each fiscal year for the period April first, two thou-
55 sand twenty through March thirty-first, two thousand twenty-three, and
56 up to four million three hundred sixty thousand dollars for each fiscal

1 year for the period April first, two thousand twenty-three through March
2 thirty-first, two thousand twenty-six, shall be set aside and reserved
3 by the commissioner from the regional pools established pursuant to
4 subdivision two of this section and shall be available for purposes of
5 physician practice support. Notwithstanding any contrary provision of
6 this section, sections one hundred twelve and one hundred sixty-three of
7 the state finance law, or any other contrary provision of law, such
8 funding shall be allocated regionally with one-third of available funds
9 going to New York city and two-thirds of available funds going to the
10 rest of the state and shall be distributed in a manner to be determined
11 by the commissioner without a competitive bid or request for proposal
12 process as follows:

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

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

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

27 (e) Work group. For funding available pursuant to paragraphs (c)
28 [~~and~~], (d) and (e) of this subdivision:

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

33 (ii) Subject to available funding, applications shall be accepted on a
34 continuous basis. The department shall provide technical assistance to
35 applicants to facilitate their completion of applications. An applicant
36 shall be notified in writing by the department within ten days of
37 receipt of an application as to whether the application is complete and
38 if the application is incomplete, what information is outstanding. The
39 department shall act on an application within thirty days of receipt of
40 a complete application.

41 (f) Study on physician workforce. Five hundred ninety thousand dollars
42 annually for the period January first, two thousand eight through Decem-
43 ber thirty-first, two thousand ten, one hundred forty-eight thousand
44 dollars for the period January first, two thousand eleven through March
45 thirty-first, two thousand eleven, five hundred sixteen thousand dollars
46 each state fiscal year for the period April first, two thousand eleven
47 through March thirty-first, two thousand fourteen, up to four hundred
48 eighty-seven thousand dollars each state fiscal year for the period
49 April first, two thousand fourteen through March thirty-first, two thou-
50 sand seventeen, up to four hundred eighty-seven thousand dollars for
51 each state fiscal year for the period April first, two thousand seven-
52 teen through March thirty-first, two thousand twenty, [~~and~~] up to four
53 hundred eighty-seven thousand dollars each state fiscal year for the
54 period April first, two thousand twenty through March thirty-first, two
55 thousand twenty-three, and up to four hundred eighty-seven thousand
56 dollars each state fiscal year for the period April first, two thousand

1 twenty-three through March thirty-first, two thousand twenty-six, shall
2 be set aside and reserved by the commissioner from the regional pools
3 established pursuant to subdivision two of this section and shall be
4 available to fund a study of physician workforce needs and solutions
5 including, but not limited to, an analysis of residency programs and
6 projected physician workforce and community needs. The commissioner
7 shall enter into agreements with one or more organizations to conduct
8 such study based on a request for proposal process.

9 (g) Diversity in medicine/post-baccalaureate program. Notwithstanding
10 any inconsistent provision of section one hundred twelve or one hundred
11 sixty-three of the state finance law or any other law, one million nine
12 hundred sixty thousand dollars annually for the period January first,
13 two thousand eight through December thirty-first, two thousand ten, four
14 hundred ninety thousand dollars for the period January first, two thou-
15 sand eleven through March thirty-first, two thousand eleven, one million
16 seven hundred thousand dollars each state fiscal year for the period
17 April first, two thousand eleven through March thirty-first, two thou-
18 sand fourteen, up to one million six hundred five thousand dollars each
19 state fiscal year for the period April first, two thousand fourteen
20 through March thirty-first, two thousand seventeen, up to one million
21 six hundred five thousand dollars each state fiscal year for the period
22 April first, two thousand seventeen through March thirty-first, two
23 thousand twenty, [~~and~~] up to one million six hundred five thousand
24 dollars each state fiscal year for the period April first, two thousand
25 twenty through March thirty-first, two thousand twenty-three, and up to
26 one million six hundred five thousand dollars each state fiscal year for
27 the period April first, two thousand twenty-three through March thirty-
28 first, two thousand twenty-six, shall be set aside and reserved by the
29 commissioner from the regional pools established pursuant to subdivision
30 two of this section and shall be available for distributions to the
31 Associated Medical Schools of New York to fund its diversity program
32 including existing and new post-baccalaureate programs for minority and
33 economically disadvantaged students and encourage participation from all
34 medical schools in New York. The associated medical schools of New York
35 shall report to the commissioner on an annual basis regarding the use of
36 funds for such purpose in such form and manner as specified by the
37 commissioner.

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

43 § 7. Subdivision 4-c of section 2807-p of the public health law, as
44 amended by section 10 of part Y of chapter 56 of the laws of 2020, is
45 amended to read as follows:

46 4-c. Notwithstanding any provision of law to the contrary, the commis-
47 sioner shall make additional payments for uncompensated care to volun-
48 tary non-profit diagnostic and treatment centers that are eligible for
49 distributions under subdivision four of this section in the following
50 amounts: for the period June first, two thousand six through December
51 thirty-first, two thousand six, in the amount of seven million five
52 hundred thousand dollars, for the period January first, two thousand
53 seven through December thirty-first, two thousand seven, seven million
54 five hundred thousand dollars, for the period January first, two thou-
55 sand eight through December thirty-first, two thousand eight, seven
56 million five hundred thousand dollars, for the period January first, two

1 thousand nine through December thirty-first, two thousand nine, fifteen
2 million five hundred thousand dollars, for the period January first, two
3 thousand ten through December thirty-first, two thousand ten, seven
4 million five hundred thousand dollars, for the period January first, two
5 thousand eleven through December thirty-first, two thousand eleven, seven
6 million five hundred thousand dollars, for the period January first, two
7 thousand twelve through December thirty-first, two thousand twelve,
8 seven million five hundred thousand dollars, for the period January
9 first, two thousand thirteen through December thirty-first, two thousand
10 thirteen, seven million five hundred thousand dollars, for the period
11 January first, two thousand fourteen through December thirty-first, two
12 thousand fourteen, seven million five hundred thousand dollars, for the
13 period January first, two thousand fifteen through December thirty-
14 first, two thousand fifteen, seven million five hundred thousand
15 dollars, for the period January first two thousand sixteen through
16 December thirty-first, two thousand sixteen, seven million five hundred
17 thousand dollars, for the period January first, two thousand seventeen
18 through December thirty-first, two thousand seventeen, seven million
19 five hundred thousand dollars, for the period January first, two thou-
20 sand eighteen through December thirty-first, two thousand eighteen,
21 seven million five hundred thousand dollars, for the period January
22 first, two thousand nineteen through December thirty-first, two thousand
23 nineteen, seven million five hundred thousand dollars, for the period
24 January first, two thousand twenty through December thirty-first, two
25 thousand twenty, seven million five hundred thousand dollars, for the
26 period January first, two thousand twenty-one through December thirty-
27 first, two thousand twenty-one, seven million five hundred thousand
28 dollars, for the period January first, two thousand twenty-two through
29 December thirty-first, two thousand twenty-two, seven million five
30 hundred thousand dollars, for the period January first, two thousand
31 twenty-three through December thirty-first, two thousand twenty-three,
32 seven million five hundred thousand dollars, for the period January
33 first, two thousand twenty-four through December thirty-first, two thou-
34 sand twenty-four, seven million five hundred thousand dollars, for the
35 period January first, two thousand twenty-five through December thirty-
36 first, two thousand twenty-five, seven million five hundred thousand
37 dollars, and for the period January first, two thousand [~~twenty-three~~]
38 ~~twenty-six~~ through March thirty-first, two thousand [~~twenty-three~~] ~~twen-~~
39 ~~ty-six~~, in the amount of one million six hundred thousand dollars,
40 provided, however, that for periods on and after January first, two
41 thousand eight, such additional payments shall be distributed to volun-
42 tary, non-profit diagnostic and treatment centers and to public diagnos-
43 tic and treatment centers in accordance with paragraph (g) of subdivi-
44 sion four of this section. In the event that federal financial
45 participation is available for rate adjustments pursuant to this
46 section, the commissioner shall make such payments as additional adjust-
47 ments to rates of payment for voluntary non-profit diagnostic and treat-
48 ment centers that are eligible for distributions under subdivision
49 four-a of this section in the following amounts: for the period June
50 first, two thousand six through December thirty-first, two thousand six,
51 fifteen million dollars in the aggregate, and for the period January
52 first, two thousand seven through June thirtieth, two thousand seven,
53 seven million five hundred thousand dollars in the aggregate. The
54 amounts allocated pursuant to this paragraph shall be aggregated with
55 and distributed pursuant to the same methodology applicable to the
56 amounts allocated to such diagnostic and treatment centers for such

1 periods pursuant to subdivision four of this section if federal finan-
2 cial participation is not available, or pursuant to subdivision four-a
3 of this section if federal financial participation is available.
4 Notwithstanding section three hundred sixty-eight-a of the social
5 services law, there shall be no local share in a medical assistance
6 payment adjustment under this subdivision.

7 § 8. Subparagraph (xv) of paragraph (a) of subdivision 6 of section
8 2807-s of the public health law, as amended by section 11 of part Y of
9 chapter 56 of the laws of 2020, is amended and a new subparagraph (xvi)
10 is added to read as follows:

11 (xv) A gross annual statewide amount for the period January first, two
12 thousand fifteen through December thirty-first, two thousand [~~twenty-~~
13 ~~three~~] twenty-two, shall be one billion forty-five million dollars.

14 (xvi) A gross annual statewide amount for the period January first,
15 two thousand twenty-three to December thirty-first, two thousand twen-
16 ty-six shall be one billion eighty-five million dollars, forty million
17 dollars annually of which shall be allocated under section twenty-eight
18 hundred seven-o of this article among the municipalities of and the
19 state of New York based on each municipality's share and the state's
20 share of early intervention program expenditures not reimbursable by the
21 medical assistance program for the latest twelve month period for which
22 such data is available.

23 § 9. Paragraph (g) of subdivision 6 of section 2807-s of the public
24 health law, as added by chapter 820 of the laws of 2021, is amended to
25 read as follows:

26 (g) A further gross statewide amount for the state fiscal year two
27 thousand twenty-two [~~and each state fiscal year thereafter~~] shall be
28 forty million dollars.

29 § 10. Subparagraph (xiii) of paragraph (a) of subdivision 7 of section
30 2807-s of the public health law, as amended by section 12 of part Y of
31 chapter 56 of the laws of 2020, is amended to read as follows:

32 (xiii) twenty-three million eight hundred thirty-six thousand dollars
33 each state fiscal year for the period April first, two thousand twelve
34 through March thirty-first, two thousand [~~twenty-three~~] twenty-six;

35 § 11. Subdivision 6 of section 2807-t of the public health law, as
36 amended by section 13 of part Y of chapter 56 of the laws of 2020, is
37 amended to read as follows:

38 6. Prospective adjustments. (a) The commissioner shall annually recon-
39 cile the sum of the actual payments made to the commissioner or the
40 commissioner's designee for each region pursuant to section twenty-eight
41 hundred seven-s of this article and pursuant to this section for the
42 prior year with the regional allocation of the gross annual statewide
43 amount specified in subdivision six of section twenty-eight hundred
44 seven-s of this article for such prior year. The difference between the
45 actual amount raised for a region and the regional allocation of the
46 specified gross annual amount for such prior year shall be applied as a
47 prospective adjustment to the regional allocation of the specified gross
48 annual payment amount for such region for the year next following the
49 calculation of the reconciliation. The authorized dollar value of the
50 adjustments shall be the same as if calculated retrospectively.

51 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
52 sion, for covered lives assessment rate periods on and after January
53 first, two thousand fifteen through December thirty-first, two thousand
54 [~~twenty-three~~] twenty-one, for amounts collected in the aggregate in
55 excess of one billion forty-five million dollars on an annual basis, and
56 for the period January first, two thousand twenty-two to December thir-

1 ty-first, two thousand twenty-six for amounts collected in the aggregate
2 in excess of one billion eighty-five million dollars on an annual basis,
3 prospective adjustments shall be suspended if the annual reconciliation
4 calculation from the prior year would otherwise result in a decrease to
5 the regional allocation of the specified gross annual payment amount for
6 that region, provided, however, that such suspension shall be lifted
7 upon a determination by the commissioner, in consultation with the
8 director of the budget, that sixty-five million dollars in aggregate
9 collections on an annual basis over and above one billion forty-five
10 million dollars on an annual basis for the period on and after January
11 first, two thousand fifteen through December thirty-first, two thousand
12 twenty-one and for the period January first, two thousand twenty-two to
13 December thirty-first, two thousand twenty-six for amounts collected in
14 the aggregate in excess of one billion eighty-five million dollars on an
15 annual basis have been reserved and set aside for deposit in the HCRA
16 resources fund. Any amounts collected in the aggregate at or below one
17 billion forty-five million dollars on an annual basis for the period on
18 and after January first, two thousand fifteen through December thirty-
19 first, two thousand twenty-two, and for the period January first, two
20 thousand twenty-three to December thirty-first, two thousand twenty-six
21 for amounts collected in the aggregate in excess of one billion eighty-
22 five million dollars on an annual basis, shall be subject to regional
23 adjustments reconciling any decreases or increases to the regional allo-
24 cation in accordance with paragraph (a) of this subdivision.

25 § 12. Section 2807-v of the public health law, as amended by section
26 14 of part Y of chapter 56 of the laws of 2020, is amended to read as
27 follows:

28 § 2807-v. Tobacco control and insurance initiatives pool distrib-
29 utions. 1. Funds accumulated in the tobacco control and insurance
30 initiatives pool or in the health care reform act (HCRA) resources fund
31 established pursuant to section ninety-two-dd of the state finance law,
32 whichever is applicable, including income from invested funds, shall be
33 distributed or retained by the commissioner or by the state comptroller,
34 as applicable, in accordance with the following:

35 (a) Funds shall be deposited by the commissioner, within amounts
36 appropriated, and the state comptroller is hereby authorized and
37 directed to receive for deposit to the credit of the state special
38 revenue funds - other, HCRA transfer fund, medicaid fraud hotline and
39 medicaid administration account, or any successor fund or account, for
40 purposes of services and expenses related to the toll-free medicaid
41 fraud hotline established pursuant to section one hundred eight of chap-
42 ter one of the laws of nineteen hundred ninety-nine from the tobacco
43 control and insurance initiatives pool established for the following
44 periods in the following amounts: four hundred thousand dollars annually
45 for the periods January first, two thousand through December thirty-
46 first, two thousand two, up to four hundred thousand dollars for the
47 period January first, two thousand three through December thirty-first,
48 two thousand three, up to four hundred thousand dollars for the period
49 January first, two thousand four through December thirty-first, two
50 thousand four, up to four hundred thousand dollars for the period Janu-
51 ary first, two thousand five through December thirty-first, two thousand
52 five, up to four hundred thousand dollars for the period January first,
53 two thousand six through December thirty-first, two thousand six, up to
54 four hundred thousand dollars for the period January first, two thousand
55 seven through December thirty-first, two thousand seven, up to four
56 hundred thousand dollars for the period January first, two thousand

1 eight through December thirty-first, two thousand eight, up to four
2 hundred thousand dollars for the period January first, two thousand nine
3 through December thirty-first, two thousand nine, up to four hundred
4 thousand dollars for the period January first, two thousand ten through
5 December thirty-first, two thousand ten, up to one hundred thousand
6 dollars for the period January first, two thousand eleven through March
7 thirty-first, two thousand eleven and within amounts appropriated on and
8 after April first, two thousand eleven.

9 (b) Funds shall be reserved and accumulated from year to year and
10 shall be available, including income from invested funds, for purposes
11 of payment of audits or audit contracts necessary to determine payor and
12 provider compliance with requirements set forth in sections twenty-eight
13 hundred seven-j, twenty-eight hundred seven-s and twenty-eight hundred
14 seven-t of this article from the tobacco control and insurance initi-
15 atives pool established for the following periods in the following
16 amounts: five million six hundred thousand dollars annually for the
17 periods January first, two thousand through December thirty-first, two
18 thousand two, up to five million dollars for the period January first,
19 two thousand three through December thirty-first, two thousand three, up
20 to five million dollars for the period January first, two thousand four
21 through December thirty-first, two thousand four, up to five million
22 dollars for the period January first, two thousand five through December
23 thirty-first, two thousand five, up to five million dollars for the
24 period January first, two thousand six through December thirty-first,
25 two thousand six, up to seven million eight hundred thousand dollars for
26 the period January first, two thousand seven through December thirty-
27 first, two thousand seven, and up to eight million three hundred twen-
28 ty-five thousand dollars for the period January first, two thousand
29 eight through December thirty-first, two thousand eight, up to eight
30 million five hundred thousand dollars for the period January first, two
31 thousand nine through December thirty-first, two thousand nine, up to
32 eight million five hundred thousand dollars for the period January
33 first, two thousand ten through December thirty-first, two thousand ten,
34 up to two million one hundred twenty-five thousand dollars for the peri-
35 od January first, two thousand eleven through March thirty-first, two
36 thousand eleven, up to fourteen million seven hundred thousand dollars
37 each state fiscal year for the period April first, two thousand eleven
38 through March thirty-first, two thousand fourteen, up to eleven million
39 one hundred thousand dollars each state fiscal year for the period April
40 first, two thousand fourteen through March thirty-first, two thousand
41 seventeen, up to eleven million one hundred thousand dollars each state
42 fiscal year for the period April first, two thousand seventeen through
43 March thirty-first, two thousand twenty, ~~and~~ up to eleven million one
44 hundred thousand dollars each state fiscal year for the period April
45 first, two thousand twenty through March thirty-first, two thousand
46 twenty-three, and up to eleven million one hundred thousand dollars each
47 state fiscal year for the period April first, two thousand twenty-three
48 through March thirty-first, two thousand twenty-six.

49 (c) Funds shall be deposited by the commissioner, within amounts
50 appropriated, and the state comptroller is hereby authorized and
51 directed to receive for deposit to the credit of the state special
52 revenue funds - other, HCRA transfer fund, enhanced community services
53 account, or any successor fund or account, for mental health services
54 programs for case management services for adults and children; supported
55 housing; home and community based waiver services; family based treat-
56 ment; family support services; mobile mental health teams; transitional

1 housing; and community oversight, established pursuant to articles seven
2 and forty-one of the mental hygiene law and subdivision nine of section
3 three hundred sixty-six of the social services law; and for comprehen-
4 sive care centers for eating disorders pursuant to the former section
5 twenty-seven hundred ninety-nine-1 of this chapter, provided however
6 that, for such centers, funds in the amount of five hundred thousand
7 dollars on an annualized basis shall be transferred from the enhanced
8 community services account, or any successor fund or account, and depos-
9 ited into the fund established by section ninety-five-e of the state
10 finance law; from the tobacco control and insurance initiatives pool
11 established for the following periods in the following amounts:

12 (i) forty-eight million dollars to be reserved, to be retained or for
13 distribution pursuant to a chapter of the laws of two thousand, for the
14 period January first, two thousand through December thirty-first, two
15 thousand;

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

20 (iii) eighty-seven million dollars to be reserved, to be retained or
21 for distribution pursuant to a chapter of the laws of two thousand two,
22 for the period January first, two thousand two through December thirty-
23 first, two thousand two;

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

28 (v) eighty-eight million dollars, plus five hundred thousand dollars,
29 to be reserved, to be retained or for distribution pursuant to a chapter
30 of the laws of two thousand four, and pursuant to the former section
31 twenty-seven hundred ninety-nine-1 of this chapter, for the period Janu-
32 ary first, two thousand four through December thirty-first, two thousand
33 four;

34 (vi) eighty-eight million dollars, plus five hundred thousand dollars,
35 to be reserved, to be retained or for distribution pursuant to a chapter
36 of the laws of two thousand five, and pursuant to the former section
37 twenty-seven hundred ninety-nine-1 of this chapter, for the period Janu-
38 ary first, two thousand five through December thirty-first, two thousand
39 five;

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

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

52 (ix) twenty-two million nine hundred thirteen thousand dollars, plus
53 one hundred twenty-five thousand dollars, to be reserved, to be retained
54 or for distribution pursuant to a chapter of the laws of two thousand
55 eight and pursuant to the former section twenty-seven hundred ninety-

1 nine-1 of this chapter, for the period January first, two thousand eight
2 through March thirty-first, two thousand eight.

3 (d) 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, medical assistance account,
7 or any successor fund or account, for purposes of funding the state
8 share of services and expenses related to the family health plus program
9 including up to two and one-half million dollars annually for the period
10 January first, two thousand through December thirty-first, two thousand
11 two, for administration and marketing costs associated with such program
12 established pursuant to clause (A) of subparagraph (v) of paragraph (a)
13 of subdivision two of section three hundred sixty-nine-ee of the social
14 services law from the tobacco control and insurance initiatives pool
15 established for the following periods in the following amounts:

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

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

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

22 (e) 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 funds - other, HCRA transfer fund, medical assistance account,
26 or any successor fund or account, for purposes of funding the state
27 share of services and expenses related to the family health plus program
28 including up to two and one-half million dollars annually for the period
29 January first, two thousand through December thirty-first, two thousand
30 two for administration and marketing costs associated with such program
31 established pursuant to clause (B) of subparagraph (v) of paragraph (a)
32 of subdivision two of section three hundred sixty-nine-ee of the social
33 services law from the tobacco control and insurance initiatives pool
34 established for the following periods in the following amounts:

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

37 (ii) thirty million five hundred thousand dollars for the period Janu-
38 ary first, two thousand one through December thirty-first, two thousand
39 one; and

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

42 (f) 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 funds - other, HCRA transfer fund, medicaid fraud hotline and
46 medicaid administration account, or any successor fund or account, for
47 purposes of payment of administrative expenses of the department related
48 to the family health plus program established pursuant to section three
49 hundred sixty-nine-ee of the social services law from the tobacco
50 control and insurance initiatives pool established for the following
51 periods in the following amounts: five hundred thousand dollars on an
52 annual basis for the periods January first, two thousand through Decem-
53 ber thirty-first, two thousand six, five hundred thousand dollars for
54 the period January first, two thousand seven through December thirty-
55 first, two thousand seven, and five hundred thousand dollars for the
56 period January first, two thousand eight through December thirty-first,

1 two thousand eight, five hundred thousand dollars for the period January
2 first, two thousand nine through December thirty-first, two thousand
3 nine, five hundred thousand dollars for the period January first, two
4 thousand ten through December thirty-first, two thousand ten, one
5 hundred twenty-five thousand dollars for the period January first, two
6 thousand eleven through March thirty-first, two thousand eleven and
7 within amounts appropriated on and after April first, two thousand elev-
8 en.

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

16 (i) up to thirty-five million dollars for the period January first,
17 two thousand through December thirty-first, two thousand of which fifty
18 percentum shall be allocated to the program pursuant to section four
19 thousand three hundred twenty-one-a of the insurance law and fifty
20 percentum to the program pursuant to section four thousand three hundred
21 twenty-two-a of the insurance law;

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

28 (iii) up to thirty-nine million dollars for the period January first,
29 two thousand two through December thirty-first, two thousand two of
30 which fifty percentum shall be allocated to the program pursuant to
31 section four thousand three hundred twenty-one-a of the insurance law
32 and fifty percentum to the program pursuant to section four thousand
33 three hundred twenty-two-a of the insurance law;

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

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

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

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

1 percentum shall be allocated to the program pursuant to section four
2 thousand three hundred twenty-two-a of the insurance law;

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

10 (ix) up to forty million dollars for the period January first, two
11 thousand eight through December thirty-first, two thousand eight of
12 which fifty per centum shall be allocated to the program pursuant to
13 section four thousand three hundred twenty-one-a of the insurance law
14 and fifty per centum shall be allocated to the program pursuant to
15 section four thousand three hundred twenty-two-a of the insurance law.

16 (h) Funds shall be reserved and accumulated from year to year and
17 shall be available, including income from invested funds, for purposes
18 of services and expenses related to the healthy New York individual
19 program established pursuant to sections four thousand three hundred
20 twenty-six and four thousand three hundred twenty-seven of the insurance
21 law from the tobacco control and insurance initiatives pool established
22 for the following periods in the following amounts:

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

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

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

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

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

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

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

42 (viii) up to one hundred three million seven hundred fifty thousand
43 dollars for the period January first, two thousand eight through Decem-
44 ber thirty-first, two thousand eight.

45 (i) Funds shall be reserved and accumulated from year to year and
46 shall be available, including income from invested funds, for purposes
47 of services and expenses related to the healthy New York group program
48 established pursuant to sections four thousand three hundred twenty-six
49 and four thousand three hundred twenty-seven of the insurance law from
50 the tobacco control and insurance initiatives pool established for the
51 following periods in the following amounts:

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

54 (ii) up to seventy-seven million dollars for the period January first,
55 two thousand two through December thirty-first, two thousand two;

1 (iii) up to ten million five hundred thousand dollars for the period
2 January first, two thousand three through December thirty-first, two
3 thousand three;

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

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

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

13 (vii) up to sixty-one million seven hundred thousand dollars for the
14 period January first, two thousand seven through December thirty-first,
15 two thousand seven; and

16 (viii) up to one hundred three million seven hundred fifty thousand
17 dollars for the period January first, two thousand eight through Decem-
18 ber thirty-first, two thousand eight.

19 (i-1) Notwithstanding the provisions of paragraphs (h) and (i) of this
20 subdivision, the commissioner shall reserve and accumulate up to two
21 million five hundred thousand dollars annually for the periods January
22 first, two thousand four through December thirty-first, two thousand
23 six, one million four hundred thousand dollars for the period January
24 first, two thousand seven through December thirty-first, two thousand
25 seven, two million dollars for the period January first, two thousand
26 eight through December thirty-first, two thousand eight, from funds
27 otherwise available for distribution under such paragraphs for the
28 services and expenses related to the pilot program for entertainment
29 industry employees included in subsection (b) of section one thousand
30 one hundred twenty-two of the insurance law, and an additional seven
31 hundred thousand dollars annually for the periods January first, two
32 thousand four through December thirty-first, two thousand six, an addi-
33 tional three hundred thousand dollars for the period January first, two
34 thousand seven through June thirtieth, two thousand seven for services
35 and expenses related to the pilot program for displaced workers included
36 in subsection (c) of section one thousand one hundred twenty-two of the
37 insurance law.

38 (j) Funds shall be reserved and accumulated from year to year and
39 shall be available, including income from invested funds, for purposes
40 of services and expenses related to the tobacco use prevention and
41 control program established pursuant to sections thirteen hundred nine-
42 ty-nine-ii and thirteen hundred ninety-nine-jj of this chapter, from the
43 tobacco control and insurance initiatives pool established for the
44 following periods in the following amounts:

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

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

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

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

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

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

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

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

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

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

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

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

27 (xiii) up to fifty-two million one hundred thousand dollars each state
28 fiscal year for the period April first, two thousand eleven through
29 March thirty-first, two thousand fourteen;

30 (xiv) up to six million dollars each state fiscal year for the period
31 April first, two thousand fourteen through March thirty-first, two thou-
32 sand seventeen;

33 (xv) up to six million dollars each state fiscal year for the period
34 April first, two thousand seventeen through March thirty-first, two
35 thousand twenty; [~~and~~]

36 (xvi) up to six million dollars each state fiscal year for the period
37 April first, two thousand twenty through March thirty-first, two thou-
38 sand twenty-three; and

39 (xvii) up to six million dollars each state fiscal year for the period
40 April first, two thousand twenty-three through March thirty-first, two
41 thousand twenty-six.

42 (k) 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 of services and expenses
47 related to public health programs, including comprehensive care centers
48 for eating disorders pursuant to the former section twenty-seven hundred
49 ninety-nine-1 of this chapter, provided however that, for such centers,
50 funds in the amount of five hundred thousand dollars on an annualized
51 basis shall be transferred from the health care services account, or any
52 successor fund or account, and deposited into the fund established by
53 section ninety-five-e of the state finance law for periods prior to
54 March thirty-first, two thousand eleven, from the tobacco control and
55 insurance initiatives pool established for the following periods in the
56 following amounts:

1 (i) up to thirty-one million dollars for the period January first, two
2 thousand through December thirty-first, two thousand;
3 (ii) up to forty-one million dollars for the period January first, two
4 thousand one through December thirty-first, two thousand one;
5 (iii) up to eighty-one million dollars for the period January first,
6 two thousand two through December thirty-first, two thousand two;
7 (iv) one hundred twenty-two million five hundred thousand dollars for
8 the period January first, two thousand three through December thirty-
9 first, two thousand three;
10 (v) one hundred eight million five hundred seventy-five thousand
11 dollars, plus an additional five hundred thousand dollars, for the peri-
12 od January first, two thousand four through December thirty-first, two
13 thousand four;
14 (vi) ninety-one million eight hundred thousand dollars, plus an addi-
15 tional five hundred thousand dollars, for the period January first, two
16 thousand five through December thirty-first, two thousand five;
17 (vii) one hundred fifty-six million six hundred thousand dollars, plus
18 an additional five hundred thousand dollars, for the period January
19 first, two thousand six through December thirty-first, two thousand six;
20 (viii) one hundred fifty-one million four hundred thousand dollars,
21 plus an additional five hundred thousand dollars, for the period January
22 first, two thousand seven through December thirty-first, two thousand
23 seven;
24 (ix) one hundred sixteen million nine hundred forty-nine thousand
25 dollars, plus an additional five hundred thousand dollars, for the peri-
26 od January first, two thousand eight through December thirty-first, two
27 thousand eight;
28 (x) one hundred sixteen million nine hundred forty-nine thousand
29 dollars, plus an additional five hundred thousand dollars, for the peri-
30 od January first, two thousand nine through December thirty-first, two
31 thousand nine;
32 (xi) one hundred sixteen million nine hundred forty-nine thousand
33 dollars, plus an additional five hundred thousand dollars, for the peri-
34 od January first, two thousand ten through December thirty-first, two
35 thousand ten;
36 (xii) twenty-nine million two hundred thirty-seven thousand two
37 hundred fifty dollars, plus an additional one hundred twenty-five thou-
38 sand dollars, for the period January first, two thousand eleven through
39 March thirty-first, two thousand eleven;
40 (xiii) one hundred twenty million thirty-eight thousand dollars for
41 the period April first, two thousand eleven through March thirty-first,
42 two thousand twelve; and
43 (xiv) one hundred nineteen million four hundred seven thousand dollars
44 each state fiscal year for the period April first, two thousand twelve
45 through March thirty-first, two thousand fourteen.
46 (l) Funds shall be deposited by the commissioner, within amounts
47 appropriated, and the state comptroller is hereby authorized and
48 directed to receive for deposit to the credit of the state special
49 revenue funds - other, HCRA transfer fund, medical assistance account,
50 or any successor fund or account, for purposes of funding the state
51 share of the personal care and certified home health agency rate or fee
52 increases established pursuant to subdivision three of section three
53 hundred sixty-seven-o of the social services law from the tobacco
54 control and insurance initiatives pool established for the following
55 periods in the following amounts:

1 (i) twenty-three million two hundred thousand dollars for the period
2 January first, two thousand through December thirty-first, two thousand;
3 (ii) twenty-three million two hundred thousand dollars for the period
4 January first, two thousand one through December thirty-first, two thou-
5 sand one;
6 (iii) twenty-three million two hundred thousand dollars for the period
7 January first, two thousand two through December thirty-first, two thou-
8 sand two;
9 (iv) up to sixty-five million two hundred thousand dollars for the
10 period January first, two thousand three through December thirty-first,
11 two thousand three;
12 (v) up to sixty-five million two hundred thousand dollars for the
13 period January first, two thousand four through December thirty-first,
14 two thousand four;
15 (vi) up to sixty-five million two hundred thousand dollars for the
16 period January first, two thousand five through December thirty-first,
17 two thousand five;
18 (vii) up to sixty-five million two hundred thousand dollars for the
19 period January first, two thousand six through December thirty-first,
20 two thousand six;
21 (viii) up to sixty-five million two hundred thousand dollars for the
22 period January first, two thousand seven through December thirty-first,
23 two thousand seven; and
24 (ix) up to sixteen million three hundred thousand dollars for the
25 period January first, two thousand eight through March thirty-first, two
26 thousand eight.
27 (m) Funds shall be deposited by the commissioner, within amounts
28 appropriated, and the state comptroller is hereby authorized and
29 directed to receive for deposit to the credit of the state special
30 revenue funds - other, HCRA transfer fund, medical assistance account,
31 or any successor fund or account, for purposes of funding the state
32 share of services and expenses related to home care workers insurance
33 pilot demonstration programs established pursuant to subdivision two of
34 section three hundred sixty-seven-o of the social services law from the
35 tobacco control and insurance initiatives pool established for the
36 following periods in the following amounts:
37 (i) three million eight hundred thousand dollars for the period Janu-
38 ary first, two thousand through December thirty-first, two thousand;
39 (ii) three million eight hundred thousand dollars for the period Janu-
40 ary first, two thousand one through December thirty-first, two thousand
41 one;
42 (iii) three million eight hundred thousand dollars for the period
43 January first, two thousand two through December thirty-first, two thou-
44 sand two;
45 (iv) up to three million eight hundred thousand dollars for the period
46 January first, two thousand three through December thirty-first, two
47 thousand three;
48 (v) up to three million eight hundred thousand dollars for the period
49 January first, two thousand four through December thirty-first, two
50 thousand four;
51 (vi) up to three million eight hundred thousand dollars for the period
52 January first, two thousand five through December thirty-first, two
53 thousand five;
54 (vii) up to three million eight hundred thousand dollars for the peri-
55 od January first, two thousand six through December thirty-first, two
56 thousand six;

1 (viii) up to three million eight hundred thousand dollars for the
2 period January first, two thousand seven through December thirty-first,
3 two thousand seven; and

4 (ix) up to nine hundred fifty thousand dollars for the period January
5 first, two thousand eight through March thirty-first, two thousand
6 eight.

7 (n) Funds shall be transferred by the commissioner and shall be depos-
8 ited to the credit of the special revenue funds - other, miscellaneous
9 special revenue fund - 339, elderly pharmaceutical insurance coverage
10 program premium account authorized pursuant to the provisions of title
11 three of article two of the elder law, or any successor fund or account,
12 for funding state expenses relating to the program from the tobacco
13 control and insurance initiatives pool established for the following
14 periods in the following amounts:

15 (i) one hundred seven million dollars for the period January first,
16 two thousand through December thirty-first, two thousand;

17 (ii) one hundred sixty-four million dollars for the period January
18 first, two thousand one through December thirty-first, two thousand one;

19 (iii) three hundred twenty-two million seven hundred thousand dollars
20 for the period January first, two thousand two through December thirty-
21 first, two thousand two;

22 (iv) four hundred thirty-three million three hundred thousand dollars
23 for the period January first, two thousand three through December thir-
24 ty-first, two thousand three;

25 (v) five hundred four million one hundred fifty thousand dollars for
26 the period January first, two thousand four through December thirty-
27 first, two thousand four;

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

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

34 (viii) six hundred sixty million eight hundred thousand dollars for
35 the period January first, two thousand seven through December thirty-
36 first, two thousand seven;

37 (ix) three hundred sixty-seven million four hundred sixty-three thou-
38 sand dollars for the period January first, two thousand eight through
39 December thirty-first, two thousand eight;

40 (x) three hundred thirty-four million eight hundred twenty-five thou-
41 sand dollars for the period January first, two thousand nine through
42 December thirty-first, two thousand nine;

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

46 (xii) eighty-seven million seven hundred eighty-eight thousand dollars
47 for the period January first, two thousand eleven through March thirty-
48 first, two thousand eleven;

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

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

1 (xv) one hundred twenty-eight million eight hundred fifty thousand
2 dollars for the period April first, two thousand thirteen through March
3 thirty-first, two thousand fourteen;

4 (xvi) one hundred twenty-seven million four hundred sixteen thousand
5 dollars each state fiscal year for the period April first, two thousand
6 fourteen through March thirty-first, two thousand seventeen;

7 (xvii) one hundred twenty-seven million four hundred sixteen thousand
8 dollars each state fiscal year for the period April first, two thousand
9 seventeen through March thirty-first, two thousand twenty; [and]

10 (xviii) one hundred twenty-seven million four hundred sixteen thousand
11 dollars each state fiscal year for the period April first, two thousand
12 twenty through March thirty-first, two thousand twenty-three; and

13 (xix) one hundred twenty-seven million four hundred sixteen thousand
14 dollars each state fiscal year for the period April first, two thousand
15 twenty-three through March thirty-first, two thousand twenty-six.

16 (o) Funds shall be reserved and accumulated and shall be transferred
17 to the Roswell Park Cancer Institute Corporation, from the tobacco
18 control and insurance initiatives pool established for the following
19 periods in the following amounts:

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

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

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

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

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

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

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

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

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

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

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

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

46 (xiii) sixty-nine million eight hundred forty thousand dollars each
47 state fiscal year for the period April first, two thousand eleven
48 through March thirty-first, two thousand fourteen;

49 (xiv) up to ninety-six million six hundred thousand dollars each state
50 fiscal year for the period April first, two thousand fourteen through
51 March thirty-first, two thousand seventeen;

52 (xv) up to ninety-six million six hundred thousand dollars each state
53 fiscal year for the period April first, two thousand seventeen through
54 March thirty-first, two thousand twenty; [and]

1 (xvi) up to ninety-six million six hundred thousand dollars each state
2 fiscal year for the period April first, two thousand twenty through
3 March thirty-first, two thousand twenty-three; and

4 (xvii) up to ninety-six million six hundred thousand dollars each
5 state fiscal year for the period April first, two thousand twenty-three
6 through March thirty-first, two thousand twenty-six.

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;

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;

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; [and]

21 (xiv) up to five million two hundred eighty-eight thousand dollars
22 each state fiscal year for the period April first, two thousand twenty
23 through March thirty-first, two thousand twenty-three; and

24 (xv) up to five million two hundred eighty-eight thousand dollars each
25 state fiscal year for the period April first, two thousand twenty-three
26 through March thirty-first, two thousand twenty-six.

27 (r) Funds shall be deposited by the commissioner within amounts appro-
28 priated, and the state comptroller is hereby authorized and directed to
29 receive for deposit to the credit of the state special revenue funds -
30 other, HCRA transfer fund, medical assistance account, or any successor
31 fund or account, for purposes of providing distributions for supplemen-
32 tary medical insurance for Medicare part B premiums, physicians
33 services, outpatient services, medical equipment, supplies and other
34 health services, from the tobacco control and insurance initiatives pool
35 established for the following periods in the following amounts:

36 (i) forty-three million dollars for the period January first, two
37 thousand through December thirty-first, two thousand;

38 (ii) sixty-one million dollars for the period January first, two thou-
39 sand one through December thirty-first, two thousand one;

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

42 (iv) sixty-seven million five hundred thousand dollars for the period
43 January first, two thousand three through December thirty-first, two
44 thousand three;

45 (v) sixty-eight million dollars for the period January first, two
46 thousand four through December thirty-first, two thousand four;

47 (vi) sixty-eight million dollars for the period January first, two
48 thousand five through December thirty-first, two thousand five;

49 (vii) sixty-eight million dollars for the period January first, two
50 thousand six through December thirty-first, two thousand six;

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

54 (ix) sixty-eight million dollars for the period January first, two
55 thousand eight through December thirty-first, two thousand eight;

1 (x) sixty-eight million dollars for the period January first, two
2 thousand nine through December thirty-first, two thousand nine;

3 (xi) sixty-eight million dollars for the period January first, two
4 thousand ten through December thirty-first, two thousand ten;

5 (xii) seventeen million dollars for the period January first, two
6 thousand eleven through March thirty-first, two thousand eleven; and

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

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

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

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

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

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

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

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

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

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

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

38 (t) Funds shall be reserved and accumulated from year to year by the
39 commissioner and shall be made available, including income from invested
40 funds:

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

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

53 (iii) The funds disbursed pursuant to subparagraphs (i) and (ii) of
54 this paragraph from the tobacco control and insurance initiatives pool
55 are contingent upon meeting all funding amounts established pursuant to
56 paragraphs (a), (b), (c), (d), (e), (f), (l), (m), (n), (p), (q), (r)

1 and (s) of this subdivision, paragraph (a) of subdivision nine of
2 section twenty-eight hundred seven-j of this article, and paragraphs
3 (a), (i) and (k) of subdivision one of section twenty-eight hundred
4 seven-l of this article.

5 (u) Funds shall be deposited by the commissioner, within amounts
6 appropriated, and the state comptroller is hereby authorized and
7 directed to receive for deposit to the credit of the state special
8 revenue funds - other, HCRA transfer fund, medical assistance account,
9 or any successor fund or account, for purposes of funding the state
10 share of services and expenses related to the nursing home quality
11 improvement demonstration program established pursuant to section twen-
12 ty-eight hundred eight-d of this article from the tobacco control and
13 insurance initiatives pool established for the following periods in the
14 following amounts:

15 (i) up to twenty-five million dollars for the period beginning April
16 first, two thousand two and ending December thirty-first, two thousand
17 two, and on an annualized basis, for each annual period thereafter
18 beginning January first, two thousand three and ending December thirty-
19 first, two thousand four;

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

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

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

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

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

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

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

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

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

1 (vii) up to one hundred thirty million dollars for the period January
2 first, two thousand eight through December thirty-first, two thousand
3 eight;

4 (viii) up to one hundred thirty million dollars for the period January
5 first, two thousand nine through December thirty-first, two thousand
6 nine;

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

9 (x) up to thirty-two million five hundred thousand dollars for the
10 period January first, two thousand eleven through March thirty-first,
11 two thousand eleven;

12 (xi) up to one hundred twenty-seven million four hundred thousand
13 dollars each state fiscal year for the period April first, two thousand
14 eleven through March thirty-first, two thousand fourteen;

15 (xii) up to one hundred twenty-seven million four hundred thousand
16 dollars each state fiscal year for the period April first, two thousand
17 fourteen through March thirty-first, two thousand seventeen;

18 (xiii) up to one hundred twenty-seven million four hundred thousand
19 dollars each state fiscal year for the period April first, two thousand
20 seventeen through March thirty-first, two thousand twenty; ~~and~~

21 (xiv) up to one hundred twenty-seven million four hundred thousand
22 dollars each state fiscal year for the period April first, two thousand
23 twenty through March thirty-first, two thousand twenty-three; and

24 (xv) up to one hundred twenty-seven million four hundred thousand
25 dollars each state fiscal year for the period April first, two thousand
26 twenty-three through March thirty-first, two thousand twenty-six.

27 (w) Funds shall be deposited by the commissioner, within amounts
28 appropriated, and the state comptroller is hereby authorized and
29 directed to receive for deposit to the credit of the state special
30 revenue funds - other, HCRA transfer fund, medical assistance account,
31 or any successor fund or account, for purposes of funding the state
32 share of the treatment of breast and cervical cancer pursuant to para-
33 graph (d) of subdivision four of section three hundred sixty-six of the
34 social services law, from the tobacco control and insurance initiatives
35 pool established for the following periods in the following amounts:

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

38 (ii) up to two million one hundred thousand dollars for the period
39 January first, two thousand three through December thirty-first, two
40 thousand three;

41 (iii) up to two million one hundred thousand dollars for the period
42 January first, two thousand four through December thirty-first, two
43 thousand four;

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

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

50 (vi) up to two million one hundred thousand dollars for the period
51 January first, two thousand seven through December thirty-first, two
52 thousand seven;

53 (vii) up to two million one hundred thousand dollars for the period
54 January first, two thousand eight through December thirty-first, two
55 thousand eight;

- 1 (viii) up to two million one hundred thousand dollars for the period
2 January first, two thousand nine through December thirty-first, two
3 thousand nine;
- 4 (ix) up to two million one hundred thousand dollars for the period
5 January first, two thousand ten through December thirty-first, two thou-
6 sand ten;
- 7 (x) up to five hundred twenty-five thousand dollars for the period
8 January first, two thousand eleven through March thirty-first, two thou-
9 sand eleven;
- 10 (xi) up to two million one hundred thousand dollars each state fiscal
11 year for the period April first, two thousand eleven through March thir-
12 ty-first, two thousand fourteen;
- 13 (xii) up to two million one hundred thousand dollars each state fiscal
14 year for the period April first, two thousand fourteen through March
15 thirty-first, two thousand seventeen;
- 16 (xiii) up to two million one hundred thousand dollars each state
17 fiscal year for the period April first, two thousand seventeen through
18 March thirty-first, two thousand twenty; ~~and~~
- 19 (xiv) up to two million one hundred thousand dollars each state fiscal
20 year for the period April first, two thousand twenty through March thir-
21 ty-first, two thousand twenty-three; and
- 22 (xv) up to two million one hundred thousand dollars each state fiscal
23 year for the period April first, two thousand twenty-three through March
24 thirty-first, two thousand twenty-six.
- 25 (x) Funds shall be deposited by the commissioner, within amounts
26 appropriated, and the state comptroller is hereby authorized and
27 directed to receive for deposit to the credit of the state special
28 revenue funds - other, HCRA transfer fund, medical assistance account,
29 or any successor fund or account, for purposes of funding the state
30 share of the non-public general hospital rates increases for recruitment
31 and retention of health care workers from the tobacco control and insur-
32 ance initiatives pool established for the following periods in the
33 following amounts:
- 34 (i) twenty-seven million one hundred thousand dollars on an annualized
35 basis for the period January first, two thousand two through December
36 thirty-first, two thousand two;
- 37 (ii) fifty million eight hundred thousand dollars on an annualized
38 basis for the period January first, two thousand three through December
39 thirty-first, two thousand three;
- 40 (iii) sixty-nine million three hundred thousand dollars on an annual-
41 ized basis for the period January first, two thousand four through
42 December thirty-first, two thousand four;
- 43 (iv) sixty-nine million three hundred thousand dollars for the period
44 January first, two thousand five through December thirty-first, two
45 thousand five;
- 46 (v) sixty-nine million three hundred thousand dollars for the period
47 January first, two thousand six through December thirty-first, two thou-
48 sand six;
- 49 (vi) sixty-five million three hundred thousand dollars for the period
50 January first, two thousand seven through December thirty-first, two
51 thousand seven;
- 52 (vii) sixty-one million one hundred fifty thousand dollars for the
53 period January first, two thousand eight through December thirty-first,
54 two thousand eight; and

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

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

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

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

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

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

23 (v) fifty-two million two hundred thousand dollars for the period
24 January first, two thousand six through December thirty-first, two thou-
25 sand six;

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

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

30 (viii) twelve million two hundred fifty thousand dollars for the peri-
31 od January first, two thousand nine through March thirty-first, two
32 thousand nine.

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

38 (z) 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 the non-public residential health care facility rate increases
44 for recruitment and retention of health care workers pursuant to para-
45 graph (a) of subdivision eighteen of section twenty-eight hundred eight
46 of this article from the tobacco control and insurance initiatives pool
47 established for the following periods in the following amounts:

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

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

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

1 (iv) forty-six million three hundred thousand dollars for the period
2 January first, two thousand five through December thirty-first, two
3 thousand five;

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

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

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

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

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

19 (x) two million three hundred twenty-five thousand dollars for the
20 period January first, two thousand eleven through March thirty-first,
21 two thousand eleven.

22 (aa) Funds shall be reserved and accumulated from year to year and
23 shall be available, including income from invested funds, for purposes
24 of grants to public residential health care facilities for recruitment
25 and retention of health care workers pursuant to paragraph (b) of subdi-
26 vision eighteen of section twenty-eight hundred eight of this article
27 from the tobacco control and insurance initiatives pool established for
28 the following periods in the following amounts:

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

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

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

38 (iv) sixteen million two hundred thousand dollars for the period Janu-
39 ary first, two thousand five through December thirty-first, two thousand
40 five;

41 (v) sixteen million two hundred thousand dollars for the period Janu-
42 ary first, two thousand six through December thirty-first, two thousand
43 six;

44 (vi) ten million eight hundred thousand dollars for the period January
45 first, two thousand seven through December thirty-first, two thousand
46 seven;

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

50 (viii) one million three hundred fifty thousand dollars for the period
51 January first, two thousand nine through December thirty-first, two
52 thousand nine.

53 (bb)(i) Funds shall be deposited by the commissioner, within amounts
54 appropriated, and subject to the availability of federal financial
55 participation, and the state comptroller is hereby authorized and
56 directed to receive for 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 the purpose of supporting the
3 state share of adjustments to Medicaid rates of payment for personal
4 care services provided pursuant to paragraph (e) of subdivision two of
5 section three hundred sixty-five-a of the social services law, for local
6 social service districts which include a city with a population of over
7 one million persons and computed and distributed in accordance with
8 memorandums of understanding to be entered into between the state of New
9 York and such local social service districts for the purpose of support-
10 ing the recruitment and retention of personal care service workers or
11 any worker with direct patient care responsibility, from the tobacco
12 control and insurance initiatives pool established for the following
13 periods and the following amounts:

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

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

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

23 (D) one hundred thirty-six million dollars, on an annualized basis,
24 for the period January first, two thousand five through December thir-
25 ty-first, two thousand five;

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

29 (F) one hundred thirty-six million dollars for the period January
30 first, two thousand seven through December thirty-first, two thousand
31 seven;

32 (G) one hundred thirty-six million dollars for the period January
33 first, two thousand eight through December thirty-first, two thousand
34 eight;

35 (H) one hundred thirty-six million dollars for the period January
36 first, two thousand nine through December thirty-first, two thousand
37 nine;

38 (I) one hundred thirty-six million dollars for the period January
39 first, two thousand ten through December thirty-first, two thousand ten;

40 (J) thirty-four million dollars for the period January first, two
41 thousand eleven through March thirty-first, two thousand eleven;

42 (K) up to one hundred thirty-six million dollars each state fiscal
43 year for the period April first, two thousand eleven through March thir-
44 ty-first, two thousand fourteen;

45 (L) up to one hundred thirty-six million dollars each state fiscal
46 year for the period March thirty-first, two thousand fourteen through
47 April first, two thousand seventeen;

48 (M) up to one hundred thirty-six million dollars each state fiscal
49 year for the period April first, two thousand seventeen through March
50 thirty-first, two thousand twenty; ~~and~~

51 (N) up to one hundred thirty-six million dollars each state fiscal
52 year for the period April first, two thousand twenty through March thir-
53 ty-first, two thousand twenty-three; ~~and~~

54 (O) up to one hundred thirty-six million dollars each state fiscal
55 year for the period April first, two thousand twenty-three through March
56 thirty-first, two thousand twenty-six.

1 (ii) Adjustments to Medicaid rates made pursuant to this paragraph
2 shall not, in aggregate, exceed the following amounts for the following
3 periods:

4 (A) for the period April first, two thousand two through December
5 thirty-first, two thousand two, one hundred ten million dollars;

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

9 (C) for the period January first, two thousand four through December
10 thirty-first, two thousand four, two hundred sixty million dollars;

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

13 (E) for the period January first, two thousand six through December
14 thirty-first, two thousand six, three hundred forty million dollars;

15 (F) for the period January first, two thousand seven through December
16 thirty-first, two thousand seven, three hundred forty million dollars;

17 (G) for the period January first, two thousand eight through December
18 thirty-first, two thousand eight, three hundred forty million dollars;

19 (H) for the period January first, two thousand nine through December
20 thirty-first, two thousand nine, three hundred forty million dollars;

21 (I) for the period January first, two thousand ten through December
22 thirty-first, two thousand ten, three hundred forty million dollars;

23 (J) for the period January first, two thousand eleven through March
24 thirty-first, two thousand eleven, eighty-five million dollars;

25 (K) for each state fiscal year within the period April first, two
26 thousand eleven through March thirty-first, two thousand fourteen, three
27 hundred forty million dollars;

28 (L) for each state fiscal year within the period April first, two
29 thousand fourteen through March thirty-first, two thousand seventeen,
30 three hundred forty million dollars;

31 (M) for each state fiscal year within the period April first, two
32 thousand seventeen through March thirty-first, two thousand twenty,
33 three hundred forty million dollars; ~~and~~

34 (N) for each state fiscal year within the period April first, two
35 thousand twenty through March thirty-first, two thousand twenty-three,
36 three hundred forty million dollars; and

37 (O) for each state fiscal year within the period April first, two
38 thousand twenty-three through March thirty-first, two thousand twenty-
39 six, three hundred forty million dollars.

40 (iii) Personal care service providers which have their rates adjusted
41 pursuant to this paragraph shall use such funds for the purpose of
42 recruitment and retention of non-supervisory personal care services
43 workers or any worker with direct patient care responsibility only and
44 are prohibited from using such funds for any other purpose. Each such
45 personal care services provider shall submit, at a time and in a manner
46 to be determined by the commissioner, a written certification attesting
47 that such funds will be used solely for the purpose of recruitment and
48 retention of non-supervisory personal care services workers or any work-
49 er with direct patient care responsibility. The commissioner is author-
50 ized to audit each such provider to ensure compliance with the written
51 certification required by this subdivision and shall recoup any funds
52 determined to have been used for purposes other than recruitment and
53 retention of non-supervisory personal care services workers or any work-
54 er with direct patient care responsibility. Such recoupment shall be in
55 addition to any other penalties provided by law.

1 (cc) 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 the purpose of supporting the
6 state share of adjustments to Medicaid rates of payment for personal
7 care services provided pursuant to paragraph (e) of subdivision two of
8 section three hundred sixty-five-a of the social services law, for local
9 social service districts which shall not include a city with a popu-
10 lation of over one million persons for the purpose of supporting the
11 personal care services worker recruitment and retention program as
12 established pursuant to section three hundred sixty-seven-q of the
13 social services law, from the tobacco control and insurance initiatives
14 pool established for the following periods and the following amounts:

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

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

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

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

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

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

32 (vii) eleven million two hundred thousand dollars for the period Janu-
33 ary first, two thousand eight through December thirty-first, two thou-
34 sand eight;

35 (viii) eleven million two hundred thousand dollars for the period
36 January first, two thousand nine through December thirty-first, two
37 thousand nine;

38 (ix) eleven million two hundred thousand dollars for the period Janu-
39 ary first, two thousand ten through December thirty-first, two thousand
40 ten;

41 (x) two million eight hundred thousand dollars for the period January
42 first, two thousand eleven through March thirty-first, two thousand
43 eleven;

44 (xi) up to eleven million two hundred thousand dollars each state
45 fiscal year for the period April first, two thousand eleven through
46 March thirty-first, two thousand fourteen;

47 (xii) up to eleven million two hundred thousand dollars each state
48 fiscal year for the period April first, two thousand fourteen through
49 March thirty-first, two thousand seventeen;

50 (xiii) up to eleven million two hundred thousand dollars each state
51 fiscal year for the period April first, two thousand seventeen through
52 March thirty-first, two thousand twenty; ~~and~~

53 (xiv) up to eleven million two hundred thousand dollars each state
54 fiscal year for the period April first, two thousand twenty through
55 March thirty-first, two thousand twenty-three; and

1 (xv) up to eleven million two hundred thousand dollars each state
2 fiscal year for the period April first, two thousand twenty-three
3 through March thirty-first, two thousand twenty-six.

4 (dd) 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 fund - other, HCRA transfer fund, medical assistance account, or
8 any successor fund or account, for purposes of funding the state share
9 of Medicaid expenditures for physician services from the tobacco control
10 and insurance initiatives pool established for the following periods in
11 the following amounts:

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

14 (ii) eighty-one million two hundred thousand dollars for the period
15 January first, two thousand three through December thirty-first, two
16 thousand three;

17 (iii) eighty-five million two hundred thousand dollars for the period
18 January first, two thousand four through December thirty-first, two
19 thousand four;

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

23 (v) eighty-five million two hundred thousand dollars for the period
24 January first, two thousand six through December thirty-first, two thou-
25 sand six;

26 (vi) eighty-five million two hundred thousand dollars for the period
27 January first, two thousand seven through December thirty-first, two
28 thousand seven;

29 (vii) eighty-five million two hundred thousand dollars for the period
30 January first, two thousand eight through December thirty-first, two
31 thousand eight;

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

35 (ix) eighty-five million two hundred thousand dollars for the period
36 January first, two thousand ten through December thirty-first, two thou-
37 sand ten;

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

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

44 (ee) Funds shall be deposited by the commissioner, within amounts
45 appropriated, and the state comptroller is hereby authorized and
46 directed to receive for deposit to the credit of the state special
47 revenue fund - other, HCRA transfer fund, medical assistance account, or
48 any successor fund or account, for purposes of funding the state share
49 of the free-standing diagnostic and treatment center rate increases for
50 recruitment and retention of health care workers pursuant to subdivision
51 seventeen of section twenty-eight hundred seven of this article from the
52 tobacco control and insurance initiatives pool established for the
53 following periods in the following amounts:

54 (i) three million two hundred fifty thousand dollars for the period
55 April first, two thousand two through December thirty-first, two thou-
56 sand two;

- 1 (ii) three million two hundred fifty thousand dollars on an annualized
2 basis for the period January first, two thousand three through December
3 thirty-first, two thousand three;
- 4 (iii) three million two hundred fifty thousand dollars on an annual-
5 ized basis for the period January first, two thousand four through
6 December thirty-first, two thousand four;
- 7 (iv) three million two hundred fifty thousand dollars for the period
8 January first, two thousand five through December thirty-first, two
9 thousand five;
- 10 (v) three million two hundred fifty thousand dollars for the period
11 January first, two thousand six through December thirty-first, two thou-
12 sand six;
- 13 (vi) three million two hundred fifty thousand dollars for the period
14 January first, two thousand seven through December thirty-first, two
15 thousand seven;
- 16 (vii) three million four hundred thirty-eight thousand dollars for the
17 period January first, two thousand eight through December thirty-first,
18 two thousand eight;
- 19 (viii) two million four hundred fifty thousand dollars for the period
20 January first, two thousand nine through December thirty-first, two
21 thousand nine;
- 22 (ix) one million five hundred thousand dollars for the period January
23 first, two thousand ten through December thirty-first, two thousand ten;
24 and
- 25 (x) three hundred twenty-five thousand dollars for the period January
26 first, two thousand eleven through March thirty-first, two thousand
27 eleven.
- 28 (ff) Funds shall be deposited by the commissioner, within amounts
29 appropriated, and the state comptroller is hereby authorized and
30 directed to receive for deposit to the credit of the state special
31 revenue fund - other, HCRA transfer fund, medical assistance account, or
32 any successor fund or account, for purposes of funding the state share
33 of Medicaid expenditures for disabled persons as authorized pursuant to
34 former subparagraphs twelve and thirteen of paragraph (a) of subdivision
35 one of section three hundred sixty-six of the social services law from
36 the tobacco control and insurance initiatives pool established for the
37 following periods in the following amounts:
- 38 (i) one million eight hundred thousand dollars for the period April
39 first, two thousand two through December thirty-first, two thousand two;
- 40 (ii) sixteen million four hundred thousand dollars on an annualized
41 basis for the period January first, two thousand three through December
42 thirty-first, two thousand three;
- 43 (iii) eighteen million seven hundred thousand dollars on an annualized
44 basis for the period January first, two thousand four through December
45 thirty-first, two thousand four;
- 46 (iv) thirty million six hundred thousand dollars for the period Janu-
47 ary first, two thousand five through December thirty-first, two thousand
48 five;
- 49 (v) thirty million six hundred thousand dollars for the period January
50 first, two thousand six through December thirty-first, two thousand six;
- 51 (vi) thirty million six hundred thousand dollars for the period Janu-
52 ary first, two thousand seven through December thirty-first, two thou-
53 sand seven;
- 54 (vii) fifteen million dollars for the period January first, two thou-
55 sand eight through December thirty-first, two thousand eight;

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

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

4 (hh) 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 special revenue
7 fund - other, HCRA transfer fund, medical assistance account for
8 purposes of providing financial assistance to residential health care
9 facilities pursuant to subdivisions nineteen and twenty-one of section
10 twenty-eight hundred eight of this article, from the tobacco control and
11 insurance initiatives pool established for the following periods in the
12 following amounts:

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

15 (ii) for the period January first, two thousand three through December
16 thirty-first, two thousand three, nine million four hundred fifty thou-
17 sand dollars;

18 (iii) for the period January first, two thousand four through December
19 thirty-first, two thousand four, nine million three hundred fifty thou-
20 sand dollars;

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

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

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

27 (vii) up to fifteen million dollars for the period January first, two
28 thousand eight through December thirty-first, two thousand eight;

29 (viii) up to fifteen million dollars for the period January first, two
30 thousand nine through December thirty-first, two thousand nine;

31 (ix) up to fifteen million dollars for the period January first, two
32 thousand ten through December thirty-first, two thousand ten;

33 (x) up to three million seven hundred fifty thousand dollars for the
34 period January first, two thousand eleven through March thirty-first,
35 two thousand eleven; and

36 (xi) fifteen million dollars each state fiscal year for the period
37 April first, two thousand eleven through March thirty-first, two thou-
38 sand fourteen.

39 (ii) Funds shall be deposited by the commissioner, within amounts
40 appropriated, and the state comptroller is hereby authorized and
41 directed to receive for deposit to the credit of the state special
42 revenue funds - other, HCRA transfer fund, medical assistance account,
43 or any successor fund or account, for the purpose of supporting the
44 state share of Medicaid expenditures for disabled persons as authorized
45 by sections 1619 (a) and (b) of the federal social security act pursuant
46 to the tobacco control and insurance initiatives pool established for
47 the following periods in the following amounts:

48 (i) six million four hundred thousand dollars for the period April
49 first, two thousand two through December thirty-first, two thousand two;

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

53 (iii) eight million five hundred thousand dollars for the period Janu-
54 ary first, two thousand four through December thirty-first, two thousand
55 four;

- 1 (iv) eight million five hundred thousand dollars for the period Janu-
2 ary first, two thousand five through December thirty-first, two thousand
3 five;
- 4 (v) eight million five hundred thousand dollars for the period January
5 first, two thousand six through December thirty-first, two thousand six;
- 6 (vi) eight million six hundred thousand dollars for the period January
7 first, two thousand seven through December thirty-first, two thousand
8 seven;
- 9 (vii) eight million five hundred thousand dollars for the period Janu-
10 ary first, two thousand eight through December thirty-first, two thou-
11 sand eight;
- 12 (viii) eight million five hundred thousand dollars for the period
13 January first, two thousand nine through December thirty-first, two
14 thousand nine;
- 15 (ix) eight million five hundred thousand dollars for the period Janu-
16 ary first, two thousand ten through December thirty-first, two thousand
17 ten;
- 18 (x) two million one hundred twenty-five thousand dollars for the peri-
19 od January first, two thousand eleven through March thirty-first, two
20 thousand eleven;
- 21 (xi) eight million five hundred thousand dollars each state fiscal
22 year for the period April first, two thousand eleven through March thir-
23 ty-first, two thousand fourteen;
- 24 (xii) eight million five hundred thousand dollars each state fiscal
25 year for the period April first, two thousand fourteen through March
26 thirty-first, two thousand seventeen;
- 27 (xiii) eight million five hundred thousand dollars each state fiscal
28 year for the period April first, two thousand seventeen through March
29 thirty-first, two thousand twenty; ~~and~~
- 30 (xiv) eight million five hundred thousand dollars each state fiscal
31 year for the period April first, two thousand twenty through March thir-
32 ty-first, two thousand twenty-three; and
- 33 (xv) eight million five hundred thousand dollars each state fiscal
34 year for the period April first, two thousand twenty-three through March
35 thirty-first, two thousand twenty-six.
- 36 (jj) Funds shall be reserved and accumulated from year to year and
37 shall be available, including income from invested funds, for the
38 purposes of a grant program to improve access to infertility services,
39 treatments and procedures, from the tobacco control and insurance initi-
40 atives pool established for the period January first, two thousand two
41 through December thirty-first, two thousand two in the amount of nine
42 million one hundred seventy-five thousand dollars, for the period April
43 first, two thousand six through March thirty-first, two thousand seven
44 in the amount of five million dollars, for the period April first, two
45 thousand seven through March thirty-first, two thousand eight in the
46 amount of five million dollars, for the period April first, two thousand
47 eight through March thirty-first, two thousand nine in the amount of
48 five million dollars, and for the period April first, two thousand nine
49 through March thirty-first, two thousand ten in the amount of five
50 million dollars, for the period April first, two thousand ten through
51 March thirty-first, two thousand eleven in the amount of two million two
52 hundred thousand dollars, and for the period April first, two thousand
53 eleven through March thirty-first, two thousand twelve up to one million
54 one hundred thousand dollars.
- 55 (kk) 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 Medical Assistance Program expenditures from the tobacco
5 control and insurance initiatives pool established for the following
6 periods in the following amounts:

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

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

13 (iii) up to four hundred seventy-two million dollars for the period
14 January first, two thousand four through December thirty-first, two
15 thousand four;

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

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

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

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

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

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

37 (i) eighty-two million seven hundred thousand dollars for the period
38 January first, two thousand two through December thirty-first, two thou-
39 sand two;

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

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

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

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

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

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

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

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

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

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

16 (mm) 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 specified
21 percentages of the state share of services and expenses related to the
22 family health plus program in accordance with the following schedule:

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

26 (B) for the period January first, two thousand five through December
27 thirty-first, two thousand five, seventy-five percent of the state
28 share; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 (iii) up to eight million dollars for the period January first, two
54 thousand five through December thirty-first, two thousand five,
55 provided, however, that up to five million two hundred fifty thousand
56 dollars of such funds shall be received by the comptroller and deposited

1 to the credit of the special revenue fund - other / aid to localities,
2 HCRA transfer fund - 061, enhanced community services account - 05, or
3 any successor fund or account, for the purposes set forth in this para-
4 graph;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 (iii) up to five million dollars for the period January first, two
51 thousand six through December thirty-first, two thousand six; of such
52 funds one million nine hundred fifty thousand dollars shall be made
53 available to the department for the purpose of developing, implementing
54 and administering the long-term care insurance education and outreach
55 program and three million fifty thousand dollars shall be made available
56 to the office for the aging for the purpose of providing the long term

1 care insurance resource centers with the necessary resources to carry
2 out their operations;

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

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

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

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

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

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

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

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

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

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

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

54 (ss) Funds shall be reserved and accumulated from the tobacco control
55 and insurance initiatives pool and used for a health care stabilization
56 program established by the commissioner for the purposes of stabilizing

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

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

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

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

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

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

42 (v) up to two hundred fifty thousand dollars for the period January
43 first, two thousand eight through March thirty-first, two thousand
44 eight.

45 (uu) Funds shall be reserved and accumulated from year to year and
46 shall be available, including income from invested funds, for the
47 purpose of supporting disease management and telemedicine demonstration
48 programs authorized pursuant to section twenty-one hundred eleven of
49 this chapter for the following periods in the following amounts:

50 (i) five million dollars for the period January first, two thousand
51 four through December thirty-first, two thousand four, of which three
52 million dollars shall be available for disease management demonstration
53 programs and two million dollars shall be available for telemedicine
54 demonstration programs;

55 (ii) five million dollars for the period January first, two thousand
56 five through December thirty-first, two thousand five, of which three

1 million dollars shall be available for disease management demonstration
2 programs and two million dollars shall be available for telemedicine
3 demonstration programs;

4 (iii) nine million five hundred thousand dollars for the period Janu-
5 ary first, two thousand six through December thirty-first, two thousand
6 six, of which seven million five hundred thousand dollars shall be
7 available for disease management demonstration programs and two million
8 dollars shall be available for telemedicine demonstration programs;

9 (iv) nine million five hundred thousand dollars for the period January
10 first, two thousand seven through December thirty-first, two thousand
11 seven, of which seven million five hundred thousand dollars shall be
12 available for disease management demonstration programs and one million
13 dollars shall be available for telemedicine demonstration programs;

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

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

27 (vii) one million eight hundred seventy-five thousand dollars for the
28 period January first, two thousand ten through March thirty-first, two
29 thousand ten shall be available for disease management demonstration
30 programs.

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

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

44 (ii) sixty million five hundred thousand dollars for the period Janu-
45 ary first, two thousand six through December thirty-first, two thousand
46 six.

47 (xx) 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 the general hospital rates increases for rural hospitals pursu-
53 ant to subdivision thirty-two of section twenty-eight hundred seven-c of
54 this article from the tobacco control and insurance initiatives pool
55 established for the following periods in the following amounts:

- 1 (i) three million five hundred thousand dollars for the period January
2 first, two thousand five through December thirty-first, two thousand
3 five;
- 4 (ii) three million five hundred thousand dollars for the period Janu-
5 ary first, two thousand six through December thirty-first, two thousand
6 six;
- 7 (iii) three million five hundred thousand dollars for the period Janu-
8 ary first, two thousand seven through December thirty-first, two thou-
9 sand seven;
- 10 (iv) three million five hundred thousand dollars for the period Janu-
11 ary first, two thousand eight through December thirty-first, two thou-
12 sand eight; and
- 13 (v) three million two hundred eight thousand dollars for the period
14 January first, two thousand nine through November thirtieth, two thou-
15 sand nine.
- 16 (yy) Funds shall be reserved and accumulated from year to year and
17 shall be available, within amounts appropriated and notwithstanding
18 section one hundred twelve of the state finance law and any other
19 contrary provision of law, for the purpose of supporting grants not to
20 exceed five million dollars to be made by the commissioner without a
21 competitive bid or request for proposal process, in support of the
22 delivery of critically needed health care services, to health care
23 providers located in the counties of Erie and Niagara which executed a
24 memorandum of closing and conducted a merger closing in escrow on Novem-
25 ber twenty-fourth, nineteen hundred ninety-seven and which entered into
26 a settlement dated December thirtieth, two thousand four for a loss on
27 disposal of assets under the provisions of title XVIII of the federal
28 social security act applicable to mergers occurring prior to December
29 first, nineteen hundred ninety-seven.
- 30 (zz) Funds shall be reserved and accumulated from year to year and
31 shall be available, within amounts appropriated, for the purpose of
32 supporting expenditures authorized pursuant to section twenty-eight
33 hundred eighteen of this article from the tobacco control and insurance
34 initiatives pool established for the following periods in the following
35 amounts:
- 36 (i) six million five hundred thousand dollars for the period January
37 first, two thousand five through December thirty-first, two thousand
38 five;
- 39 (ii) one hundred eight million three hundred thousand dollars for the
40 period January first, two thousand six through December thirty-first,
41 two thousand six, provided, however, that within amounts appropriated in
42 the two thousand six through two thousand seven state fiscal year, a
43 portion of such funds may be transferred to the Roswell Park Cancer
44 Institute Corporation to fund capital costs;
- 45 (iii) one hundred seventy-one million dollars for the period January
46 first, two thousand seven through December thirty-first, two thousand
47 seven, provided, however, that within amounts appropriated in the two
48 thousand six through two thousand seven state fiscal year, a portion of
49 such funds may be transferred to the Roswell Park Cancer Institute
50 Corporation to fund capital costs;
- 51 (iv) one hundred seventy-one million five hundred thousand dollars for
52 the period January first, two thousand eight through December thirty-
53 first, two thousand eight;
- 54 (v) one hundred twenty-eight million seven hundred fifty thousand
55 dollars for the period January first, two thousand nine through December
56 thirty-first, two thousand nine;

1 (vi) one hundred thirty-one million three hundred seventy-five thou-
2 sand dollars for the period January first, two thousand ten through
3 December thirty-first, two thousand ten;

4 (vii) thirty-four million two hundred fifty thousand dollars for the
5 period January first, two thousand eleven through March thirty-first,
6 two thousand eleven;

7 (viii) four hundred thirty-three million three hundred sixty-six thou-
8 sand dollars for the period April first, two thousand eleven through
9 March thirty-first, two thousand twelve;

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

13 (x) seventy-eight million seventy-one thousand dollars for the period
14 April first, two thousand thirteen through March thirty-first, two thou-
15 sand fourteen.

16 (aaa) Funds shall be reserved and accumulated from year to year and
17 shall be available, including income from invested funds, for services
18 and expenses related to school based health centers, in an amount up to
19 three million five hundred thousand dollars for the period April first,
20 two thousand six through March thirty-first, two thousand seven, up to
21 three million five hundred thousand dollars for the period April first,
22 two thousand seven through March thirty-first, two thousand eight, up to
23 three million five hundred thousand dollars for the period April first,
24 two thousand eight through March thirty-first, two thousand nine, up to
25 three million five hundred thousand dollars for the period April first,
26 two thousand nine through March thirty-first, two thousand ten, up to
27 three million five hundred thousand dollars for the period April first,
28 two thousand ten through March thirty-first, two thousand eleven, up to
29 two million eight hundred thousand dollars each state fiscal year for
30 the period April first, two thousand eleven through March thirty-first,
31 two thousand fourteen, up to two million six hundred forty-four thousand
32 dollars each state fiscal year for the period April first, two thousand
33 fourteen through March thirty-first, two thousand seventeen, up to two
34 million six hundred forty-four thousand dollars each state fiscal year
35 for the period April first, two thousand seventeen through March thir-
36 ty-first, two thousand twenty, ~~and~~ up to two million six hundred
37 forty-four thousand dollars each state fiscal year for the period April
38 first, two thousand twenty through March thirty-first, two thousand
39 twenty-three, and up to two million six hundred forty-four thousand
40 dollars each state fiscal year for the period April first, two thousand
41 twenty-three through March thirty-first, two thousand twenty-six. The

42 total amount of funds provided herein shall be distributed as grants
43 based on the ratio of each provider's total enrollment for all sites to
44 the total enrollment of all providers. This formula shall be applied to
45 the total amount provided herein.

46 (bbb) Funds shall be reserved and accumulated from year to year and
47 shall be available, including income from invested funds, for purposes
48 of awarding grants to operators of adult homes, enriched housing
49 programs and residences through the enhancing abilities and life experi-
50 ence (EnAbLe) program to provide for the installation, operation and
51 maintenance of air conditioning in resident rooms, consistent with this
52 paragraph, in an amount up to two million dollars for the period April
53 first, two thousand six through March thirty-first, two thousand seven,
54 up to three million eight hundred thousand dollars for the period April
55 first, two thousand seven through March thirty-first, two thousand
56 eight, up to three million eight hundred thousand dollars for the period

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

10 (ccc) Funds shall be deposited by the commissioner, within amounts
11 appropriated, and the state comptroller is hereby authorized and
12 directed to receive for the deposit to the credit of the state special
13 revenue funds - other, HCRA transfer fund, medical assistance account,
14 or any successor fund or account, for purposes of funding the state
15 share of increases in the rates for certified home health agencies, long
16 term home health care programs, AIDS home care programs, hospice
17 programs and managed long term care plans and approved managed long term
18 care operating demonstrations as defined in section forty-four hundred
19 three-f of this chapter for recruitment and retention of health care
20 workers pursuant to subdivisions nine and ten of section thirty-six
21 hundred fourteen of this chapter from the tobacco control and insurance
22 initiatives pool established for the following periods in the following
23 amounts:

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

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

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

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

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

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

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

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

43 (ix) up to fifty million dollars each state fiscal year for the period
44 April first, two thousand seventeen through March thirty-first, two
45 thousand twenty; [~~and~~]

46 (x) up to fifty million dollars each state fiscal year for the period
47 April first, two thousand twenty through March thirty-first, two thou-
48 sand twenty-three; and

49 (xi) up to fifty million dollars each state fiscal year for the period
50 April first, two thousand twenty-three through March thirty-first, two
51 thousand twenty-six.

52 (ddd) Funds shall be deposited by the commissioner, within amounts
53 appropriated, and the state comptroller is hereby authorized and
54 directed to receive for the deposit to the credit of the state special
55 revenue funds - other, HCRA transfer fund, medical assistance account,
56 or any successor fund or account, for purposes of funding the state

1 share of increases in the medical assistance rates for providers for
2 purposes of enhancing the provision, quality and/or efficiency of home
3 care services pursuant to subdivision eleven of section thirty-six
4 hundred fourteen of this chapter from the tobacco control and insurance
5 initiatives pool established for the following period in the amount of
6 eight million dollars for the period April first, two thousand six
7 through December thirty-first, two thousand six.

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

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

21 (ggg) Funds shall be deposited by the commissioner, within amounts
22 appropriated, and the state comptroller is hereby authorized and
23 directed to receive for deposit to the credit of the state special
24 revenue fund - other, HCRA transfer fund, medical assistance account, or
25 any successor fund or account, for the purpose of supporting the state
26 share of Medicaid expenditures for hospital translation services as
27 authorized pursuant to paragraph (k) of subdivision one of section twen-
28 ty-eight hundred seven-c of this article from the tobacco control and
29 initiatives pool established for the following periods in the following
30 amounts:

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

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

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

47 (i) two million five hundred thousand dollars for the period April
48 first, two thousand eight through December thirty-first, two thousand
49 eight; and

50 (ii) two million two hundred ninety-two thousand dollars for the peri-
51 od January first, two thousand nine through November thirtieth, two
52 thousand nine.

53 (iii) Funds shall be reserved and set aside and accumulated from year
54 to year and shall be made available, including income from investment
55 funds, for the purpose of supporting the New York state medical indem-
56 nity fund as authorized pursuant to title four of article twenty-nine-D

1 of this chapter, for the following periods and in the following amounts,
2 provided, however, that the commissioner is authorized to seek waiver
3 authority from the federal centers for medicare and Medicaid for the
4 purpose of securing Medicaid federal financial participation for such
5 program, in which case the funding authorized pursuant to this paragraph
6 shall be utilized as the non-federal share for such payments:

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

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

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

31 § 13. Paragraph (a) of subdivision 12 of section 367-b of the social
32 services law, as amended by section 15 of part Y of chapter 56 of the
33 laws of 2020, is amended to read as follows:

34 (a) For the purpose of regulating cash flow for general hospitals, the
35 department shall develop and implement a payment methodology to provide
36 for timely payments for inpatient hospital services eligible for case
37 based payments per discharge based on diagnosis-related groups provided
38 during the period January first, nineteen hundred eighty-eight through
39 March thirty-first two thousand [~~twenty-three~~] twenty-six, by such
40 hospitals which elect to participate in the system.

41 § 14. Paragraph (r) of subdivision 9 of section 3614 of the public
42 health law, as added by section 16 of part Y of chapter 56 of the laws
43 of 2020, is amended and three new paragraphs (s), (t) and (u) are added
44 to read as follows:

45 (r) for the period April first, two thousand twenty-two through March
46 thirty-first, two thousand twenty-three, up to one hundred million
47 dollars[-];

48 (s) for the period April first, two thousand twenty-three through
49 March thirty-first, two thousand twenty-four, up to one hundred million
50 dollars;

51 (t) for the period April first, two thousand twenty-four through March
52 thirty-first, two thousand twenty-five, up to one hundred million
53 dollars;

54 (u) for the period April first, two thousand twenty-five through March
55 thirty-first, two thousand twenty-six, up to one hundred million
56 dollars.

1 § 15. Paragraph (v) of subdivision 1 of section 367-q of the social
2 services law, as added by section 17 of part Y of chapter 56 of the laws
3 of 2020, is amended and three new paragraphs (w), (x) and (y) are added
4 to read as follows:

5 (v) for the period April first, two thousand twenty-two through March
6 thirty-first, two thousand twenty-three, up to twenty-eight million five
7 hundred thousand dollars[-];

8 (w) for the period April first, two thousand twenty-three through
9 March thirty-first, two thousand twenty-four, up to twenty-eight million
10 five hundred thousand dollars;

11 (x) for the period April first, two thousand twenty-four through March
12 thirty-first, two thousand twenty-five, up to twenty-eight million five
13 hundred thousand dollars;

14 (y) for the period April first, two thousand twenty-five through March
15 thirty-first, two thousand twenty-six, up to twenty-eight million five
16 hundred thousand dollars.

17 § 16. This act shall take effect April 1, 2023; provided, however, if
18 this act shall become a law after such date it shall take effect imme-
19 diately and shall be deemed to have been in full force and effect on and
20 after April 1, 2023; and further provided, that:

21 (a) the amendments to sections 2807-j and 2807-s of the public health
22 law made by sections two, eight, nine, and ten of this act shall not
23 affect the expiration of such sections and shall expire therewith;

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

27 (c) the amendments to paragraph (i-1) of subdivision 1 of section
28 2807-v of the public health law made by section twelve of this act shall
29 not affect the repeal of such paragraph and shall be deemed repealed
30 therewith.

31 PART D

32 Intentionally Omitted

33 PART E

34 Section 1. Subdivision 5-d of section 2807-k of the public health
35 law, as amended by section 3 of part KK of chapter 56 of the laws of
36 2020, is amended to read as follows:

37 5-d. (a) Notwithstanding any inconsistent provision of this section,
38 section twenty-eight hundred seven-w of this article or any other
39 contrary provision of law, and subject to the availability of federal
40 financial participation, for periods on and after January first, two
41 thousand twenty, through March thirty-first, two thousand [~~twenty-three~~
42 twenty-six], all funds available for distribution pursuant to this
43 section, except for funds distributed pursuant to [~~subparagraph (v) of~~
44 paragraph (b) of subdivision five-b of this section, and all funds
45 available for distribution pursuant to section twenty-eight hundred
46 seven-w of this article, shall be reserved and set aside and distributed
47 in accordance with the provisions of this subdivision.

48 (b) The commissioner shall promulgate regulations, and may promulgate
49 emergency regulations, establishing methodologies for the distribution
50 of funds as described in paragraph (a) of this subdivision and such
51 regulations shall include, but not be limited to, the following:

1 (i) Such regulations shall establish methodologies for determining
2 each facility's relative uncompensated care need amount based on unin-
3 sured inpatient and outpatient units of service from the cost reporting
4 year two years prior to the distribution year, multiplied by the appli-
5 cable medicaid rates in effect January first of the distribution year,
6 as summed and adjusted by a statewide cost adjustment factor and reduced
7 by the sum of all payment amounts collected from such uninsured
8 patients, and as further adjusted by application of a nominal need
9 computation that shall take into account each facility's medicaid inpa-
10 tient share.

11 (ii) Annual distributions pursuant to such regulations for the two
12 thousand twenty through two thousand [~~twenty-two~~] twenty-five calendar
13 years shall be in accord with the following:

14 (A) one hundred thirty-nine million four hundred thousand dollars
15 shall be distributed as Medicaid Disproportionate Share Hospital ("DSH")
16 payments to major public general hospitals; and

17 (B) nine hundred sixty-nine million nine hundred thousand dollars as
18 Medicaid DSH payments to eligible general hospitals, other than major
19 public general hospitals.

20 For the calendar years two thousand twenty through two thousand twen-
21 ty-two, the total distributions to eligible general hospitals, other
22 than major public general hospitals, shall be subject to an aggregate
23 reduction of one hundred fifty million dollars annually, provided that
24 eligible general hospitals, other than major public general hospitals,
25 that qualify as enhanced safety net hospitals under section two thousand
26 eight hundred seven-c of this article shall not be subject to such
27 reduction.

28 For the calendar years two thousand twenty-three through two thousand
29 twenty-five, the total distributions to eligible general hospitals,
30 other than major public general hospitals, shall be subject to an aggre-
31 gate reduction of two hundred thirty-five million four hundred thousand
32 dollars annually, provided that eligible general hospitals, other than
33 major public general hospitals that qualify as enhanced safety net
34 hospitals under section two thousand eight hundred seven-c of this arti-
35 cle as of April first, two thousand twenty, shall not be subject to such
36 reduction.

37 Such [~~reduction~~] reductions shall be determined by a methodology to be
38 established by the commissioner. Such [~~methodology~~] methodologies may
39 take into account the payor mix of each non-public general hospital,
40 including the percentage of inpatient days paid by Medicaid.

41 (iii) For calendar years two thousand twenty through two thousand
42 [~~twenty-two~~] twenty-five, sixty-four million six hundred thousand
43 dollars shall be distributed to eligible general hospitals, other than
44 major public general hospitals, that experience a reduction in indigent
45 care pool payments pursuant to this subdivision, and that qualify as
46 enhanced safety net hospitals under section two thousand eight hundred
47 seven-c of this article as of April first, two thousand twenty. Such
48 distribution shall be established pursuant to regulations promulgated by
49 the commissioner and shall be proportional to the reduction experienced
50 by the facility.

51 (iv) Such regulations shall reserve one percent of the funds available
52 for distribution in the two thousand fourteen and two thousand fifteen
53 calendar years, and for calendar years thereafter, pursuant to this
54 subdivision, subdivision fourteen-f of section twenty-eight hundred
55 seven-c of this article, and sections two hundred eleven and two hundred
56 twelve of chapter four hundred seventy-four of the laws of nineteen

1 hundred ninety-six, in a "financial assistance compliance pool" and
2 shall establish methodologies for the distribution of such pool funds to
3 facilities based on their level of compliance, as determined by the
4 commissioner, with the provisions of subdivision nine-a of this section.

5 (c) The commissioner shall annually report to the governor and the
6 legislature on the distribution of funds under this subdivision includ-
7 ing, but not limited to:

8 (i) the impact on safety net providers, including community providers,
9 rural general hospitals and major public general hospitals;

10 (ii) the provision of indigent care by units of services and funds
11 distributed by general hospitals; and

12 (iii) the extent to which access to care has been enhanced.

13 § 2. Subdivision 1 of section 2801 of the public health law, as
14 amended by section 1 of part Z of chapter 57 of the laws of 2019, is
15 amended to read as follows:

16 1. "Hospital" means a facility or institution engaged principally in
17 providing services by or under the supervision of a physician or, in the
18 case of a dental clinic or dental dispensary, of a dentist, or, in the
19 case of a midwifery birth center, of a midwife, for the prevention,
20 diagnosis or treatment of human disease, pain, injury, deformity or
21 physical condition, including, but not limited to, a general hospital,
22 public health center, diagnostic center, treatment center, a rural emer-
23 gency hospital under 42 USC 1395x(kkk), or successor provisions, dental
24 clinic, dental dispensary, rehabilitation center other than a facility
25 used solely for vocational rehabilitation, nursing home, tuberculosis
26 hospital, chronic disease hospital, maternity hospital, midwifery birth
27 center, lying-in-asylum, out-patient department, out-patient lodge,
28 dispensary and a laboratory or central service facility serving one or
29 more such institutions, but the term hospital shall not include an
30 institution, sanitarium or other facility engaged principally in provid-
31 ing services for the prevention, diagnosis or treatment of mental disa-
32 bility and which is subject to the powers of visitation, examination,
33 inspection and investigation of the department of mental hygiene except
34 for those distinct parts of such a facility which provide hospital
35 service. The provisions of this article shall not apply to a facility or
36 institution engaged principally in providing services by or under the
37 supervision of the bona fide members and adherents of a recognized reli-
38 gious organization whose teachings include reliance on spiritual means
39 through prayer alone for healing in the practice of the religion of such
40 organization and where services are provided in accordance with those
41 teachings. No provision of this article or any other provision of law
42 shall be construed to: (a) limit the volume of mental health, substance
43 use disorder services or developmental disability services that can be
44 provided by a provider of primary care services licensed under this
45 article and authorized to provide integrated services in accordance with
46 regulations issued by the commissioner in consultation with the commis-
47 sioner of the office of mental health, the commissioner of the office of
48 alcoholism and substance abuse services and the commissioner of the
49 office for people with developmental disabilities, including regulations
50 issued pursuant to subdivision seven of section three hundred sixty-
51 five-1 of the social services law or part L of chapter fifty-six of the
52 laws of two thousand twelve; (b) require a provider licensed pursuant to
53 article thirty-one of the mental hygiene law or certified pursuant to
54 article sixteen or article thirty-two of the mental hygiene law to
55 obtain an operating certificate from the department if such provider has
56 been authorized to provide integrated services in accordance with regu-

1 lations issued by the commissioner in consultation with the commissioner
2 of the office of mental health, the commissioner of the office of alco-
3 holism and substance abuse services and the commissioner of the office
4 for people with developmental disabilities, including regulations issued
5 pursuant to subdivision seven of section three hundred sixty-five-1 of
6 the social services law or part L of chapter fifty-six of the laws of
7 two thousand twelve.

8 § 3. Section 2801-g of the public health law is amended by adding a
9 new subdivision 4 to read as follows:

10 4. At least thirty days prior to a general hospital applying to the
11 federal centers for medicare and medicaid services to convert from a
12 general hospital with inpatients to a rural emergency hospital under 42
13 USC 1395x(kkk), or successor provisions, such hospital shall hold a
14 public community forum for the purpose of obtaining public input
15 concerning the anticipated impact of the hospital's closure of inpatient
16 units, including but not limited to, the impact on recipients of medical
17 assistance for needy persons, the uninsured, and medically underserved
18 populations, and options and proposals to ameliorate such anticipated
19 impact. The hospital shall afford all public participants a reasonable
20 opportunity to speak about relevant matters at such community forum.
21 Prior to any community forum and as soon as practicable, the hospital
22 shall be required to:

23 (a) notify the office of mental health and the local director of
24 community services in the event such general hospital has psychiatric
25 inpatient beds licensed under article thirty-one of the mental hygiene
26 law or designated pursuant to section 9.39 of the mental hygiene law,
27 and

28 (b) notify the office of addiction services and supports in the event
29 such general hospital has inpatient substance use disorder treatment
30 programs or inpatient chemical dependence treatment programs licensed
31 under article thirty-two of the mental hygiene law.

32 § 4. The opening paragraph of subdivision (g) of section 2826 of the
33 public health law, as amended by section 3 of part M of chapter 57 of
34 the laws of 2022, is amended to read as follows:

35 Notwithstanding subdivision (a) of this section, and within amounts
36 appropriated for such purposes as described herein, [~~for the period of~~
37 ~~April first, two thousand twenty two through March thirty first, two~~
38 ~~thousand twenty three,~~] the commissioner may award a temporary adjust-
39 ment to the non-capital components of rates, or make temporary lump-sum
40 Medicaid payments to eligible facilities in severe financial distress to
41 enable such facilities to maintain operations and vital services while
42 such facilities establish long term solutions to achieve sustainable
43 health services. Provided, however, the commissioner is authorized to
44 make such a temporary adjustment or make such temporary lump sum payment
45 only pursuant to criteria, an application, and an evaluation process[~~r~~
46 ~~and transformation plan~~] acceptable to the commissioner in consultation
47 with the director of the division of the budget. The department shall
48 publish on its website the criteria, application, and evaluation process
49 [~~and guidance for transformation plans~~] and notification of any award
50 recipients.

51 § 5. Subparagraph (F) of paragraph (i) of subdivision (g) of section
52 2826 of the public health law, as amended by section 3 of part M of
53 chapter 57 of the laws of 2022, is amended to read as follows:

54 (F) an independent practice association or accountable care organiza-
55 tion authorized under applicable regulations that participate in managed
56 care provider network arrangements with any of the provider types in

1 subparagraphs (A) through (F) of this paragraph; or an entity that was
 2 formed as a preferred provider system pursuant to the delivery system
 3 reform incentive payment (DSRIP) program and collaborated with an inde-
 4 pendent practice association that received VBP innovator status from the
 5 department for purposes of meeting DSRIP goals, and which preferred
 6 provider system remains operational as an integrated care system.

7 § 6. The opening paragraph of paragraph (ii) of subdivision (g) of
 8 section 2826 of the public health law, as added by section 6 of part J
 9 of chapter 60 of the laws of 2015, is amended to read as follows:

10 Eligible applicants must demonstrate that without such award, they
 11 will be in severe financial distress [~~through March thirty-first, two~~
 12 ~~thousand sixteen~~], as evidenced by:

13 § 7. Subparagraph (A), the opening paragraph of subparagraph (E) and
 14 subparagraph (F) of paragraph (iii) of subdivision (g) of section 2826
 15 of the public health law, as added by section 6 of part J of chapter 60
 16 of the laws of 2015, are amended to read as follows:

17 (A) [~~Applications under this subdivision~~] Eligible applicants shall
 18 [~~include a multi-year transformation plan that is aligned with the~~
 19 ~~delivery system reform incentive payment ("DSRIP") program goals and~~
 20 ~~objectives. Such plan shall be approved by~~] submit a completed applica-
 21 tion to the department [~~and shall demonstrate a path towards long term~~
 22 ~~sustainability and improved patient care~~].

23 The department shall review all applications under this subdivision,
 24 and [a] determine:

25 (F) After review of all applications under this subdivision, and a
 26 determination of the aggregate amount of requested funds, the department
 27 [~~shall~~] may make awards to eligible applicants; provided, however, that
 28 such awards may be in an amount lower than such requested funding, on a
 29 per applicant or aggregate basis.

30 § 8. Paragraph (v) of subdivision (g) of section 2826 of the public
 31 health law, as added by section 6 of part J of chapter 60 of the laws of
 32 2015, is amended to read as follows:

33 (v) Payments made to awardees pursuant to this subdivision [~~shall be~~
 34 that are made on a monthly basis[~~Such payments~~] will be based on the
 35 applicant's actual monthly financial performance during such period and
 36 the reasonable cash amount necessary to sustain operations for the
 37 following month. The applicant's monthly financial performance shall be
 38 measured by such applicant's monthly financial and activity reports,
 39 which shall include, but not be limited to, actual revenue and expenses
 40 for the prior month, projected cash need for the current month, and
 41 projected cash need for the following month.

42 § 9. Part I of chapter 57 of the laws of 2022 relating to providing a
 43 one percent across the board payment increase to all qualifying fee-for-
 44 service Medicaid rates, is amended by adding a new section 1-a to read
 45 as follows:

46 § 1-a. Notwithstanding any provision of law to the contrary, subject
 47 to appropriations, for the state fiscal years beginning April 1, 2023,
 48 and thereafter, Medicaid payments made for the operating component of
 49 hospital inpatient and outpatient services shall be subject to a uniform
 50 rate increase of ten percent in addition to the increase contained in
 51 section one of this act, subject to the approval of the commissioner of
 52 health and the director of the budget. Such rate increase shall be
 53 subject to federal financial participation.

54 § 10. This act shall take effect immediately; provided that sections
 55 two and three of this act shall take effect on the sixtieth day after it
 56 shall have become a law; provided, further, that sections one, four,

1 five, six, seven, eight, and nine of this act shall be deemed to have
2 been in full force and effect on and after April 1, 2023.

3 PART F

4 Section 1. Paragraph (a) of subdivision 1 of section 18 of chapter 266
5 of the laws of 1986, amending the civil practice law and rules and other
6 laws relating to malpractice and professional medical conduct, as
7 amended by section 1 of part Z of chapter 57 of the laws of 2022, is
8 amended to read as follows:

9 (a) The superintendent of financial services and the commissioner of
10 health or their designee shall, from funds available in the hospital
11 excess liability pool created pursuant to subdivision 5 of this section,
12 purchase a policy or policies for excess insurance coverage, as author-
13 ized by paragraph 1 of subsection (e) of section 5502 of the insurance
14 law; or from an insurer, other than an insurer described in section 5502
15 of the insurance law, duly authorized to write such coverage and actual-
16 ly writing medical malpractice insurance in this state; or shall
17 purchase equivalent excess coverage in a form previously approved by the
18 superintendent of financial services for purposes of providing equiv-
19 alent excess coverage in accordance with section 19 of chapter 294 of
20 the laws of 1985, for medical or dental malpractice occurrences between
21 July 1, 1986 and June 30, 1987, between July 1, 1987 and June 30, 1988,
22 between July 1, 1988 and June 30, 1989, between July 1, 1989 and June
23 30, 1990, between July 1, 1990 and June 30, 1991, between July 1, 1991
24 and June 30, 1992, between July 1, 1992 and June 30, 1993, between July
25 1, 1993 and June 30, 1994, between July 1, 1994 and June 30, 1995,
26 between July 1, 1995 and June 30, 1996, between July 1, 1996 and June
27 30, 1997, between July 1, 1997 and June 30, 1998, between July 1, 1998
28 and June 30, 1999, between July 1, 1999 and June 30, 2000, between July
29 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002,
30 between July 1, 2002 and June 30, 2003, between July 1, 2003 and June
31 30, 2004, between July 1, 2004 and June 30, 2005, between July 1, 2005
32 and June 30, 2006, between July 1, 2006 and June 30, 2007, between July
33 1, 2007 and June 30, 2008, between July 1, 2008 and June 30, 2009,
34 between July 1, 2009 and June 30, 2010, between July 1, 2010 and June
35 30, 2011, between July 1, 2011 and June 30, 2012, between July 1, 2012
36 and June 30, 2013, between July 1, 2013 and June 30, 2014, between July
37 1, 2014 and June 30, 2015, between July 1, 2015 and June 30, 2016,
38 between July 1, 2016 and June 30, 2017, between July 1, 2017 and June
39 30, 2018, between July 1, 2018 and June 30, 2019, between July 1, 2019
40 and June 30, 2020, between July 1, 2020 and June 30, 2021, between July
41 1, 2021 and June 30, 2022, ~~and~~ between July 1, 2022 and June 30, 2023,
42 and between July 1, 2023 and June 30, 2024 or reimburse the hospital
43 where the hospital purchases equivalent excess coverage as defined in
44 subparagraph (i) of paragraph (a) of subdivision 1-a of this section for
45 medical or dental malpractice occurrences between July 1, 1987 and June
46 30, 1988, between July 1, 1988 and June 30, 1989, between July 1, 1989
47 and June 30, 1990, between July 1, 1990 and June 30, 1991, between July
48 1, 1991 and June 30, 1992, between July 1, 1992 and June 30, 1993,
49 between July 1, 1993 and June 30, 1994, between July 1, 1994 and June
50 30, 1995, between July 1, 1995 and June 30, 1996, between July 1, 1996
51 and June 30, 1997, between July 1, 1997 and June 30, 1998, between July
52 1, 1998 and June 30, 1999, between July 1, 1999 and June 30, 2000,
53 between July 1, 2000 and June 30, 2001, between July 1, 2001 and June
54 30, 2002, between July 1, 2002 and June 30, 2003, between July 1, 2003

1 and June 30, 2004, between July 1, 2004 and June 30, 2005, between July
2 1, 2005 and June 30, 2006, between July 1, 2006 and June 30, 2007,
3 between July 1, 2007 and June 30, 2008, between July 1, 2008 and June
4 30, 2009, between July 1, 2009 and June 30, 2010, between July 1, 2010
5 and June 30, 2011, between July 1, 2011 and June 30, 2012, between July
6 1, 2012 and June 30, 2013, between July 1, 2013 and June 30, 2014,
7 between July 1, 2014 and June 30, 2015, between July 1, 2015 and June
8 30, 2016, between July 1, 2016 and June 30, 2017, between July 1, 2017
9 and June 30, 2018, between July 1, 2018 and June 30, 2019, between July
10 1, 2019 and June 30, 2020, between July 1, 2020 and June 30, 2021,
11 between July 1, 2021 and June 30, 2022, [~~and~~] between July 1, 2022 and
12 June 30, 2023, and between July 1, 2023 and June 30, 2024 for physicians
13 or dentists certified as eligible for each such period or periods pursu-
14 ant to subdivision 2 of this section by a general hospital licensed
15 pursuant to article 28 of the public health law; provided that no single
16 insurer shall write more than fifty percent of the total excess premium
17 for a given policy year; and provided, however, that such eligible
18 physicians or dentists must have in force an individual policy, from an
19 insurer licensed in this state of primary malpractice insurance coverage
20 in amounts of no less than one million three hundred thousand dollars
21 for each claimant and three million nine hundred thousand dollars for
22 all claimants under that policy during the period of such excess cover-
23 age for such occurrences or be endorsed as additional insureds under a
24 hospital professional liability policy which is offered through a volun-
25 tary attending physician ("channeling") program previously permitted by
26 the superintendent of financial services during the period of such
27 excess coverage for such occurrences. During such period, such policy
28 for excess coverage or such equivalent excess coverage shall, when
29 combined with the physician's or dentist's primary malpractice insurance
30 coverage or coverage provided through a voluntary attending physician
31 ("channeling") program, total an aggregate level of two million three
32 hundred thousand dollars for each claimant and six million nine hundred
33 thousand dollars for all claimants from all such policies with respect
34 to occurrences in each of such years provided, however, if the cost of
35 primary malpractice insurance coverage in excess of one million dollars,
36 but below the excess medical malpractice insurance coverage provided
37 pursuant to this act, exceeds the rate of nine percent per annum, then
38 the required level of primary malpractice insurance coverage in excess
39 of one million dollars for each claimant shall be in an amount of not
40 less than the dollar amount of such coverage available at nine percent
41 per annum; the required level of such coverage for all claimants under
42 that policy shall be in an amount not less than three times the dollar
43 amount of coverage for each claimant; and excess coverage, when combined
44 with such primary malpractice insurance coverage, shall increase the
45 aggregate level for each claimant by one million dollars and three
46 million dollars for all claimants; and provided further, that, with
47 respect to policies of primary medical malpractice coverage that include
48 occurrences between April 1, 2002 and June 30, 2002, such requirement
49 that coverage be in amounts no less than one million three hundred thou-
50 sand dollars for each claimant and three million nine hundred thousand
51 dollars for all claimants for such occurrences shall be effective April
52 1, 2002.

53 § 2. Subdivision 3 of section 18 of chapter 266 of the laws of 1986,
54 amending the civil practice law and rules and other laws relating to
55 malpractice and professional medical conduct, as amended by section 2 of
56 part Z of chapter 57 of the laws of 2022, is amended to read as follows:

1 (3)(a) The superintendent of financial services shall determine and
2 certify to each general hospital and to the commissioner of health the
3 cost of excess malpractice insurance for medical or dental malpractice
4 occurrences between July 1, 1986 and June 30, 1987, between July 1, 1988
5 and June 30, 1989, between July 1, 1989 and June 30, 1990, between July
6 1, 1990 and June 30, 1991, between July 1, 1991 and June 30, 1992,
7 between July 1, 1992 and June 30, 1993, between July 1, 1993 and June
8 30, 1994, between July 1, 1994 and June 30, 1995, between July 1, 1995
9 and June 30, 1996, between July 1, 1996 and June 30, 1997, between July
10 1, 1997 and June 30, 1998, between July 1, 1998 and June 30, 1999,
11 between July 1, 1999 and June 30, 2000, between July 1, 2000 and June
12 30, 2001, between July 1, 2001 and June 30, 2002, between July 1, 2002
13 and June 30, 2003, between July 1, 2003 and June 30, 2004, between July
14 1, 2004 and June 30, 2005, between July 1, 2005 and June 30, 2006,
15 between July 1, 2006 and June 30, 2007, between July 1, 2007 and June
16 30, 2008, between July 1, 2008 and June 30, 2009, between July 1, 2009
17 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July
18 1, 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013,
19 between July 1, 2013 and June 30, 2014, between July 1, 2014 and June
20 30, 2015, between July 1, 2015 and June 30, 2016, between July 1, 2016
21 and June 30, 2017, between July 1, 2017 and June 30, 2018, between July
22 1, 2018 and June 30, 2019, between July 1, 2019 and June 30, 2020,
23 between July 1, 2020 and June 30, 2021, between July 1, 2021 and June
24 30, 2022, ~~and~~ between July 1, 2022 and June 30, 2023, and between July
25 1, 2023 and June 30, 2024 allocable to each general hospital for physi-
26 cians or dentists certified as eligible for purchase of a policy for
27 excess insurance coverage by such general hospital in accordance with
28 subdivision 2 of this section, and may amend such determination and
29 certification as necessary.

30 (b) The superintendent of financial services shall determine and
31 certify to each general hospital and to the commissioner of health the
32 cost of excess malpractice insurance or equivalent excess coverage for
33 medical or dental malpractice occurrences between July 1, 1987 and June
34 30, 1988, between July 1, 1988 and June 30, 1989, between July 1, 1989
35 and June 30, 1990, between July 1, 1990 and June 30, 1991, between July
36 1, 1991 and June 30, 1992, between July 1, 1992 and June 30, 1993,
37 between July 1, 1993 and June 30, 1994, between July 1, 1994 and June
38 30, 1995, between July 1, 1995 and June 30, 1996, between July 1, 1996
39 and June 30, 1997, between July 1, 1997 and June 30, 1998, between July
40 1, 1998 and June 30, 1999, between July 1, 1999 and June 30, 2000,
41 between July 1, 2000 and June 30, 2001, between July 1, 2001 and June
42 30, 2002, between July 1, 2002 and June 30, 2003, between July 1, 2003
43 and June 30, 2004, between July 1, 2004 and June 30, 2005, between July
44 1, 2005 and June 30, 2006, between July 1, 2006 and June 30, 2007,
45 between July 1, 2007 and June 30, 2008, between July 1, 2008 and June
46 30, 2009, between July 1, 2009 and June 30, 2010, between July 1, 2010
47 and June 30, 2011, between July 1, 2011 and June 30, 2012, between July
48 1, 2012 and June 30, 2013, between July 1, 2013 and June 30, 2014,
49 between July 1, 2014 and June 30, 2015, between July 1, 2015 and June
50 30, 2016, between July 1, 2016 and June 30, 2017, between July 1, 2017
51 and June 30, 2018, between July 1, 2018 and June 30, 2019, between July
52 1, 2019 and June 30, 2020, between July 1, 2020 and June 30, 2021,
53 between July 1, 2021 and June 30, 2022, ~~and~~ between July 1, 2022 and
54 June 30, 2023, and between July 1, 2023 and June 30, 2024 allocable to
55 each general hospital for physicians or dentists certified as eligible
56 for purchase of a policy for excess insurance coverage or equivalent

1 excess coverage by such general hospital in accordance with subdivision
2 2 of this section, and may amend such determination and certification as
3 necessary. The superintendent of financial services shall determine and
4 certify to each general hospital and to the commissioner of health the
5 ratable share of such cost allocable to the period July 1, 1987 to
6 December 31, 1987, to the period January 1, 1988 to June 30, 1988, to
7 the period July 1, 1988 to December 31, 1988, to the period January 1,
8 1989 to June 30, 1989, to the period July 1, 1989 to December 31, 1989,
9 to the period January 1, 1990 to June 30, 1990, to the period July 1,
10 1990 to December 31, 1990, to the period January 1, 1991 to June 30,
11 1991, to the period July 1, 1991 to December 31, 1991, to the period
12 January 1, 1992 to June 30, 1992, to the period July 1, 1992 to December
13 31, 1992, to the period January 1, 1993 to June 30, 1993, to the period
14 July 1, 1993 to December 31, 1993, to the period January 1, 1994 to June
15 30, 1994, to the period July 1, 1994 to December 31, 1994, to the period
16 January 1, 1995 to June 30, 1995, to the period July 1, 1995 to December
17 31, 1995, to the period January 1, 1996 to June 30, 1996, to the period
18 July 1, 1996 to December 31, 1996, to the period January 1, 1997 to June
19 30, 1997, to the period July 1, 1997 to December 31, 1997, to the period
20 January 1, 1998 to June 30, 1998, to the period July 1, 1998 to December
21 31, 1998, to the period January 1, 1999 to June 30, 1999, to the period
22 July 1, 1999 to December 31, 1999, to the period January 1, 2000 to June
23 30, 2000, to the period July 1, 2000 to December 31, 2000, to the period
24 January 1, 2001 to June 30, 2001, to the period July 1, 2001 to June 30,
25 2002, to the period July 1, 2002 to June 30, 2003, to the period July 1,
26 2003 to June 30, 2004, to the period July 1, 2004 to June 30, 2005, to
27 the period July 1, 2005 and June 30, 2006, to the period July 1, 2006
28 and June 30, 2007, to the period July 1, 2007 and June 30, 2008, to the
29 period July 1, 2008 and June 30, 2009, to the period July 1, 2009 and
30 June 30, 2010, to the period July 1, 2010 and June 30, 2011, to the
31 period July 1, 2011 and June 30, 2012, to the period July 1, 2012 and
32 June 30, 2013, to the period July 1, 2013 and June 30, 2014, to the
33 period July 1, 2014 and June 30, 2015, to the period July 1, 2015 and
34 June 30, 2016, to the period July 1, 2016 and June 30, 2017, to the
35 period July 1, 2017 to June 30, 2018, to the period July 1, 2018 to June
36 30, 2019, to the period July 1, 2019 to June 30, 2020, to the period
37 July 1, 2020 to June 30, 2021, to the period July 1, 2021 to June 30,
38 2022, ~~and~~ to the period July 1, 2022 to June 30, 2023, and to the
39 period July 1, 2023 to June 30, 2024.

40 § 3. Paragraphs (a), (b), (c), (d) and (e) of subdivision 8 of section
41 18 of chapter 266 of the laws of 1986, amending the civil practice law
42 and rules and other laws relating to malpractice and professional
43 medical conduct, as amended by section 3 of part Z of chapter 57 of the
44 laws of 2022, are amended to read as follows:

45 (a) To the extent funds available to the hospital excess liability
46 pool pursuant to subdivision 5 of this section as amended, and pursuant
47 to section 6 of part J of chapter 63 of the laws of 2001, as may from
48 time to time be amended, which amended this subdivision, are insuffi-
49 cient to meet the costs of excess insurance coverage or equivalent
50 excess coverage for coverage periods during the period July 1, 1992 to
51 June 30, 1993, during the period July 1, 1993 to June 30, 1994, during
52 the period July 1, 1994 to June 30, 1995, during the period July 1, 1995
53 to June 30, 1996, during the period July 1, 1996 to June 30, 1997,
54 during the period July 1, 1997 to June 30, 1998, during the period July
55 1, 1998 to June 30, 1999, during the period July 1, 1999 to June 30,
56 2000, during the period July 1, 2000 to June 30, 2001, during the period

1 July 1, 2001 to October 29, 2001, during the period April 1, 2002 to
2 June 30, 2002, during the period July 1, 2002 to June 30, 2003, during
3 the period July 1, 2003 to June 30, 2004, during the period July 1, 2004
4 to June 30, 2005, during the period July 1, 2005 to June 30, 2006,
5 during the period July 1, 2006 to June 30, 2007, during the period July
6 1, 2007 to June 30, 2008, during the period July 1, 2008 to June 30,
7 2009, during the period July 1, 2009 to June 30, 2010, during the period
8 July 1, 2010 to June 30, 2011, during the period July 1, 2011 to June
9 30, 2012, during the period July 1, 2012 to June 30, 2013, during the
10 period July 1, 2013 to June 30, 2014, during the period July 1, 2014 to
11 June 30, 2015, during the period July 1, 2015 to June 30, 2016, during
12 the period July 1, 2016 to June 30, 2017, during the period July 1, 2017
13 to June 30, 2018, during the period July 1, 2018 to June 30, 2019,
14 during the period July 1, 2019 to June 30, 2020, during the period July
15 1, 2020 to June 30, 2021, during the period July 1, 2021 to June 30,
16 2022, ~~and~~ during the period July 1, 2022 to June 30, 2023, and during
17 the period July 1, 2023 to June 30, 2024 allocated or reallocated in
18 accordance with paragraph (a) of subdivision 4-a of this section to
19 rates of payment applicable to state governmental agencies, each physi-
20 cian or dentist for whom a policy for excess insurance coverage or
21 equivalent excess coverage is purchased for such period shall be respon-
22 sible for payment to the provider of excess insurance coverage or equiv-
23 alent excess coverage of an allocable share of such insufficiency, based
24 on the ratio of the total cost of such coverage for such physician to
25 the sum of the total cost of such coverage for all physicians applied to
26 such insufficiency.

27 (b) Each provider of excess insurance coverage or equivalent excess
28 coverage covering the period July 1, 1992 to June 30, 1993, or covering
29 the period July 1, 1993 to June 30, 1994, or covering the period July 1,
30 1994 to June 30, 1995, or covering the period July 1, 1995 to June 30,
31 1996, or covering the period July 1, 1996 to June 30, 1997, or covering
32 the period July 1, 1997 to June 30, 1998, or covering the period July 1,
33 1998 to June 30, 1999, or covering the period July 1, 1999 to June 30,
34 2000, or covering the period July 1, 2000 to June 30, 2001, or covering
35 the period July 1, 2001 to October 29, 2001, or covering the period
36 April 1, 2002 to June 30, 2002, or covering the period July 1, 2002 to
37 June 30, 2003, or covering the period July 1, 2003 to June 30, 2004, or
38 covering the period July 1, 2004 to June 30, 2005, or covering the peri-
39 od July 1, 2005 to June 30, 2006, or covering the period July 1, 2006 to
40 June 30, 2007, or covering the period July 1, 2007 to June 30, 2008, or
41 covering the period July 1, 2008 to June 30, 2009, or covering the peri-
42 od July 1, 2009 to June 30, 2010, or covering the period July 1, 2010 to
43 June 30, 2011, or covering the period July 1, 2011 to June 30, 2012, or
44 covering the period July 1, 2012 to June 30, 2013, or covering the peri-
45 od July 1, 2013 to June 30, 2014, or covering the period July 1, 2014 to
46 June 30, 2015, or covering the period July 1, 2015 to June 30, 2016, or
47 covering the period July 1, 2016 to June 30, 2017, or covering the peri-
48 od July 1, 2017 to June 30, 2018, or covering the period July 1, 2018 to
49 June 30, 2019, or covering the period July 1, 2019 to June 30, 2020, or
50 covering the period July 1, 2020 to June 30, 2021, or covering the peri-
51 od July 1, 2021 to June 30, 2022, or covering the period July 1, 2022 to
52 June 30, 2023, or covering the period July 1, 2023 to June 30, 2024
53 shall notify a covered physician or dentist by mail, mailed to the
54 address shown on the last application for excess insurance coverage or
55 equivalent excess coverage, of the amount due to such provider from such
56 physician or dentist for such coverage period determined in accordance

1 with paragraph (a) of this subdivision. Such amount shall be due from
2 such physician or dentist to such provider of excess insurance coverage
3 or equivalent excess coverage in a time and manner determined by the
4 superintendent of financial services.

5 (c) If a physician or dentist liable for payment of a portion of the
6 costs of excess insurance coverage or equivalent excess coverage cover-
7 ing the period July 1, 1992 to June 30, 1993, or covering the period
8 July 1, 1993 to June 30, 1994, or covering the period July 1, 1994 to
9 June 30, 1995, or covering the period July 1, 1995 to June 30, 1996, or
10 covering the period July 1, 1996 to June 30, 1997, or covering the peri-
11 od July 1, 1997 to June 30, 1998, or covering the period July 1, 1998 to
12 June 30, 1999, or covering the period July 1, 1999 to June 30, 2000, or
13 covering the period July 1, 2000 to June 30, 2001, or covering the peri-
14 od July 1, 2001 to October 29, 2001, or covering the period April 1,
15 2002 to June 30, 2002, or covering the period July 1, 2002 to June 30,
16 2003, or covering the period July 1, 2003 to June 30, 2004, or covering
17 the period July 1, 2004 to June 30, 2005, or covering the period July 1,
18 2005 to June 30, 2006, or covering the period July 1, 2006 to June 30,
19 2007, or covering the period July 1, 2007 to June 30, 2008, or covering
20 the period July 1, 2008 to June 30, 2009, or covering the period July 1,
21 2009 to June 30, 2010, or covering the period July 1, 2010 to June 30,
22 2011, or covering the period July 1, 2011 to June 30, 2012, or covering
23 the period July 1, 2012 to June 30, 2013, or covering the period July 1,
24 2013 to June 30, 2014, or covering the period July 1, 2014 to June 30,
25 2015, or covering the period July 1, 2015 to June 30, 2016, or covering
26 the period July 1, 2016 to June 30, 2017, or covering the period July 1,
27 2017 to June 30, 2018, or covering the period July 1, 2018 to June 30,
28 2019, or covering the period July 1, 2019 to June 30, 2020, or covering
29 the period July 1, 2020 to June 30, 2021, or covering the period July 1,
30 2021 to June 30, 2022, or covering the period July 1, 2022 to June 30,
31 2023, or covering the period July 1, 2023 to June 30, 2024 determined in
32 accordance with paragraph (a) of this subdivision fails, refuses or
33 neglects to make payment to the provider of excess insurance coverage or
34 equivalent excess coverage in such time and manner as determined by the
35 superintendent of financial services pursuant to paragraph (b) of this
36 subdivision, excess insurance coverage or equivalent excess coverage
37 purchased for such physician or dentist in accordance with this section
38 for such coverage period shall be cancelled and shall be null and void
39 as of the first day on or after the commencement of a policy period
40 where the liability for payment pursuant to this subdivision has not
41 been met.

42 (d) Each provider of excess insurance coverage or equivalent excess
43 coverage shall notify the superintendent of financial services and the
44 commissioner of health or their designee of each physician and dentist
45 eligible for purchase of a policy for excess insurance coverage or
46 equivalent excess coverage covering the period July 1, 1992 to June 30,
47 1993, or covering the period July 1, 1993 to June 30, 1994, or covering
48 the period July 1, 1994 to June 30, 1995, or covering the period July 1,
49 1995 to June 30, 1996, or covering the period July 1, 1996 to June 30,
50 1997, or covering the period July 1, 1997 to June 30, 1998, or covering
51 the period July 1, 1998 to June 30, 1999, or covering the period July 1,
52 1999 to June 30, 2000, or covering the period July 1, 2000 to June 30,
53 2001, or covering the period July 1, 2001 to October 29, 2001, or cover-
54 ing the period April 1, 2002 to June 30, 2002, or covering the period
55 July 1, 2002 to June 30, 2003, or covering the period July 1, 2003 to
56 June 30, 2004, or covering the period July 1, 2004 to June 30, 2005, or

1 covering the period July 1, 2005 to June 30, 2006, or covering the peri-
2 od July 1, 2006 to June 30, 2007, or covering the period July 1, 2007 to
3 June 30, 2008, or covering the period July 1, 2008 to June 30, 2009, or
4 covering the period July 1, 2009 to June 30, 2010, or covering the peri-
5 od July 1, 2010 to June 30, 2011, or covering the period July 1, 2011 to
6 June 30, 2012, or covering the period July 1, 2012 to June 30, 2013, or
7 covering the period July 1, 2013 to June 30, 2014, or covering the peri-
8 od July 1, 2014 to June 30, 2015, or covering the period July 1, 2015 to
9 June 30, 2016, or covering the period July 1, 2016 to June 30, 2017, or
10 covering the period July 1, 2017 to June 30, 2018, or covering the peri-
11 od July 1, 2018 to June 30, 2019, or covering the period July 1, 2019 to
12 June 30, 2020, or covering the period July 1, 2020 to June 30, 2021, or
13 covering the period July 1, 2021 to June 30, 2022, or covering the peri-
14 od July 1, 2022 to June [±] 30, 2023, or covering the period July 1,
15 2023 to June 30, 2024 that has made payment to such provider of excess
16 insurance coverage or equivalent excess coverage in accordance with
17 paragraph (b) of this subdivision and of each physician and dentist who
18 has failed, refused or neglected to make such payment.

19 (e) A provider of excess insurance coverage or equivalent excess
20 coverage shall refund to the hospital excess liability pool any amount
21 allocable to the period July 1, 1992 to June 30, 1993, and to the period
22 July 1, 1993 to June 30, 1994, and to the period July 1, 1994 to June
23 30, 1995, and to the period July 1, 1995 to June 30, 1996, and to the
24 period July 1, 1996 to June 30, 1997, and to the period July 1, 1997 to
25 June 30, 1998, and to the period July 1, 1998 to June 30, 1999, and to
26 the period July 1, 1999 to June 30, 2000, and to the period July 1, 2000
27 to June 30, 2001, and to the period July 1, 2001 to October 29, 2001,
28 and to the period April 1, 2002 to June 30, 2002, and to the period July
29 1, 2002 to June 30, 2003, and to the period July 1, 2003 to June 30,
30 2004, and to the period July 1, 2004 to June 30, 2005, and to the period
31 July 1, 2005 to June 30, 2006, and to the period July 1, 2006 to June
32 30, 2007, and to the period July 1, 2007 to June 30, 2008, and to the
33 period July 1, 2008 to June 30, 2009, and to the period July 1, 2009 to
34 June 30, 2010, and to the period July 1, 2010 to June 30, 2011, and to
35 the period July 1, 2011 to June 30, 2012, and to the period July 1, 2012
36 to June 30, 2013, and to the period July 1, 2013 to June 30, 2014, and
37 to the period July 1, 2014 to June 30, 2015, and to the period July 1,
38 2015 to June 30, 2016, to the period July 1, 2016 to June 30, 2017, and
39 to the period July 1, 2017 to June 30, 2018, and to the period July 1,
40 2018 to June 30, 2019, and to the period July 1, 2019 to June 30, 2020,
41 and to the period July 1, 2020 to June 30, 2021, and to the period July
42 1, 2021 to June 30, 2022, and to the period July 1, 2022 to June 30,
43 2023, and to the period July 1, 2023 to June 30, 2024 received from the
44 hospital excess liability pool for purchase of excess insurance coverage
45 or equivalent excess coverage covering the period July 1, 1992 to June
46 30, 1993, and covering the period July 1, 1993 to June 30, 1994, and
47 covering the period July 1, 1994 to June 30, 1995, and covering the
48 period July 1, 1995 to June 30, 1996, and covering the period July 1,
49 1996 to June 30, 1997, and covering the period July 1, 1997 to June 30,
50 1998, and covering the period July 1, 1998 to June 30, 1999, and cover-
51 ing the period July 1, 1999 to June 30, 2000, and covering the period
52 July 1, 2000 to June 30, 2001, and covering the period July 1, 2001 to
53 October 29, 2001, and covering the period April 1, 2002 to June 30,
54 2002, and covering the period July 1, 2002 to June 30, 2003, and cover-
55 ing the period July 1, 2003 to June 30, 2004, and covering the period
56 July 1, 2004 to June 30, 2005, and covering the period July 1, 2005 to

1 June 30, 2006, and covering the period July 1, 2006 to June 30, 2007,
2 and covering the period July 1, 2007 to June 30, 2008, and covering the
3 period July 1, 2008 to June 30, 2009, and covering the period July 1,
4 2009 to June 30, 2010, and covering the period July 1, 2010 to June 30,
5 2011, and covering the period July 1, 2011 to June 30, 2012, and cover-
6 ing the period July 1, 2012 to June 30, 2013, and covering the period
7 July 1, 2013 to June 30, 2014, and covering the period July 1, 2014 to
8 June 30, 2015, and covering the period July 1, 2015 to June 30, 2016,
9 and covering the period July 1, 2016 to June 30, 2017, and covering the
10 period July 1, 2017 to June 30, 2018, and covering the period July 1,
11 2018 to June 30, 2019, and covering the period July 1, 2019 to June 30,
12 2020, and covering the period July 1, 2020 to June 30, 2021, and cover-
13 ing the period July 1, 2021 to June 30, 2022, and covering the period
14 July 1, 2022 to June 30, 2023 for, and covering the period July 1, 2023
15 to June 30, 2024 a physician or dentist where such excess insurance
16 coverage or equivalent excess coverage is cancelled in accordance with
17 paragraph (c) of this subdivision.

18 § 4. Section 40 of chapter 266 of the laws of 1986, amending the civil
19 practice law and rules and other laws relating to malpractice and
20 professional medical conduct, as amended by section 4 of part Z of chap-
21 ter 57 of the laws of 2022, is amended to read as follows:

22 § 40. The superintendent of financial services shall establish rates
23 for policies providing coverage for physicians and surgeons medical
24 malpractice for the periods commencing July 1, 1985 and ending June 30,
25 [~~2023~~] 2024; provided, however, that notwithstanding any other provision
26 of law, the superintendent shall not establish or approve any increase
27 in rates for the period commencing July 1, 2009 and ending June 30,
28 2010. The superintendent shall direct insurers to establish segregated
29 accounts for premiums, payments, reserves and investment income attrib-
30 utable to such premium periods and shall require periodic reports by the
31 insurers regarding claims and expenses attributable to such periods to
32 monitor whether such accounts will be sufficient to meet incurred claims
33 and expenses. On or after July 1, 1989, the superintendent shall impose
34 a surcharge on premiums to satisfy a projected deficiency that is
35 attributable to the premium levels established pursuant to this section
36 for such periods; provided, however, that such annual surcharge shall
37 not exceed eight percent of the established rate until July 1, [~~2023~~]
38 2024, at which time and thereafter such surcharge shall not exceed twen-
39 ty-five percent of the approved adequate rate, and that such annual
40 surcharges shall continue for such period of time as shall be sufficient
41 to satisfy such deficiency. The superintendent shall not impose such
42 surcharge during the period commencing July 1, 2009 and ending June 30,
43 2010. On and after July 1, 1989, the surcharge prescribed by this
44 section shall be retained by insurers to the extent that they insured
45 physicians and surgeons during the July 1, 1985 through June 30, [~~2023~~]
46 2024 policy periods; in the event and to the extent physicians and
47 surgeons were insured by another insurer during such periods, all or a
48 pro rata share of the surcharge, as the case may be, shall be remitted
49 to such other insurer in accordance with rules and regulations to be
50 promulgated by the superintendent. Surcharges collected from physicians
51 and surgeons who were not insured during such policy periods shall be
52 apportioned among all insurers in proportion to the premium written by
53 each insurer during such policy periods; if a physician or surgeon was
54 insured by an insurer subject to rates established by the superintendent
55 during such policy periods, and at any time thereafter a hospital,
56 health maintenance organization, employer or institution is responsible

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

27 § 5. Section 5 and subdivisions (a) and (e) of section 6 of part J of
28 chapter 63 of the laws of 2001, amending chapter 266 of the laws of
29 1986, amending the civil practice law and rules and other laws relating
30 to malpractice and professional medical conduct, as amended by section 5
31 of part Z of chapter 57 of the laws of 2022, are amended to read as
32 follows:

33 § 5. The superintendent of financial services and the commissioner of
34 health shall determine, no later than June 15, 2002, June 15, 2003, June
35 15, 2004, June 15, 2005, June 15, 2006, June 15, 2007, June 15, 2008,
36 June 15, 2009, June 15, 2010, June 15, 2011, June 15, 2012, June 15,
37 2013, June 15, 2014, June 15, 2015, June 15, 2016, June 15, 2017, June
38 15, 2018, June 15, 2019, June 15, 2020, June 15, 2021, June 15, 2022,
39 ~~and~~ June 15, 2023, and June 15, 2024 the amount of funds available in
40 the hospital excess liability pool, created pursuant to section 18 of
41 chapter 266 of the laws of 1986, and whether such funds are sufficient
42 for purposes of purchasing excess insurance coverage for eligible
43 participating physicians and dentists during the period July 1, 2001 to
44 June 30, 2002, or July 1, 2002 to June 30, 2003, or July 1, 2003 to June
45 30, 2004, or July 1, 2004 to June 30, 2005, or July 1, 2005 to June 30,
46 2006, or July 1, 2006 to June 30, 2007, or July 1, 2007 to June 30,
47 2008, or July 1, 2008 to June 30, 2009, or July 1, 2009 to June 30,
48 2010, or July 1, 2010 to June 30, 2011, or July 1, 2011 to June 30,
49 2012, or July 1, 2012 to June 30, 2013, or July 1, 2013 to June 30,
50 2014, or July 1, 2014 to June 30, 2015, or July 1, 2015 to June 30,
51 2016, or July 1, 2016 to June 30, 2017, or July 1, 2017 to June 30,
52 2018, or July 1, 2018 to June 30, 2019, or July 1, 2019 to June 30,
53 2020, or July 1, 2020 to June 30, 2021, or July 1, 2021 to June 30,
54 2022, or July 1, 2022 to June 30, 2023, or July 1, 2023 to June 30, 2024
55 as applicable.

1 (a) This section shall be effective only upon a determination, pursu-
2 ant to section five of this act, by the superintendent of financial
3 services and the commissioner of health, and a certification of such
4 determination to the state director of the budget, the chair of the
5 senate committee on finance and the chair of the assembly committee on
6 ways and means, that the amount of funds in the hospital excess liabil-
7 ity pool, created pursuant to section 18 of chapter 266 of the laws of
8 1986, is insufficient for purposes of purchasing excess insurance cover-
9 age for eligible participating physicians and dentists during the period
10 July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30, 2003, or July
11 1, 2003 to June 30, 2004, or July 1, 2004 to June 30, 2005, or July 1,
12 2005 to June 30, 2006, or July 1, 2006 to June 30, 2007, or July 1, 2007
13 to June 30, 2008, or July 1, 2008 to June 30, 2009, or July 1, 2009 to
14 June 30, 2010, or July 1, 2010 to June 30, 2011, or July 1, 2011 to June
15 30, 2012, or July 1, 2012 to June 30, 2013, or July 1, 2013 to June 30,
16 2014, or July 1, 2014 to June 30, 2015, or July 1, 2015 to June 30,
17 2016, or July 1, 2016 to June 30, 2017, or July 1, 2017 to June 30,
18 2018, or July 1, 2018 to June 30, 2019, or July 1, 2019 to June 30,
19 2020, or July 1, 2020 to June 30, 2021, or July 1, 2021 to June 30,
20 2022, or July 1, 2022 to June 30, 2023, or July 1, 2023 to June 30, 2024
21 as applicable.

22 (e) The commissioner of health shall transfer for deposit to the
23 hospital excess liability pool created pursuant to section 18 of chapter
24 266 of the laws of 1986 such amounts as directed by the superintendent
25 of financial services for the purchase of excess liability insurance
26 coverage for eligible participating physicians and dentists for the
27 policy year July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30,
28 2003, or July 1, 2003 to June 30, 2004, or July 1, 2004 to June 30,
29 2005, or July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30,
30 2007, as applicable, and the cost of administering the hospital excess
31 liability pool for such applicable policy year, pursuant to the program
32 established in chapter 266 of the laws of 1986, as amended, no later
33 than June 15, 2002, June 15, 2003, June 15, 2004, June 15, 2005, June
34 15, 2006, June 15, 2007, June 15, 2008, June 15, 2009, June 15, 2010,
35 June 15, 2011, June 15, 2012, June 15, 2013, June 15, 2014, June 15,
36 2015, June 15, 2016, June 15, 2017, June 15, 2018, June 15, 2019, June
37 15, 2020, June 15, 2021, June 15, 2022, [~~and~~] June 15, 2023, and June
38 15, 2024 as applicable.

39 § 6. Section 20 of part H of chapter 57 of the laws of 2017, amending
40 the New York Health Care Reform Act of 1996 and other laws relating to
41 extending certain provisions thereto, as amended by section 6 of part Z
42 of chapter 57 of the laws of 2022, is amended to read as follows:

43 § 20. Notwithstanding any law, rule or regulation to the contrary,
44 only physicians or dentists who were eligible, and for whom the super-
45 intendent of financial services and the commissioner of health, or their
46 designee, purchased, with funds available in the hospital excess liabil-
47 ity pool, a full or partial policy for excess coverage or equivalent
48 excess coverage for the coverage period ending the thirtieth of June,
49 two thousand [~~twenty-two~~] twenty-three, shall be eligible to apply for
50 such coverage for the coverage period beginning the first of July, two
51 thousand [~~twenty-two~~] twenty-three; provided, however, if the total
52 number of physicians or dentists for whom such excess coverage or equiv-
53 alent excess coverage was purchased for the policy year ending the thir-
54 tieth of June, two thousand [~~twenty-two~~] twenty-three exceeds the total
55 number of physicians or dentists certified as eligible for the coverage
56 period beginning the first of July, two thousand [~~twenty-two~~] twenty-

1 three, then the general hospitals may certify additional eligible physi-
2 cians or dentists in a number equal to such general hospital's propor-
3 tional share of the total number of physicians or dentists for whom
4 excess coverage or equivalent excess coverage was purchased with funds
5 available in the hospital excess liability pool as of the thirtieth of
6 June, two thousand [~~twenty-two~~] twenty-three, as applied to the differ-
7 ence between the number of eligible physicians or dentists for whom a
8 policy for excess coverage or equivalent excess coverage was purchased
9 for the coverage period ending the thirtieth of June, two thousand
10 [~~twenty-two~~] twenty-three and the number of such eligible physicians or
11 dentists who have applied for excess coverage or equivalent excess
12 coverage for the coverage period beginning the first of July, two thou-
13 sand [~~twenty-two~~] twenty-three.

14 § 7. This act shall take effect immediately and shall be deemed to
15 have been in full force and effect on and after April 1, 2023.

16

PART G

17 Section 1. Paragraph (a) of subdivision 12 of section 203 of the elder
18 law, as added by section 1 of part U of chapter 57 of the laws of 2019,
19 is amended to read as follows:

20 (a) The director is hereby authorized to implement private pay proto-
21 cols for programs and services administered by the office. These proto-
22 cols may be implemented by area agencies on aging at their option and
23 such protocols shall not be applied to services for a participant when
24 being paid for with federal funds or funds designated as federal match,
25 or for individuals with an income below [~~four~~] two hundred and fifty
26 percent of the federal poverty level. All private payments received
27 directly by an area agency on aging or indirectly by one of its contrac-
28 tors shall be used to supplement, not supplant, funds by state, federal,
29 or county appropriations. Such private pay payments shall be set at a
30 cost to the participant of not more than twenty percent above either the
31 unit cost to the area agency on aging to provide the program or service
32 directly, or the amount that the area agency on aging pays to its
33 contractor to provide the program or service. Private pay payments
34 received under this subdivision shall be used by the area agency on
35 aging to first reduce any unmet need for programs and services, and then
36 to support and enhance services or programs provided by the area agency
37 on aging. No participant, regardless of income, shall be required to pay
38 for any program or service that they are receiving at the time these
39 protocols are implemented by the area agency on aging. This subdivision
40 shall not prevent cost sharing for the programs and services established
41 pursuant to section two hundred fourteen of this title [~~for individuals~~
42 ~~below four hundred percent of the federal poverty level~~]. Consistent
43 with federal and state statute and regulations, when providing programs
44 and services, area agencies on aging and their contractors shall contin-
45 ue to give priority for programs and services to individuals with the
46 greatest economic or social needs. In the event that the capacity to
47 provide programs and services is limited, such programs and services
48 shall be provided to individuals with incomes below [~~four~~] two hundred
49 and fifty percent of the federal poverty level before such programs and
50 services are provided to those participating in the private pay protocol
51 pursuant to this subdivision.

52 § 2. This act shall take effect immediately.

53

PART H

1 Section 1. Intentionally omitted.

2 § 2. Short title. This act shall be known and may be cited as the
3 "1332 state innovation program".

4 § 3. The social services law is amended by adding a new section 369-ii
5 to read as follows:

6 § 369-ii. 1332 state innovation program. 1. Authorization. Notwith-
7 standing section three hundred sixty-nine-gg of this title, subject to
8 federal approval, if it is in the financial interest of the state to do
9 so, the commissioner of health is authorized, with the approval of the
10 director of the budget, to establish a 1332 state innovation program
11 pursuant to section 1332 of the patient protection and affordable care
12 act (P.L. 111-148) and subdivision twenty-five of section two hundred
13 sixty-eight-c of the public health law. The commissioner of health's
14 authority pursuant to this section is contingent upon obtaining and
15 maintaining all necessary approvals from the secretary of health and
16 human services and the secretary of the treasury based on an application
17 for a waiver for state innovation. The commissioner of health shall take
18 all actions necessary to obtain such approvals.

19 2. Definitions. For the purposes of this section:

20 (a) "Eligible organization" means an insurer licensed pursuant to
21 article thirty-two or forty-two of the insurance law, a corporation or
22 an organization under article forty-three of the insurance law, or an
23 organization certified under article forty-four of the public health
24 law, including providers certified under section forty-four hundred
25 three-e of the public health law.

26 (b) "Approved organization" means an eligible organization approved by
27 the commissioner of health to underwrite a 1332 state innovation health
28 insurance plan pursuant to this section.

29 (c) "Health care services" means:

30 (i) the services and supplies as defined by the commissioner of health
31 in consultation with the superintendent of financial services, and shall
32 be consistent with and subject to the essential health benefits as
33 defined by the commissioner in accordance with the provisions of the
34 patient protection and affordable care act (P.L. 111-148) and consistent
35 with the benefits provided by the reference plan selected by the commis-
36 sioner of health for the purposes of defining such benefits, and shall
37 include coverage of and access to the services of any national cancer
38 institute-designated cancer center licensed by the department of health
39 within the service area of the approved organization that is willing to
40 agree to provide cancer-related inpatient, outpatient and medical
41 services to all enrollees in approved organizations' plans in such
42 cancer center's service area under the prevailing terms and conditions
43 that the approved organization requires of other similar providers to be
44 included in the approved organization's network, provided that such
45 terms shall include reimbursement of such center at no less than the
46 fee-for-service medicaid payment rate and methodology applicable to the
47 center's inpatient and outpatient services;

48 (ii) dental and vision services as defined by the commissioner of
49 health, and

50 (iii) as defined by the commissioner of health and subject to federal
51 approval, certain services and supports provided to enrollees who have
52 functional limitations and/or chronic illnesses that have the primary
53 purpose of supporting the ability of the enrollee to live or work in the
54 setting of their choice, which may include the individual's home, a
55 worksite, or a provider-owned or controlled residential setting.

1 (d) "Qualified health plan" means a health plan that meets the criteria for certification described in § 1311(c) of the patient protection and affordable care act (P.L. 111-148), and is offered to individuals through the NY State of Health, the official health Marketplace, or Marketplace, as defined in subdivision two of section two hundred sixty-eight-a of the public health law.

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7 (e) "Basic health insurance plan" means a health plan providing health care services, separate and apart from qualified health plans, that is issued by an approved organization and certified in accordance with section three hundred sixty-nine-gg of this title.

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11 (f) "1332 state innovation plan" means a standard health plan providing health care services, separate and apart from a qualified health plan and a basic health insurance plan, that is issued by an approved organization and certified in accordance with this section.

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15 3. State innovation plan eligible individual. (a) A person is eligible to receive coverage for health care under this section if they:

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17 (i) reside in New York state and are under sixty-five years of age, including individuals that are ineligible for the basic health program under 42 U.S.C. section 18051 on the basis of immigration status;

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19
20 (ii) are not eligible for medical assistance under title eleven of this article, excluding eligibility for limited medical assistance for the treatment of an emergency medical condition authorized pursuant to 42 U.S.C. 1396, or for the child health insurance plan described in title one-A of article twenty-five of the public health law;

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25 (iii) are not eligible for minimum essential coverage, as defined in section 5000A(f) of the Internal Revenue Service Code of 1986, or is eligible for an employer-sponsored plan that is not affordable, in accordance with section 5000A(f) of such code; and

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27
28
29 (iv) have household income at or below two hundred fifty percent of the federal poverty line defined and annually revised by the United States department of health and human services for a household of the same size; and has household income that exceeds one hundred thirty-three percent of the federal poverty line defined and annually revised by the United States department of health and human services for a household of the same size; provided, however, that MAGI eligible noncitizens lawfully present in the United States and individuals that are ineligible for the basic health program under 42 U.S.C. section 18051 on the basis of immigration status with household incomes at or below one hundred thirty-three percent of the federal poverty line shall be eligible to receive coverage for health care services pursuant to the provisions of this section.

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42 (b) Subject to federal approval, a child born to an individual eligible for and receiving coverage for health care services pursuant to this section who but for their eligibility under this section would be eligible for coverage pursuant to subparagraphs two or four of paragraph (b) of subdivision one of section three hundred sixty-six of this article, shall be administratively enrolled, as defined by the commissioner of health, in medical assistance and to have been found eligible for such assistance on the date of such birth and to remain eligible for such assistance for a period of one year.

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51 (c) Subject to federal approval, an individual who is eligible for and receiving coverage for health care services pursuant to this section is eligible to continue to receive health care services pursuant to this section during the individual's pregnancy and for a period of one year following the end of the pregnancy without regard to any change in the income of the household that includes the pregnant individual, even if

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1 such change would render the pregnant individual ineligible to receive
2 health care services pursuant to this section.

3 (d) For the purposes of this section, 1332 state innovation program
4 eligible individuals are prohibited from being treated as qualified
5 individuals under section 1312 of the Affordable Care Act and as eligi-
6 ble individuals under section 1331 of the ACA and enrolling in qualified
7 health plan through the Marketplace or standard health plan through the
8 Basic Health Program.

9 4. Enrollment. (a) Subject to federal approval, the commissioner of
10 health is authorized to establish an application and enrollment proce-
11 dure for prospective enrollees. Such procedure will include a verifica-
12 tion system for applicants, which must be consistent with 42 USC §
13 1320b-7.

14 (b) Such procedure shall allow for continuous enrollment for enrollees
15 to the 1332 state innovation program where an individual may apply and
16 enroll for coverage at any point.

17 (c) Upon an applicant's enrollment in a 1332 state innovation plan,
18 coverage for health care services pursuant to the provisions of this
19 section shall be retroactive to the first day of the month in which the
20 individual was determined eligible, except in the case of program tran-
21 sitions within the Marketplace.

22 (d) A person who has enrolled for coverage pursuant to this section,
23 and who loses eligibility to enroll in the 1332 state innovation program
24 for a reason other than lack of state residence, providing inaccurate
25 information that would affect eligibility when requesting or renewing
26 health coverage pursuant to this section, or failure to make an applica-
27 ble premium payment, before the end of a twelve month period beginning
28 on the effective date of the person's initial eligibility for coverage,
29 or before the end of a twelve month period beginning on the date of any
30 subsequent determination of eligibility, shall have their eligibility
31 for coverage continued until the end of such twelve month period,
32 provided that the state receives federal approval for using funds under
33 an approved 1332 waiver.

34 5. Premiums. Subject to federal approval, the commissioner of health
35 shall establish premium payments enrollees in a 1332 state innovation
36 plan shall pay to approved organizations for coverage of health care
37 services pursuant to this section. Such premium payments shall be estab-
38 lished in the following manner:

39 (a) up to fifteen dollars monthly for an individual with a household
40 income above two hundred percent of the federal poverty line but at or
41 below two hundred fifty percent of the federal poverty line defined and
42 annually revised by the United States department of health and human
43 services for a household of the same size; and

44 (b) no payment is required for individuals with a household income at
45 or below two hundred percent of the federal poverty line defined and
46 annually revised by the United States department of health and human
47 services for a household of the same size.

48 6. Cost-sharing. The commissioner of health shall establish cost-shar-
49 ing obligations for enrollees, subject to federal approval, including
50 childbirth and newborn care consistent with the medical assistance
51 program under title eleven of this article. There shall be no cost-shar-
52 ing obligations for enrollees for:

53 (a) dental and vision services as defined in subparagraph (ii) of
54 paragraph (c) of subdivision two of this section; and

55 (b) services and supports as defined in subparagraph (iii) of para-
56 graph (c) of subdivision two of this section.

1 7. Rates of payment. (a) The commissioner of health shall select the
2 contract with an independent actuary to study and recommend appropriate
3 reimbursement methodologies for the cost of health care service coverage
4 pursuant to this section. Such independent actuary shall review and make
5 recommendations concerning appropriate actuarial assumptions relevant to
6 the establishment of reimbursement methodologies, including but not
7 limited to; the adequacy of rates of payment in relation to the popu-
8 lation to be served adjusted for case mix, the scope of health care
9 services approved organizations must provide, the utilization of such
10 services and the network of providers required to meet state standards.

11 (b) Upon consultation with the independent actuary and entities
12 representing approved organizations, the commissioner of health shall
13 develop reimbursement methodologies and fee schedules for determining
14 rates of payment, which rates shall be approved by the director of the
15 division of the budget, to be made by the department to approved organ-
16 izations for the cost of health care services coverage pursuant to this
17 section. Such reimbursement methodologies and fee schedules may include
18 provisions for capitation arrangements.

19 (c) The commissioner of health shall have the authority to promulgate
20 regulations, including emergency regulations, necessary to effectuate
21 the provisions of this subdivision.

22 (d) The department of health shall require the independent actuary
23 selected pursuant to paragraph (a) of this subdivision to provide a
24 complete actuarial report, along with all actuarial assumptions made and
25 all other data, materials and methodologies used in the development of
26 rates for the 1332 state innovation plan authorized under this section.
27 Such report shall be provided annually to the temporary president of the
28 senate and the speaker of the assembly.

29 8. An individual who is lawfully admitted for permanent residence,
30 permanently residing in the United States under color of law, or who is
31 a non-citizen in a valid nonimmigrant status, as defined in 8 U.S.C.
32 1101(a)(15), and who would be ineligible for medical assistance under
33 title eleven of this article due to their immigration status if the
34 provisions of section one hundred twenty-two of this chapter were
35 applied, shall be considered to be ineligible for medical assistance for
36 purposes of paragraphs (b) and (c) of subdivision three of this section.

37 9. Reporting. The commissioner of health shall submit a report to the
38 temporary president of the senate and the speaker of the assembly annu-
39 ally by December thirty-first. The report shall include, at a minimum,
40 an analysis of the 1332 state innovation program and its impact on the
41 financial interest of the state; its impact on the Marketplace including
42 enrollment and premiums; its impact on the number of uninsured individ-
43 uals in the state; its impact on the Medicaid global cap; and the demo-
44 graphics of the 1332 state innovation program enrollees including age
45 and immigration status.

46 10. Severability. If the secretary of health and human services or the
47 secretary of the treasury do not approve any provision of the applica-
48 tion for a state innovation waiver, such decision shall in no way affect
49 or impair any other provisions that the secretaries may approve under
50 this section.

51 § 4. The state finance law is amended by adding a new section 98-d to
52 read as follows:

53 § 98-d. 1332 state innovation program fund. 1. There is hereby estab-
54 lished in the joint custody of the state comptroller and the commis-
55 sioner of taxation and finance a special fund to be known as the "1332 state
56 innovation program fund".

1 2. Such fund shall be kept separate and shall not be commingled with
2 any other funds in the custody of the state comptroller and the commis-
3 sioner of taxation and finance.

4 3. Such fund shall consist of moneys transferred from the federal
5 government pursuant to 42 U.S.C. 18052 and an approved 1332 state inno-
6 vation program waiver application for the purpose implementing the state
7 plan under the 1332 state innovation program, established pursuant to
8 section three hundred sixty-nine-ii of the social services law.

9 4. Upon federal approval, all moneys in such fund shall be used to
10 implement and operate the 1332 state innovation program, pursuant to
11 section three hundred sixty-nine-ii of the social services law, except
12 to the extent that the provisions of such section conflict or are incon-
13 sistent with federal law, in which case the provisions of such federal
14 law shall supersede such state law provisions.

15 § 5. Subparagraph (1) of paragraph (g) of subdivision 1 of section 366
16 of the social services law, as amended by section 45 of part B of chap-
17 ter 57 of the laws of 2015, is amended to read as follows:

18 (1) Applicants and recipients who are lawfully admitted for permanent
19 residence, or who are permanently residing in the United States under
20 color of law, or who are non-citizens in a valid nonimmigrant status, as
21 defined in 8 U.S.C. 1101(a)(15); who are MAGI eligible pursuant to
22 paragraph (b) of this subdivision; and who would be ineligible for
23 medical assistance coverage under subdivisions one and two of section
24 three hundred sixty-five-a of this title solely due to their immigration
25 status if the provisions of section one hundred twenty-two of this chap-
26 ter were applied, shall only be eligible for assistance under this title
27 if enrolled in a standard health plan offered by a basic health program
28 established pursuant to section three hundred sixty-nine-gg of this
29 article or a standard health plan offered by a 1332 state innovation
30 program established pursuant to section three hundred sixty-nine-ii of
31 this article if such program is established and operating.

32 § 6. Severability clause. If any clause, sentence, paragraph, subdivi-
33 sion, section or part of this act shall be adjudged by any court of
34 competent jurisdiction to be invalid, such judgment shall not affect,
35 impair, or invalidate the remainder thereof, but shall be confined in
36 its operation to the clause, sentence, paragraph, subdivision, section
37 or part thereof directly involved in the controversy in which such judg-
38 ment shall have been rendered. It is hereby declared to be the intent of
39 the legislature that this act would have been enacted even if such
40 invalid provisions had not been included herein.

41 § 7. This act shall take effect immediately and shall be deemed to
42 have been in full force and effect on and after January 1, 2023;
43 provided that section three of this act shall be contingent upon the
44 commissioner of health obtaining and maintaining all necessary approvals
45 from the secretary of health and human services and the secretary of the
46 treasury based on an application for a waiver for state innovation
47 pursuant to section 1332 of the patient protection and affordable care
48 act (P.L. 111-148) and subdivision 25 of section 268-c of the public
49 health law. The department of health shall notify the legislative bill
50 drafting commission upon the occurrence of approval of the waiver
51 program in order that the commission may maintain an accurate and timely
52 data base of the official text of the laws of the state of New York in
53 furtherance of effectuating the provisions of section 44 of the legisla-
54 tive law and section 70-b of the public officers law.

1 Section 1. Subdivision (i) of section 111 of part H of chapter 59 of
2 the laws of 2011, amending the public health law and other laws relating
3 to known and projected department of health state fund medical expendi-
4 tures, as amended by section 8 of part E of chapter 57 of the laws of
5 2019, is amended to read as follows:

6 (i) the amendments to paragraph (b) and subparagraph (i) of paragraph
7 (g) of subdivision 7 of section 4403-f of the public health law made by
8 section forty-one-b of this act shall expire and be repealed April 1,
9 [~~2023~~] 2027;

10 § 2. Intentionally omitted.

11 § 3. Intentionally omitted.

12 § 4. The opening paragraph of subparagraph (i) of paragraph (d) of
13 subdivision 6 of section 4403-f of the public health law, as added by
14 section 5 of part MM of chapter 56 of the laws of 2020, is amended to
15 read as follows:

16 Effective April first, two thousand twenty, and expiring March thir-
17 ty-first, two thousand [~~twenty-two~~] twenty-seven, the commissioner shall
18 place a moratorium on the processing and approval of applications seek-
19 ing a certificate of authority as a managed long term care plan pursuant
20 to this section, including applications seeking authorization to expand
21 an existing managed long term care plan's approved service area or scope
22 of eligible enrollee populations. Such moratorium shall not apply to:

23 § 5. Section 4403-f of the public health law is amended by adding a
24 new subdivision 6-a to read as follows:

25 6-a. Performance standards and procurement. (a) On or before October
26 first, two thousand twenty-four, each managed long term care plan that
27 has been issued a certificate of authority pursuant to this section
28 shall have demonstrated experience operating a managed long term care
29 plan. The managed long term care plan shall sufficiently demonstrate
30 success in the following performance categories:

31 (i) readiness to timely implement and adhere to maximum wait time
32 criteria for key categories of service in accordance with laws, rules
33 and regulations of the department or the center for medicare and medi-
34 caid services;

35 (ii) implementation of a community reinvestment plan that has been
36 approved by the department and commits a percentage of the managed long
37 term care plan's surplus to health related social needs and advancing
38 health equity in the managed long term care plan's service area;

39 (iii) commitment to quality improvement;

40 (iv) accessibility and geographic distribution of network providers,
41 taking into account the needs of persons with disabilities and the
42 differences between rural, suburban, and urban settings;

43 (v) demonstrated cultural and language competencies specific to the
44 population of participants;

45 (vi) breadth of service area across multiple regions; and

46 (vii) value based care readiness and experience.

47 (b) The commissioner, at any time on or after October first, two thou-
48 sand twenty-four, shall require a managed long term care plan that has
49 not met the performance standards set forth in paragraph (a) of this
50 subdivision to establish and implement a performance improvement plan
51 acceptable to the commissioner.

52 § 6. Subparagraph (i) of paragraph (g) of subdivision 7 of section
53 4403-f of the public health law, as amended by section 1 of part GGG of
54 chapter 59 of the laws of 2017, is amended to read as follows:

55 (i) Managed long term care plans and demonstrations may enroll eligi-
56 ble persons in the plan or demonstration upon the completion of a

1 comprehensive assessment that shall include, but not be limited to, an
2 evaluation of the medical, social, cognitive, and environmental needs of
3 each prospective enrollee in such program. This assessment shall also
4 serve as the basis for the development and provision of an appropriate
5 plan of care for the enrollee, including appropriate community-based
6 referrals. Upon approval of federal waivers pursuant to paragraph (b) of
7 this subdivision which require medical assistance recipients who require
8 community-based long term care services to enroll in a plan, and upon
9 approval of the commissioner, a plan may enroll an applicant who is
10 currently receiving home and community-based services and complete the
11 comprehensive assessment within thirty days of enrollment provided that
12 the plan continues to cover transitional care until such time as the
13 assessment is completed.

14 § 6-a. Subparagraph (i) of paragraph (g) of subdivision 7 of section
15 4403-f of the public health law, as added by section 65-c of part A of
16 chapter 57 of the laws of 2006 and relettered by section 20 of part C of
17 chapter 58 of the laws of 2007, is amended to read as follows:

18 (i) Managed long term care plans and demonstrations may enroll eligi-
19 ble persons in the plan or demonstration upon the completion of a
20 comprehensive assessment that shall include, but not be limited to, an
21 evaluation of the medical, social and environmental needs of each
22 prospective enrollee in such program. This assessment shall also serve
23 as the basis for the development and provision of an appropriate plan of
24 care for the prospective enrollee, including appropriate community-based
25 referrals.

26 § 7. Intentionally omitted.

27 § 8. Intentionally omitted.

28 § 9. Intentionally omitted.

29 § 10. Intentionally omitted.

30 § 11. Intentionally omitted.

31 § 12. Intentionally omitted.

32 § 13. Part I of chapter 57 of the laws of 2022, providing a one
33 percent across the board payment increase to all qualifying fee-for-ser-
34 vice Medicaid rates, is amended by adding two new sections 1-a and 1-b
35 to read as follows:

36 § 1-a. Notwithstanding any provision of law to the contrary, for the
37 state fiscal years beginning April 1, 2023, and thereafter, Medicaid
38 payments made for the operating component of residential health care
39 facilities services shall be subject to a uniform rate increase of ten
40 percent in addition to the increase contained in subdivision 1 of
41 section 1 of this part, subject to the approval of the commissioner of
42 the department of health and the director of the budget. Such rate
43 increase shall be subject to federal financial participation.

44 § 1-b. Notwithstanding any provision of law to the contrary, for the
45 state fiscal years beginning April 1, 2023, and thereafter, Medicaid
46 payments made for the operating component of assisted living programs as
47 defined by paragraph (a) of subdivision one of section 461-1 of the
48 social services law shall be subject to a uniform rate increase of ten
49 percent in addition to the increase contained in section one of this
50 part, subject to the approval of the commissioner of the department of
51 health and the director of the budget. Such rate increase shall be
52 subject to federal financial participation.

53 § 14. Intentionally omitted.

54 § 15. Intentionally omitted.

55 § 16. Intentionally omitted.

56 § 17. Intentionally omitted.

1 § 18. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2023; provided,
3 however, that:

4 (a) the amendments to section 4403-f of the public health law made by
5 sections four through six-a of this act shall not affect the repeal of
6 such section and shall be deemed repealed therewith; and

7 (b) the amendments to subparagraph (i) of paragraph (g) of subdivision
8 7 of section 4403-f of the public health law made by section six of this
9 act shall be subject to the expiration and reversion of such subpara-
10 graph pursuant to subdivision (i) of section 111 of part H of chapter 59
11 of the laws of 2011, as amended, when upon such date the provisions of
12 section six-a of this act shall take effect.

13 PART J

14 Intentionally Omitted

15 PART K

16 Section 1. Subparagraphs 1 and 2 of paragraph (e) of subdivision 1 of
17 section 366 of the social services law, as added by section 1 of part D
18 of chapter 56 of the laws of 2013, clause (iii) of subparagraph 2 as
19 amended by chapter 477 of the laws of 2022, are amended to read as
20 follows:

21 (1) is an inmate or patient in an institution or facility wherein
22 medical assistance may not be provided in accordance with applicable
23 federal or state requirements, except for persons described in subpara-
24 graph ten of paragraph (c) of this subdivision or subdivision one-a or
25 subdivision one-b of this section; or except for standard coverage under
26 this title provided to persons in a correctional institution or facility
27 permitted by a waiver authorized pursuant to section eleven hundred
28 fifteen of the federal social security act; if, so long as, and to the
29 extent federal financial participation is available for such expendi-
30 tures provided pursuant to such waiver; or

31 (2) is a patient in a public institution operated primarily for the
32 treatment of tuberculosis or care of the mentally disabled, with the
33 exception of: (i) a person sixty-five years of age or older and a
34 patient in any such institution; (ii) a person under twenty-one years of
35 age and receiving in-patient psychiatric services in a public institu-
36 tion operated primarily for the care of the mentally disabled; (iii) a
37 patient in a public institution operated primarily for the care of indi-
38 viduals with developmental disabilities who is receiving medical care or
39 treatment in that part of such institution that has been approved pursu-
40 ant to law as a hospital or nursing home; (iv) a patient in an institu-
41 tion operated by the state department of mental hygiene, while under
42 care in a hospital on release from such institution for the purpose of
43 receiving care in such hospital; ~~[or]~~ (v) is a person residing in a
44 community residence or a residential care center for adults; or (vi)
45 certain services provided to persons in an institution for mental
46 diseases permitted by a waiver authorized pursuant to section eleven
47 hundred fifteen of the federal social security act; if, so long as, and
48 to the extent federal financial participation is available for such
49 expenditures provided pursuant to such waiver.

50 § 2. Section 366 of the social services law is amended by adding a
51 new subdivision 2-a to read as follows:

1 2-a. The office of children and family services, in collaboration with
2 the department of health and the office of mental health, shall convene
3 a workgroup of individuals with expertise in the child welfare and
4 foster care systems, as well as expertise in medical assistance and
5 institutions for mental diseases.

6 (a) the following members, or their designees, shall participate in
7 the workgroup: (i) the commissioner of the office of children and family
8 services; (ii) the commissioner of the department of health; and (iii)
9 the commissioner of the office of mental health. Additional members of
10 the workgroup shall include, but are not limited to, representatives of
11 qualified residential treatment programs; representatives of local
12 social services districts responsible for the placement of youth in
13 foster care; and nongovernmental organizations that provide services and
14 support to children and youth in the child welfare and foster care
15 systems;

16 (b) the workgroup's focus shall include, but not be limited to: iden-
17 tifying funding sources for the provision of standard coverage under
18 this title to children and youth in qualified residential treatment
19 programs or institutions for mental disease; identifying barriers to
20 access and accessibility of services until this title for children or
21 youth in qualified residential treatment programs or institutions for
22 mental disease following the expiration of any waiver authorized pursu-
23 ant to section eleven hundred fifteen of the federal social security
24 act; potential solutions to identified barriers to access; determining
25 whether regulatory or statutory changes could promote access to standard
26 coverage under this title; evaluating the effectiveness of current
27 health insurance coverage for children in qualified residential treat-
28 ment programs or institutions for mental diseases; making recommenda-
29 tions to improve the quality and effectiveness of that coverage; and
30 measuring and evaluating the progress of the state to ensure health
31 insurance coverage for children in qualified residential treatment
32 programs or institutions for mental diseases;

33 (c) the workgroup shall convene no later than one hundred twenty days
34 following the effective date of this subdivision;

35 (d) the workgroup shall meet as frequently as its business may require
36 and members of the workgroup shall receive no compensation for their
37 participation; and

38 (e) the office of children and family services shall provide a written
39 report summarizing the findings and recommendations from the workgroup
40 to the governor, the speaker of the assembly and the temporary president
41 of the senate no later than one year following the convening of the
42 workgroup. The report shall be posted on the office of children and
43 family services website.

44 § 3. This act shall take effect immediately and shall be deemed to
45 have been in full force and effect on and after April 1, 2023; provided,
46 however, that the provisions of section two of this act shall expire
47 and be deemed repealed two years after such effective date.

48 PART L

49 Section 1. Section 3241 of the insurance law is amended by adding a
50 new subsection (d) to read as follows:

51 (d)(1) For purposes of this subsection:

52 (A) "Free-standing ambulatory surgical center" shall mean a diagnostic
53 and treatment center authorized pursuant to article twenty-eight of the
54 public health law and operated independently from a hospital.

1 (B) "Health care plan" shall mean an insurer, a corporation organized
2 pursuant to article forty-three of this chapter, a health maintenance
3 organization certified pursuant to article forty-four of the public
4 health law, a municipal cooperative health benefit plan certified pursu-
5 ant to article forty-seven of this chapter, and a student health plan
6 established or maintained pursuant to section one thousand one hundred
7 twenty-four of this chapter, that issues a health insurance policy or
8 contract or that arranges for care and services for members under a
9 contract with the department of health with a network of health care
10 providers and utilizes site of service review to determine coverage for
11 services delivered by participating providers.

12 (C) "Hospital-based outpatient clinic" shall mean a clinic authorized
13 pursuant to article twenty-eight of the public health law and listed on
14 a hospital's operating certificate.

15 (D) "Site of service review" shall mean criteria applied by a health
16 care plan for purposes of determining whether a procedure will be
17 covered for a given insured or enrollee when rendered by a network
18 provider at a hospital-based outpatient clinic rather than a free-stand-
19 ing ambulatory surgical center.

20 (2) Site of service review shall be deemed utilization review in
21 accordance with and subject to the requirements and protections of arti-
22 cle forty-nine of this chapter and article forty-nine of the public
23 health law, including the right to internal and external appeal of
24 denials related to site of service.

25 (3) Site of service review shall prioritize patient health and safety,
26 patient choice of health care provider, and access to care and shall not
27 be based solely on cost.

28 (4) A health care plan shall have adequate free-standing ambulatory
29 surgical center providers to meet the health needs of insureds and
30 enrollees and to provide an appropriate choice of providers sufficient
31 to render the services covered under the policy or contract.

32 (5) Except as provided in paragraph six of this subsection, starting
33 January first, two thousand twenty-four, a health care plan shall
34 provide notice disclosing and clearly explaining the site of service
35 review to:

36 (A) policyholders, contract holders, insureds, and enrollees and
37 prospective policyholders, contract holders, insureds, and enrollees at
38 the time of plan and policy or contract selection. This disclosure shall
39 include a statement that site of service review may limit the settings
40 in which services covered under the policy or contract may be provided
41 and render a participating provider unable to perform a service and
42 shall disclose to insureds or enrollees any quality or cost differen-
43 tial, including differences in out-of-pocket costs, between the hospi-
44 tal-based outpatient clinic and the free-standing ambulatory surgical
45 center when services at a hospital-based outpatient clinic are
46 requested, or at any other time upon the insured's or enrollee's
47 request. Provider directories shall also indicate when health care plan
48 site of service review may limit the scope of services that will be
49 covered when delivered by a participating provider;

50 (B) participating providers at least ninety days prior to implementa-
51 tion. A health care plan shall also inform providers of the process for
52 requesting coverage of a service in a hospital-based outpatient clinic
53 setting, including the right to request a real time clinical peer to
54 peer discussion as part of the authorization process; and

55 (C) the superintendent and, as applicable, to the commissioner of
56 health, at least forty-five days prior to notifying policyholders,

1 contract holders, insureds and enrollees and prospective policyholders,
2 contract holders, insureds and enrollees and participating providers in
3 accordance with this subsection. Such notice to the superintendent and,
4 as applicable, to the commissioner of health, shall include draft commu-
5 nications to the foregoing persons for purposes of complying with this
6 subsection.

7 (6) A health care plan that has implemented site of service review
8 prior to January first, two thousand twenty-four shall provide the
9 disclosures set forth in paragraph five of this subsection at the begin-
10 ning of the open enrollment period for individual health insurance poli-
11 cies and contracts, and for group health insurance policies and
12 contracts, prior to issuance, renewal, or January first, two thousand
13 twenty-four, whichever is earlier.

14 (7) Starting January first, two thousand twenty-four, at a minimum, a
15 health care plan shall approve a service covered under the policy or
16 contract and requested to be performed by a network provider at a hospi-
17 tal-based outpatient clinic in the following situations:

18 (A) the procedure cannot be safely performed in a free-standing ambu-
19 latory surgical center due to the insured's or enrollee's health condi-
20 tion or the health care services;

21 (B) there is not sufficient free-standing ambulatory surgical center
22 capacity in the insured's or enrollee's geographic area; or

23 (C) the provision of health care services at a free-standing ambulato-
24 ry surgical center would result in undue delay.

25 (8) Starting January first, two thousand twenty-four, site of service
26 clinical review criteria developed by health care plans shall also take
27 into consideration whether:

28 (A) the insured's or enrollee's in-network treating physician recom-
29 mends that the service be provided at a hospital-based outpatient clin-
30 ic;

31 (B) the insured's in-network treating physician is not credentialed or
32 does not have privileges at a free-standing ambulatory surgical center;
33 or

34 (C) the insured has an established relationship with an in-network
35 treating physician who performs the requested service in a hospital-
36 based outpatient clinic.

37 § 2. This act shall take effect April 1, 2023.

38 PART M

39 Section 1. Paragraph (b) of subdivision 7 of section 2802 of the
40 public health law, as amended by section 87 of part C of chapter 58 of
41 the laws of 2009, is amended to read as follows:

42 (b) At such time as the commissioner's written approval of the
43 construction is granted, each applicant shall pay the following addi-
44 tional fee:

45 (i) for hospital, nursing home and diagnostic and treatment center
46 applications that require approval by the council, the additional fee
47 shall be [~~fifty-five~~] sixty hundredths of one percent of the total capi-
48 tal value of the application, provided however that applications for
49 construction of a safety net diagnostic and treatment center, as defined
50 in paragraph (c) of subdivision sixteen of section twenty-eight hundred
51 one-a of this article, shall be subject to a fee of forty-five
52 hundredths of one percent of the total capital value of the application;
53 and

1 (ii) for hospital, nursing home and diagnostic and treatment center
2 applications that do not require approval by the council, the additional
3 fee shall be [~~thirty~~] thirty-five hundredths of one percent of the total
4 capital value of the application, provided however that safety net diag-
5 nostic and treatment center applications, as defined in paragraph (c) of
6 subdivision sixteen of section twenty-eight hundred one-a of this arti-
7 cle, shall be subject to a fee of twenty-five hundredths of one percent
8 of the total capital value of the application.

9 § 2. Section 3605 of the public health law is amended by adding two
10 new subdivisions 1-a and 1-b to read as follows:

11 1-a. Core public health services, as defined in section six hundred
12 two of this chapter, when provided in the home by the local health
13 department of a county or of the city of New York, shall not require
14 licensure under this section, provided that such services shall not
15 include: home health aide services; personal care services; or nursing
16 services that require more than minimal patient contact. For the
17 purposes of this subdivision the term "minimal patient contact"
18 includes, but is not limited to, providing assessments of new mothers
19 and infants, direct observation, and lead screening. Patient contact
20 shall be considered more than minimal if it requires more than six
21 patient visits. Core public health services that may be provided without
22 a license pursuant to this subdivision include but are not limited to:
23 immunizations; testing for tuberculosis and observation of tuberculosis
24 self-directed therapy; verbal assessment, counseling and referral
25 services; and such other services as may be determined by the depart-
26 ment.

27 1-b. Core public health services, as defined in section six hundred
28 two of this chapter, when provided by local health departments in the
29 home as authorized under subdivision one-a of this section, may be
30 eligible for reimbursement under title XIX of the federal Social Securi-
31 ty Act provided that the services provided meet federal and state
32 requirements for such reimbursement.

33 § 3. This act shall take effect immediately. Effective immediately,
34 the addition, amendment and/or repeal of any rule or regulation neces-
35 sary for the implementation of this act on its effective date are
36 authorized to be made and completed on or before such effective date.

37 PART N

38 Section 1. Section 366 of the social services law is amended by adding
39 a new subdivision 16 to read as follows:

40 16. (a) The commissioner of health is authorized to submit the appro-
41 propriate waivers and/or any other required requests for federal approval,
42 including but not limited to, those authorized in section eleven hundred
43 fifteen of the federal social security act, in order to establish
44 expanded medical assistance eligibility for working disabled individ-
45 uals. Such waiver applications shall be executed consistent with para-
46 graphs (b), (c), (d) and (e) of this subdivision, to the extent those
47 sections comply with the requirements of section eleven hundred fifteen
48 of the federal social security act. Notwithstanding subparagraphs five
49 and six of paragraph (c) of subdivision one of this section and subdivi-
50 sion twelve of section three hundred sixty-seven-a of this title, or any
51 other provision of law to the contrary, if granted such waiver, the
52 commissioner of health may authorize eligible persons to receive medical
53 assistance pursuant to the waiver if, for so long as, and to the extent
54 that, financial participation is available therefor. The waiver applica-

1 tion shall provide for thirty thousand persons to be eligible to partic-
2 ipate in such waiver.

3 (b) Individuals eligible for participation in such waiver shall:

4 (i) be a disabled individual, defined as having a medically determina-
5 ble impairment of sufficient severity and duration to qualify for bene-
6 fits under Titles II or XVI of the social security act;

7 (ii) be at least sixteen years of age;

8 (iii) be otherwise eligible for medical assistance benefits, but for
9 earnings and/or resources in excess of the allowable limit;

10 (iv) have net available income, determined in accordance with subdivi-
11 sion two of this section, that does not exceed two thousand two hundred
12 fifty percent of the applicable federal poverty line, as defined and
13 updated by the United States department of health and human services;

14 (v) have resources, as defined in paragraph (e) of subdivision two of
15 section three hundred sixty-six-c of this title, other than retirement
16 accounts, that do not exceed three hundred thousand dollars;

17 (vi) contribute to the cost of medical assistance provided pursuant to
18 this paragraph in accordance with paragraph (d) of this subdivision; and

19 (vii) meet such other criteria as may be established by the commis-
20 sioner as may be necessary to administer the provisions of this subdivi-
21 sion in an equitable manner.

22 (c) An individual at least sixteen years of age who: is employed;
23 ceases to be eligible for participation in such waiver pursuant to para-
24 graph (b) of this subdivision because the person, by reason of medical
25 improvement, is determined at the time of a regularly scheduled contin-
26 ing disability review to no longer be certified as disabled under the
27 social security act; continues to have a severe medically determinable
28 impairment, to be determined in accordance with applicable federal regu-
29 lations; and contributes to the cost of medical assistance provided
30 pursuant to this paragraph in accordance with paragraph (d) of this
31 subdivision, shall be eligible for participation in such waiver. For
32 purposes of this paragraph, a person is considered to be employed if the
33 person is earning at least the applicable minimum wage under section six
34 of the federal fair labor standards act and working at least forty hours
35 per month.

36 (d) Prior to receiving medical assistance pursuant to such waiver, a
37 person whose net available income is greater than or equal to two
38 hundred fifty percent of the applicable federal poverty line shall pay a
39 monthly premium, in accordance with a procedure to be established by the
40 commissioner. The amount of such premium for a person whose net avail-
41 able income is greater than or equal to two hundred fifty percent of the
42 applicable federal poverty line, but less than three hundred percent of
43 the applicable federal poverty line shall be three hundred and forty-
44 seven dollars. The amount of such premium for a person whose net avail-
45 able income is greater than or equal to three hundred percent of the
46 applicable federal poverty line, but less than four hundred percent of
47 the applicable federal poverty line shall be five hundred eighteen
48 dollars. The amount of such premium for a person whose net available
49 income is greater than or equal to four hundred percent of the applica-
50 ble federal poverty line, but less than five hundred percent of the
51 applicable federal poverty line shall be seven hundred and seventy-nine
52 dollars. The amount of such premium for a person whose net available
53 income is equal to or greater than five hundred percent of the applica-
54 ble federal poverty line shall be one thousand four hundred and forty-
55 eight dollars. No premium shall be required from a person whose net

1 available income is less than two hundred fifty percent of the applica-
2 ble federal poverty line.

3 (e) Notwithstanding any other provision of this section or any other
4 law to the contrary, for purposes of determining medical assistance
5 eligibility for persons specified in paragraph (b) or (c) of this subdivi-
6 vision, the income and resources of responsible relatives shall not be
7 deemed available for as long as the person meets the criteria specified
8 in this subdivision.

9 § 2. This act shall take effect on January 1, 2025.

10

PART O

11 Section 1. Subdivisions 1, 17 and 18 of section 1399-aa of the public
12 health law, subdivision 1 as amended by chapter 13 of the laws of 2003,
13 subdivisions 17 and 18 as added by section 2 of part EE of chapter 56 of
14 the laws of 2020, are amended to read as follows:

15 1. "Enforcement officer" means the enforcement officer designated
16 pursuant to article thirteen-E of this chapter to enforce such article
17 and hold hearings pursuant thereto; provided that in a city with a popu-
18 lation of more than one million it shall also mean an officer or employ-
19 ee or any agency of such city that is authorized to enforce any local
20 law of such city related to the regulation of the sale of cigarettes,
21 tobacco products, or vapor products to minors.

22 17. "Vapor products" means any noncombustible liquid or gel, regard-
23 less of the presence of nicotine therein, that is manufactured into a
24 finished product for use in an electronic [~~cigarette, including any~~]
25 device that delivers vapor which is inhaled, including any refill,
26 cartridge, device or component thereof that contains or is intended to
27 be used with such noncombustible liquid or gel. "Vapor product" shall
28 not include any device, or any component thereof, that does not contain
29 such noncombustible liquid or gel, or any product approved by the United
30 States [~~food and drug administration~~] Food and Drug Administration as a
31 drug or medical device, or manufactured and dispensed pursuant to [~~title~~
32 ~~five-A of article thirty-three of this chapter~~] article three, four or
33 five of the cannabis law.

34 18. "Vapor products dealer" means a person licensed by the commission-
35 er of taxation and finance to sell vapor products [~~in this state~~], or a
36 person or business required to obtain such license.

37 § 2. Intentionally omitted.

38 § 3. Intentionally omitted.

39 § 4. Intentionally omitted.

40 § 5. Intentionally omitted.

41 § 6. Subdivision 2 and paragraph (f) of subdivision 3 of section
42 1399-ee of the public health law, as amended by section 6 of part EE of
43 chapter 56 of the laws of 2020, are amended to read as follows:

44 2. If the enforcement officer determines after a hearing that a
45 violation of this article has occurred, [~~he or she~~] or that a state or
46 local health official was denied access to a retail store including all
47 product display and storage areas, for the purpose of evaluating compli-
48 ance with this article, they shall impose a civil penalty of a minimum
49 of three hundred dollars, but not to exceed one thousand five hundred
50 dollars for a first violation, and a minimum of one thousand dollars,
51 but not to exceed two thousand five hundred dollars for each subsequent
52 violation, unless a different penalty is otherwise provided in this
53 article. The enforcement officer shall advise the retail dealer that
54 upon the accumulation of three or more points pursuant to this section

1 the department of taxation and finance shall suspend the dealer's regis-
2 tration. If the enforcement officer determines after a hearing that a
3 retail dealer was selling tobacco or vapor products while their regis-
4 tration was suspended or permanently revoked pursuant to subdivision
5 three or four of this section, [~~he or she~~] they shall impose a civil
6 penalty of twenty-five hundred dollars.

7 (f) Surcharge. A [~~two~~] four hundred [~~fifty~~] dollar surcharge to be
8 assessed for every violation will be made available to enforcement offi-
9 cers and shall be used solely for compliance checks to be conducted to
10 determine compliance with this section.

11 § 7. Subdivision 1 of section 1399-ff of the public health law, as
12 amended by chapter 100 of the laws of 2019, is amended to read as
13 follows:

14 1. Where a civil penalty for a particular incident has not been
15 imposed or an enforcement action regarding an alleged violation for a
16 particular incident is not pending under section thirteen hundred nine-
17 ty-nine-ee of this article, a parent or guardian of a person under twen-
18 ty-one years of age to whom tobacco products, herbal cigarettes [~~or~~
19 ~~electronic cigarettes~~], or vapor products are sold or distributed in
20 violation of this article may submit a complaint to an enforcement offi-
21 cer setting forth the name and address of the alleged violator, the date
22 of the alleged violation, the name and address of the complainant and
23 the person under twenty-one years of age, and a brief statement describ-
24 ing the alleged violation. The enforcement officer shall notify the
25 alleged violator by certified or registered mail, return receipt
26 requested, that a complaint has been submitted, and shall set a date, at
27 least fifteen days after the mailing of such notice, for a hearing on
28 the complaint. Such notice shall contain the information submitted by
29 the complainant.

30 § 8. Subdivision 1 of section 1399-gg of the public health law, as
31 amended by chapter 513 of the laws of 2004, is amended to read as
32 follows:

33 1. All tobacco cigarettes or vapor products sold or offered for sale
34 by a retail dealer shall be sold or offered for sale in the package,
35 box, carton or other container provided by the manufacturer, importer,
36 or packager which bears all health warnings required by applicable law.

37 § 9. The opening paragraph and subdivisions 2 and 3 of section 1399-
38 hh of the public health law, as amended by section 8 of part EE of chap-
39 ter 56 of the laws of 2020, are amended to read as follows:

40 The commissioner shall develop, plan and implement a comprehensive
41 program to reduce the prevalence of tobacco [~~use, and vapor product,~~
42 ~~intended or reasonably expected to be used with or for the consumption~~
43 ~~of nicotine,~~] and vapor product use particularly among persons less than
44 twenty-one years of age. This program shall include, but not be limited
45 to, support for enforcement of this article.

46 2. The commissioner shall distribute such monies as are made available
47 for such purpose to enforcement officers and, in so doing, consider the
48 number of licensed vapor products dealers or sellers, and retail
49 locations registered to sell tobacco products within the jurisdiction of
50 the enforcement officer and the level of proposed activities. For the
51 purposes of this section, seller means a person, sole proprietorship,
52 corporation, limited liability company, partnership or other enterprise
53 that manufactures, distributes, sells or offers to sell, whether through
54 retail or wholesale, or exchanges or offers to exchange for any form of
55 consideration, cigarettes, tobacco products, or vapor products. This
56 definition is without regard to the quantity of cigarettes, tobacco

1 products, or vapor products manufactured, distributed, sold, offered for
2 sale, exchanged, or offered for exchange.

3 3. Monies made available to enforcement officers pursuant to this
4 section shall only be used for local tobacco and vapor product[
5 ~~intended or reasonably expected to be used with or for the consumption~~
6 ~~of nicotine,~~] enforcement activities approved by the commissioner.

7 § 10. Subdivision 2 of section 1399-ii of the public health law, as
8 amended by section 12 of part EE of chapter 56 of the laws of 2020, is
9 amended to read as follows:

10 2. The department shall support tobacco and vapor product use
11 prevention and control activities including, but not limited to:

12 (a) Community programs to prevent and reduce tobacco use through local
13 involvement and partnerships;

14 (b) School-based programs to prevent and reduce tobacco use and use of
15 vapor products;

16 (c) Marketing and advertising to discourage tobacco and vapor product
17 [~~and liquid nicotine~~] use especially among consumers historically
18 targeted by tobacco and vapor product advertising and manufacturers;

19 (d) Nicotine cessation programs for youth and adults;

20 (e) Special projects to reduce the disparities in smoking prevalence
21 among various populations;

22 (f) Restriction of youth access to tobacco products and vapor
23 products;

24 (g) Surveillance of smoking and vaping rates; and

25 (h) Any other activities determined by the commissioner to be neces-
26 sary to implement the provisions of this section.

27 Such programs shall be selected by the commissioner through an appli-
28 cation process which takes into account whether a program utilizes meth-
29 ods recognized as effective in reducing [~~nicotine~~] tobacco or vapor
30 product use. Eligible applicants may include, but not be limited to, a
31 health care provider, schools, a college or university, a local public
32 health department, a public health organization, a health care provider
33 organization, association or society, municipal corporation, or a
34 professional education organization.

35 § 11. Section 1399-ii-1 of the public health law, as added by section
36 11 of part EE of chapter 56 of the laws of 2020, is amended to read as
37 follows:

38 § 1399-ii-1. [~~Electronic cigarette and vaping~~] Vapor product
39 prevention, awareness and control program. The commissioner shall, in
40 consultation and collaboration with the commissioner of education,
41 establish and develop [~~an electronic cigarette and vaping~~] a vapor prod-
42 uct prevention, control and awareness program within the department.
43 Such program shall be designed to educate students, parents and school
44 personnel about the health risks associated with vapor product use and
45 control measures to reduce the prevalence of vaping, particularly among
46 persons less than twenty-one years of age. Such program shall include,
47 but not be limited to, the creation of age-appropriate instructional
48 tools and materials that may be used by all schools, and marketing and
49 advertising materials to discourage [~~electronic cigarette~~] vapor product
50 use.

51 § 12. Intentionally omitted.

52 § 13. Intentionally omitted.

53 § 14. Subdivision 6 of section 1399-11 of the public health law, as
54 amended by section 3 of part EE of chapter 56 of the laws of 2020, is
55 amended to read as follows:

1 6. The attorney general may bring an action to recover the civil
2 penalties provided by subdivision five of this section and for such
3 other relief as may be deemed necessary. In addition, the corporation
4 counsel of any political subdivision that imposes a tax on cigarettes or
5 vapor products [~~intended or reasonably expected to be used with or for the~~
6 ~~consumption of nicotine~~] may bring an action to recover the civil penal-
7 ties provided by subdivision five of this section and for such other
8 relief as may be deemed necessary with respect to any cigarettes or
9 vapor products [~~intended or reasonably expected to be used with or for~~
10 ~~the consumption of nicotine~~] shipped, caused to be shipped or trans-
11 ported in violation of this section to any person located within such
12 political subdivision. All civil penalties obtained in any such action
13 shall be retained by the state or political subdivision bringing such
14 action[, ~~provided that no person shall be required to pay civil penal-~~
15 ~~ties to both the state and a political subdivision with respect to the~~
16 ~~same violation of this section~~].

17 § 15. Intentionally omitted.

18 § 16. Section 1399-mm-1 of the public health law, as added by section
19 1 of part EE of chapter 56 of the laws of 2020, is amended to read as
20 follows:

21 § 1399-mm-1. Sale of flavored products prohibited. 1. For the purposes
22 of this section "flavored" shall mean any vapor product [~~intended or~~
23 ~~reasonably expected to be used with or for the consumption of nicotine,~~
24 with a [~~distinguishable~~] taste [~~or~~], aroma, or sensation, distinguish-
25 able by an ordinary consumer, other than the taste or aroma of tobacco,
26 imparted either prior to or during consumption of such product or a
27 component part thereof, including but not limited to tastes or aromas
28 relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert,
29 alcoholic beverage, mint, wintergreen, menthol, herb or spice, or any
30 concept flavor that imparts a taste or aroma that is distinguishable
31 from tobacco flavor but may not relate to any particular known flavor. A
32 vapor product [~~intended or reasonably expected to be used with or for~~
33 ~~the consumption of nicotine,~~] shall be presumed to be flavored if a
34 product's packaging or labeling, or if the product's retailer, manufac-
35 turer, or a manufacturer's agent or employee, has made a statement or
36 claim directed to consumers or the public, whether expressed or implied,
37 that such product or device has a [~~distinguishable~~] taste [~~or~~], aroma,
38 or sensation, as distinguishable by the ordinary consumer, other than
39 the taste [~~or~~], aroma, or sensation of tobacco.

40 2. No vapor products dealer, seller, or any agent or employee of a
41 vapor products dealer or seller, shall sell or offer for sale [~~at retail~~
42 ~~in the state~~], or exchange or offer for exchange, for any form of
43 consideration, any flavored vapor product [~~intended or reasonably~~
44 ~~expected to be used with or for the consumption of nicotine~~], whether
45 through retail or wholesale. For the purposes of this section, seller
46 means a person, sole proprietorship, corporation, limited liability
47 company, partnership or other enterprise that manufactures, distributes,
48 sells or offers to sell, whether through retail or wholesale, or
49 exchanges or offers to exchange for any form of consideration vapor
50 products. This definition is without regard to the quantity of vapor
51 products manufactured, distributed, sold, offered for sale, exchanged,
52 or offered for exchange.

53 3. No vapor products dealer or seller or any agent or employee of a
54 vapor products dealer or seller, acting in the capacity thereof, shall
55 keep in inventory, store, stow, warehouse, process, package, ship, or
56 distribute flavored vapor or tobacco products anywhere in, or adjacent

1 to, a place of business where vapor products are sold, offered for sale,
2 exchanged, or offered for exchange, for any form of consideration, at
3 retail.

4 4. Any vapor products dealer or seller, or any agent or employee of a
5 vapor products dealer or seller, who violates the provisions of this
6 section shall be subject to a civil penalty of not more than [one] three
7 hundred dollars for each individual package of flavored vapor product
8 [intended or reasonably expected to be used with or for the consumption
9 of nicotine sold or offered for sale, provided, however, that with
10 respect to a manufacturer, it shall be an affirmative defense to a find-
11 ing of violation pursuant to this section that such sale or offer of
12 sale, as applicable, occurred without the knowledge, consent, authori-
13 zation, or involvement, direct or indirect, of such manufacturer] sold
14 or offered for sale, or exchanged or offered for exchange, for any form
15 of consideration, whether through retail or wholesale, or kept in inven-
16 tory, stored, stowed, warehoused, processed, packaged, shipped, or
17 distributed anywhere in, or adjacent to, a place of business where vapor
18 or tobacco products are sold, offered for sale, exchanged, or offered
19 for exchange, for any form of consideration, at retail. Violations of
20 the provisions of this section shall be enforced pursuant to [~~section~~]
21 sections thirteen hundred ninety-nine-ff and thirteen hundred ninety-
22 nine-ee of this article, [~~except that any~~] provided, however, that
23 violations of the provisions of this section may also be enforced by the
24 commissioner; provided, further, however, that any monies obtained in
25 any such enforcement action taken by the commissioner shall be made
26 available to support tobacco and vapor product enforcement programs
27 operating pursuant to section thirteen hundred ninety-nine-hh of this
28 article. Any person may submit a complaint to an enforcement officer
29 that a violation of this section has occurred.

30 [~~4. The provisions of this section shall not apply to any vapor~~
31 ~~products dealer, or any agent or employee of a vapor products dealer,~~
32 ~~who sells or offers for sale, or who possess with intent to sell or~~
33 ~~offer for sale, any flavored vapor product intended or reasonably~~
34 ~~expected to be used with or for the consumption of nicotine that the~~
35 ~~U.S. Food and Drug Administration has authorized to legally market as~~
36 ~~defined under 21 U.S.C. § 387j and that has received a premarket review~~
37 ~~approval order under 21 U.S.C. § 387j(e) et seq.] 5. Nothing in this
38 section shall be construed to penalize the purchase, use, or possession
39 of a tobacco product or vapor product by any person not engaged as a
40 vapor products dealer, retail dealer, tobacco or vapor seller, or any
41 agent or employee of a vapor products dealer, retail dealer, or tobacco
42 or vapor seller.~~

43 § 17. Intentionally omitted.

44 § 18. Intentionally omitted.

45 § 19. This act shall take effect September 1, 2023.

46 PART P

47 Section 1. The public health law is amended by adding a new section
48 2825-h to read as follows:

49 § 2825-h. Health care facility transformation program: statewide V.
50 1. A statewide health care facility transformation program is hereby
51 established within the department for the purpose of transforming, rede-
52 signing, and strengthening quality health care services in alignment
53 with statewide and regional health care needs, and in the ongoing
54 pandemic response. The program shall also provide funding, subject to

1 lawful appropriation, in support of capital projects that facilitate
2 furthering such transformational goals.

3 2. The commissioner shall enter into an agreement with the president
4 of the dormitory authority of the state of New York pursuant to section
5 sixteen hundred eighty-r of the public authorities law, which shall
6 apply to this agreement, subject to the approval of the director of the
7 division of the budget, for the purposes of the distribution and admin-
8 istration of available funds pursuant to such agreement, and made avail-
9 able pursuant to this section and appropriation. Such funds may be
10 awarded and distributed by the department for grants to health care
11 providers including but not limited to, hospitals, residential health
12 care facilities, adult care facilities licensed under title two of arti-
13 cle seven of the social services law, diagnostic and treatment centers
14 licensed or granted an operating certificate under this chapter, clin-
15 ics, including but not limited to those licensed or granted an operating
16 certificate under this chapter or the mental hygiene law, children's
17 residential treatment facilities licensed under article thirty-one of
18 the mental hygiene law, assisted living programs approved by the depart-
19 ment pursuant to section four hundred sixty-one-1 of the social services
20 law, behavioral health facilities licensed or granted an operating
21 certificate pursuant to articles thirty-one and thirty-two of the mental
22 hygiene law, home care providers certified or licensed under article
23 thirty-six of this chapter, primary care providers, hospices licensed or
24 granted an operating certificate pursuant to article forty of this chap-
25 ter, community-based programs funded under the office of mental health,
26 the office of addiction services and supports, the office for people
27 with developmental disabilities, or through local governmental units as
28 defined under article forty-one of the mental hygiene law, independent
29 practice associations or organizations, residential facilities or day
30 program facilities licensed or granted an operating certificate under
31 article sixteen of the mental hygiene law, family and child service
32 providers licensed under article twenty-nine-I of this chapter, and
33 midwifery birth centers established pursuant to this chapter. A copy of
34 such agreement, and any amendments thereto, shall be provided by the
35 department to the chair of the senate finance committee, the chair of
36 the assembly ways and means committee, and the director of the division
37 of the budget no later than thirty days after such agreement is final-
38 ized. Projects awarded, in whole or part, under sections twenty-eight
39 hundred twenty-five-a and twenty-eight hundred twenty-five-b of this
40 article shall not be eligible for grants or awards made available under
41 this section.

42 3. (a) Notwithstanding section one hundred sixty-three of the state
43 finance law, sections one hundred forty-two and one hundred forty-three
44 of the economic development law, or any inconsistent provision of law to
45 the contrary, up to seven hundred million dollars of the funds appropri-
46 ated for this program shall be awarded, without a competitive bid or
47 request for proposal process, for grants to health care providers, as
48 defined in subdivision two of this section. Awards made pursuant to this
49 subdivision shall provide funding only for capital projects, to the
50 extent lawful appropriation and funding is available, to build innova-
51 tive, patient-centered models of care, increase access to care, improve
52 the quality of care and to ensure financial sustainability of health
53 care providers, and develop capacity in underserved areas of the state.

54 (b) For the purposes of this section the development of capacity in
55 underserved areas shall include new construction and renovation projects
56 in underserved areas as determined by the department. Renovation

1 projects shall include those intended to convert a facility to comply
2 with applicable physical plant standards. Awards for such projects may
3 be associated with an entity or individual seeking to operate as a
4 health care provider, as defined by subdivision two of this section,
5 regardless of if such entity or individual is currently a health care
6 provider, as defined by subdivision two of this section. Awards granted
7 for such projects shall be structured by the department in a manner to
8 allow providers or potential providers access to the funds as soon as
9 practicable, but may contain provisions allowing for the department to
10 recoup the funds at a later date in time if the provider or potential
11 provider fails to meet the goals of the project. At least fifty million
12 dollars of the amount identified in paragraph (c) of this subdivision
13 shall be allocated for these purposes.

14 (c) At least one hundred fifty million dollars of the amount appropri-
15 ated pursuant to paragraph (a) of this subdivision shall be allocated
16 exclusively for community-based health care providers, which for the
17 purposes of this subdivision shall be defined as: a diagnostic and
18 treatment center licensed or granted an operating certificate under
19 article twenty-eight of this chapter; a mental health outpatient provid-
20 er licensed or granted an operating certificate under article thirty-one
21 of the mental hygiene law; a substance use disorder treatment provider
22 licensed or granted an operating certificate under article thirty-two of
23 the mental hygiene law; a program licensed under article forty-one of
24 the mental hygiene law; a community-based program funded under the
25 office of mental health, the office for people with developmental disa-
26 bilities, the office of addiction services and supports or through a
27 local governmental unit as defined under article forty-one of the mental
28 hygiene law; a home care provider certified or licensed pursuant to
29 article thirty-six of this chapter; a primary care provider; a clinic
30 licensed or granted an operating certificate under article sixteen of
31 the mental hygiene law; a provider of health home services as authorized
32 under section twenty-seven hundred three of the federal protection and
33 affordable care act; a hospice provider licensed or granted an operating
34 certificate under article forty of this chapter; a family and child
35 service provider licensed under article twenty-nine-I of this chapter;
36 or a midwifery birth center established pursuant to this chapter, for
37 the exclusive purpose of supporting the programs and services defined in
38 this subdivision.

39 4. (a) Notwithstanding section one hundred sixty-three of the state
40 finance law, sections one hundred forty-two and one hundred forty-three
41 of the economic development law, or any inconsistent provision of law to
42 the contrary, up to five hundred million dollars of the funds appropri-
43 ated for this program shall be awarded, without a competitive bid or
44 request for proposal process, for technological and telehealth transfor-
45 mation projects, which shall include projects related to improving cyber
46 security.

47 (b) At least one hundred million dollars of the amount appropriated
48 pursuant to paragraph (a) of this subdivision shall be allocated exclu-
49 sively for community-based health care providers, which for the purposes
50 of this subdivision shall be defined as: a diagnostic and treatment
51 center licensed or granted an operating certificate under article twen-
52 ty-eight of this chapter; a mental health outpatient provider licensed
53 or granted an operating certificate under article thirty-one of the
54 mental hygiene law; a substance use disorder treatment provider licensed
55 or granted an operating certificate under article thirty-two of the
56 mental hygiene law; a program licensed under article forty-one of the

1 mental hygiene law; a community-based program funded under the office of
 2 mental health, the office for people with developmental disabilities,
 3 the office of addiction services and supports or through a local govern-
 4 mental unit as defined under article forty-one of the mental hygiene
 5 law; a home care provider certified or licensed pursuant to article
 6 thirty-six of this chapter; a primary care provider; a clinic licensed
 7 or granted an operating certificate under article sixteen of the mental
 8 hygiene law; a provider of health home services as authorized under
 9 section twenty-seven hundred three of the federal protection and afford-
 10 able care act; a hospice provider licensed or granted an operating
 11 certificate under article forty of this chapter; a family and child
 12 service provider licensed under article twenty-nine-I of this chapter;
 13 or a midwifery birth center established pursuant to this chapter, for
 14 the exclusive purpose of supporting the programs and services defined in
 15 this subdivision.

16 5. Selection of awards made by the department pursuant to subdivisions
 17 three and four of this section shall be contingent on an evaluation
 18 process acceptable to the commissioner and approved by the director of
 19 the division of the budget. Disbursement of awards may be contingent on
 20 the health care provider as defined in subdivision two of this section
 21 achieving certain process and performance metrics and milestones that
 22 are structured to ensure that the goals of the project are achieved.

23 6. The department shall provide a report on a quarterly basis to the
 24 chairs of the senate finance, assembly ways and means, and senate and
 25 assembly health committees, until such time as the department determines
 26 that the projects that receive funding pursuant to this section are
 27 substantially complete. Such reports shall be submitted no later than
 28 sixty days after the close of the quarter, and shall include, for each
 29 award, the name of the health care provider as defined in subdivision
 30 two of this section, a description of the project or purpose, the amount
 31 of the award, disbursement date, and status of achievement of process
 32 and performance metrics and milestones pursuant to subdivision five of
 33 this section.

34 § 2. This act shall take effect immediately and shall be deemed to
 35 have been in full force and effect on and after April 1, 2023.

36 PART Q

37 Section 1. Subdivision 2 of section 365-a of the social services law
 38 is amended by adding new paragraph (kk) to read as follows:

39 (kk) community health worker services for children under age twenty-
 40 one, and for adults with health-related social needs, when such services
 41 are recommended by a physician or other health care practitioner author-
 42 ized under title eight of the education law, and provided by qualified
 43 community health workers, as determined by the commissioner of health;
 44 provided, however, that the provisions of this paragraph shall not take
 45 effect unless all necessary approvals under federal law and regulation
 46 have been obtained to receive federal financial participation in the
 47 costs of health care services provided pursuant to this paragraph.
 48 Nothing in this paragraph shall be construed to modify any licensure,
 49 certification or scope of practice provision under title eight of the
 50 education law.

51 § 2. Clause (C) of subparagraph (ii) of paragraph (f) of subdivision
 52 2-a of section 2807 of the public health law, as amended by section 43
 53 of part B of chapter 58 of the laws of 2010, is amended to read as
 54 follows:

1 (C) [~~individual psychotherapy~~] services provided by licensed social
2 workers, licensed mental health counselors and licensed marriage and
3 family therapists, in accordance with licensing criteria set forth in
4 applicable regulations[~~, to persons under the age of twenty-one and to~~
5 ~~persons requiring such services as a result of or related to pregnancy~~
6 ~~or giving birth~~]; and

7 § 3. This act shall take effect January 1, 2024.

8 PART R

9 Section 1. Subdivision 2 of section 365-a of the social services law
10 is amended by adding two new paragraphs (kk) and (ll) to read as
11 follows:

12 (kk) care and services of nutritionists and dietitians certified
13 pursuant to article one hundred fifty-seven of the education law acting
14 within their scope of practice.

15 (ll) Chronic Disease Self-Management Program for persons diagnosed
16 with arthritis when such services are ordered by a physician, registered
17 physician's assistant, registered nurse practitioner, or licensed
18 midwife and provided by qualified educators, as determined by the
19 commissioner of health, who is affiliated with an organization deliver-
20 ing the program under Self-Management Resource Center licensure, or a
21 successor national organization, provided, however, that the provisions
22 of this paragraph shall not apply unless all necessary approvals under
23 federal law and regulation have been obtained to receive federal finan-
24 cial participation in the costs of health care services provided pursu-
25 ant to this paragraph. Nothing in this paragraph shall be construed to
26 modify any licensure, certification or scope of practice provision under
27 title eight of the education law.

28 § 2. Clause (A) of subparagraph (ii) of paragraph (f) of subdivision
29 2-a of section 2807 of the public health law, as amended by section 43
30 of part B of chapter 58 of the laws of 2010, is amended to read as
31 follows:

32 (A) services provided in accordance with the provisions of paragraphs
33 (q) [~~and~~], (r), and (ll) of subdivision two of section three hundred
34 sixty-five-a of the social services law; and

35 § 3. This act shall take effect July 1, 2023; provided, however, that
36 paragraph (ll) of subdivision 2 of section 365-a of the social services
37 law added by section one of this act and section two of this act, shall
38 take effect October 1, 2023.

39 PART S

40 Section 1. Subdivision 1 of section 3001 of the public health law, as
41 amended by chapter 804 of the laws of 1992, is amended to read as
42 follows:

43 1. "Emergency medical service" means [~~initial emergency medical~~
44 ~~assistance including, but not limited to, the treatment of trauma,~~
45 ~~burns, respiratory, circulatory and obstetrical emergencies] a coordi-
46 nated system of healthcare delivery that responds to the needs of sick
47 and injured adults and children, by providing: essential care at the
48 scene of an emergency, non-emergency, specialty need or public event;
49 community education and prevention programs; mobile integrated health-
50 care programs; ground and air ambulance services; centralized access and
51 emergency medical dispatch; training for emergency medical services
52 practitioners; medical first response; mobile trauma care systems; mass~~

1 casualty management; medical direction; or quality control and system
2 evaluation procedures.

3 § 2. Section 3002 of the public health law is amended by adding a new
4 subdivision 1-a to read as follows:

5 1-a. The state emergency medical services council shall advise and
6 assist the commissioner on such issues as the commissioner may require
7 related to the provision of emergency medical service, specialty care,
8 designated facility care, and disaster medical care. This shall
9 include, but shall not be limited to, the recommendation, periodic
10 revision, and application of rules and regulations, appropriateness
11 review standards, treatment protocols, workforce development, and quali-
12 ty improvement standards. The state emergency medical services council
13 shall meet at least three times per year or more frequently at the
14 request of the chairperson or department and approved by the commission-
15 er.

16 § 2-a. Intentionally omitted.

17 § 3. Intentionally omitted.

18 § 4. The public health law is amended by adding a new section 3004 to
19 read as follows:

20 § 3004. Emergency medical services system and agency performance stan-
21 dards. 1. The state emergency medical services council, in collaboration
22 and with final approval of the department, shall create an emergency
23 medical services system and agency performance standards (hereinafter
24 referred to as "performance standards") for the purpose of sustaining
25 and evolving a reliable emergency medical services system including but
26 not limited to emergency medical services agencies and any facility or
27 agency that dispatches or accepts emergency medical services resources.

28 2. The performance standards may include but shall not be limited to:
29 safety initiatives, emergency vehicle operations, operational competen-
30 cies, planning, training, onboarding, workforce development and engage-
31 ment, survey responses, leadership and other standards and metrics as
32 determined by the state emergency medical services council, with
33 approval of the department, to promote positive patient outcomes, safe-
34 ty, provider retention and emergency medical services system sustaina-
35 bility throughout the state.

36 3. The performance standards shall require each emergency medical
37 services agency, dispatch agency or facility that accepts emergency
38 medical services resources to perform regular and periodic review of the
39 performance standards and its metrics, perform surveys, identification
40 of agency deficiencies and strengths, development of programs to improve
41 agency metrics, strengthen system sustainability and operations, and
42 improve the delivery of patient care.

43 4. The department, after consultation with the state emergency medical
44 services council, may contract for services with subject matter experts
45 to assist in the oversight of the performance standards statewide.

46 5. Emergency medical services agencies that do not meet the perform-
47 ance standards set forth in this section may be subject to enforcement
48 actions, including but not limited to revocation, suspension, perform-
49 ance improvement plans, or restriction from specific types of response
50 including but not limited to suspension of ability to respond to
51 requests for emergency medical assistance or to perform emergency
52 medical services.

53 § 5. The public health law is amended by adding a new section 3018 to
54 read as follows:

55 § 3018. Statewide comprehensive emergency medical service system plan.
56 1. The state emergency medical services council, in collaboration and

1 with final approval of the department, shall develop and maintain a
2 statewide comprehensive emergency medical service system plan that shall
3 provide for a coordinated emergency medical services system in New York
4 state, including but not limited to:

5 (a) establishing a comprehensive statewide emergency medical service
6 system, consisting of facilities, transportation, workforce, communi-
7 cations, and other components, to improve the delivery of emergency
8 medical services and thereby decrease morbidity, hospitalization, disa-
9 bility, and mortality;

10 (b) improving the accessibility of high-quality emergency medical
11 service;

12 (c) coordinating professional medical organizations, hospitals, and
13 other public and private agencies in developing alternative delivery
14 models whereby persons who are presently using the existing emergency
15 department for routine, nonurgent, and primary medical care will be
16 served appropriately; and

17 (d) conducting, promoting, and encouraging programs of education and
18 training designed to upgrade the knowledge and skills of emergency
19 medical service practitioners training throughout New York state with
20 emphasis on regions with limited access to emergency medical services
21 training.

22 2. The statewide comprehensive emergency medical service system plan
23 shall be reviewed, updated if necessary, and published every five years
24 on the department's website, or at such times as may be necessary to
25 improve the effectiveness and efficiency of the state's emergency
26 medical service system.

27 3. Each regional emergency medical services council shall develop and
28 maintain a comprehensive regional emergency medical service system plan
29 or adopt the statewide comprehensive emergency medical service system
30 plan, to provide for a coordinated emergency medical service system
31 within the region. Such plans shall be written in a format approved by
32 the state emergency medical services council. Further, such plans shall
33 be subject to review and approval by the state emergency medical
34 services council and final approval by the department.

35 4. Each county shall develop and maintain a comprehensive county emer-
36 gency medical service system plan that shall provide for a coordinated
37 emergency medical service system within the county, to provide essential
38 emergency medical services for all residents within the county. Such
39 plan shall be written in a format approved by the state emergency
40 medical services council. The county office of emergency medical
41 services shall be responsible for the development, implementation, and
42 maintenance of the comprehensive county emergency medical service system
43 plan. Such plans, as determined by the department and the state emer-
44 gency medical services council, may require review and approval by the
45 regional emergency medical services council, the state emergency medical
46 services council and the department. Such plan shall outline the
47 primary responding emergency medical services agency for requests for
48 service for each part of the county.

49 § 6. The public health law is amended by adding a new section 3019 to
50 read as follows:

51 § 3019. Emergency medical service training programs. 1. The state
52 emergency medical services council shall make recommendations to the
53 department for the department to implement standards related to the
54 establishment of training programs for emergency medical service systems
55 that includes but is not limited to students, emergency medical service
56 practitioners, emergency medical services agencies, approved educational

1 institutions, geographic areas, facilities, and personnel, and the
2 commissioner shall fund such training programs in full or in part based
3 on state appropriations. Until such time as the department announces the
4 standards for training programs pursuant to this section, all current
5 standards, curriculums, and requirements for students, emergency medical
6 service practitioners, agencies, facilities, and personnel shall remain
7 in effect.

8 2. The state emergency medical services council, with final approval
9 of the department, shall establish minimum education standards, curric-
10 ulums, performance metrics and requirements for all emergency medical
11 system educational institutions. No person or educational institution
12 shall profess to provide emergency medical services training without
13 meeting the requirements set forth in regulation and only after approval
14 of the department and in the geographical area determined by the depart-
15 ment.

16 3. The department is authorized to provide, either directly or through
17 contract, for local or statewide initiatives, emergency medical system
18 training for emergency medical service practitioners and emergency
19 medical services agency personnel, using funding including but not
20 limited to allocations to aid to localities for emergency medical
21 services training.

22 4. The department may visit and inspect any emergency medical system
23 training program or training center operating under this article to
24 ensure compliance with all applicable regulations and standards. The
25 department may request the state or regional emergency medical services
26 council's assistance to ensure the compliance, maintenance, and coordi-
27 nation of training programs. The department, in consultation with the
28 state emergency medical services council, may set standards and regu-
29 lations for emergency medical services educational institutions. Emer-
30 gency medical services educational institutions that fail to meet appli-
31 cable standards and regulations may be subject to enforcement action,
32 including but not limited to revocation, suspension, performance
33 improvement plans, or restriction from specific types of education.

34 5. Students of an emergency medical services educational institution
35 authorized pursuant to this section, shall be considered emergency
36 medical services students and subject to the standards established in
37 this article, regulations promulgated pursuant to this article and all
38 applicable standards, as if they were a licensed emergency medical
39 services practitioner and may be subject to enforcement action as such.

40 § 7. Section 3012 of the public health law is amended by adding a new
41 subdivision 5 to read as follows:

42 5. It shall be a violation of this chapter, subject to civil penal-
43 ties, for any person to hold themselves out as an emergency medical
44 services practitioner who is not designated by the department pursuant
45 to this article or otherwise lawfully authorized, to provide emergency
46 medical services, or to attempt to become an emergency medical practi-
47 tioner in an unlawful or unethical manner.

48 § 8. The public health law is amended by adding a new section 3020 to
49 read as follows:

50 § 3020. Recruitment and retention. 1. The commissioner shall estab-
51 lish and fund within amounts appropriated, a public service campaign to
52 recruit additional personnel into the emergency medical system fields.

53 2. The commissioner shall establish and fund within amounts appropri-
54 ated an emergency medical system mental health and wellness program that
55 provides resources to emergency medical service practitioners to address

1 the following, but is not limited to reducing burnout and preventing
2 depression, suicide, and other negative mental health outcomes.

3 3. The commissioner may establish in regulation standards for the
4 licensure of emergency medical services practitioners by the department
5 of health.

6 4. The department, with the approval of the state emergency medical
7 services council, may create or adopt additional standards, training,
8 and criteria to become an emergency medical service practitioner creden-
9 tialed to provide specialized, advanced, or other services that further
10 support or advance the emergency medical system. The department, with
11 approval of the state emergency medical services council may also set
12 standards and requirements to require specialized credentials to perform
13 certain functions in the emergency medical services system.

14 5. The department, with approval of the state emergency medical
15 services council may also set standards for emergency medical system
16 agencies to become accredited in a specific area to increase system
17 performance and agency recognition.

18 § 9. Intentionally omitted.

19 § 10. Section 3032 of the public health law is REPEALED.

20 § 11. The public health law is amended by adding three new sections
21 3032, 3033 and 3034 to read as follows:

22 § 3032. Mobile integrated healthcare. 1. "Mobile integrated health-
23 care" means the provision of patient-centered mobile resources which
24 includes a well-organized system of services to address healthcare gaps
25 and decrease demand on portions of the healthcare system identified by a
26 community needs assessment, integrated into the local healthcare system
27 working in a collaborative manner as a patient care team that may
28 include, but not limited to, physicians, mid-level practitioners, nurs-
29 es, home care agencies, emergency medical services practitioners, emer-
30 gency medical services agencies and other community health team
31 colleagues, to meet the needs of the community.

32 2. Emergency medical service agencies may establish a mobile inte-
33 grated healthcare program, provided they meet all standards established
34 by the department, that the delivery of such services in full or in part
35 will not decrease the agency's ability to respond to requests for emer-
36 gency assistance and the agency receives express approval from the
37 department. The department may revoke or suspend an emergency medical
38 service agency's approval to provide a mobile integrated healthcare
39 program if the department finds that one or more standards established
40 by the department have not been met. The department, in collaboration
41 with the state emergency medical services council, shall establish
42 criteria and standards for the operation of mobile integrated healthcare
43 programs and mobile integrated healthcare programs shall adhere to such
44 criteria and standards.

45 3. Notwithstanding sections sixty-five hundred twenty-one and sixty-
46 nine hundred two of the education law, an emergency medical services
47 practitioner, licensed pursuant to this article, shall be authorized to
48 administer immunizations pursuant to a patient specific or non-patient
49 specific standing regimen ordered by a licensed physician and pursuant
50 to protocols adopted by the state emergency medical services council and
51 any standards established by the department.

52 4. Notwithstanding sections sixty-five hundred twenty-one and sixty-
53 nine hundred two of the education law, an emergency medical services
54 practitioner, licensed pursuant to this article, may be authorized by
55 the department to administer buprenorphine pursuant to a non-patient
56 specific standing regimen ordered by a licensed physician and pursuant

1 to protocols adopted by the state emergency medical services council and
2 any standards established by the department.

3 § 3033. Demonstration projects. The department, in consultation with
4 the state emergency medical services council, may allow demonstration
5 projects related to the emergency medical system. Such demonstration
6 projects may allow for waivers of certain parts of this article, article
7 thirty-A of this chapter, and applicable regulations, provided the
8 demonstration project meets any applicable standards set forth by the
9 department.

10 § 3034. Emergency medical system support services. The commissioner
11 may promulgate regulations, with the approval of the state emergency
12 medical services council, to set standards and criteria for basic life
13 support first response agencies, emergency medical dispatch, and special
14 event services, to strengthen the emergency medical service system.
15 These organizations shall not be required to meet the standards set for
16 determination of operating authority as outlined in section three thou-
17 sand eight of this article unless otherwise determined by the state
18 emergency medical services council and approved by the department.

19 § 12. Section 6909 of the education law is amended by adding a new
20 subdivision 11 to read as follows:

21 11. A certified nurse practitioner may prescribe and order a non-pa-
22 tient specific regimen to an emergency medical services practitioner
23 licensed by the department of health pursuant to article thirty of the
24 public health law, pursuant to regulations promulgated by the commis-
25 sioner, and consistent with the public health law, for administering
26 immunizations. Nothing in this subdivision shall authorize unlicensed
27 persons to administer immunizations, vaccines or other drugs.

28 § 13. Section 6527 of the education law is amended by adding a new
29 subdivision 11 to read as follows:

30 11. A licensed physician may prescribe and order a non-patient specif-
31 ic regimen to an emergency medical services practitioner licensed by the
32 department of health pursuant to article thirty of the public health
33 law, pursuant to regulations promulgated by the commissioner, and
34 consistent with the public health law, for administering immunizations.
35 Nothing in this subdivision shall authorize unlicensed persons to admin-
36 ister immunizations, vaccines or other drugs.

37 § 13-a. Section 3000 of the public health law, as amended by chapter
38 804 of the laws of 1992, is amended to read as follows:

39 § 3000. Declaration of policy and statement of purpose. The furnishing
40 of medical assistance in an emergency is a matter of vital concern
41 affecting the public health, safety and welfare. Emergency medical
42 services and ambulance services are essential services and shall be
43 available to every person in the state of New York in a reliable manner.
44 Prehospital emergency medical care, the provision of prompt and effec-
45 tive communication among ambulances and hospitals and safe and effective
46 care and transportation of the sick and injured are essential public
47 health services and shall be available to every person in the state of
48 New York in a reliable manner.

49 It is the purpose of this article to promote the public health, safety
50 and welfare by providing for certification of all advanced life support
51 first response services and ambulance services; the creation of regional
52 emergency medical services councils; and a New York state emergency
53 medical services council to develop minimum training standards for
54 certified first responders, emergency medical technicians and advanced
55 emergency medical technicians and minimum equipment and communication

1 standards for advanced life support first response services and ambu-
2 lance services.

3 § 13-b. Subdivision 2 of section 163 of the civil service law, as
4 amended by section 4 of part T of chapter 56 of the laws of 2010, is
5 amended to read as follows:

6 2. The contract or contracts shall provide for health benefits for
7 retired employees of the state and of the state colleges of agriculture,
8 home economics, industrial labor relations and veterinary medicine, the
9 state agricultural experiment station at Geneva, and any other institu-
10 tion or agency under the management and control of Cornell university as
11 the representative of the board of trustees of the state university of
12 New York, and the state college of ceramics under the management and
13 control of Alfred university as the representative of the board of trus-
14 tees of the state university of New York, and their spouses and depend-
15 ent children as defined by the regulations of the president, on such
16 terms as the president may deem appropriate, and the president may
17 authorize the inclusion in the plan of the employees and retired employ-
18 ees of public authorities, public benefit corporations, school
19 districts, special districts, district corporations, municipal corpo-
20 rations excluding active employees and retired employees of cities
21 having a population of one million or more inhabitants whose compen-
22 sation is or was before retirement paid out of the city treasury, or
23 other appropriate agencies, subdivisions or quasi-public organizations
24 of the state, including active members of volunteer fire and volunteer
25 ambulance companies serving one or more municipal corporations pursuant
26 to subdivision seven of section ninety-two-a of the general municipal
27 law, and their spouses and dependent children as defined by the regu-
28 lations of the president. Notwithstanding any law or regulation to the
29 contrary, active members of volunteer ambulance companies serving one or
30 more municipal corporations pursuant to subdivision seven of section
31 ninety-two-a of the general municipal law shall be eligible for health
32 benefits regardless of the amount of funds derived from public sources.
33 Any such corporation, district, agency or organization electing to
34 participate in the plan shall be required to pay its proportionate share
35 of the expenses of administration of the plan in such amounts and at
36 such times as determined and fixed by the president. All amounts payable
37 for such expenses of administration shall be paid to the commissioner of
38 taxation and finance and shall be applied to the reimbursement of funds
39 previously advanced for such purposes. Neither the state nor any other
40 participant in the plan shall be charged with the particular experience
41 attributable to the employees of the participant, and all dividends or
42 retroactive rate credits shall be distributed pro-rata based upon the
43 number of employees of such participant covered by the plan.

44 § 13-c. Paragraph 9 of subdivision c of section 40 of the retirement
45 and social security law, as amended by chapter 525 of the laws of 1963,
46 is amended to read as follows:

47 9. Active members of volunteer ambulance companies serving one or
48 more municipal corporations pursuant to subdivision seven of section
49 ninety-two-a of the general municipal law.

50 10. Notwithstanding any inconsistent provision of subdivision e of
51 this section, or of this chapter or of any other law, an officer or
52 employee in the service of the state or of a participating employer who,
53 at the time of entering such service, was or is entitled to benefits by
54 any other pension or retirement system maintained by the state or a
55 political subdivision thereof, provided such benefits, exclusive of any
56 annuity based solely on his own contributions and interest thereon, are

1 suspended during his active membership in the retirement system. He
2 shall contribute to the retirement system as a new member.

3 § 13-d. The public health law is amended by adding a new section 3038
4 to read as follows:

5 § 3038. Consolidated assistance program for EMS departments. 1. For
6 the purposes of this section, the term "funding level" shall mean the
7 average amount of funding received over the previous two years, calcu-
8 lated for each emergency medical service department or contract with
9 other municipal departments, volunteer departments, including volunteer
10 ambulances which are based in volunteer fire departments, or non-profits
11 for the provision of emergency medical services within their jurisdic-
12 tion.

13 2. Notwithstanding any other provisions of this chapter or any other
14 law, and subject to an appropriation made therefor and in accordance
15 with the provisions of this section and with the rules and regulations
16 promulgated by the commissioner in connection therewith, the consol-
17 idated assistance program for emergency medical service departments is
18 hereby established for the purpose of making payments to municipalities
19 which operate emergency medical service departments, or contract with
20 other municipal departments, volunteer departments, including volunteer
21 ambulances which are based in volunteer fire departments, or non-profits
22 for the provision of emergency medical services within their jurisdic-
23 tion and which do not contract, directly or indirectly, with for-profit
24 entities for emergency medical services. The commissioner shall promul-
25 gate all necessary rules and regulations to carry out the program so
26 that an equitable distribution of aid shall be made to such munici-
27 palities.

28 3. On or before the twenty-fifth day of April, June, September and
29 November, there shall be distributed and paid to municipalities an
30 amount equal to the moneys appropriated for the purposes of this section
31 divided by the number of payment dates in that state fiscal year. Such
32 amounts shall be distributed and paid pursuant to this section.

33 4. Amounts shall be distributed to municipalities under the consol-
34 idated assistance program for EMS departments in relative shares based
35 on rules and regulations promulgated by the commissioner, in consulta-
36 tion with the New York state emergency medical services council, which
37 shall consider for each municipality:

38 (a) its population and population density, prioritizing less densely
39 populated areas where financial strain for providing service is great-
40 est;

41 (b) emergency medical services call volume and call type;

42 (c) the percentage of its annual budget which goes to providing emer-
43 gency medical services; and

44 (d) any other factor the commissioner, in consultation with the New
45 York state emergency medical services council, deems relevant.

46 5. On the first day of the third month following the end of its fiscal
47 year, each municipality which has received five thousand dollars or more
48 in total funds paid pursuant to this section during the preceding fiscal
49 year shall certify to the commissioner, pursuant to rules and regu-
50 lations promulgated by the commissioner in relation thereto, that the
51 expenditure by such municipality in such fiscal year of nonstate funds
52 raised by the municipality for the operation of or contracting for emer-
53 gency medical services was not reduced below the level of the average of
54 the previous two years. Provided, however, that in calculating the
55 expenditures and revenues of the municipality to determine the local
56 maintenance of effort for the fiscal year being certified and the

1 expenditure level of the average of the previous two years, municipi-
2 palities shall not be required to include the amount of revenues and
3 expenditures for operation of or contracting for emergency medical
4 services necessitated by any unforeseen event for which the municipality
5 was officially declared a disaster area. Where a reduction in such
6 spending or non-use has occurred, the distributions above the funding
7 level to such municipality in the then-current state fiscal year shall
8 be reduced by an amount equivalent to the amount of such reduction or
9 non-use, except that no reduction to the funding level shall be taken
10 for an amount caused by any unforeseen event for which the municipality
11 was officially declared a disaster area. Municipalities not required to
12 certify under this section may continue such non-certifying status, with
13 the approval of the commissioner, if the apportionment to such municipi-
14 pality is increased to more than five thousand dollars but less than
15 seven thousand dollars in any local fiscal year. For the purposes of
16 this section, a municipality shall mean a county, city, town or village
17 or two or more such jurisdictions acting jointly.

18 6. For any city, town, or village which consolidates or merges with
19 another municipality, the resulting successor government shall file with
20 the office of the state comptroller a certificate of any such consol-
21 idation, merger and any accompanying dissolution. If the amount which
22 would otherwise be apportioned to the individual governments exceeds the
23 amount which is payable to the successor government pursuant to this
24 section, such successor government shall receive no less in consolidated
25 assistance program for EMS department apportionments than the predeces-
26 sor governments would have received in the aggregate had the merger or
27 consolidation not occurred.

28 § 13-e. The public health law is amended by adding a new section 3039
29 to read as follows:

30 § 3039. Ambulance service assessment. 1. The department shall charge
31 every ambulance service a uniform ambulance assessment fee, provided
32 that the fee shall not apply to any municipal fire department, police
33 department, or other government entity that provides emergency medical
34 services, any ambulance service that exclusively provides emergency
35 medical care by aircraft, or any provider required to pay an assessment
36 on ambulance service revenue under article twenty-eight of this chapter.

37 2. The uniform assessment fee shall be assessed on each ambulance
38 service covered under this section at a rate of at least five and three-
39 quarters percent of a covered ambulance service's annual revenue,
40 provided however that the commissioner, in consultation with the direc-
41 tor of the division of the budget, may set such fee at a rate no greater
42 than the maximum limit allowable under 42 C.F.R. 433.68(f). The depart-
43 ment shall set and implement such fees using the best data available in
44 consultation with stakeholders, including trade associations represent-
45 ing ambulance providers subject to such assessment, and shall update
46 such fees on a periodic basis but at least annually.

47 3. All fees collected under this section shall be expended by the
48 commissioner in a timely manner and solely for purposes of increasing
49 medical assistance payment rates for ambulance services subject to such
50 fees to more closely align with the average commercial rate of payment,
51 and ensuring adequacy of the ambulance services in a region as defined
52 by the commissioner, and to cover the reasonable administrative expenses
53 of the department in administering the fund. Such monies shall not be
54 used to reduce or replace other payment commitments by the state.

1 4. Fees collected under this section shall be held in a fund adminis-
2 tered by the department as set forth in section ninety-seven-q-1 of the
3 state finance law.

4 5. The department may impose penalties for any ambulance service that
5 fails to pay the fee within the time required by the department.

6 6. Fees under this section shall be collected only if federal finan-
7 cial participation is available for expenditures incurred under this
8 section. Any fees collected but not expended in a fiscal year shall
9 remain available for expenditure in subsequent fiscal years. The depart-
10 ment shall submit all necessary documentation for federal approval of
11 this program, including amendments to the state plan under title XIX of
12 the federal social security act, necessary to implement this section
13 within one hundred eighty days of the effective date of this section.

14 § 13-f. The state finance law is amended by adding a new section
15 97-q-1 to read as follows:

16 § 97-q-1. Statewide ambulance fund; assessment of annual fees on ambu-
17 lance services. 1. There is hereby established in the custody of the
18 comptroller, a special fund to be known as the "statewide ambulance
19 fund".

20 2. The fund shall consist of:

21 (a) all fees or penalties collected pursuant to section three thousand
22 thirty-nine of the public health law;

23 (b) an amount equal to any federal financial participation revenues
24 claimed and received by the state for eligible expenditures to be made
25 from the fund;

26 (c) any appropriation or other revenue authorized by or required by
27 law to be credited to the fund; and

28 (d) interest earned on any money in the fund.

29 3. Amounts credited to the fund shall be expended solely for Medicaid
30 payments to ambulance services subject to fees pursuant to section three
31 thousand thirty-nine of the public health law, and an amount not to
32 exceed the actual and reasonable administrative expenses of the depart-
33 ment of health to administer the fund. After payment of the administra-
34 tive expenses of the department of health, the revenues of the fund
35 shall be expended exclusively for Medicaid payments to ambulance
36 services subject to such fees in accordance with section three thousand
37 thirty-nine of the public health law and shall supplement not supplant
38 existing state payments for ambulance services.

39 4. The department of health shall assess the fee described in section
40 three thousand thirty-nine of the public health law only upon approval
41 from the centers for medicare and medicaid services authorizing enhanced
42 Medicaid payments.

43 5. (a) If the centers for medicare and medicaid services rescinds
44 approval of the Medicaid payments made to ambulance services, then all
45 monies in the fund shall be returned to the ambulance services, pro rata
46 by contribution amount.

47 (b) If the commissioner of health determines the fee cannot be
48 collected as required by section three thousand thirty-nine of the
49 public health law, all monies in the fund shall be returned to the
50 applicable ambulance services pro rata by contribution amount.

51 6. The commissioner of health may order disbursement from the fund in
52 accordance with a schedule of payments to ambulance service providers
53 that have contributed to such fund, as provided in section three thou-
54 sand thirty-nine of the public health law.

55 § 14. This act shall take effect immediately.

1

PART T

2 Section 1. The multiple residence law is amended by adding a new
3 section 16 to read as follows:

4 § 16. State rental registry and proactive inspections to identify lead
5 hazards. 1. The division of housing and community renewal shall develop
6 a registry for all residential dwellings with two or more units built
7 prior to nineteen hundred eighty which, by virtue of their municipal
8 zoning designation, are potentially eligible for rental, lease, let or
9 hiring out, and are located within communities of concern as identified
10 in cooperation with the department of health. Such registry shall only
11 include qualifying residential dwellings outside New York city.

12 2. All residential dwellings qualifying for registration in accordance
13 with this section must be certified as free of lead paint hazards based
14 on inspections conducted on a tri-annual basis. Inspection certif-
15 ications must be submitted to the division of housing and community
16 renewal and local health department or their designee for recording in
17 the rental registry.

18 3. The commissioner of housing and community renewal shall promulgate
19 regulations as needed to administer, coordinate, and enforce this
20 section, including the establishment of fines to be levied in the event
21 of non-compliance with the requirements of this section.

22 4. Inspection requirements shall be based on regulation and guidance
23 from the division of housing and community renewal with the cooperation
24 of the department of health and may include qualifications for inspec-
25 tors, minimum requirements of a compliant inspection and a process for
26 reporting inspection results to local health departments. Minimum
27 inspection requirements may include visual inspections for deteriorated
28 paint and outdoor soil conditions, as well as the collection of dust
29 wipe samples obtained in accordance with United States Environmental
30 Protection Agency protocols for such procedures.

31 5. Remediation of lead-based paint hazards must be conducted in
32 compliance with all municipal requirements and specific requirements
33 specified in regulation.

34 § 2. Paragraphs h and i of subdivision 1 of section 381 of the execu-
35 tive law, as added by chapter 560 of the laws of 2010, are amended and a
36 new paragraph j is added to read as follows:

37 h. minimum basic training and in-service training requirements for
38 personnel charged with administration and enforcement of the state ener-
39 gy conservation construction code; ~~and~~

40 i. standards and procedures for measuring the rate of compliance with
41 the state energy conservation construction code, and provisions requir-
42 ing that such rate of compliance be measured on an annual basis~~[-]~~; and

43 j. procedures requiring the documentation of compliance with regu-
44 lations adopted pursuant to section sixteen of the multiple residence
45 law as a condition to issuance of a certificate of occupancy or certifi-
46 cate of compliance following a periodic fire safety and property main-
47 tenance inspection for multiple dwellings.

48 § 3. This act shall take effect immediately; provided, however,
49 section one of this act shall take effect eighteen months after it shall
50 have become a law; and provided further, however, section two of this
51 act shall take effect two years after it shall have become a law.
52 Effective immediately, the addition, amendment, and/or repeal of any
53 rule or regulation necessary for the timely implementation of this act
54 on or before its effective date are authorized to be made and completed
55 on or before such effective date.

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PART U

Section 1. The general business law is amended by adding a new article 42 to read as follows:

ARTICLE 42

NEW YORK ELECTRONIC HEALTH INFORMATION PRIVACY ACT

Section 1100. Definitions.

1101. Requirements for communications to individuals.

1102. Lawfulness of processing electronic health information.

1103. Individual rights.

1104. Security.

1105. Service providers.

1106. Exemptions.

1107. Enforcement.

§ 1100. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Deidentified information" means information that cannot reasonably be used to infer information about, or otherwise be linked to a particular individual, household, or device, provided that the regulated entity or service provider that processes the information:

(a) Implements reasonable technical safeguards to ensure that the information cannot be associated with an individual, household, or device;

(b) Publicly commits to process the information only as deidentified information and not attempt to reidentify the information, except that the regulated entity or service provider may attempt to reidentify the information solely for the purpose of determining whether its deidentification processes satisfy the requirements of this section; and

(c) Contractually obligates any recipient of the deidentified to comply with all requirements of this section.

2. "Electronic health information" means any information in any electronic format or media that relates to an individual or a device that is reasonably linkable to an individual or individuals in connection with: any past, present, or future disability, physical health condition, or mental health condition; the search for or attempt to obtain health care services; any past, present, or future treatment or other health care services for a disability, physical health condition, or mental health condition; location information associated with a health care facility; or the past, present, or future payment for health care services. For the avoidance of doubt, any inference drawn or derived data about an individual or a device that is reasonably linkable to an individual or individuals that relates to any of these topics in any electronic format or media is considered electronic health information. Electronic health information does not include deidentified information.

3. "Health care services" means any past, present, or future medical treatment or other related services an individual may receive for a disability, physical health condition, or mental health condition.

4. "Process" or "processing" means an operation or set of operations performed on electronic health information, including but not limited to the collection, use, access, sharing, sale, monetization, analysis, retention, creation, generation, derivation, recording, organization, structuring, storage, disclosure, transmission, disposal, licensing, destruction, deletion, modification, or deidentification of electronic health information.

5. "Regulated entity" means any entity that controls the processing of electronic health information. A regulated entity may also be a service

1 provider depending upon the context in which electronic health informa-
2 tion is processed.

3 6. "Sell" means to share electronic health information for monetary
4 or other valuable consideration. Selling does not include the sharing of
5 electronic health information for monetary or other valuable consid-
6 eration to a third party as an asset that is part of a merger, acquisi-
7 tion, bankruptcy, or other transaction in which the third party assumes
8 control of all or part of the regulated entity's assets.

9 7. "Service provider" means any person or entity that processes elec-
10 tronic health information on behalf of a regulated entity. A service
11 provider may also be a regulated entity depending upon the context in
12 which electronic health information is processed.

13 8. "Third party" means a person or entity other than the individual,
14 regulated entity, or service provider involved in a transaction or
15 occurrence that involves electronic health information. A third party
16 may also be a regulated entity or service provider depending upon the
17 context in which electronic health information is processed.

18 9. "Written consent" means a signed document that unambiguously commu-
19 nicates an individual's voluntary, opt-in authorization for processing
20 of electronic health information. The document must be signed by the
21 individual who is the subject of the electronic health information, or a
22 parent or guardian authorized by law to take actions of legal conse-
23 quence on behalf of the individual who is the subject of the electronic
24 health information.

25 § 1101. Requirements for communications to individuals. All notices,
26 disclosures, and other communications to individuals provided pursuant
27 to this article shall comply with the following:

28 1. All communications shall use plain, straightforward language,
29 avoiding technical or legal jargon, and must be provided through an
30 interface regularly used in conjunction with the regulated entity's
31 product or service.

32 2. All communications shall be reasonably accessible to individuals
33 with disabilities, including by:

34 (a) Utilizing digital accessibility tools;

35 (b) For notices, complying with generally recognized industry stand-
36 ards, including, but not limited to, the Web Content Accessibility
37 Guidelines, version 2.1 of June 5, 2018, from the World Web Consortium,
38 incorporated herein by reference; and

39 (c) For other communications, providing information about how an indi-
40 vidual with a disability may access the communication in an alternative
41 format.

42 3. All communications shall be available in the languages in which the
43 regulated entity provides information via its website and services. Any
44 direct communication to an individual shall be provided in the language
45 in which the individual ordinarily interacts with the regulated entity
46 or its service provider.

47 4. A regulated entity shall make any notice for processing pursuant to
48 a permissible purpose, pursuant to subparagraph (ii) of paragraph (c) of
49 subdivision one of section eleven hundred two of this article, or proc-
50 essing pursuant to written consent, pursuant to subparagraph (i) of
51 paragraph (c) of subdivision one of section eleven hundred two of this
52 article, publicly available on its website. If the notice for written
53 consent is customized for each individual, the regulated entity may
54 instead publicly post a sample notice on its website.

55 § 1102. Lawfulness of processing electronic health information. 1. It
56 shall be unlawful for a regulated entity to:

1 (a) Sell an individual's electronic health information to a third
2 party.

3 (b) Process an individual's electronic health information to advertise
4 or market products or services. This does not include (i) contextual
5 advertising, meaning non-personalized advertising shown as part of an
6 individual's current interaction with the regulated entity's services,
7 provided that the individual's electronic health information is not
8 disclosed to any third party and is not used to build a profile about
9 the individual or otherwise alter the individual's experience outside
10 the current interaction with the regulated entity's services; and (ii)
11 reporting and analytics related to advertising effectiveness, such as
12 statistical reporting, traffic analysis, and conversion measurement.

13 (c) Otherwise process an individual's electronic health information
14 unless:

15 (i) The individual has provided written consent for such processing;
16 or

17 (ii) Processing of an individual's electronic health information is
18 strictly necessary for the purpose of:

19 (A) Providing a product or service requested by such individual;

20 (B) Conducting the regulated entity's internal business operations,
21 which exclude any activities related to marketing, advertising, or
22 providing products or services to third parties;

23 (C) Protecting against malicious, fraudulent, or illegal activity;

24 (D) Detecting, responding to, or preventing security incidents or
25 threats;

26 (E) Protecting the vital interests of an individual or the public
27 interest in the area of public health;

28 (F) Investigating, establishing, exercising, preparing for, or defend-
29 ing legal claims; or

30 (G) Complying with the regulated entity's legal obligations.

31 2. A regulated entity that processes electronic health information
32 pursuant to subparagraph (i) of paragraph (c) of subdivision one of this
33 section shall comply with the following:

34 (a) A request for written consent to process an individual's electron-
35 ic health information shall:

36 (i) Be made separately from any other transaction or part of a trans-
37 action;

38 (ii) Be made in the absence of any mechanism in the user interface
39 that has the purpose or substantial effect of obscuring, subverting, or
40 impairing an individual's decision-making regarding consent for process-
41 ing;

42 (iii) If requesting consent for multiple categories of processing
43 activities, allow the individual to provide/withhold consent separately
44 for each category of processing activity; and

45 (iv) Not include any request for consent for a processing activity for
46 which an individual has withheld or revoked consent within the past
47 calendar year.

48 (b) At the time of requesting written consent, the regulated entity
49 shall provide the individual with a clear and conspicuous notice, sepa-
50 rate from a privacy policy, terms of service, or similar document, that
51 describes:

52 (i) the types of electronic health information to be processed;

53 (ii) the nature of the processing activity, such as, collection, anal-
54 ysis, etc.;

55 (iii) the specific purposes for such processing;

1 (iv) the names and/or categories of service providers and third
2 parties to which the regulated entity may disclose the individual's
3 electronic health information and the purposes for such disclosure,
4 including the circumstances under which the regulated entity may
5 disclose electronic health information to law enforcement;

6 (v) the voluntary nature of the consent;

7 (vi) the expiration date of the written consent, which may be up to
8 one year from the date written consent was provided;

9 (vii) the mechanism by which the individual may revoke consent prior
10 to expiration;

11 (viii) the mechanism by which the individual may request access to and
12 deletion of their electronic health information; and

13 (ix) any other information material to an individual's decision-making
14 regarding consent for processing.

15 (c) (i) A regulated entity that receives written consent for process-
16 ing shall provide a cost-effective, timely, and easy-to-use mechanism by
17 which an individual may revoke consent at any time through an interface
18 regularly used in conjunction with the regulated entity's product or
19 service.

20 (ii) Upon an individual's revocation of consent, the regulated entity
21 shall immediately cease all processing activities for which consent was
22 revoked, except to the extent necessary to comply with the regulated
23 entity's legal obligations.

24 (iii) For individuals who have an online account with the regulated
25 entity, the regulated entity must provide, in a conspicuous and easily
26 accessible place within the account settings, a list of all processing
27 activities for which the individual has provided written consent and,
28 for each processing activity, allow the individual to revoke consent in
29 the same place with one motion or action.

30 (d) Upon obtaining written consent from an individual, the regulated
31 entity shall provide that individual an acknowledgement that states the
32 type and purpose of processing to which the individual has consented,
33 when the consent expires, and how to revoke consent prior to expiration.
34 The acknowledgment shall also state how the individual may request
35 access to and deletion of their electronic health information. The
36 acknowledgement shall be provided in a manner that is capable of being
37 retained by the individual.

38 (e) The regulated entity shall limit its processing to what was clear-
39 ly disclosed to an individual pursuant to paragraph (b) of this subdivi-
40 sion when the regulated entity received written consent from the indi-
41 vidual.

42 (f) If the regulated entity seeks to materially alter its processing
43 activities for electronic health information collected pursuant to writ-
44 ten consent, the regulated entity shall obtain a new written consent for
45 the new or altered processing activity.

46 (g) Providing a product or service requested by an individual must not
47 be made contingent on providing consent. The regulated entity must not
48 discriminate against an individual for withholding consent, such as by
49 charging different prices or rates for products or services, including
50 through the use of discounts or other benefits, imposing penalties, or
51 providing a different level or quality of services or goods to the indi-
52 vidual.

53 3. A regulated entity that processes electronic health information
54 pursuant to a permissible purpose pursuant to subparagraph (ii) of para-
55 graph (c) of subdivision one of this section shall comply with the
56 following:

1 (a) A regulated entity shall provide clear and conspicuous notice that
2 describes:

3 (i) the types of electronic health information to be processed;

4 (ii) the nature of the processing activity, e.g., collection, analy-
5 sis, etc.;

6 (iii) the specific purposes for such processing;

7 (iv) the names and/or categories of service providers and third
8 parties to which the regulated entity may disclose the individual's
9 electronic health information and the purposes for such disclosure,
10 including the circumstances under which the regulated entity may
11 disclose electronic health information to law enforcement; and

12 (v) the mechanism by which the individual may request access to and
13 deletion of their electronic health information.

14 (b) The regulated entity shall limit its processing to what is reason-
15 ably necessary to fulfill the permissible purpose disclosed at the time
16 of collection pursuant to paragraph (a) of this subdivision. A process-
17 ing purpose is reasonably necessary to fulfill a permissible purpose
18 when it is aligned with the reasonable expectations of an individual
19 based on the individual's relationship with the organization and the
20 context in which the individual provided the electronic health informa-
21 tion.

22 (c) If the regulated entity materially alters its processing activ-
23 ities for electronic health information collected pursuant to a permis-
24 sible purpose, the regulated entity must provide a clear and conspicuous
25 notice in plain language, separate from a privacy policy, terms of
26 service, or similar document, that describes any material changes to the
27 processing activities and provides the individual with an opportunity to
28 request deletion of their electronic health information.

29 § 1103. Individual rights. 1. (a) A regulated entity shall make avail-
30 able a cost-effective, timely, and easy-to-use mechanism by which an
31 individual may request access to their electronic health information.

32 (b) Within thirty days of receiving an access request, the regulated
33 entity shall make available a copy of electronic health information
34 about the individual.

35 2. (a) A regulated entity shall make available a cost-effective, time-
36 ly, and easy-to-use mechanism by which an individual may request the
37 deletion of their electronic health information.

38 (b) An individual's deletion or cancellation of their online account
39 shall be treated as a request to delete the individual's electronic
40 health information.

41 (c) Within thirty days of receiving a deletion request, the regulated
42 entity shall:

43 (i) Delete all electronic health information associated with the indi-
44 vidual in the regulated entity's possession or control, except to the
45 extent necessary to comply with the regulated entity's legal obli-
46 gations; and

47 (ii) Unless it proves impossible or involves disproportionate effort
48 that is documented in writing by the regulated entity, communicate such
49 request to each service provider or third party that processed the indi-
50 vidual's electronic health information in connection with a transaction
51 involving the regulated entity within one year preceding the individ-
52 ual's request and require those service providers or third parties to do
53 the same for any further service providers or third parties that proc-
54 essed the individual's health information.

55 3. Any right set forth in this section may be exercised at any time
56 by:

1 (a) The individual who is the subject of the electronic health infor-
2 mation;

3 (b) A parent or guardian authorized by law to take actions of legal
4 consequence on behalf of the individual who is the subject of the elec-
5 tronic health information; or

6 (c) An agent authorized by the individual who is the subject of the
7 electronic health information.

8 § 1104. Security. 1. A regulated entity shall develop, implement, and
9 maintain reasonable administrative, technical, and physical safeguards
10 to protect the security, confidentiality, and integrity of electronic
11 health information.

12 2. A regulated entity must securely dispose of an individual's elec-
13 tronic health information pursuant to a publicly available retention
14 schedule within a reasonable time, and in no event later than sixty
15 days, after it is no longer necessary to fulfill the permissible purpose
16 identified in the notice or for which the individual provided written
17 consent.

18 § 1105. Service providers. 1. Any processing of electronic health
19 information data by a service provider on behalf of a regulated entity
20 shall be governed by a written, binding agreement. Such agreement shall
21 clearly set forth instructions for processing electronic health informa-
22 tion, the nature and purpose of processing, the duration of processing,
23 and the rights and obligations of both parties.

24 2. An agreement pursuant to subdivision one of this section shall
25 require that the service provider:

26 (a) Ensure that each person processing electronic health information
27 is subject to a duty of confidentiality with respect to such informa-
28 tion;

29 (b) Protect electronic health information in a manner consistent with
30 the requirements of this article;

31 (c) Process electronic health information only when and to the extent
32 necessary to comply with its obligations to the regulated entity unless
33 otherwise explicitly authorized by the regulated entity;

34 (d) Not combine the electronic health information which the service
35 provider receives from or on behalf of the regulated entity with any
36 other personal information which the service provider receives from or
37 on behalf of another party or collects from its own relationship with
38 individuals;

39 (e) Comply with any exercises of an individual's rights under section
40 eleven hundred three of this article upon the request of the regulated
41 entity;

42 (f) At the regulated entity's direction, delete or return all elec-
43 tronic health information to the regulated entity as requested at the
44 end of the provision of services, unless retention of the electronic
45 health information is required by law;

46 (g) Upon the reasonable request of the regulated entity, make avail-
47 able to the regulated entity all data in its possession necessary to
48 demonstrate the service provider's compliance with the obligations in
49 this section;

50 (h) Allow, and cooperate with, reasonable assessments by the regulated
51 entity or the regulated entity's designated assessor for purposes of
52 evaluating compliance with the obligations of this article; alternative-
53 ly, the service provider may arrange for a qualified and independent
54 assessor to conduct an assessment of the processor's policies and tech-
55 anical and organizational measures in support of the obligations under
56 this article using an appropriate and accepted control standard or

1 framework and assessment procedure for such assessments. The service
2 provider shall provide a report of such assessment to the regulated
3 entity upon request;

4 (i) A reasonable time in advance before disclosing or transferring
5 electronic health information to any further service providers, notify
6 the regulated entity of such a proposed disclosure or transfer, which
7 may be in the form of a regularly updated list of further service
8 providers that may access electronic health information; and

9 (j) Engage any further service provider pursuant to a written, binding
10 agreement that includes the contractual requirements provided in this
11 section, containing at minimum the same obligations that the service
12 provider has entered into with regard to electronic health information.

13 § 1106. Exemptions. Nothing in this article shall apply to:

14 1. Information processed by local, state, and federal governments, and
15 municipal corporations;

16 2. Protected health information that is collected by a covered entity
17 or business associate governed by the privacy, security, and breach
18 notification rules issued by the United States Department of Health and
19 Human Services, Parts 160 and 164 of Title 45 of the Code of Federal
20 Regulations, established pursuant to the Health Insurance Portability
21 and Accountability Act of 1996 (Public Law 104-191) and the Health
22 Information Technology for Economic and Clinical Health Act (Public Law
23 111-5);

24 3. Any covered entity governed by the privacy, security, and breach
25 notification rules issued by the United States Department of Health and
26 Human Services, Parts 160 and 164 of Title 45 of the Code of Federal
27 Regulations, established pursuant to the Health Insurance Portability
28 and Accountability Act of 1996 (Public Law 104-191), to the extent the
29 covered entity maintains patient information in the same manner as
30 protected health information as described in subdivision two of this
31 section;

32 4. Information collected as part of a clinical trial subject to the
33 Federal Policy for the Protection of Human Subjects, also known as the
34 Common Rule, pursuant to good clinical practice guidelines issued by the
35 International Council for Harmonisation or pursuant to human subject
36 protection requirements of the United States Food and Drug Adminis-
37 tration;

38 5. Information processed pursuant to the federal Family Educational
39 Rights and Privacy Act (20 U.S.C. Sec. 1232g) and its implementing regu-
40 lations;

41 6. Information processed pursuant to section two-d of the education
42 law; and

43 7. Information processed pursuant to the federal Driver's Privacy
44 Protection Act of 1994 (18 U.S.C. Sec. 2721 et seq).

45 § 1107. Enforcement. 1. Whenever it appears to the attorney general,
46 either upon complaint or otherwise, that any person or persons, within
47 or outside the state, has engaged in or is about to engage in any of the
48 acts or practices stated to be unlawful under this article, the attorney
49 general may bring an action or special proceeding in the name and on
50 behalf of the people of the state of New York to enjoin any violation of
51 this article, to obtain restitution of any moneys or property obtained
52 directly or indirectly by any such violation, to obtain disgorgement of
53 any profits obtained directly or indirectly by any such violation, to
54 obtain civil penalties of not more than fifteen thousand dollars per
55 violation, and to obtain any such other and further relief as the court
56 may deem proper, including preliminary relief.

1 2. The remedies provided by this section shall be in addition to any
2 other lawful remedy available.

3 3. Any action or special proceeding brought by the attorney general
4 pursuant to this section must be commenced within six years of the date
5 on which the attorney general became aware of the violation.

6 4. In connection with any proposed action or special proceeding under
7 this section, the attorney general is authorized to take proof and make
8 a determination of the relevant facts, and to issue subpoenas in accord-
9 ance with the civil practice law and rules. The attorney general may
10 also require such other data and information as he or she may deem rele-
11 vant and may require written responses to questions under oath. Such
12 power of subpoena and examination shall not abate or terminate by reason
13 of any action or special proceeding brought by the attorney general
14 under this article.

15 5. This section shall apply to all acts declared to be unlawful in
16 this article, whether or not subject to any other law of this state, and
17 shall not supersede, amend or repeal any other law of this state under
18 which the attorney general is authorized to take any action or conduct
19 any inquiry.

20 6. Any individual who has been injured by a violation of this article
21 may bring an action in their own name in any court of competent juris-
22 isdiction to enjoin such unlawful act or practice and to recover their
23 actual damages or one thousand dollars per individual, whichever is
24 greater. The court may also award reasonable attorney's fees to a
25 prevailing plaintiff. Actions pursuant to this section may be brought on
26 a class-wide basis.

27 § 2. Severability. If any clause, sentence, paragraph, subdivision,
28 section or part of this act shall be adjudged by any court of competent
29 jurisdiction to be invalid, such judgment shall not affect, impair, or
30 invalidate the remainder thereof, but shall be confined in its operation
31 to the clause, sentence, paragraph, subdivision, section or part thereof
32 directly involved in the controversy in which such judgment shall have
33 been rendered. It is hereby declared to be the intent of the legislature
34 that this act would have been enacted even if such invalid provisions
35 had not been included herein.

36 § 3. This act shall take effect one year after it shall have become a
37 law.

38 PART V

39 Intentionally Omitted

40 PART W

41 Intentionally Omitted

42 PART X

43 Section 1. The public health law is amended by adding a new article
44 29-K to read as follows:

45 ARTICLE 29-K

46 REGISTRATION OF TEMPORARY HEALTH CARE SERVICES AGENCIES

47 Section 2999-ii. Definitions.

1 2999-jj. Registration of temporary health care services agen-
2 cies; requirements.

3 2999-kk. Temporary health care services agencies; minimum stand-
4 ards.

5 2999-ll. Violations; penalties.

6 2999-mm. Rates for temporary health care services; reports.

7 § 2999-ii. Definitions. For the purposes of this article:

8 1. "Certified nurse aide" means a person included in the nursing home
9 nurse aide registry pursuant to section twenty-eight hundred three-j of
10 this chapter as added by chapter seven hundred seventeen of the laws of
11 nineteen hundred eighty-nine.

12 2. "Controlling person" means a person, officer, program administra-
13 tor, or director whose responsibilities include the direction of the
14 management or policies of a temporary health care services agency.
15 "Controlling person" also means an individual who, directly owns at
16 least ten percent voting interest in a corporation, partnership, or
17 other business entity that is a controlling person.

18 3. "Health care entity" means an agency, corporation, facility, or
19 individual providing medical or health care services.

20 4. "Health care personnel" means nurses, certified nurse aides and
21 licensed or unlicensed direct care workers employed by the temporary
22 health care services agency to provide temporary services in a health
23 care entity.

24 5. "Nurse" means a registered professional nurse, or a licensed prac-
25 tical nurse as defined by article one hundred thirty-nine of the educa-
26 tion law.

27 6. "Direct care worker" means an employee who is responsible for
28 patient/resident handling or patient/resident assessment as a regular or
29 incidental part of their employment, including any licensed or unli-
30 censed health care worker.

31 7. "Person" means an individual, firm, corporation, partnership, or
32 association.

33 8. "Temporary health care services agency" or "agency" means a person,
34 firm, corporation, partnership, association or other entity in the busi-
35 ness of providing or procuring temporary employment of health care
36 personnel for health care entities. Temporary health care services agen-
37 cy shall include a nurses' registry licensed under article eleven of the
38 general business law and entities that utilize apps or other technolo-
39 gy-based solutions to provide or procure temporary employment of health
40 care personnel in health care entities. Temporary health care services
41 agency shall not include: (a) an individual who only engages in provid-
42 ing the individual's own services on a temporary basis to health care
43 entities; or (b) a home care agency licensed under article thirty-six of
44 this chapter.

45 § 2999-jj. Registration of temporary health care services agencies;
46 requirements. 1. Any person who operates a temporary health care
47 services agency shall register the agency with the department. Each
48 separate location of the business of a temporary health care services
49 agency shall have a separate registration.

50 2. The commissioner shall publish guidelines establishing the forms
51 and procedures for applications for registration. Forms must include, at
52 a minimum all of the following:

53 (a) The names and addresses of the temporary health care services
54 agency controlling person or persons.

55 (b) The names and addresses of health care entities where the control-
56 ling person or persons or their family members:

1 (i) have an ownership relationship; or

2 (ii) direct the management or policies of such health care entities.

3 (c) A demonstration that the applicant is of good moral character and
4 able to comply with all applicable state laws and regulations relating
5 to the activities in which it intends to engage under the registration.

6 (d) Registration and registration annual renewal fees of one thousand
7 dollars and may only be used for the purpose of operating this registry.

8 (e) The state of incorporation of the agency.

9 (f) Any additional information that the commissioner determines is
10 necessary to properly evaluate an application for registration.

11 3. As a condition of registration, a temporary health care services
12 agency:

13 (a) Shall document that each temporary employee provided to health
14 care entities currently meets the minimum licensing, training, and
15 continuing education standards for the position in which the employee
16 will be working.

17 (b) Shall comply with all pertinent requirements and qualifications
18 for personnel employed in health care entities.

19 (c) Shall not restrict in any manner the employment opportunities of
20 its employees.

21 (d) Shall maintain insurance coverage for workers' compensation and
22 disability coverage for all health care personnel provided or procured
23 by the agency.

24 (e) Shall not require the payment of liquidated damages, employment
25 fees, or other compensation should the employee be hired as a permanent
26 employee of a health care entity in any contract with any employee or
27 health care entity or otherwise.

28 (f) Shall document that each temporary employee provided to health
29 care entities is jointly employed by the agency and the entity and is
30 not an independent contractor.

31 (g) Shall retain all records of employment for six calendar years and
32 make them available to the department upon request.

33 (h) Shall comply with any requests made by the department to examine
34 the books and records of the agency, subpoena witnesses and documents
35 and make such other investigation as is necessary in the event that the
36 department has reason to believe that the books or records do not accu-
37 ately reflect the financial condition or financial transactions of the
38 agency.

39 (i) Shall comply with any additional requirements the department may
40 deem necessary.

41 4. A registration issued by the commissioner according to this section
42 shall be effective for a period of one year, unless the registration is
43 revoked or suspended, or unless ownership interest of ten percent or
44 more, or management of the temporary health care services agency, is
45 sold or transferred. When ownership interest of ten percent or more, or
46 management of a temporary health care services agency is sold or trans-
47 ferred, the registration of the agency may be transferred to the new
48 owner or operator for thirty days, or until the new owner or operator
49 applies and is granted or denied a new registration, whichever is soon-
50 er.

51 5. The commissioner may, after appropriate notice and hearing,
52 suspend, revoke, or refuse to issue or renew any registration or issue
53 any fines established pursuant to section twenty-nine hundred ninety-
54 nine-11 of this article if the applicant fails to comply with this arti-
55 cle or any guidelines, rules and regulations promulgated thereunder.

1 6. The commissioner shall make available a list of temporary health
2 care services agencies registered with the department on the depart-
3 ment's public website.

4 7. The department shall publish a quarterly report containing aggre-
5 gated and de-identified data collected pursuant to this article on the
6 website of the department.

7 8. The department, in consultation with the department of labor, shall
8 provide a report to the governor and legislature on or before March
9 thirty-first, two thousand twenty-four, summarizing the key findings of
10 the data collected pursuant to this article. The department shall
11 further have authority to utilize any data collected pursuant to this
12 article for additional purposes consistent with this chapter, including
13 but not limited to determinations of whether an acute labor shortage
14 exists, or any other purpose the department deems necessary for health
15 care related data purposes.

16 9. The attorney general shall, upon the request of the department,
17 bring an action for an injunction against any person who violates any
18 provision of this article; provided, the department shall furnish the
19 attorney general with such material, evidentiary matter or proof as may
20 be requested by the attorney general for the prosecution of such action.

21 § 2999-kk. Temporary health care services agencies; minimum standards.

22 1. A temporary health care services agency shall appoint an administra-
23 tor qualified by training, experience or education to operate the agen-
24 cy. Each separate agency location shall have its own administrator.

25 2. A temporary health care services agency shall develop and maintain
26 written employment policies and procedures. The agency shall inform its
27 employees of the terms and conditions of employment by that agency at
28 the time of hire, as well as no less than annually thereafter.

29 3. A temporary health care services agency shall maintain hours of
30 operation at each of its locations sufficient to meet the obligations
31 under its written agreements with health care entities.

32 4. A temporary health care services agency shall maintain a written
33 agreement or contract with each health care entity, which shall include,
34 at a minimum:

35 (a) The required minimum licensing, training, and continuing education
36 requirements for each assigned health care personnel.

37 (b) Any requirement for minimum advance notice in order to ensure
38 prompt arrival of assigned health care personnel.

39 (c) The maximum rates that can be billed or charged by the temporary
40 health care services agency pursuant to section twenty-nine hundred
41 ninety-nine-mm of this article and any applicable regulations.

42 (d) The rates to be charged by the temporary health care services
43 agency.

44 (e) Procedures for the investigation and resolution of complaints
45 about the performance of temporary health care services agency person-
46 nel.

47 (f) Procedures for notice from health care entities of failure of
48 medical personnel to report to assignments and for back-up staff in such
49 instances.

50 (g) Procedures for notice of actual or suspected abuse, theft, tamper-
51 ing or other diversion of controlled substances by medical personnel.

52 (h) The types and qualifications of health care personnel available
53 for assignment through the temporary health care services agency.

54 5. A temporary health care services agency shall submit to the depart-
55 ment copies of all contracts between the agency and a health care entity
56 to which it assigns or refers health care personnel, and copies of all

1 invoices to health care entities personnel. Executed contracts must be
2 sent to the department within five business days of their effective date
3 and are not subject to disclosure under article six of the public offi-
4 cers law.

5 6. The commissioner may promulgate regulations to implement the
6 requirements of this section and to establish additional minimum stand-
7 ards for the operation of temporary health care services agencies,
8 including but not limited to pricing, fees, administrative costs, and
9 business practices.

10 7. The commissioner may waive the requirements of this article during
11 a declared state or federal public health emergency.

12 § 2999-ll. Violations; penalties. In addition to other remedies avail-
13 able by law, violations of the provisions of this article and any regu-
14 lations promulgated thereunder shall be subject to penalties and fines
15 pursuant to section twelve of this chapter; provided, however, that each
16 violation committed by each individual employee of a temporary health
17 care services agency shall be considered a separate violation.

18 § 2999-mm. Rates for temporary health care services; reports. A tempo-
19 rary health care services agency shall report quarterly to the depart-
20 ment a full disclosure of charges and compensation, including a schedule
21 of all hourly bill rates per category of employee, a full description of
22 administrative charges, and a schedule of rates of all compensation per
23 category of employee, including, but not limited to:

24 1. hourly regular pay rate, shift differential, weekend differential,
25 hazard pay, charge nurse add-on, overtime, holiday pay, travel or mile-
26 age pay, and any health or other fringe benefits provided;

27 2. the percentage of health care entity dollars that the agency
28 expended on temporary personnel wages and benefits compared to the
29 temporary health care services agency's profits and other administrative
30 costs;

31 3. a list of the states and zip codes of their employees' primary
32 residences;

33 4. the names of all health care entities they have contracted within
34 New York state;

35 5. the number of employees of the temporary health care services agen-
36 cy working at each entity; and

37 6. any other information prescribed by the commissioner.

38 § 2. This act shall take effect immediately and shall be deemed to
39 have been in full force and effect on and after April 1, 2023.

40 PART Y

41 Section 1. This Part enacts into law major components of legislation
42 relating to medical debt and drug prices. Each component is wholly
43 contained within a Subpart identified as Subparts A through D. The
44 effective date for each particular provision contained within such
45 Subpart is set forth in the last section of such Subpart. Any provision
46 in any section contained within a Subpart, including the effective date
47 of the Subpart, which makes reference to a section "of this act", when
48 used in connection with that particular component, shall be deemed to
49 mean and refer to the corresponding section of the Subpart in which it
50 is found. Section three of this Part sets forth the general effective
51 date of this Part.

52 SUBPART A

1 Section 1. Subdivisions (f) and (j) of section 3215 of the civil prac-
2 tice law and rules, subdivision (f) as amended and subdivision (j) as
3 added by chapter 593 of the laws of 2021, subdivision (f) as separately
4 amended by chapter 831 of the laws of 2021, are amended to read as
5 follows:

6 (f) Proof. On any application for judgment by default, the applicant
7 shall file proof of service of the summons and the complaint, or a
8 summons and notice served pursuant to subdivision (b) of rule 305 or
9 subdivision (a) of rule 316 of this chapter, and proof of the facts
10 constituting the claim, the default and the amount due, including, if
11 applicable, a statement that the interest rate for consumer debt pursu-
12 ant to section five thousand four of this chapter applies, by affidavit
13 made by the party, or where the state of New York is the plaintiff, by
14 affidavit made by an attorney from the office of the attorney general
15 who has or obtains knowledge of such facts through review of state
16 records or otherwise. Where a verified complaint has been served, it may
17 be used as the affidavit of the facts constituting the claim and the
18 amount due; in such case, an affidavit as to the default shall be made
19 by the party or the party's attorney. In an action arising out of a
20 consumer credit transaction, if the plaintiff is not the original credi-
21 tor, the applicant shall include: (1) an affidavit by the original credi-
22 tor of the facts constituting the debt, the default in payment, the
23 sale or assignment of the debt, and the amount due at the time of sale
24 or assignment; (2) for each subsequent assignment or sale of the debt to
25 another entity, an affidavit of sale of the debt by the debt seller,
26 completed by the seller or assignor; and (3) an affidavit of a witness
27 of the plaintiff, which includes a chain of title of the debt, completed
28 by the plaintiff or plaintiff's witness. In an action arising from
29 medical debt, if the plaintiff is not a hospital licensed under article
30 twenty-eight of the public health law or a health care professional
31 authorized under title eight of the education law, the applicant shall
32 include: (1) an affidavit by the hospital or health care professional of
33 the facts constituting the medical debt, the default in payment, the
34 sale or assignment of the medical debt, and the amount due at the time
35 of sale or assignment; (2) for each subsequent assignment or sale of the
36 medical debt to another entity, an affidavit of sale of the medical debt
37 by the debt seller, completed by the seller or assignor; and (3) an
38 affidavit of a witness of the plaintiff, which includes a chain of title
39 of the medical debt, completed by the plaintiff or plaintiff's witness.

40 The chief administrative judge shall issue form affidavits to satisfy
41 the requirements of this subdivision for consumer credit transactions
42 and actions arising from medical debt. When jurisdiction is based on an
43 attachment of property, the affidavit must state that an order of
44 attachment granted in the action has been levied on the property of the
45 defendant, describe the property and state its value. Proof of mailing
46 the notice required by subdivision (g) of this section, where applica-
47 ble, shall also be filed.

48 (j) Affidavit. A request for a default judgment entered by the clerk,
49 must be accompanied by an affidavit by the plaintiff or plaintiff's
50 attorney stating that after reasonable inquiry, he or she has reason to
51 believe that the statute of limitations has not expired. The chief
52 administrative judge shall issue form affidavits to satisfy the require-
53 ments of this subdivision for consumer credit transactions and actions
54 arising from medical debt.

55 § 2. Subdivision 2 of section 212 of the judiciary law is amended by
56 adding a new paragraph (cc) to read as follows:

1 (cc) Make available form affidavits required for a motion for default
2 judgment in an action arising from medical debt as required by subdivi-
3 sion (f) of section thirty-two hundred fifteen of the civil practice law
4 and rules.

5 § 3. This act shall take effect on the one hundred eightieth day after
6 it shall have become a law.

7 SUBPART B

8 Section 1. This act shall be known and may be cited as the
9 "Prescription Drug Price and Supply Chain Transparency Act of 2023".

10 § 2. Legislative intent. The state has a compelling interest in
11 providing for transparency into the price of prescription drugs and the
12 regulation of entities that play a role in the distribution of
13 prescription drugs in this state. The impact of ever rising prescription
14 drug costs impacts consumers in this state both at the pharmacy counter
15 and in health plan premium costs. Prescription drug costs also have
16 direct costs to the state fiscal, health insurance companies, pharma-
17 cies, pharmacy benefit managers, hospitals, employers, and unions.

18 § 3. The insurance law is amended by adding a new article 30 to read
19 as follows:

20 ARTICLE 30

21 PRESCRIPTION DRUG PRICE AND SUPPLY CHAIN TRANSPARENCY

22 Section 3001. Definitions.

23 3002. Filing requirement.

24 3003. Special reports and other powers.

25 3004. Reporting of drug price increases.

26 3005. Presumption against pay for delay agreements.

27 3006. Registration of pharmacy services administrative organiza-
28 tions.

29 3007. Required disclosures by pharmacy services administrative
30 organizations.

31 3008. Registration of pharmacy switch companies.

32 3009. Required disclosures by pharmacy switch companies.

33 3010. Registration of rebate aggregators.

34 3011. Required disclosures by rebate aggregators.

35 3012. Deposit of penalties and fees.

36 § 3001. Definitions. (a) For the purposes of this article, the defi-
37 initions contained in section two hundred eighty-a of the public health
38 law shall apply to this article as if specifically set forth herein.

39 (b) The following words or phrases, as used in this article, shall
40 have the following meanings, unless the context otherwise requires:

41 (1) "Manufacturer" means an entity engaged in the manufacture of
42 prescription drugs sold in this state.

43 (2) "Pharmacy services administrative organization" or "PSAO" means a
44 entity that is operating in this state and that contracts with a pharma-
45 cy for the purpose of conducting business on the pharmacy's behalf with
46 wholesalers, distributors, health plans or pharmacy benefit managers.

47 (3) "Rebate aggregator" means an entity that provides formulary rebate
48 administrative services for pharmacy benefit managers or otherwise nego-
49 tiates rebates with manufacturers on behalf of pharmacy benefit manag-
50 ers.

1 (4) "Switch company" means an entity that acts as an intermediary
2 between a pharmacy and a pharmacy benefit manager or health plan for the
3 purpose of routing insurance claims data to or from a pharmacy.

4 (5) "Wholesaler" means an entity that bottles, packs or purchases
5 drugs, devices or cosmetics for the purpose of selling or reselling to
6 pharmacies or to other channels.

7 (6) "ANDA" shall mean abbreviated new drug application as described by
8 505(j) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 335(j).

9 (7) "ANDA filer" shall mean a party that owns or controls an ANDA
10 filed with the federal food and drug administration or has the exclusive
11 rights under that ANDA to distribute the ANDA product.

12 (8) "Agreement" shall mean anything that would constitute an agreement
13 under state law.

14 (9) "Agreement resolving or settling a patent infringement claim"
15 includes any agreement that is entered into within thirty days of the
16 resolution or the settlement of the claim, or any other agreement that
17 is contingent upon, provides a contingent condition for, or is otherwise
18 related to the resolution or settlement of the claim. This shall
19 include, but is not limited to, the following:

20 (A) Any agreement required to be provided to the federal trade commis-
21 sion or the antitrust division of the United States Department of
22 Justice under the Medicare Prescription Drug, Improvement, and Modern-
23 ization Act of 2003, Pub. L. No. 108-173;

24 (B) Any agreement between a biosimilar or interchangeable product
25 applicant and a reference product sponsor under the Biologics Price
26 Competition and Innovation Act of 2009, Pub. L. No. 111-148, that
27 resolves patent claims between the applicant and sponsor.

28 (10) "Biosimilar biological product application filer" shall mean a
29 party that owns or controls a biosimilar biological product application
30 filed with the federal food and drug administration pursuant to section
31 351(k) of the Public Health Service Act, 42 U.S.C. 262(k), for licensure
32 of a biological product as biosimilar to, or interchangeable with, a
33 reference product, or that has the exclusive rights under the applica-
34 tion to distribute the biosimilar biological product.

35 (11) "NDA" shall mean a new drug application.

36 (12) "Nonreference drug filer" shall mean either:

37 (A) An ANDA filer;

38 (B) A company that seeks an abbreviated approval pathway for its drug
39 product under 505(b)(2) of the Federal Food, Drug, and Cosmetic Act, 21
40 U.S.C. 355(b)(2); or

41 (C) A biosimilar biological product application filer, or company
42 seeking FDA approval for a biosimilar under 42 U.S.C. 262.

43 (13) "Nonreference drug product" shall mean the product to be manufac-
44 tured under an ANDA or an application filed under section 505(b)(2) of
45 the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355(b), that is the
46 subject of the patent infringement claim, a biosimilar biological prod-
47 uct that is the product to be manufactured under the biosimilar biolog-
48 ical product application that is the subject of the patent infringement
49 claim, or both.

50 (14) "Patent infringement" shall mean infringement of any patent or of
51 any filed patent application, extension, reissue, renewal, division,
52 continuation, continuation in part, reexamination, patent term restora-
53 tion, patents of addition, and extensions thereof.

54 (15) "Patent infringement claim" shall mean any allegation made to a
55 nonreference drug filer, whether or not included in a complaint filed
56 with a court of law, that its nonreference drug product or application

1 infringes any patent held by, or exclusively licensed to, the reference
2 drug holder.

3 (16) "Reference drug holder" shall mean either:

4 (A) A brand holder that is any of the following:

5 (i) The holder of an approved NDA for a drug product application filed
6 under section 505(b) of the Federal Food, Drug, and Cosmetic Act, 21
7 U.S.C. 355(b);

8 (ii) A person owning or controlling enforcement of the patent listed
9 in the approved drug products with therapeutic equivalence evaluations
10 in connection with the NDA; or

11 (iii) The predecessors, subsidiaries, divisions, groups, and affil-
12 iates controlled by, controlling, or under common control with, any of
13 the entities described in clause (i) or (ii) of this subparagraph, with
14 control to be presumed by direct or indirect share ownership of fifty
15 percent or greater, as well as the licensees, licensors, successors, and
16 assigns of each of those entities; or

17 (B) A biological product license holder, which shall mean any of the
18 following:

19 (i) The holder of an approved biological product license application
20 for a biological drug product under section 351(a) of the Public Health
21 Service Act, 42 U.S.C. 262(a);

22 (ii) A person owning or controlling enforcement of any patents that
23 claim the biological product that is the subject of the approved biolog-
24 ical patent license application; or

25 (iii) The predecessors, subsidiaries, divisions, groups, and affil-
26 iates controlled by, controlling, or under common control with, any of
27 the entities described in clause (i) or (ii) of this subparagraph, with
28 control to be presumed by direct or indirect share ownership of fifty
29 percent or greater, as well as the licensees, licensors, successors, and
30 assigns of each of those entities.

31 (17) "Reference drug product" shall mean the product to be manufac-
32 tured by the reference drug holder and includes both branded drugs of
33 the NDA holder and the biologic drug product of the biologic product
34 license applicant.

35 (18) "Statutory exclusivity" shall mean those prohibitions on the
36 approval of drug applications under clauses (ii) through (iv) of section
37 505(c)(3)(E), section 527 or section 505A of the Federal Food, Drug, and
38 Cosmetic Act, 21 U.S.C. 355(c)(3)(E), on the licensing of biological
39 product applications under section 262(k)(7) of Title 42 of the United
40 States Code or section 262(m)(2) or (3) of Title 42 of the United States
41 Code.

42 § 3002. Filing requirement. Notwithstanding any law to the contrary,
43 any filing or submission required under this article shall be made elec-
44 tronically unless the entity required to make that filing or submission
45 demonstrates undue hardship, impracticability or good cause as required
46 by section three hundred sixteen of this chapter.

47 § 3003. Special reports and other powers. (a) The superintendent may
48 address to any entity required to register or report information under
49 this article, or its officers, or any agent or employee thereof any
50 inquiry in relation to its business or any matter connected therewith.
51 Every individual or entity so addressed shall reply in writing to such
52 inquiry promptly and truthfully, and such reply shall be, if required by
53 the superintendent, subscribed by such individual, or by such officer or
54 officers of the entity, or by such agent or employee of the entity as
55 the superintendent shall designate, and affirmed by them as true under
56 the penalties of perjury.

1 (b) In the event any individual or entity does not submit a good faith
2 response to an inquiry from the superintendent pursuant to subsection
3 (a) of this section within a time period specified by the superintendent
4 of not less than fifteen business days, the superintendent is authorized
5 to levy a civil penalty, after notice and hearing, against such person
6 not to exceed one thousand dollars per day for each day beyond the date
7 specified by the superintendent for response to the inquiry.

8 (c) In addition to all other powers granted by law, the superintendent
9 is hereby empowered to order any person or entity required to register
10 or report information under this article to cease and desist from
11 violations of this article and following issuance of such an order may
12 bring and maintain an action in any court of competent jurisdiction for
13 an injunction or other appropriate relief to enjoin threatened or exist-
14 ing violations of this article or of the superintendent's orders or
15 regulations, such action may specifically seek restitution on behalf of
16 persons aggrieved by a violation of this article or orders or regu-
17 lations of the superintendent.

18 (d) In addition to all other powers granted by law, whenever it shall
19 appear to the superintendent, either upon complaint or otherwise, that
20 in the course of its business within or from this state that any entity
21 shall have employed, or employs, or is about to employ any business
22 practice or shall have performed, or is performing, or is about to
23 perform any act in violation of this article or orders or regulations of
24 the superintendent, or the superintendent believes it to be in the
25 public interest that an investigation be made, the superintendent may,
26 in the superintendent's discretion, either require or permit such entity
27 or any agent or employee thereof, to file with the department a state-
28 ment in writing under oath or otherwise as to all the facts and circum-
29 stances concerning the subject matter that the superintendent believes
30 is in the public interest to investigate, and for that purpose may
31 prescribe forms upon which such statements shall be made. The super-
32 intendent may also require such other data and information as the super-
33 intendent may deem relevant and may make such special and independent
34 investigations as the superintendent may deem necessary in connection
35 with the matter. It shall be the duty of all public officers, their
36 deputies, assistants, subordinates, clerks or employees and all other
37 persons to render and furnish to the superintendent, when requested in
38 connection with an investigation under this subsection, all information
39 and assistance in their possession or within their power.

40 (e) Any entity who violates an order under subsection (c) or (d) of
41 this section shall be subject to a civil penalty, after notice and a
42 hearing, of not more than ten thousand dollars per act in violation, in
43 addition to any other penalty provided by law.

44 (f) Any communications or documents sent or received in connection
45 with an investigation under this article, and materials referring to
46 such information in the possession of the superintendent shall be confi-
47 dential and not subject to disclosure by the superintendent except where
48 and as the superintendent determines that disclosure is in the public
49 interest. This subsection shall not apply to information, documents and
50 materials in the possession and under the control of an entity other
51 than the superintendent.

52 § 3004. Reporting of drug price increases. (a)(1) No manufacturer or
53 wholesaler may charge any price for a drug based on an increase in
54 wholesale acquisition cost, average wholesale price, or any other metric
55 unless the manufacturer shall first report the price to the department.

1 (2) No entity may sell or distribute in this state any drug for which
2 a report was required to be made under this subsection until such report
3 is made.

4 (b) The report required by subsection (a) of this section shall be
5 made in a form and manner prescribed by the superintendent, shall be
6 made individually for each national drug code, and shall include the
7 following:

8 (1) the name or names of the drug;

9 (2) the national drug code for the drug;

10 (3) the price of the drug prior to the increase;

11 (4) the price of the drug following the increase;

12 (5) the effective date of the increase;

13 (6) the date on which the decision was made to increase the price; and

14 (7) the reason and justification for the increase.

15 (c) Not later than May first, two thousand twenty-five, the department
16 shall begin publishing reports received under this section on a publicly
17 accessible online database, which is searchable at least by manufacturer
18 name, drug name, and national drug code. Reports shall be posted not
19 later than fifteen business days after they are received and shall
20 remain on the database for not less than one hundred eighty days after
21 the effective date of the increase or the first date the report is post-
22 ed, whichever is later, provided, however, that the superintendent may
23 delay the posting of a report if posting within fifteen business days of
24 receipt is not feasible.

25 (d) Notwithstanding any law to the contrary, the information contained
26 in paragraphs six and seven of subsection (b) of this section or any
27 statement required under subsection (g) of this section, together with
28 any communications, documents, and materials referring to such informa-
29 tion in the possession of the superintendent, shall be confidential and
30 not subject to disclosure by the superintendent, except where the super-
31 intendent determines that disclosure is in the public interest. This
32 subsection shall not apply to information, documents and materials in
33 the possession and under the control of an entity other than the super-
34 intendent.

35 (e) No report shall be considered validly filed unless accompanied by
36 a filing fee in an amount set forth in this subsection.

37 (1) For any report involving an increase that will not take effect for
38 one hundred twenty days or more and for which the effective date of the
39 change is between the first of January and the thirty-first of January
40 and:

41 (A) for which the increase will result in a change of less than ten
42 percent per unit over the price of the same drug three hundred sixty-
43 five days before the effective date of the change, the fee shall be
44 twenty-five dollars;

45 (B) for which the increase will result in a change of less than twen-
46 ty-five percent per unit over the price of the same drug three hundred
47 sixty-five days before the effective date of the change, the fee shall
48 be twenty-five dollars;

49 (C) for which the increase will result in a change of less than fifty
50 percent per unit over the price of the same drug three hundred sixty-
51 five days before the effective date of the change, the fee shall be two
52 hundred fifty dollars; or

53 (D) for which the increase will result in a change of fifty percent or
54 greater per unit over the price of the same drug three hundred sixty-
55 five days before the effective date of the change, the fee shall be one
56 thousand dollars.

1 (2) For any report involving an increase that will not take effect for
2 one hundred twenty days or more and for which the effective date is
3 outside of the month of January and:

4 (A) for which the increase will result in a change of less than ten
5 percent per unit over the price of the same drug three hundred sixty-
6 five days before the effective date of the change, the fee shall be two
7 thousand five hundred dollars;

8 (B) for which the increase will result in a change of less than twenty-
9 five percent per unit over the price of the same drug three hundred
10 sixty-five days before the effective date of the change, the fee shall
11 be five thousand dollars;

12 (C) for which the increase will result in a change of less than fifty
13 percent per unit over the price of the same drug three hundred sixty-
14 five days before the effective date of the change, the fee shall be
15 seven thousand five hundred dollars; or

16 (D) for which the increase will result in a change of fifty percent or
17 greater per unit over the price of the same drug three hundred sixty-
18 five days before the effective date of the change, the fee shall be ten
19 thousand dollars.

20 (3) For any report involving an increase that will take effect in less
21 than one hundred twenty days and for which the effective date of the
22 change is between the first of January and the thirty-first of January
23 and:

24 (A) for which the increase will result in a change of less than ten
25 percent per unit over the price of the same drug three hundred sixty-
26 five days before the effective date of the change, the fee shall be two
27 thousand five hundred dollars;

28 (B) for which the increase will result in a change of less than twenty-
29 five percent per unit over the price of the same drug three hundred
30 sixty-five days before the effective date of the change, the fee shall
31 be five thousand dollars;

32 (C) for which the increase will result in a change of less than fifty
33 percent per unit over the price of the same drug three hundred sixty-
34 five days before the effective date of the change, the fee shall be
35 seven thousand five hundred dollars; or

36 (D) for which the increase will result in a change of fifty percent or
37 greater per unit over the price of the same drug three hundred sixty-
38 five days before the effective date of the change, the fee shall be ten
39 thousand dollars.

40 (4) For any report involving an increase that will take effect in less
41 than one hundred twenty days and for which the effective date of the
42 change is outside of the month of January and:

43 (A) for which the increase will result in a change of less than ten
44 percent per unit over the price of the same drug three hundred sixty-
45 five days before the effective date of the change, the fee shall be
46 twenty-five thousand dollars;

47 (B) for which the increase will result in a change of less than twenty-
48 five percent per unit over the price of the same drug three hundred
49 sixty-five days before the effective date of the change, the fee shall
50 be fifty thousand dollars;

51 (C) for which the increase will result in a change of less than fifty
52 percent per unit over the price of the same drug three hundred sixty-
53 five days before the effective date of the change, the fee shall be
54 seventy-five thousand dollars; or

55 (D) for which the increase will result in a change of fifty percent or
56 greater per unit over the price of the same drug three hundred sixty-

1 five days before the effective date of the change, the fee shall be one
2 hundred thousand dollars.

3 (5) For any report made after the effective date of the change, the
4 fee shall be one hundred thousand dollars plus ten thousand dollars for
5 each day after the effective date before the report is made.

6 (f) After notice and a hearing, the superintendent may impose a civil
7 penalty on any entity that violates subsection (a) of this section in an
8 amount not to exceed one million dollars per violation. In considering
9 the amount of any such civil penalty, the superintendent shall consider:

10 (1) the timing of the increase;

11 (2) the cost of the drug;

12 (3) the impact on consumers;

13 (4) whether such violation is a first offense; and

14 (5) remedial measures the entity has put in place to prevent future
15 violations.

16 (g) Whenever a report is made involving an increase that will take
17 effect in less than one hundred twenty days, the manufacturer of the
18 drug shall provide to the superintendent a statement of the reason that
19 the increase must take effect in less than one hundred twenty days. When
20 the superintendent believes it is in the public interest that an inves-
21 tigation be made, the superintendent may make independent and special
22 investigations into the matter as the superintendent deems appropriate.

23 § 3005. Presumption against pay for delay agreements. (a) (1) Except
24 as provided in paragraph three of this subsection, an agreement resolv-
25 ing or settling, on a final or interim basis, a patent infringement
26 claim, in connection with the sale of a pharmaceutical product, shall be
27 presumed to have anticompetitive effects and shall be a violation of
28 this section if both of the following apply:

29 (A) A nonreference drug filer receives anything of value from another
30 company asserting patent infringement, including, but not limited to, an
31 exclusive license or a promise that the brand company will not launch an
32 authorized generic version of its brand drug; and

33 (B) The nonreference drug filer agrees to limit or forego research,
34 development, manufacturing, marketing, or sales of the nonreference drug
35 filer's product for any period of time.

36 (2) As used in subparagraph (A) of paragraph one of this subsection,
37 "anything of value" shall be interpreted broadly to include any type of
38 consideration, value or benefit a reference drug holder or nonreference
39 drug filer could possibly obtain from the agreement. "Anything of value"
40 shall not include a settlement of patent infringement claims in which
41 the consideration granted by the reference drug holder to the nonrefer-
42 ence drug filer as part of the resolution or settlement consists of only
43 one or more of the following:

44 (A) The right to market the competing product in the United States
45 before the expiration of either:

46 (i) A patent that is the basis for the patent infringement claim; or

47 (ii) A patent right or other statutory exclusivity that would prevent
48 the marketing of the drug;

49 (B) A covenant not to sue on a claim that the nonreference drug prod-
50 uct infringes a United States patent;

51 (C) Compensation for saved reasonable future litigation expenses of
52 the reference drug holder but only if both of the following are true:

53 (i) The total compensation for saved litigation expenses is reflected
54 in budgets that the reference drug holder documented and adopted at
55 least six months before the settlement; and

56 (ii) The compensation shall not exceed the lower of the following:

1 (I) Seven million five hundred thousand dollars; or
2 (II) Five percent of the revenue that the nonreference drug filer
3 projected or forecasted it would receive in the first three years of
4 sales of its version of the reference drug documented at least twelve
5 months before the settlement. If no projections or forecasts are avail-
6 able, the compensation shall not exceed two hundred fifty thousand
7 dollars;

8 (D) An agreement by the reference drug holder not to interfere with
9 the nonreference drug filer's ability to secure and maintain regulatory
10 approval to market the nonreference drug product or an agreement to
11 facilitate the nonreference drug filer's ability to secure and maintain
12 regulatory approval to market the nonreference drug product; or

13 (E) An agreement resolving a patent infringement claim in which the
14 reference drug holder forgives the potential damages accrued by a
15 nonreference drug filer for an at-risk launch of the nonreference drug
16 product that is the subject of that claim.

17 (3) Parties to an agreement are not in violation of paragraph one of
18 this subsection if they can demonstrate by clear and convincing evidence
19 that either of the following are met:

20 (A) The value received by the nonreference drug filer described in
21 subparagraph (A) of paragraph one of this subsection is a fair and
22 reasonable compensation solely for other goods or services that the
23 nonreference drug filer has promised to provide; or

24 (B) The agreement has directly generated procompetitive benefits and
25 the procompetitive benefits of the agreement outweigh the anticompet-
26 itive effects of the agreement.

27 (b) In determining whether the parties to the agreement have met their
28 burden under paragraph three of subsection (a) of this section, a court
29 of competent jurisdiction shall not consider any of the following:

30 (1) That entry into the marketplace could not have occurred until the
31 expiration of the relevant patent exclusivity or that the agreement's
32 provision for entry of the nonreference drug product before the expira-
33 tion of any patent exclusivity means that the agreement is procompet-
34 itive within the meaning of subparagraph (B) of paragraph three of
35 subsection (a) of this section;

36 (2) That any patent is enforceable and infringed by the nonreference
37 drug filer in the absence of a final adjudication binding on the filer
38 of those issues;

39 (3) That the agreement caused no delay in entry of the nonreference
40 drug filer's drug product because of the lack of Federal Food and Drug
41 Administration (FDA) approval of that or of another nonreference drug
42 product; or

43 (4) That the agreement caused no harm or delay due to the possibility
44 that the nonreference drug filer's drug product might infringe some
45 patent that has not been asserted against the nonreference drug filer or
46 that is not subject to a final and binding adjudication on that filer as
47 to the patent's scope, enforceability, and infringement.

48 (c) In determining whether the parties to the agreement have met their
49 burden under paragraph three of subsection (a) of this section, a court
50 of competent jurisdiction shall presume that the relevant product market
51 is that market consisting of the reference drug of the company alleging
52 patent infringement and the drug product of the nonreference drug filer
53 accused of infringement and any other biological product that is
54 licensed as biosimilar or is an AB-rated generic to the reference prod-
55 uct.

1 (d) (1) This section shall not modify, impair, limit, or supersede the
2 applicability of the antitrust laws of the state pursuant to article
3 twenty-two of the general business law, unfair competition laws of the
4 state pursuant to article twenty-two-A of the general business law or
5 the availability of damages or remedies provided therein. This section
6 shall not modify, impair, limit, or supersede the right of any drug
7 company applicant to assert claims or counterclaims against any person,
8 under the antitrust laws or other laws relating to unfair competition of
9 the federal antitrust law or state law.

10 (2) If any provision of this subsection, an amendment made to this
11 subsection, or the application of any provision or amendment to any
12 person or circumstance is held to be unconstitutional, the remainder of
13 this subsection, the amendments made to this subsection, and the appli-
14 cation of the provisions of this subsection or amendments to any person
15 or circumstance shall not be affected.

16 (e) (1) (A) Each person that violates or assists in the violation of
17 this section shall forfeit and pay to the state a civil penalty suffi-
18 cient to deter violations of this section, as follows:

19 (i) If the person who violated this section received any value due to
20 that violation, an amount up to three times the value received by the
21 party that is reasonably attributable to the violation of this section,
22 or twenty million dollars, whichever is greater; or

23 (ii) If the violator has not received anything of value as described
24 in this subparagraph, an amount up to three times the value given to
25 other parties to the agreement reasonably attributable to the violation
26 of this section, or twenty million dollars.

27 (iii) For purposes of this subsection, "reasonably attributable to the
28 violation" shall be determined by the state's share of the market for
29 the brand drug at issue in the agreement.

30 (B) Any penalty described in subparagraph (A) of this paragraph shall
31 accrue only to the state and shall be recovered in a civil action
32 brought by the attorney general in its own name, or by any of its attor-
33 neys designated by it for that purpose, against any party to an agree-
34 ment that violates this section.

35 (2) Each party that violates or assists in the violation of this
36 section shall be liable for any damages, penalties, costs, fees, injunc-
37 tions, or other equitable or legal remedies, including, but not limited
38 to, restitution and disgorgement, that may be just and reasonable. Such
39 remedies shall include, but not be limited to, any remedy available
40 under article twenty-two or twenty-two-A of the general business law and
41 section sixty-three of the executive law.

42 (3) If the state is awarded penalties under subparagraph (A) of para-
43 graph one of this subsection, it shall not recover penalties pursuant to
44 another law identified in paragraph two of this subsection. This section
45 shall not be construed to foreclose the state's ability to claim any
46 equitable or legal remedy available in paragraph two of this subsection.

47 (4) An action to enforce a cause of action for a violation of this
48 section shall be commenced within six years after the cause of action
49 accrued.

50 § 3006. Registration of pharmacy services administrative organiza-
51 tions. (a) No PSAO shall operate in this state after March thirty-
52 first, two thousand twenty-four without first registering with the
53 department.

54 (b) A PSAO seeking registration shall file, in a form and manner
55 determined by the superintendent, information that includes at a mini-
56 mum:

1 (1) the legal name of the entity;
2 (2) any trade or other names used by the entity;
3 (3) the organizational structure of the entity;
4 (4) the pharmacies located within this state with which the entity
5 provides services;

6 (5) the persons who exercise control of the entity;

7 (6) a primary point of contact for the entity;

8 (7) an agent for service of process;

9 (8) a set of audited financials for the prior fiscal year; and

10 (9) such other information as the superintendent shall require.

11 (c) The superintendent shall accept a registration only if the super-
12 intendent determines that all the required information has been provided
13 in a satisfactory form and has received payment of a nonrefundable
14 registration fee of five thousand dollars.

15 (d) If any of the information contained in the registration shall
16 change, the PSAO shall notify the department of the change in a form and
17 manner prescribed by the superintendent for such purpose within twenty-
18 one days of the change. The requirement to update shall include the
19 filing of a new set of audited financials upon adoption. For any change
20 other than new audited financials, the filing shall not be deemed
21 complete unless accompanied by a payment of a fee of fifty dollars.

22 (e) Every PSAO registration issued pursuant to this section shall
23 expire twelve months after the date of issue. A PSAO may renew its
24 registration for another twelve months upon the filing of an application
25 in conformity with this section.

26 (f) Before a PSAO registration shall be renewed, the PSAO shall file
27 an application for renewal in such form as the superintendent
28 prescribes, and pay a fee of five thousand dollars.

29 (g) If a PSAO files a renewal application with the superintendent at
30 least one month before its expiration, then the registration sought to
31 be renewed shall continue in full force and effect either until the
32 issuance by the superintendent of the renewal registration applied for
33 or until five days after the superintendent shall have refused to issue
34 such renewal registration and given notice of such refusal to the appli-
35 cant, otherwise the PSAO registration shall expire and the registrant
36 shall have no expectation of renewal.

37 § 3007. Required disclosures by pharmacy services administrative
38 organizations. (a) (1) Each PSAO shall at the time of registration
39 pursuant to section three thousand six of this article disclose to the
40 department the extent of any ownership or control of the PSAO or by the
41 PSAO of any parent company, subsidiary, or affiliate that:

42 (A) provides pharmacy services;

43 (B) provides prescription drug or device services; or

44 (C) manufactures, sells, or distributes prescription drugs, biolog-
45 icals, or medical devices.

46 (2) A PSAO shall furnish a copy of the disclosure made at the time of
47 registration to all pharmacies located in this state with which it has
48 contract in place at the time of the registration. A PSAO shall not
49 collect any fee for any services provided to a pharmacy for any period
50 beginning five days after the filing of a registration with the depart-
51 ment until the disclosure is sent to the pharmacy.

52 (3) Not later than April first, two thousand twenty-five, the depart-
53 ment shall publish all disclosures received under this subsection on a
54 publicly accessible online database, which is searchable at least by
55 PSAO name. All disclosures shall be posted not later than ten business

1 days after a registration is accepted and shall remain on the database
2 for the duration of the registration of the PSAO.

3 (b) (1) Prior to entering into any contract with any pharmacy located
4 in this state, including a contract with a group of pharmacies at least
5 one of which is in this state, a PSAO shall furnish to the pharmacy a
6 written disclosure of the information required to be disclosed in
7 subsection (a) of this section. No contract with a pharmacy shall be
8 enforceable against the pharmacy by a PSAO unless that PSAO makes this
9 disclosure prior to the agreement. In addition to any other power
10 conferred by law, the superintendent may prescribe the form and manner
11 of such disclosures.

12 (2) A PSAO that owns, is owned by, in whole or in part, or controls
13 any entity that manufactures, sells, or distributes prescription drugs,
14 biologicals, or medical devices shall not, as a condition of entering
15 into a contract with a pharmacy, require that the pharmacy purchase any
16 drugs or medical devices from an entity with which the PSAO has a finan-
17 cial interest, or an entity with an ownership interest in the PSAO.

18 (3) No PSAO shall enter into a contract with a pharmacy in this state
19 unless that contract shall provide that all remittances for claims
20 submitted by a pharmacy benefit manager or third-party payer on behalf
21 of a pharmacy to the PSAO shall be passed through by the PSAO to the
22 pharmacy within a reasonable amount of time, established in the
23 contract, after receipt of the remittance by the PSAO from the pharmacy
24 benefit manager or third-party payer.

25 (c) (1) A PSAO that provides, accepts, or processes a discount,
26 concession, or product voucher, to reduce, directly or indirectly, a
27 covered individual's out-of-pocket expense for the order, dispensing,
28 substitution, sale, or purchase of a prescription drug shall make avail-
29 able to each pharmacy in this state that it contracts with or which it
30 contracted with in the prior calendar year, an annual report that
31 includes:

32 (A) an aggregated total of all such transactions, by the pharmacy; and

33 (B) an aggregated total of any payments received by the PSAO itself
34 for providing, processing, or accepting any discount, concession, or
35 product voucher on behalf of a pharmacy.

36 (2) A pharmacy in this state that is a party to a contract with a PSAO
37 shall have a right to an accounting of the funds received by the PSAO
38 for goods or services provided by the pharmacy to patients and custom-
39 ers.

40 § 3008. Registration of pharmacy switch companies. (a) No switch
41 company may do business in this state after June thirtieth, two thousand
42 twenty-four without first registering with the department.

43 (b) A switch company seeking registration shall file with the depart-
44 ment, in a form and manner determined by the superintendent, information
45 including but not limited to:

46 (1) the legal name of the entity;

47 (2) any trade or other names used by the entity;

48 (3) the organizational structure of the entity;

49 (4) the pharmacies located within this state and the pharmacy benefit
50 managers licensed in this state with which the entity provides services;

51 (5) the persons who exercise control of the entity;

52 (6) a primary point of contact for the entity;

53 (7) an agent for service of process;

54 (8) a set of audited financials for the prior fiscal year; and

55 (9) such other information or documents as the superintendent shall
56 require.

1 (c) The superintendent shall accept a registration only if he or she
2 deems that all the required information has been provided in a satisfac-
3 tory form and has received payment of a nonrefundable registration fee
4 of one thousand dollars.

5 (d) If any of the information contained in the registration shall
6 change, the switch company shall notify the department of the change in
7 a form and manner prescribed by the superintendent for such purpose
8 within twenty-one days of the change. The requirement to update shall
9 include the filing of a new set of audited financials upon adoption. For
10 any change other than new audited financials, the filing shall not be
11 deemed complete unless accompanied by a payment of a fee of fifty
12 dollars.

13 (e) Every pharmacy switch company's registration shall expire twelve
14 months after the date of issue. Every registration issued pursuant to
15 this section may be renewed for the ensuing period of twelve months upon
16 the filing of an application in conformity with this subsection.

17 (f) Before a pharmacy switch company's registration shall be renewed,
18 the pharmacy switch company shall properly file in the office of the
19 superintendent an application for renewal in such form as the super-
20 intendent prescribes, and pay a fee of one thousand dollars.

21 (g) If an application for a renewal registration shall have been filed
22 with the superintendent at least one month before its expiration, then
23 the registration sought to be renewed shall continue in full force and
24 effect either until the issuance by the superintendent of the renewal
25 registration applied for or until five days after the superintendent
26 shall have refused to issue such renewal registration and given notice
27 of such refusal to the applicant, otherwise the registration shall
28 expire and the registrant shall have no expectation of renewal.

29 § 3009. Required disclosures by pharmacy switch companies. (a) Each
30 switch company shall annually disclose to the department, in a form and
31 manner prescribed by the superintendent, such information as the super-
32 intendent deems necessary for the proper supervision of the industry.
33 Such information shall include:

34 (1) a list of services the switch company provides and the industries
35 to which they are provided;

36 (2) information on electronic voucher services provided by the switch
37 company, including:

38 (A) a list of manufacturers that the switch company has contracts with
39 or for which it transmits electronic vouchers;

40 (B) a list of medications and the National Drug Codes (NDCs) for which
41 the switch company may apply electronic vouchers; and

42 (C) the total amount of money collected from manufacturers related to
43 transmission of electronic vouchers; and

44 (3) the number of transactions processed in this state and the total
45 amount of revenue attributable to those transactions.

46 (b) A switch company shall disclose to each pharmacy benefit manager
47 with which it does business any instance in which an electronic voucher
48 was applied in the course of routing the claim.

49 § 3010. Registration of rebate aggregators. (a) No rebate aggregator
50 may do business in this state after September thirtieth, two thousand
51 twenty-four without first registering with the department.

52 (b) A rebate aggregator seeking registration shall file, in a form and
53 manner determined by the superintendent, information including but not
54 limited to:

55 (1) the legal name of the entity;

56 (2) any trade or other names used by the entity;

1 (3) the organizational structure of the entity;
2 (4) the health plans and the pharmacy benefit managers licensed in
3 this state for which the entity provides services;
4 (5) the persons who exercise control of the entity;
5 (6) a primary point of contact for the entity;
6 (7) an agent for service of process;
7 (8) a set of audited financials for the prior fiscal year; and
8 (9) such other information or documents as the superintendent shall
9 require.

10 (c) The superintendent shall accept a registration only if he or she
11 deems that all the required information has been provided in a satisfac-
12 tory form and has received payment of a nonrefundable registration fee
13 of one thousand dollars.

14 (d) If any of the information contained in the registration shall
15 change the rebate aggregator shall notify the department of the change
16 in a form and manner prescribed by the superintendent for such purpose
17 within twenty-one days of the change. The requirement to update shall
18 include the filing of a new set of audited financials upon adoption. For
19 any change other than new audited financials, the filing shall not be
20 deemed complete unless accompanied by a payment of a fee of fifty
21 dollars.

22 (e) Every rebate aggregator's registration shall expire twelve months
23 after the date of issue. Every registration issued pursuant to this
24 section may be renewed for the ensuing period of twelve months upon the
25 filing of an application in conformity with this subsection.

26 (f) Before a rebate aggregator's registration shall be renewed, the
27 rebate aggregator shall properly file in the office of the superinten-
28 dent an application for renewal in such form as the superintendent
29 prescribes, and pay a fee of one thousand dollars.

30 (g) If an application for a renewal registration shall have been filed
31 with the superintendent at least one month before its expiration, then
32 the registration sought to be renewed shall continue in full force and
33 effect either until the issuance by the superintendent of the renewal
34 registration applied for or until five days after the superintendent
35 shall have refused to issue such renewal registration and given notice
36 of such refusal to the applicant, otherwise the registration shall
37 expire and the registrant shall have no expectation of renewal.

38 § 3011. Required disclosures by rebate aggregators. (a) Each rebate
39 aggregator that has a contract or arrangement with a pharmacy benefit
40 manager serving a health plan shall, on an annual basis, disclose in
41 writing to the health plan the following:

42 (1) fee structure provisions of any contract or arrangement between
43 the rebate aggregator and pharmacy benefit manager or drug manufacturer,
44 including:

45 (A) fees collected for aggregating rebates due to the health plan; and
46 (B) such other information as the superintendent may require by regu-
47 lation; and

48 (2) quantification of inflationary payments, credits, grants,
49 reimbursements, other financial or other reimbursements, incentives,
50 inducements, refunds or other benefits received by the rebate aggregator
51 from the drug manufacturer and retained by the rebate aggregator, wheth-
52 er referred to as a rebate, a discount, or otherwise.

53 (b) (1) Each rebate aggregator shall, at the time of registration,
54 disclose to the department the extent of any ownership or control of the
55 rebate aggregator or by the rebate aggregator of any parent company,

1 subsidiary, or other affiliated organizations that provides pharmacy
2 benefit management services.

3 (2) Each rebate aggregator shall on an annual basis disclose to the
4 department the information requested by the superintendent, including:

5 (A) any payments made to a rebate aggregator by a drug manufacturer
6 relating to a drug's utilization, including inflationary payments, cred-
7 its, grants, reimbursements, other financial or other reimbursements,
8 incentives, inducements, refunds or other benefits received by the
9 rebate aggregator, whether referred to as a rebate, a discount, or
10 otherwise;

11 (B) any payments made, including those described in subparagraph (A)
12 of this paragraph and subsequently retained by a rebate aggregator;

13 (C) any fees charged by the rebate aggregator to the pharmacy benefit
14 manager or drug manufacturer relating to a drug's utilization;

15 (D) any payments made to a rebate aggregator from a program adminis-
16 tered by a drug manufacturer for the purpose of assisting patients with
17 the cost of prescription drugs, including copayment assistance programs,
18 discount cards, and coupons; and

19 (E) the terms and conditions of any contract or arrangement between
20 the rebate aggregator and a pharmacy benefit manager or drug manufactur-
21 er.

22 § 3012. Deposit of penalties and fees. Penalties and fees collected
23 pursuant to this article shall be deposited into the pharmacy benefit
24 manager regulatory fund established pursuant to section ninety-nine-oo
25 of the state finance law.

26 § 4. Subdivision 3 of section 99-oo of the state finance law, as added
27 by chapter 128 of the laws of 2022, is amended to read as follows:

28 3. Such fund shall consist of money received by the state as fees
29 under [~~article~~] articles twenty-nine and thirty of the insurance law or
30 penalties ordered under [~~article~~] articles twenty-nine and thirty of the
31 insurance law and all other monies appropriated, credited, or trans-
32 ferred thereto from any other fund or source pursuant to law. All monies
33 shall remain in such fund unless and until directed by statute or appro-
34 priation.

35 § 5. This act shall take effect on the one hundred fiftieth day after
36 it shall have become a law.

37 SUBPART C

38 Section 1. Subdivision 9 of section 2807-k of the public health law,
39 as amended by section 17 of part B of chapter 60 of the laws of 2014, is
40 amended to read as follows:

41 9. In order for a general hospital to participate in the distribution
42 of funds from the pool, the general hospital must implement minimum
43 collection policies and procedures approved by the commissioner, utiliz-
44 ing only a uniform financial assistance form developed and provided by
45 the department.

46 § 2. This act shall take effect April 1, 2024.

47 SUBPART D

48 Section 1. Legislative findings. The legislature finds that it is in
49 the best interest of the people of this state to expand article 77 of
50 the insurance law to protect insureds and health care providers against
51 the failure or inability of a health or property/casualty insurer writ-
52 ing health insurance to perform its contractual obligations due to

1 financial impairment or insolvency. The superintendent of financial
2 services has the right and responsibility to enforce the insurance law
3 and the authority to seek redress against any person responsible for the
4 impairment or insolvency of the insurer, and nothing in this act is
5 intended to restrict or limit such right, responsibility, or authority.

6 § 2. The article heading of article 77 of the insurance law, as added
7 by chapter 802 of the laws of 1985, is amended to read as follows:

8 THE LIFE AND HEALTH INSURANCE COMPANY
9 GUARANTY CORPORATION
10 OF NEW YORK ACT

11 § 3. Section 7701 of the insurance law, as added by chapter 802 of the
12 laws of 1985, is amended to read as follows:

13 § 7701. Short title. This article shall be known and may be cited as
14 "The Life and Health Insurance Company Guaranty Corporation of New York
15 Act".

16 § 4. Section 7702 of the insurance law, as amended by chapter 454 of
17 the laws of 2014, is amended to read as follows:

18 § 7702. Purpose. The purpose of this article is to provide funds to
19 protect policy owners, insureds, health care providers, beneficiaries,
20 annuitants, payees and assignees of life insurance policies, health
21 insurance policies, annuity contracts, funding agreements and supple-
22 mental contracts issued by life insurance companies, health insurance
23 companies, and property/casualty insurance companies, subject to certain
24 limitations, against failure in the performance of contractual obli-
25 gations due to the impairment or insolvency of the insurer issuing such
26 policies, contracts, or funding agreements. In the judgment of the
27 legislature, the foregoing objects and purposes not being capable of
28 accomplishment by a corporation created under general laws, the creation
29 of a not-for-profit corporation of insurers is provided for by this
30 article to enable the guarantee of payment of benefits and of continua-
31 tion of coverages, and members of the corporation are subject to assess-
32 ment to carry out the purposes of this article.

33 § 5. Paragraphs 1 and 2 of subsection (a) of section 7703 of the
34 insurance law, as added by chapter 454 of the laws of 2014, are amended
35 to read as follows:

36 (1) This article shall apply to direct life insurance policies, health
37 insurance policies, annuity contracts, funding agreements, and supple-
38 mental contracts issued by a life insurance company, health insurance
39 company, or property/casualty insurance company licensed to transact
40 life or health insurance or annuities in this state at the time the
41 policy, contract, or funding agreement was issued or on the date of
42 entry of a court order of liquidation or rehabilitation with respect to
43 such a company that is an impaired or insolvent insurer, as the case may
44 be.

45 (2) Except as otherwise provided in this section, this article shall
46 apply to the policies, contracts, and funding agreements specified in
47 paragraph one of this subsection with regard to a person who is:

48 (A) an owner or certificate holder under a policy, contract, or fund-
49 ing agreement and in each case who:

50 (i) is a resident of this state; or

51 (ii) is not a resident of this state, but only under all of the
52 following conditions:

53 (I) (aa) the insurer that issued the policy, contract, or agreement is
54 domiciled in this state; or

55 (bb) the insurer that issued the policy, contract, or agreement is
56 domiciled outside this state and the insurer delivered or issued for

1 delivery the policy, contract, or agreement in this state; provided,
2 however, that for the purpose of this subitem, any certificate issued to
3 an individual under any group or blanket policy or contract delivered or
4 issued for delivery in this state shall be considered to have been
5 delivered or issued for delivery in this state;

6 (II) the state or states in which the person resides has or have a
7 guaranty entity similar to the corporation created by this article; and

8 (III) the person is not eligible for coverage by a guaranty entity in
9 any other state because the insurer was not licensed or authorized in
10 that state at the time specified in that state's guaranty entity law;
11 [~~or~~]

12 (B) the beneficiary, assignee, or payee of the person specified in
13 subparagraph (A) of this paragraph, regardless of where the person
14 resides; or

15 (C) a health care provider that has rendered services to a person
16 specified in subparagraph (A) of this paragraph.

17 § 6. Subsections (c), (d), (e), (h), and (i) of section 7705 of the
18 insurance law, subsections (c), (e) and (i) as added by chapter 802 of
19 the laws of 1985 and subsections (d) and (h) as amended by chapter 454
20 of the laws of 2014, are amended and a new subsection (m) is added to
21 read as follows:

22 (c) "Corporation" means The Life and Health Insurance Company Guaranty
23 Corporation of New York created under section seven thousand seven
24 hundred six of this article unless the context otherwise requires.

25 (d) "Covered policy" means any of the kinds of insurance specified in
26 paragraph one, two or three of subsection (a) of section one thousand
27 one hundred thirteen of this chapter, any supplemental contract, or any
28 funding agreement referred to in section three thousand two hundred
29 twenty-two of this chapter, or any portion or part thereof, within the
30 scope of this article under section seven thousand seven hundred three
31 of this article, except that any certificate issued to an individual
32 under any group or blanket policy or contract shall be considered to be
33 a separate covered policy for purposes of section seven thousand seven
34 hundred eight of this article.

35 (e) "Health insurance" means the kinds of insurance specified under
36 items (i) and (ii) of paragraph three and paragraph thirty-one of
37 subsection (a) of section one thousand one hundred thirteen of this
38 chapter, and section one thousand one hundred seventeen of this chapter;
39 medical expense indemnity, dental expense indemnity, hospital service,
40 or health service under article forty-three of this chapter; and compre-
41 hensive health services under article forty-four of the public health
42 law. "Health insurance" shall not include hospital, medical, surgical,
43 prescription drug, or other health care benefits pursuant to: (1) part
44 C of title XVIII of the social security act (42 U.S.C. § 1395w-21 et
45 seq.) or part D of title XVIII of the social security act (42 U.S.C. §
46 1395w-101 et seq.), commonly known as Medicare parts C and D, or any
47 regulations promulgated thereunder; (2) titles XIX and XXI of the social
48 security act (42 U.S.C. § 1396 et seq.), commonly known as the Medicaid
49 and child health insurance programs, or any regulations promulgated
50 thereunder; or (3) the basic health program under section three hundred
51 sixty-nine-gg of the social services law.

52 (h) (1) "Member insurer" means:

53 (A) any life insurance company licensed to transact in this state any
54 kind of insurance to which this article applies under section seven
55 thousand seven hundred three of this article; provided, however, that
56 the term "member insurer" also means any life insurance company formerly

1 licensed to transact in this state any kind of insurance to which this
2 article applies under section seven thousand seven hundred three of this
3 article; and

4 (B) an insurer licensed or formerly licensed to write accident and
5 health insurance or salary protection insurance in this state, corpo-
6 ration organized pursuant to article forty-three of this chapter, recip-
7 rocal insurer organized pursuant to article sixty-one of this chapter,
8 cooperative property/casualty insurance company operating under or
9 subject to article sixty-six of this chapter, nonprofit
10 property/casualty insurance company organized pursuant to article
11 sixty-seven of this chapter, and health maintenance organization certi-
12 fied pursuant to article forty-four of the public health law, which is
13 not a member of, or participant in, the fund or corporation created
14 pursuant to article seventy-five or seventy-seven of this chapter.

15 (2) "Member insurer" shall not include a municipal cooperative health
16 benefit plan established pursuant to article forty-seven of this chap-
17 ter, an employee welfare fund registered under article forty-four of
18 this chapter, a fraternal benefit society organized under article
19 forty-five of this chapter, an institution of higher education with a
20 certificate of authority under section one thousand one hundred twenty-
21 four of this chapter, or a continuing care retirement community with a
22 certificate of authority under article forty-six or forty-six-A of the
23 public health law.

24 (i) "Premiums" means direct gross insurance premiums and annuity and
25 funding agreement considerations received on covered policies, less
26 return premiums and considerations thereon and dividends paid or credit-
27 ed to policyholders or contract holders on such direct business, subject
28 to such modifications as the superintendent may establish by regulation
29 or order as necessary to facilitate the equitable administration of this
30 article. Premiums do not include premiums and considerations on
31 contracts between insurers and reinsurers. For the purposes of determin-
32 ing the assessment for an insurer under this article, the term "premi-
33 ums", with respect to a group annuity contract (or portion of any such
34 contract) that does not guarantee annuity benefits to any specific indi-
35 vidual identified in the contract and with respect to any funding agree-
36 ment issued to fund benefits under any employee benefit plan, means the
37 lesser of one million dollars or the premium attributable to that
38 portion of such group contract that does not guarantee benefits to any
39 specific individuals or such agreements that fund benefits under any
40 employee benefit plan.

41 (m) "Long-term care insurance" means an insurance policy, rider, or
42 certificate advertised, marketed, offered, or designed to provide cover-
43 age, subject to eligibility requirements, for not less than twenty-four
44 consecutive months for each covered person on an expense incurred,
45 indemnity, prepaid or other basis and provides at least the benefits set
46 forth in part fifty-two of title eleven of the official compilation of
47 codes, rules and regulations of this state.

48 § 7. Subsection (a) of section 7706 of the insurance law, as added by
49 chapter 802 of the laws of 1985, is amended to read as follows:

50 (a) There is created a not-for-profit corporation to be known as "The
51 Life and Health Insurance Company Guaranty Corporation of New York". To
52 the extent that the provisions of the not-for-profit corporation law do
53 not conflict with the provisions of this article or the plan of opera-
54 tion of the corporation hereunder the not-for-profit corporation law
55 shall apply to the corporation and the corporation shall be a type C
56 corporation pursuant to the not-for-profit corporation law. If an appli-

1 cable provision of this article or the plan of operation of the corpo-
2 ration hereunder relates to a matter embraced in a provision of the
3 not-for-profit corporation law but is not in conflict therewith, both
4 provisions shall apply. All member insurers shall be and remain members
5 of the corporation as a condition of their authority to transact insur-
6 ance in this state. The corporation shall perform its functions under
7 the plan of operation established and approved under section seven thou-
8 sand seven hundred ten of this article and shall exercise its powers
9 through a board of directors established under section seven thousand
10 seven hundred seven of this article. For purposes of administration and
11 assessment the corporation shall maintain two accounts:

- 12 (1) the health insurance account; and
- 13 (2) the life insurance, annuity and funding agreement account.

14 § 8. Subsection (d) of section 7707 of the insurance law, as added by
15 chapter 802 of the laws of 1985, is amended to read as follows:

16 (d) The superintendent shall be ex-officio [~~chairman~~] chair of the
17 board of directors but shall not be entitled to vote.

18 § 9. Paragraph 7 of subsection (h) of section 7708 of the insurance
19 law, as amended by chapter 454 of the laws of 2014, is amended to read
20 as follows:

21 (7) exercise, for the purposes of this article and to the extent
22 approved by the superintendent, the powers of a domestic life, health,
23 or property/casualty insurance company, but in no case may the corpo-
24 ration issue insurance policies or contracts or annuity contracts other
25 than those issued to perform the contractual obligations of the impaired
26 or insolvent insurer;

27 § 10. Paragraph 2 of subsection (c) of section 7709 of the insurance
28 law, as added by chapter 802 of the laws of 1985, is amended to read as
29 follows:

30 (2) The amount of any class B or class C assessment, except for
31 assessments related to long-term care insurance, shall be allocated for
32 assessment purposes among the accounts in the proportion that the premi-
33 ums received by the impaired or insolvent insurer on the policies or
34 contracts covered by each account for the last calendar year preceding
35 the assessment in which the impaired or insolvent insurer received
36 premiums bears to the premiums received by such insurer for such calen-
37 dar year on all covered policies. The amount of any class B or class C
38 assessment for long-term care insurance written by the impaired or
39 insolvent insurer shall be allocated according to a methodology included
40 in the plan of operation and approved by the superintendent. The meth-
41 odology shall provide for fifty percent of the assessment to be allo-
42 cated to a health insurance company member insurer and fifty percent to
43 be allocated to a life insurance company member insurer; provided,
44 however, that a property/casualty insurer that writes health insurance
45 shall be considered a health insurance company member for this purpose.

46 Class B and class C assessments against member insurers for each account
47 shall be in the proportion that the premiums received on business in
48 this state by each assessed member insurer on policies covered by each
49 account for the three calendar years preceding the assessment bears to
50 such premiums received on business in this state for such calendar years
51 by all assessed member insurers.

52 § 11. Subsection (a) of section 7712 of the insurance law, as added
53 by chapter 802 of the laws of 1985, is amended to read as follows:

54 (a) The superintendent shall annually, within six months following the
55 close of each calendar year, furnish to the commissioner of taxation and
56 finance and the director of the division of the budget a statement of

1 operations for the life insurance guaranty corporation and the life and
2 health insurance company guaranty corporation of New York. Such state-
3 ment shall show the assessments, less any refunds or reimbursements
4 thereof, paid by each insurance company pursuant to the provisions of
5 article seventy-five or section seven thousand seven hundred nine of
6 this article, for the purposes of meeting the requirements of this chap-
7 ter. Each statement, starting with the statement furnished in the year
8 nineteen hundred eighty-six and ending with the statement furnished in
9 the year two thousand, shall show the annual activity for every year
10 commencing from nineteen hundred eighty-five through the most recently
11 completed year. Each statement furnished in each year after the year two
12 thousand shall reflect such assessments paid during the preceding
13 fifteen calendar years. The superintendent shall also furnish a copy of
14 such statement to each such insurance company.

15 § 12. Subsections (a), (d), and (g) of section 7719 of the insurance
16 law, as added by chapter 454 of the laws of 2014, are amended to read as
17 follows:

18 (a) The corporation may incorporate one or more not-for-profit corpo-
19 rations, known as a resolution facility, in connection with the liqui-
20 dation of an insolvent domestic life insurance company, health insurance
21 company, or property/casualty insurance company under article seventy-
22 four of this chapter for the purpose of administering and disposing of
23 the business of the insolvent [~~domestic life~~] insurance company.

24 (d) A resolution facility may:

25 (1) guarantee, assume, or reinsure, or cause to be guaranteed,
26 assumed, or reinsured, the covered policies, or arrange for replacement
27 by policies found by the superintendent to be substantially similar to
28 the covered policies;

29 (2) exercise, for the purposes of this article and to the extent
30 approved by the superintendent, the powers of a domestic life insurance
31 company, health insurance company, or property/casualty insurance compa-
32 ny but in no case may the resolution facility issue insurance policies,
33 annuity contracts, funding agreements, or supplemental contracts other
34 than those issued to perform the contractual obligations of the impaired
35 or insolvent insurer;

36 (3) assure payment of the contractual obligations of the insolvent
37 insurer; and

38 (4) provide such moneys, pledges, notes, guarantees, or other means as
39 are reasonably necessary to discharge its duties.

40 (g) (1) If the superintendent determines that the resolution facility
41 is not administering and disposing of the business of an insolvent
42 domestic life insurance company, health insurance company, or
43 property/casualty insurance company consistent with the resolution
44 facility's certificate of incorporation, plan of operation, or this
45 section, then the superintendent shall provide notice to the resolution
46 facility and the resolution facility shall have thirty days to respond
47 to the superintendent and cure the defect.

48 (2) If, after thirty days, the superintendent continues to believe
49 that the resolution facility is not administering and disposing of the
50 business of an insolvent domestic life insurance company, health insur-
51 ance company, or property/casualty insurance company consistent with the
52 resolution facility's certificate of incorporation, plan of operation,
53 or this section, then the superintendent may apply to the court for an
54 order directing the resolution facility to correct the defect or take
55 other appropriate actions.

1 § 13. The insurance law is amended by adding a new section 7720 to
2 read as follows:

3 § 7720. Penalties. (a) If any member insurer fails to make any payment
4 required by this article, or if the superintendent has cause to believe
5 that any other statement filed is false or inaccurate in any particular,
6 or that any payment made is incorrect, the superintendent may examine
7 all the books and records of the member insurer to ascertain the facts
8 and determine the correct amount to be paid. Based on such finding, the
9 corporation may proceed in any court of competent jurisdiction to
10 recover for the benefit of the fund any sums shown to be due upon such
11 examination and determination.

12 (b) Any member insurer that fails to make any such required statement,
13 or to make any payment to the fund when due, shall forfeit to the corpo-
14 ration for deposit in the fund a penalty of five percent of the amount
15 determined to be due plus one percent of such amount for each month of
16 delay, or fraction thereof, after the expiration of the first month of
17 such delay. If satisfied that the delay was excusable, the corporation
18 may remit all or any part of the penalty.

19 (c) The superintendent, in the superintendent's discretion, may revoke
20 the certificate of authority to do business in this state of any foreign
21 member insurer that fails to comply with this article or to pay any
22 penalty imposed hereunder.

23 § 14. The insurance law is amended by adding a new section 3245 to
24 read as follows:

25 § 3245. Liability to providers in the event of an insolvency. In the
26 event an insurance company authorized to do an accident and health
27 insurance business in this state is deemed insolvent, as provided in
28 section one thousand three hundred nine of this chapter, no insured
29 covered under a policy delivered or issued for delivery in this state by
30 the insurance company shall be liable to any provider of health care
31 services for any covered services of the insolvent insurance company. No
32 provider of health care services or any representative of such provider
33 shall collect or attempt to collect from the insured sums owed by such
34 insurance company, and no provider or representative of such provider
35 may maintain any action at law against an insured to collect sums owed
36 to such provider by such insurance company.

37 § 15. This act shall take effect immediately.

38 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
39 sion, section or part of this act shall be adjudged by any court of
40 competent jurisdiction to be invalid, such judgment shall not affect,
41 impair, or invalidate the remainder thereof, but shall be confined in
42 its operation to the clause, sentence, paragraph, subdivision, section
43 or part thereof directly involved in the controversy in which such judg-
44 ment shall have been rendered. It is hereby declared to be the intent of
45 the legislature that this act would have been enacted even if such
46 invalid provisions had not been included herein.

47 § 3. This act shall take effect immediately; provided, however, that
48 the applicable effective date of Subparts A through D of this act shall
49 be as specifically set forth in the last section of such Subparts.

50

PART Z

51 Section 1. Subdivisions 7 and 8 of section 4656 of the public health
52 law, as added by chapter 2 of the laws of 2004, are renumbered subdivi-
53 sions 8 and 9 and a new subdivision 7 is added to read as follows:

1 7. Assisted living quality improvement standards. (a) All assisted
 2 living residences, as defined in subdivision one of section forty-six
 3 hundred fifty-one of this article, including those licensed and certi-
 4 fied as an assisted living residence, special needs assisted living
 5 residence, or enhanced assisted living residence, shall:

6 (i) report annually on quality measures to be established by the
 7 department, in the form and format prescribed by the department, with
 8 the first report due no later than January thirty-first, two thousand
 9 twenty-four; and

10 (ii) post the monthly service rate, staffing complement, approved
 11 admission or residency agreement, and a consumer-friendly summary of all
 12 service fees in a conspicuous place on the facility's website and in a
 13 public space within the facility. Such information shall be made avail-
 14 able to the public on forms developed by the department. Beginning on
 15 January first, two thousand twenty-four, this information shall also be
 16 reported to the department.

17 (b) The department shall score the results of the assisted living
 18 quality reporting obtained pursuant to paragraph (a) of this subdivi-
 19 sion. Top scoring facilities shall be granted the classification of
 20 advanced standing on their annual surveillance schedules.

21 (i) All facilities shall be surveyed on an unannounced basis no less
 22 than annually; provided, however, that this shall not apply to surveys,
 23 inspections or investigations based on complaints received by the
 24 department under any other provision of law.

25 (ii) Facilities may remain on advanced standing classification
 26 provided they meet the scoring requirements in assisted living quality
 27 reporting.

28 (c) Effective January thirty-first, two thousand twenty-four, the
 29 department may post on its website the results of the assisted living
 30 quality reporting, collected pursuant to subparagraph (i) of paragraph
 31 (a) of this subdivision.

32 § 2. This act shall take effect on the one hundred twentieth day after
 33 it shall have become a law.

34 PART AA

35 Section 1. Section 3 of chapter 425 of the laws of 2013, amending the
 36 public health law relating to requiring hospitals to offer hepatitis C
 37 testing, as amended by chapter 284 of the laws of 2019, is amended to
 38 read as follows:

39 § 3. This act shall take effect on the first of January next succeed-
 40 ing the date on which it shall have become a law [~~and shall expire and~~
 41 ~~be deemed repealed January 1, 2026, provided, however, that the commis-~~
 42 ~~sioner of health is authorized to adopt rules and regulations necessary~~
 43 ~~to implement this act prior to such effective date].~~

44 § 2. Subdivisions 1 and 2 of section 2171 of the public health law, as
 45 added by chapter 425 of the laws of 2013, are amended to read as
 46 follows:

47 1. Every individual [~~born between the years of nineteen hundred~~
 48 ~~forty-five and nineteen hundred sixty-five]~~ age eighteen and older (or
 49 younger than eighteen if there is evidence or indication of risk activ-
 50 ity) who receives health services as an inpatient or in the emergency
 51 department of a general hospital defined in subdivision ten of section
 52 twenty-eight hundred one of this chapter or who receives primary care
 53 services in an outpatient department of such hospital or in a diagnostic
 54 and treatment center licensed under article twenty-eight of this chapter

1 or from a physician, physician assistant [~~or~~], nurse practitioner or
2 midwife providing primary care shall be offered a hepatitis C screening
3 test [~~or hepatitis C diagnostic test~~] unless the health care practition-
4 er providing such services reasonably believes that:

5 (a) the individual is being treated for a life threatening emergency;
6 or

7 (b) the individual has previously been offered or has been the subject
8 of a hepatitis C screening test (except that a test shall be offered if
9 otherwise indicated); or

10 (c) the individual lacks capacity to consent to a hepatitis C screen-
11 ing test.

12 2. If an individual accepts the offer of a hepatitis C screening test
13 and the screening test is reactive, [~~the~~] an HCV RNA test must be
14 performed, on the same specimen or a second specimen collected at the
15 same time as the initial HCV screening test specimen, to confirm diagno-
16 sis of current infection. The health care provider shall either offer
17 [~~the individual~~] all persons with a detectable HCV RNA test follow-up
18 HCV health care and treatment or refer the individual to a health care
19 provider who can provide follow-up HCV health care and treatment. [~~The~~
20 ~~follow-up health care shall include a hepatitis C diagnostic test.~~]

21 § 3. The public health law is amended by adding a new section 2500-1
22 to read as follows:

23 § 2500-1. Pregnant people, blood test for hepatitis C virus (HCV);
24 follow-up care. 1. Every physician or other authorized practitioner
25 attending a pregnant person in the state shall order a hepatitis C virus
26 (HCV) screening test and if the test is reactive, an HCV RNA test must
27 be performed on the same specimen, or a second specimen collected at the
28 same time as the initial HCV screening test specimen, to confirm diagno-
29 sis of current infection. The health care provider shall either offer
30 all persons with a detectable HCV RNA test follow-up HCV health care and
31 treatment or refer the individual to a health care provider who can
32 provide follow-up HCV health care and treatment.

33 2. The physician or other authorized practitioner attending a pregnant
34 person shall record the HCV test results prominently in the pregnant
35 person's medical record at or before the time of hospital admission for
36 delivery.

37 3. The commissioner may promulgate such rules and regulations as are
38 necessary to carry out the requirements of this section.

39 § 4. The section heading of section 2308 of the public health law, as
40 amended by section 37 of part E of chapter 56 of the laws of 2013, is
41 amended to read as follows:

42 Sexually transmitted disease; pregnant [~~women~~] persons; blood test for
43 syphilis.

44 § 5. Subdivision 1 of section 2308 of the public health law is amended
45 to read as follows:

46 1. Every physician or other authorized practitioner attending pregnant
47 [~~women~~] persons in the state shall in the case of every [~~woman~~] person
48 so attended take or cause to be taken a sample of blood of such [~~woman~~]
49 person at the time of first examination, and submit such sample to an
50 approved laboratory for a standard serological test for syphilis. In
51 addition to testing at the time of first examination, every such physi-
52 cian or other authorized practitioner shall order a syphilis test during
53 the third trimester of pregnancy consistent with any guidance and regu-
54 lations issued by the commissioner.

55 § 6. This act shall take effect immediately; provided, however that
56 sections two, three, four and five shall take effect one year after it

1 shall have become a law. Effective immediately, the addition, amendment
2 and/or repeal of any rule or regulation necessary for the implementation
3 of this act on its effective date are authorized to be made and
4 completed on or before such effective date.

5 PART BB

6 Intentionally Omitted

7 PART CC

8 Intentionally Omitted

9 PART DD

10 Section 1. 1. Subject to available appropriations and approval of the
11 director of the budget, the commissioners of the office of mental
12 health, office for people with developmental disabilities, office of
13 addiction services and supports, office of temporary and disability
14 assistance, office of children and family services, and the state office
15 for the aging shall establish a state fiscal year 2023-24 cost of living
16 adjustment (COLA), effective April 1, 2023, for projecting for the
17 effects of inflation upon rates of payments, contracts, or any other
18 form of reimbursement for the programs and services listed in paragraphs
19 (i), (ii), (iii), (iv), (v), and (vi) of subdivision four of this
20 section. The COLA established herein shall be applied to the appropri-
21 ate portion of reimbursable costs or contract amounts. Where appropri-
22 ate, transfers to the department of health (DOH) shall be made as
23 reimbursement for the state share of medical assistance.

24 2. Notwithstanding any inconsistent provision of law, subject to the
25 approval of the director of the budget and available appropriations
26 therefore, for the period of April 1, 2023 through March 31, 2024, the
27 commissioners shall provide funding to support an eight and five-tenths
28 percent (8.5%) cost of living adjustment under this section for all
29 eligible programs and services as determined pursuant to subdivision
30 four of this section.

31 2-a. Notwithstanding any inconsistent provision of law, subject to the
32 approval of the director of the budget and available appropriations
33 therefor, for state fiscal years beginning April 1, 2024 and thereafter,
34 the commissioners shall provide funding to support an annual cost of
35 living adjustment under this section in an amount equal to the consumer
36 price index - urban (CPI-U) from the previous July, published by the
37 bureau of labor statistics of the U.S. Department of Labor, for all
38 eligible programs and services as determined pursuant to subdivision
39 four of this section.

40 3. Notwithstanding any inconsistent provision of law, and as approved
41 by the director of the budget, the 8.5 percent cost of living adjustment
42 (COLA) established herein shall be inclusive of all other cost of living
43 type increases, inflation factors, or trend factors that are newly
44 applied effective April 1, 2023. Except for the 8.5 percent cost of
45 living adjustment (COLA) established herein, for the period commencing
46 on April 1, 2023 and ending March 31, 2024 the commissioners shall not
47 apply any other new cost of living adjustments for the purpose of estab-
48 lishing rates of payments, contracts or any other form of reimbursement.
49 The phrase "all other cost of living type increases, inflation factors,
50 or trend factors" as defined in this subdivision shall not include

1 payments made pursuant to the American Rescue Plan Act or other federal
2 relief programs related to the Coronavirus Disease 2019 (COVID-19)
3 pandemic Public Health Emergency. This subdivision shall not prevent
4 the office of children and family services from applying additional
5 trend factors or staff retention factors to eligible programs and
6 services under paragraph (v) of subdivision four of this section.

7 4. Eligible programs and services. (i) Programs and services funded,
8 licensed, or certified by the office of mental health (OMH) eligible for
9 the cost of living adjustment established herein, pending federal
10 approval where applicable, include: office of mental health licensed
11 outpatient programs, pursuant to parts 587 and 599 of title 14 CRR-NY of
12 the office of mental health regulations including clinic, continuing day
13 treatment, day treatment, intensive outpatient programs and partial
14 hospitalization; outreach; crisis residence; crisis stabilization,
15 crisis/respite beds; mobile crisis, part 590 comprehensive psychiatric
16 emergency program services; crisis intervention; home based crisis
17 intervention; family care; supported single room occupancy; supported
18 housing; supported housing community services; treatment congregate;
19 supported congregate; community residence - children and youth;
20 treatment/apartment; supported apartment; community residence single
21 room occupancy; on-site rehabilitation; employment programs; recreation;
22 respite care; transportation; psychosocial club; assertive community
23 treatment; case management; care coordination, including health home
24 plus services; local government unit administration; monitoring and
25 evaluation; children and youth vocational services; single point of
26 access; school-based mental health program; family support children and
27 youth; advocacy/support services; drop in centers; recovery centers;
28 transition management services; bridger; home and community based waiver
29 services; behavioral health waiver services authorized pursuant to the
30 section 1115 MRT waiver; self-help programs; consumer service dollars;
31 conference of local mental hygiene directors; multicultural initiative;
32 ongoing integrated supported employment services; supported education;
33 mentally ill/chemical abuse (MICA) network; personalized recovery
34 oriented services; children and family treatment and support services;
35 residential treatment facilities operating pursuant to part 584 of title
36 14-NYCRR; geriatric demonstration programs; community-based mental
37 health family treatment and support; coordinated children's service
38 initiative; homeless services; and promises zone.

39 (ii) Programs and services funded, licensed, or certified by the
40 office for people with developmental disabilities (OPWDD) eligible for
41 the cost of living adjustment established herein, pending federal
42 approval where applicable, include: local/unified services; chapter 620
43 services; voluntary operated community residential services; article 16
44 clinics; day treatment services; family support services; 100% day
45 training; epilepsy services; traumatic brain injury services; hepatitis
46 B services; independent practitioner services for individuals with
47 intellectual and/or developmental disabilities; crisis services for
48 individuals with intellectual and/or developmental disabilities; family
49 care residential habilitation; supervised residential habilitation;
50 supportive residential habilitation; respite; day habilitation; prevoca-
51 tional services; supported employment; community habilitation; interme-
52 diate care facility day and residential services; specialty hospital;
53 pathways to employment; intensive behavioral services; basic home and
54 community based services (HCBS) plan support; health home services
55 provided by care coordination organizations; community transition

1 services; family education and training; fiscal intermediary; support
2 broker; and personal resource accounts.

3 (iii) Programs and services funded, licensed, or certified by the
4 office of addiction services and supports (OASAS) eligible for the cost
5 of living adjustment established herein, pending federal approval where
6 applicable, include: medically supervised withdrawal services - residen-
7 tial; medically supervised withdrawal services - outpatient; medically
8 managed detoxification; medically monitored withdrawal; inpatient reha-
9 bilitation services; outpatient opioid treatment; residential opioid
10 treatment; KEEP units outpatient; residential opioid treatment to absti-
11 nence; problem gambling treatment; medically supervised outpatient;
12 outpatient rehabilitation; specialized services substance abuse
13 programs; home and community based waiver services pursuant to subdivi-
14 sion 9 of section 366 of the social services law; children and family
15 treatment and support services; continuum of care rental assistance case
16 management; NY/NY III post-treatment housing; NY/NY III housing for
17 persons at risk for homelessness; permanent supported housing; youth
18 clubhouse; recovery community centers; recovery community organizing
19 initiative; residential rehabilitation services for youth (RRSY); inten-
20 sive residential; community residential; supportive living; residential
21 services; job placement initiative; case management; family support
22 navigator; local government unit administration; peer engagement; voca-
23 tional rehabilitation; support services; HIV early intervention
24 services; dual diagnosis coordinator; problem gambling resource centers;
25 problem gambling prevention; prevention resource centers; primary
26 prevention services; other prevention services; and community services.

27 (iv) Programs and services funded, licensed, or certified by the
28 office of temporary and disability assistance (OTDA) eligible for the
29 cost of living adjustment established herein, pending federal approval
30 where applicable, include: nutrition outreach and education program
31 (NOEP).

32 (v) Programs and services funded, licensed, or certified by the office
33 of children and family services (OCFS) eligible for the cost of living
34 adjustment established herein, pending federal approval where applica-
35 ble, include: programs for which the office of children and family
36 services establishes maximum state aid rates pursuant to section 398-a
37 of the social services law and section 4003 of the education law; emer-
38 gency foster homes; foster family boarding homes and therapeutic foster
39 homes; supervised settings as defined by subdivision twenty-two of
40 section 371 of the social services law; adoptive parents receiving
41 adoption subsidy pursuant to section 453 of the social services law; and
42 congregate and scattered supportive housing programs and supportive
43 services provided under the NY/NY III supportive housing agreement to
44 young adults leaving or having recently left foster care.

45 (vi) Programs and services funded, licensed, or certified by the state
46 office for the aging (SOFA) eligible for the cost of living adjustment
47 established herein, pending federal approval where applicable, include:
48 community services for the elderly; expanded in-home services for the
49 elderly; and supplemental nutrition assistance program.

50 5. Each local government unit or direct contract provider receiving
51 funding for the cost of living adjustment established herein shall
52 submit a written certification, in such form and at such time as each
53 commissioner shall prescribe, attesting how such funding will be or was
54 used to first promote the recruitment and retention of non-executive
55 direct care staff, non-executive direct support professionals, non-exe-
56 cutive clinical staff, or respond to other critical non-personal service

1 costs prior to supporting any salary increases or other compensation for
2 executive level job titles.

3 6. Notwithstanding any inconsistent provision of law to the contrary,
4 agency commissioners shall be authorized to recoup funding from a local
5 governmental unit or direct contract provider for the cost of living
6 adjustment established herein determined to have been used in a manner
7 inconsistent with the appropriation, or any other provision of this
8 section. Such agency commissioners shall be authorized to employ any
9 legal mechanism to recoup such funds, including an offset of other funds
10 that are owed to such local governmental unit or direct contract provid-
11 er.

12 § 2. This act shall take effect immediately and shall be deemed to
13 have been in full force and effect on and after April 1, 2023.

14 PART EE

15 Section 1. Subdivision 1-a of section 84 of part A of chapter 56 of
16 the laws of 2013, amending the social services law and other laws relat-
17 ing to enacting the major components of legislation necessary to imple-
18 ment the health and mental hygiene budget for the 2013-2014 state fiscal
19 year, as amended by section 9 of part Z of chapter 57 of the laws of
20 2018, is amended to read as follows:

21 1-a. sections seventy-three through eighty-a shall expire and be
22 deemed repealed September 30, [~~2023~~] 2024;

23 § 2. This act shall take effect immediately.

24 PART FF

25 Section 1. Subparagraph (v) of paragraph (a) of subdivision 1 of
26 section 6908 of the education law is renumbered subparagraph (vi) and a
27 new subparagraph (v) is added to read as follows:

28 (v) tasks provided by a direct support staff in non-facility based
29 programs certified, authorized or approved by the office for people with
30 developmental disabilities, so long as such staff do not hold himself or
31 herself out as one who accepts employment solely for performing such
32 care, and where nursing services are under the instruction of a service
33 recipient or family or household member determined by a registered
34 professional nurse to be capable of providing such instruction. In the
35 event that the registered nurse determines that the service recipient,
36 family, or household member is not capable of providing such instruc-
37 tion, nursing tasks may be performed by direct support staff pursuant to
38 subparagraph (vi) of this paragraph subject to the requirements set
39 forth therein; or

40 § 2. This act shall take effect immediately.

41 PART GG

42 Intentionally Omitted

43 PART HH

44 Section 1. Sections 36.01, 36.02 and 36.03 of the mental hygiene law
45 are renumbered sections 36.02, 36.03 and 36.04 and a new section 36.01
46 is added to read as follows:

47 § 36.01 General applicability.

1 The office of mental health and the office of addiction services and
2 supports shall be authorized to receive from the division of criminal
3 justice services criminal history information, as such term is defined
4 in paragraph (c) of subdivision one of section eight hundred
5 forty-five-b of the executive law, concerning each applicant to be a
6 provider of services or operator of such provider of services, and shall
7 securely exchange information with confidentiality between the office of
8 mental health and the office of addiction services and supports to
9 facilitate a single criminal history information process for providers
10 of services licensed, certified, or otherwise authorized jointly or by
11 both of the offices pursuant to this article or articles thirty-one and
12 thirty-two of this title.

13 § 2. The mental hygiene law is amended by adding two new sections
14 36.05 and 36.06 to read as follows:

15 § 36.05 Certified community behavioral health clinics.

16 (a) The commissioners are authorized to jointly certify community
17 behavioral health clinics, subject to the availability of state and
18 federal funding.

19 (b) Certified community behavioral health clinics shall provide coor-
20 ordinated, comprehensive behavioral health care, including mental health
21 and addiction services, primary care screening, and case management
22 services, in accordance with certified community behavioral health clin-
23 ic standards established by the United States department of health and
24 human services substance abuse and mental health services administration
25 and the commissioners of the office of mental health and the office of
26 addiction services and supports.

27 (c) The commissioners shall require each proposed certified community
28 behavioral health clinic to submit a plan, which shall be approved by
29 the commissioners prior to the issuance of an operating certificate
30 pursuant to this article. Such plan shall include:

31 (1) a description of the clinic's character and competency to provide
32 certified community behavioral health clinic services across the lifes-
33 pan, including how the clinic will ensure access to crisis services at
34 all times and accept all patients regardless of ability to pay;

35 (2) a description of the clinic's catchment area;

36 (3) a statement indicating that the clinic has been included in an
37 approved local services plan developed pursuant to article forty-one of
38 this chapter for each local government located within the clinic's
39 catchment area;

40 (4) where executed, agreements establishing formal relationships with
41 designated collaborating organizations to provide certain certified
42 community behavioral health clinic services, consistent with guidance
43 issued by the United States department of health and human services
44 substance abuse and mental health services administration and the office
45 of mental health and the office of addiction services and supports;

46 (5) a staffing plan driven by local needs assessment, licensing, and
47 training to support service delivery;

48 (6) a description of the clinic's data-driven approach to quality
49 improvement;

50 (7) a description of how consumers are represented in governance of
51 the clinic;

52 (8) all financial information in the form and format required by the
53 office of mental health and the office of addiction services and
54 supports; and

55 (9) any other information or agreements required by the commissioners.

1 (d) Where a certified community behavioral health clinic has been
2 established and is participating on the effective date of this section
3 in the federal certified community behavioral health clinic demon-
4 stration awarded to the state by the United States department of health
5 and human services substance abuse and mental health services adminis-
6 tration, the previously established clinic may be certified where the
7 clinic demonstrates compliance with the certification standards estab-
8 lished pursuant to this article.

9 (e) The commissioners shall promulgate any rule or regulation neces-
10 sary to effectuate this section.

11 § 36.06 Certified community behavioral health clinics indigent care
12 program.

13 (a) (1) For periods on and after July first, two thousand twenty-
14 three, the commissioners are authorized to make payment to eligible
15 certified community behavioral health clinics, to the extent of funds
16 appropriated therefor to assist in meeting losses resulting from uncom-
17 pensated care. In the event federal financial participation is not
18 available for such payments to eligible certified community behavioral
19 health clinics, payments shall be made solely on the basis of available
20 state general fund appropriations for this purpose in amounts to be
21 determined by the director of the division of the budget.

22 (2) For purposes of this section, "eligible certified community behav-
23 ioral health clinics" shall mean voluntary non-profit certified communi-
24 ty behavioral health clinics participating in the federal certified
25 community behavioral health clinic demonstration awarded to the state by
26 the United States department of health and human services substance
27 abuse and mental health services administration and other certified
28 community behavioral health clinics certified pursuant to section 36.05
29 of this article, which demonstrate that a minimum of three percent of
30 total visits reported during the applicable base year period, as deter-
31 mined by the commissioners, were to uninsured individuals.

32 (3) For purposes of this section, "losses resulting from uncompensated
33 care" shall mean losses from reported self-pay and free visits multi-
34 plied by the clinic's medical assistance payment rate for the applicable
35 distribution year, offset by payments received from such patients during
36 the reporting period.

37 (b) A certified community behavioral health clinic qualifying for a
38 distribution pursuant to this section shall provide assurances satisfac-
39 tory to the commissioners that it shall undertake reasonable efforts to
40 maintain financial support from community and public funding sources and
41 reasonable efforts to collect payments for services from third-party
42 insurance payors, governmental payors and self-paying patients.

43 (c) (1) Funding pursuant to this section shall be allocated to eligi-
44 ble certified community behavioral health clinics based on actual,
45 reported losses resulting from uncompensated care in a given base year
46 period and shall not exceed one hundred percent of an eligible clinic's
47 losses in the same period.

48 (2) If the sum of actual, reported losses resulting from uncompensated
49 care for all certified community behavioral health clinics exceeds the
50 amount appropriated therefor in a given base year period, allocations of
51 funds for each eligible certified community behavioral health clinic
52 shall be assessed proportionately based upon the percentage of the total
53 number of uncompensated care visits for all clinics that each clinic
54 provided during the base year and shall not exceed amounts appropriated
55 in the aggregate.

(d) Except as provided in subdivision (e) of this section, for periods on and after July first, two thousand twenty-three through June thirtieth, two thousand twenty-six, funds shall be made available for payments pursuant to this section for eligible certified community behavioral health clinics for the following periods in the following aggregate amounts:

(1) For the period of July first, two thousand twenty-three through June thirtieth, two thousand twenty-four, up to twenty-two million five hundred thousand dollars;

(2) For the period of July first, two thousand twenty-four through June thirtieth, two thousand twenty-five, up to forty-one million two hundred fifty thousand dollars; and

(3) For the period of July first, two thousand twenty-five through June thirtieth, two thousand twenty-six, up to forty-five million dollars.

(e) In the event that federal financial participation is not available for rate adjustments pursuant to this section, funds available for payments pursuant to this section for each eligible certified community behavioral health clinic shall be limited to the non-federal share equivalent of the amounts specified in subdivision (d) of this section.

(f) Eligible certified community behavioral health clinics receiving funding under this section shall not be eligible for comprehensive diagnostic and treatment centers indigent care program funding pursuant to section two thousand eight hundred seven-p of the public health law.

(g) The commissioners may require facilities receiving distributions pursuant to this section as a condition of participating in such distributions, to provide reports and data to the office of mental health and the office of addiction services and supports as the commissioners deem necessary to adequately implement the provisions of this section.

§ 3. This act shall take effect immediately.

PART II

Section 1. This Part enacts into law major components of legislation relating to improving access to behavioral health services. Each component is wholly contained within a Subpart identified as Subparts A through F. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this act sets forth the general effective date of this Part.

SUBPART A

Section 1. Item (i) of subparagraph (A) of paragraph 35 of subsection (i) of section 3216 of the insurance law, as amended by chapter 818 of the laws of 2022, is amended to read as follows:

(i) where the policy provides coverage for inpatient hospital care, such policy shall include benefits: for inpatient care in a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law ~~[and benefits for];~~ sub-acute care in a medically-monitored residential facility licensed, operated, or otherwise authorized by the office of

1 mental health; outpatient care provided [~~is~~] by a facility issued an
 2 operating certificate by the commissioner of mental health pursuant to
 3 the provisions of article thirty-one of the mental hygiene law[~~7~~] or
 4 [~~is~~] by a facility operated by the office of mental health[~~7~~ ~~or in~~];
 5 outpatient care provided by a crisis stabilization center licensed
 6 pursuant to section 36.01 of the mental hygiene law[~~7~~]; outpatient care
 7 provided by a mobile crisis intervention services provider licensed,
 8 certified, or authorized by the office of mental health, office of
 9 addiction services and supports, office of children and family services,
 10 or department of health; outpatient care for care coordination services,
 11 critical time intervention services, and assertive community treatment
 12 services, provided by facilities licensed, operated, or otherwise
 13 authorized by the office of mental health, following discharge from a
 14 hospital as defined by subdivision ten of section 1.03 of the mental
 15 hygiene law or the emergency department of a hospital licensed pursuant
 16 to article twenty-eight of the public health law; or, for care provided
 17 in other states, to similarly licensed or certified hospitals [~~or~~],
 18 facilities, or providers; and

19 § 2. Items (iii) and (iv) of subparagraph (E) of paragraph 35 of
 20 subsection (i) of section 3216 of the insurance law, as added by section
 21 8 of subpart A of part BB of chapter 57 of the laws of 2019, are amended
 22 and two new items (v) and (vi) are added to read as follows:

23 (iii) "treatment limitation" means limits on the frequency of treat-
 24 ment, number of visits, days of coverage, or other similar limits on the
 25 scope or duration of treatment and includes nonquantitative treatment
 26 limitations such as: medical management standards limiting or excluding
 27 benefits based on medical necessity, or based on whether the treatment
 28 is experimental or investigational; formulary design for prescription
 29 drugs; network tier design; standards for provider admission to partic-
 30 ipate in a network, including reimbursement rates; methods for determin-
 31 ing usual, customary, and reasonable charges; fail-first or step therapy
 32 protocols; exclusions based on failure to complete a course of treat-
 33 ment; and restrictions based on geographic location, facility type,
 34 provider specialty, and other criteria that limit the scope or duration
 35 of benefits for services provided under the policy; [~~and~~]

36 (iv) "mental health condition" means any mental health disorder as
 37 defined in the most recent edition of the diagnostic and statistical
 38 manual of mental disorders or the most recent edition of another gener-
 39 ally recognized independent standard of current medical practice such as
 40 the international classification of diseases[~~7~~];

41 (v) "assertive community treatment" means an evidence-based, mobile,
 42 psychiatric treatment intervention, designed for an individual with a
 43 serious mental health condition who is at risk for hospitalization, that
 44 includes psychotherapy, medication therapy, crisis intervention, psychi-
 45 atric rehabilitation, care coordination, and peer support services,
 46 provided assertively in the community; and

47 (vi) "critical time intervention services" means evidence-based, time-
 48 limited, therapeutic interventions that begin before an individual is
 49 discharged from an inpatient setting, that include intensive outreach,
 50 engagement, and care coordination services to stabilize the individual
 51 in the community.

52 § 3. Paragraph 35 of subsection (i) of section 3216 of the insurance
 53 law is amended by adding a new subparagraph (I) to read as follows:

54 (I) This subparagraph shall apply to mobile crisis intervention
 55 services providers licensed, certified, or authorized by the office of
 56 mental health, office of addiction services and supports, office of

1 children and family services, or department of health. For purposes of
2 this subparagraph, "mobile crisis intervention services" means mental
3 health and substance use disorder services, including assessment and
4 treatment services and peer support services, provided to an individual
5 experiencing an acute psychological crisis or acute emotional distress
6 in relation to a mental health condition or substance use disorder,
7 intended to ameliorate the crisis and stabilize the individual and
8 ensure ongoing stabilization after the initial crisis response.

9 (i) Benefits for covered services provided by a mobile crisis inter-
10 vention services provider shall not be subject to preauthorization.

11 (ii) Benefits for covered services provided by a mobile crisis inter-
12 vention services provider shall be covered regardless of whether the
13 mobile crisis intervention services provider is a participating provid-
14 er.

15 (iii) If the covered services are provided by a non-participating
16 mobile crisis intervention services provider, an insurer shall not
17 impose any administrative requirement or limitation on coverage that is
18 more restrictive than the requirements or limitations that apply to
19 covered services received from a participating mobile crisis inter-
20 vention services provider.

21 (iv) If the covered services are provided by a non-participating
22 mobile crisis intervention services provider, the insured's copayment,
23 coinsurance, and deductible shall be the same as would apply if such
24 covered services were provided by a participating mobile crisis inter-
25 vention services provider.

26 § 4. Paragraph 35 of subsection (i) of section 3216 of the insurance
27 law is amended by adding a new subparagraph (J) to read as follows:

28 (J) This subparagraph shall apply to school-based mental health clin-
29 ics that are licensed pursuant to article thirty-one of the mental
30 hygiene law and provide outpatient care in pre-school, elementary, or
31 secondary schools. An insurer shall provide reimbursement for covered
32 outpatient care when provided by such school-based mental health clinics
33 at a pre-school, elementary, or secondary school, regardless of whether
34 the school-based mental health clinic furnishing such services is a
35 participating provider with respect to such services. Reimbursement for
36 such covered services shall be at the rate negotiated between the insur-
37 er and school-based mental health clinic or, in the absence of a negoti-
38 ated rate, an amount no less than the rate that would be paid for such
39 services pursuant to the medical assistance program under title eleven
40 of article five of the social services law. Payment by an insurer pursu-
41 ant to this section shall be payment in full for the services provided.
42 The school-based mental health clinic reimbursed pursuant to this
43 section shall not charge or seek any reimbursement from, or have any
44 recourse against, an insured for the services provided pursuant to this
45 subparagraph, except for the collection of in-network copayments, coin-
46 surance, or deductibles for which the insured is responsible for under
47 the terms of the policy.

48 § 5. Item (i) of subparagraph (A) of paragraph 5 of subsection (1) of
49 section 3221 of the insurance law, as amended by section 14 of part AA
50 of chapter 57 of the laws of 2021, is amended to read as follows:

51 (i) where the policy provides coverage for inpatient hospital care,
52 benefits for: inpatient care in a hospital as defined by subdivision ten
53 of section 1.03 of the mental hygiene law [~~and benefits for~~]; sub-acute
54 care in a medically-monitored residential facility licensed, operated,
55 or otherwise authorized by the office of mental health; outpatient care
56 provided [~~in~~] by a facility issued an operating certificate by the

1 commissioner of mental health pursuant to the provisions of article
2 thirty-one of the mental hygiene law, or [~~in~~] by a facility operated by
3 the office of mental health [~~or in~~]; outpatient care provided by a
4 crisis stabilization center licensed pursuant to section 36.01 of the
5 mental hygiene law; outpatient care provided by a mobile crisis inter-
6 vention services provider licensed, certified, or authorized by the
7 office of mental health, office of addiction services and supports,
8 office of children and family services, or department of health; outpa-
9 tient care for care coordination services, critical time intervention
10 services, and assertive community treatment services, provided by facil-
11 ities licensed, operated, or otherwise authorized by the office of
12 mental health or the department of health, following discharge from a
13 hospital as defined by subdivision ten of section 1.03 of the mental
14 hygiene law or the emergency department of a hospital licensed pursuant
15 to article twenty-eight of the public health law; or, for care provided
16 in other states, to similarly licensed or certified hospitals [~~or~~],
17 facilities, or providers; and

18 § 6. Items (iii) and (iv) of subparagraph (E) of paragraph 5 of
19 subsection (l) of section 3221 of the insurance law, as added by section
20 14 of subpart A of part BB of chapter 57 of the laws of 2019, are
21 amended and two new items (v) and (vi) are added to read as follows:

22 (iii) "treatment limitation" means limits on the frequency of treat-
23 ment, number of visits, days of coverage, or other similar limits on the
24 scope or duration of treatment and includes nonquantitative treatment
25 limitations such as: medical management standards limiting or excluding
26 benefits based on medical necessity, or based on whether the treatment
27 is experimental or investigational; formulary design for prescription
28 drugs; network tier design; standards for provider admission to partic-
29 ipate in a network, including reimbursement rates; methods for determin-
30 ing usual, customary, and reasonable charges; fail-first or step therapy
31 protocols; exclusions based on failure to complete a course of treat-
32 ment; and restrictions based on geographic location, facility type,
33 provider specialty, and other criteria that limit the scope or duration
34 of benefits for services provided under the policy; [~~and~~]

35 (iv) "mental health condition" means any mental health disorder as
36 defined in the most recent edition of the diagnostic and statistical
37 manual of mental disorders or the most recent edition of another gener-
38 ally recognized independent standard of current medical practice such as
39 the international classification of diseases[~~+~~];

40 (v) "assertive community treatment" means an evidence-based, mobile,
41 psychiatric treatment intervention, designed for people with a serious
42 mental health condition who are at risk for hospitalization, that
43 includes psychotherapy, medication therapy, crisis intervention, psychi-
44 atric rehabilitation, care coordination, and peer support services,
45 provided assertively in the community; and

46 (vi) "critical time intervention services" means evidence-based, time-
47 limited, therapeutic interventions that begin before an individual is
48 discharged from an inpatient setting, that include intensive outreach,
49 engagement, and care coordination services to stabilize individuals in
50 the community.

51 § 7. Paragraph 5 of subsection (l) of section 3221 of the insurance
52 law is amended by adding a new subparagraph (I) to read as follows:

53 (I) This subparagraph shall apply to mobile crisis intervention
54 services providers licensed, certified, or authorized by the office of
55 mental health, office of addiction services and supports, office of
56 children and family services, or department of health. For purposes of

1 this subparagraph, "mobile crisis intervention services" means mental
2 health and substance use disorder services, including assessment and
3 treatment services and peer support services, provided to an individual
4 experiencing an acute psychological crisis or acute emotional distress
5 in relation to a mental health condition or substance use disorder,
6 intended to ameliorate the crisis and stabilize the individual and
7 ensure ongoing stabilization after the initial crisis response.

8 (i) Benefits for covered services provided by a mobile crisis inter-
9 vention services provider shall not be subject to preauthorization.

10 (ii) Benefits for covered services provided by a mobile crisis inter-
11 vention services provider shall be covered regardless of whether the
12 mobile crisis intervention services provider is a participating provid-
13 er.

14 (iii) If the covered services are provided by a non-participating
15 mobile crisis intervention services provider, an insurer shall not
16 impose any administrative requirement or limitation on coverage that is
17 more restrictive than the requirements or limitations that apply to
18 covered services received from a participating mobile crisis inter-
19 vention services provider.

20 (iv) If the covered services are provided by a non-participating
21 mobile crisis intervention services provider, the insured's copayment,
22 coinsurance, and deductible shall be the same as would apply if such
23 covered services were provided by a participating mobile crisis inter-
24 vention services provider.

25 § 8. Paragraph 5 of subsection (l) of section 3221 of the insurance
26 law is amended by adding a new subparagraph (J) to read as follows:

27 (J) This subparagraph shall apply to school-based mental health clin-
28 ics that are licensed pursuant to article thirty-one of the mental
29 hygiene law and provide outpatient care in pre-school, elementary, or
30 secondary schools. An insurer shall provide reimbursement for covered
31 outpatient care when provided by such school-based mental health clinics
32 at a pre-school, elementary, or secondary school, regardless of whether
33 the school-based mental health clinic furnishing such services is a
34 participating provider with respect to such services. Reimbursement for
35 such covered services shall be at the rate negotiated between the insur-
36 er and school-based mental health clinic or, in the absence of a negoti-
37 ated rate, an amount no less than the rate that would be paid for such
38 services pursuant to the medical assistance program under title eleven
39 of article five of the social services law. Payment by an insurer pursu-
40 ant to this section shall be payment in full for the services provided.
41 The school-based mental health clinic reimbursed pursuant to this
42 section shall not charge or seek any reimbursement from or have any
43 recourse against, an insured for the services provided pursuant to this
44 subparagraph, except for the collection of in-network copayments, coin-
45 surance, or deductibles for which the insured is responsible for under
46 the terms of the policy.

47 § 9. Paragraph 1 of subsection (g) of section 4303 of the insurance
48 law, as amended by section 18 of part AA of chapter 57 of the laws of
49 2021, is amended to read as follows:

50 (1) where the contract provides coverage for inpatient hospital care,
51 benefits for: in-patient care in a hospital as defined by subdivision
52 ten of section 1.03 of the mental hygiene law [~~or for inpatient care~~
53 ~~provided in other states, to similarly licensed hospitals, and benefits~~
54 ~~for~~]; sub-acute care in a medically-monitored residential facility
55 licensed, operated, or otherwise authorized by the office of mental
56 health; [~~out-patient~~] outpatient care provided [~~in~~] by a facility issued

1 an operating certificate by the commissioner of mental health pursuant
2 to the provisions of article thirty-one of the mental hygiene law or
3 [~~in~~] by a facility operated by the office of mental health [~~or~~ ~~in~~];
4 outpatient care provided by a crisis stabilization center licensed
5 pursuant to section 36.01 of the mental hygiene law; outpatient care
6 provided by a mobile crisis intervention services provider licensed,
7 certified, or authorized by the office of mental health, office of
8 addiction services and supports, office of children and family services,
9 or department of health; outpatient care for care coordination services,
10 critical time intervention services, and assertive community treatment
11 services, provided by facilities licensed, operated, or otherwise
12 authorized by the office of mental health or the department of health,
13 following discharge from a hospital as defined by subdivision ten of
14 section 1.03 of the mental hygiene law or the emergency department of a
15 hospital licensed pursuant to article twenty-eight of the public health
16 law; or for [~~out-patient~~] care provided in other states, to similarly
17 licensed or certified hospitals, facilities, or providers; and

18 § 10. Subparagraphs (C) and (D) of paragraph 6 of subsection (g) of
19 section 4303 of the insurance law, as added by section 23 of subpart A
20 of part BB of chapter 57 of the laws of 2019, are amended and two new
21 subparagraphs (E) and (F) are added to read as follows:

22 (C) "treatment limitation" means limits on the frequency of treatment,
23 number of visits, days of coverage, or other similar limits on the scope
24 or duration of treatment and includes nonquantitative treatment limita-
25 tions such as: medical management standards limiting or excluding bene-
26 fits based on medical necessity, or based on whether the treatment is
27 experimental or investigational; formulary design for prescription
28 drugs; network tier design; standards for provider admission to partic-
29 ipate in a network, including reimbursement rates; methods for determin-
30 ing usual, customary, and reasonable charges; fail-first or step therapy
31 protocols; exclusions based on failure to complete a course of treat-
32 ment; and restrictions based on geographic location, facility type,
33 provider specialty, and other criteria that limit the scope or duration
34 of benefits for services provided under the contract; [~~and~~]

35 (D) "mental health condition" means any mental health disorder as
36 defined in the most recent edition of the diagnostic and statistical
37 manual of mental disorders or the most recent edition of another gener-
38 ally recognized independent standard of current medical practice such as
39 the international classification of diseases[~~+~~];

40 (E) "assertive community treatment" means an evidence-based, mobile,
41 psychiatric treatment intervention, designed for an individual with a
42 serious mental health condition who is at risk for hospitalization, that
43 includes psychotherapy, medication therapy, crisis intervention, psychi-
44 atric rehabilitation, care coordination, and peer support services,
45 provided assertively in the community; and

46 (F) "critical time intervention services" means evidence-based, time-
47 limited, therapeutic interventions that begin before an individual is
48 discharged from an inpatient setting, that include intensive outreach,
49 engagement, and care coordination services to stabilize individuals in
50 the community.

51 § 11. Subsection (g) of section 4303 of the insurance law is amended
52 by adding a new paragraph 10 to read as follows:

53 (10) This paragraph shall apply to mobile crisis intervention services
54 providers licensed, certified, or authorized by the office of mental
55 health, office of addiction services and supports, office of children
56 and family services, or department of health. For purposes of this para-

1 graph, "mobile crisis intervention services" means mental health and
2 substance use disorder services, including assessment and treatment
3 services and peer support services, provided to an individual experienc-
4 ing an acute psychological crisis or acute emotional distress in
5 relation to a mental health condition or substance use disorder,
6 intended to ameliorate the crisis and stabilize the individual and
7 ensure ongoing stabilization after the initial crisis response.

8 (A) Benefits for covered services provided by a mobile crisis inter-
9 vention services provider shall not be subject to preauthorization.

10 (B) Benefits for covered services provided by a mobile crisis inter-
11 vention services provider shall be covered regardless of whether the
12 mobile crisis intervention services provider is a participating provid-
13 er.

14 (C) If the covered services are provided by a non-participating
15 mobile crisis intervention services provider, a corporation shall not
16 impose any administrative requirement or limitation on coverage that is
17 more restrictive than the requirements or limitations that apply to
18 covered services received from a participating mobile crisis inter-
19 vention services provider.

20 (D) If the covered services are provided by a non-participating
21 mobile crisis intervention services provider, the insured's copayment,
22 coinsurance, and deductible shall be the same as would apply if such
23 covered services were provided by a participating mobile crisis inter-
24 vention services provider.

25 § 12. Subsection (g) of section 4303 of the insurance law is amended
26 by adding a new paragraph 11 to read as follows:

27 (11) This paragraph shall apply to school-based mental health clinics
28 that are licensed pursuant to article thirty-one of the mental hygiene
29 law and provide outpatient care in pre-school, elementary, or secondary
30 schools. A corporation shall provide reimbursement for covered outpa-
31 tient care when provided by such school-based mental health clinics at a
32 pre-school, elementary, or secondary school, regardless of whether the
33 school-based mental health clinic furnishing such services is a partic-
34 ipating provider with respect to such services. Reimbursement for such
35 covered services shall be at the rate negotiated between the corporation
36 and school-based mental health clinic or, in the absence of a negotiated
37 rate, an amount no less than the rate that would be paid for such
38 services pursuant to the medical assistance program under title eleven
39 of article five of the social services law. Payment by a corporation
40 pursuant to this section shall be payment in full for the services
41 provided. The school-based mental health clinic reimbursed pursuant to
42 this section shall not charge or seek any reimbursement from, or have
43 any recourse against, a corporation for the services provided pursuant
44 to this paragraph, except for the collection of in-network copayments,
45 coinsurance, or deductibles for which the insured is responsible for
46 under the terms of the contract.

47 § 13. Paragraphs 1 and 2 of subsection (a) of section 605 of the
48 financial services law, as amended by section 5 of subpart A of part AA
49 of chapter 57 of the laws of 2022, are amended to read as follows:

50 (1) When a health care plan receives a bill for emergency services
51 from a non-participating provider, including a bill for inpatient
52 services which follow an emergency room visit, or a bill for services
53 from a mobile crisis intervention services provider licensed, certified,
54 or authorized by the office of mental health, office of addiction
55 services and supports, office of children and family services, or
56 department of health, the health care plan shall pay an amount that it

1 determines is reasonable for the emergency services, including inpatient
2 services which follow an emergency room visit or for the mobile crisis
3 intervention services, rendered by the non-participating provider, in
4 accordance with section three thousand two hundred twenty-four-a of the
5 insurance law, except for the insured's co-payment, coinsurance or
6 deductible, if any, and shall ensure that the insured shall incur no
7 greater out-of-pocket costs for the emergency services, including inpa-
8 tient services which follow an emergency room visit or for the mobile
9 crisis intervention services, than the insured would have incurred with
10 a participating provider. The non-participating provider may bill the
11 health care plan for the services rendered. Upon receipt of the bill,
12 the health care plan shall pay the non-participating provider the amount
13 prescribed by this section and any subsequent amount determined to be
14 owed to the provider in relation to the emergency services provided,
15 including inpatient services which follow an emergency room visit or
16 for the mobile crisis intervention services.

17 (2) A non-participating provider or a health care plan may submit a
18 dispute regarding a fee or payment for emergency services, including
19 inpatient services which follow an emergency room visit, or for
20 services rendered by a mobile crisis intervention services provider
21 licensed, certified, or authorized by the office of mental health,
22 office of addiction services and supports, office of children and family
23 services, or department of health, for review to an independent dispute
24 resolution entity.

25 § 14. Subsection (b) of section 606 of the financial services law, as
26 amended by section 7 of subpart A of part AA of chapter 57 of the laws
27 of 2022, is amended to read as follows:

28 (b) A non-participating provider shall not bill an insured for emer-
29 gency services, including inpatient services which follow an emergency
30 room visit, or for services rendered by a mobile crisis intervention
31 services provider licensed, certified, or authorized by the office of
32 mental health, office of addiction services and supports, office of
33 children and family services, or department of health, except for any
34 applicable copayment, coinsurance or deductible that would be owed if
35 the insured utilized a participating provider.

36 § 15. This act shall take effect January 1, 2024; provided, however,
37 that sections one through twelve of this act shall apply to policies and
38 contracts issued, renewed, amended, modified or altered on or after such
39 date.

40 SUBPART B

41 Section 1. Subparagraphs (G) and (H) of paragraph 35 of subsection (i)
42 of section 3216 of the insurance law, subparagraph (G) as added by
43 section 8 of subpart A of part BB of chapter 57 of the laws of 2019 and
44 subparagraph (H) as added by section 13 of part AA of chapter 57 of the
45 laws of 2021, are amended to read as follows:

46 (G) This subparagraph shall apply to hospitals and medically-monitored
47 crisis residential facilities in this state that are licensed, operated,
48 or otherwise authorized by the office of mental health that are partic-
49 ipating in the insurer's provider network. Where the policy provides
50 coverage for inpatient hospital care, benefits for inpatient hospital
51 care in a hospital as defined by subdivision ten of section 1.03 of the
52 mental hygiene law [~~provided to individuals who have not attained the~~
53 ~~age of eighteen~~] and benefits for sub-acute care in a medically-moni-
54 tored crisis residential facility licensed, operated, or otherwise

1 authorized by the office of mental health shall not be subject to preau-
2 thORIZATION. Coverage provided under this subparagraph shall also not be
3 subject to concurrent utilization review for individuals who have not
4 attained the age of eighteen during the first fourteen days of the inpa-
5 tient admission, provided the facility notifies the insurer of both the
6 admission and the initial treatment plan within two business days of the
7 admission, performs daily clinical review of the [~~patient~~] insured, and
8 participates in periodic consultation with the insurer to ensure that
9 the facility is using the evidence-based and peer reviewed clinical
10 review criteria utilized by the insurer which is approved by the office
11 of mental health and appropriate to the age of the [~~patient~~] insured, to
12 ensure that the inpatient care is medically necessary for the [~~patient~~]
13 insured. For individuals who have attained age eighteen, coverage
14 provided under this subparagraph shall also not be subject to concurrent
15 review during the first thirty days of the inpatient or residential
16 admission, provided the facility notifies the insurer of both the admis-
17 sion and the initial treatment plan within two business days of the
18 admission, performs daily clinical review of the insured, and partic-
19 ipates in periodic consultation with the insurer to ensure that the
20 facility is using the evidence-based and peer reviewed clinical review
21 criteria utilized by the insurer which is approved by the office of
22 mental health and appropriate to the age of the insured, to ensure that
23 the inpatient or residential care is medically necessary for the
24 insured. However, concurrent review may be performed during the first
25 thirty days if an insured meets clinical criteria designated by the
26 office of mental health or where the insured is admitted to a hospital
27 or facility which has been designated by the office of mental health for
28 concurrent review, in consultation with the commissioner of health and
29 the superintendent. All treatment provided under this subparagraph may
30 be reviewed retrospectively. Where care is denied retrospectively, an
31 insured shall not have any financial obligation to the facility for any
32 treatment under this subparagraph other than any copayment, coinsurance,
33 or deductible otherwise required under the policy.

34 (H) This subparagraph shall apply to crisis stabilization centers in
35 this state that are licensed pursuant to section 36.01 of the mental
36 hygiene law and participate in the insurer's provider network. Benefits
37 for care [~~in~~] by a crisis stabilization center shall not be subject to
38 preauthorization. All treatment provided under this subparagraph may be
39 reviewed retrospectively. Where care is denied retrospectively, an
40 insured shall not have any financial obligation to the facility for any
41 treatment under this subparagraph other than any copayment, coinsurance,
42 or deductible otherwise required under the policy.

43 § 2. Subparagraphs (G) and (H) of paragraph 5 of subsection (1) of
44 section 3221 of the insurance law, subparagraph (G) as added by section
45 14 of subpart A of part BB of chapter 57 of the laws of 2019 and subpar-
46 agraph (H) as added by section 15 of part AA of chapter 57 of the laws
47 of 2021, are amended to read as follows:

48 (G) This subparagraph shall apply to hospitals and medically-monitored
49 crisis residential facilities in this state that are licensed, operated,
50 or otherwise authorized by the office of mental health that are partic-
51 ipating in the insurer's provider network. Where the policy provides
52 coverage for inpatient hospital care, benefits for inpatient hospital
53 care in a hospital as defined by subdivision ten of section 1.03 of the
54 mental hygiene law [~~provided to individuals who have not attained the~~
55 ~~age of eighteen~~] and benefits for sub-acute care in a medically-moni-
56 tored crisis residential facility, operated or otherwise authorized by

1 the office of mental health shall not be subject to preauthorization.
2 Coverage provided under this subparagraph shall also not be subject to
3 concurrent utilization review for individuals who have not attained the
4 age of eighteen during the first fourteen days of the inpatient admis-
5 sion, provided the facility notifies the insurer of both the admission
6 and the initial treatment plan within two business days of the admis-
7 sion, performs daily clinical review of the [~~patient~~] insured, and
8 participates in periodic consultation with the insurer to ensure that
9 the facility is using the evidence-based and peer reviewed clinical
10 review criteria utilized by the insurer which is approved by the office
11 of mental health and appropriate to the age of the [~~patient~~] insured to
12 ensure that the inpatient care is medically necessary for the [~~patient~~]
13 insured. For individuals who have attained age eighteen, coverage
14 provided under this subparagraph shall also not be subject to concurrent
15 review during the first thirty days of the inpatient or residential
16 admission, provided the facility notifies the insurer of both the admis-
17 sion and the initial treatment plan within two business days of the
18 admission, performs daily clinical review of the insured, and partic-
19 ipates in periodic consultation with the insurer to ensure that the
20 facility is using the evidence-based and peer reviewed clinical review
21 criteria utilized by the insurer which is approved by the office of
22 mental health and appropriate to the age of the insured, to ensure that
23 the inpatient or residential care is medically necessary for the
24 insured. However, concurrent review may be performed during the first
25 thirty days if an insured meets clinical criteria designated by the
26 office of mental health or where the insured is admitted to a hospital
27 or facility which has been designated by the office of mental health for
28 concurrent review, in consultation with the commissioner of health and
29 the superintendent. All treatment provided under this subparagraph may
30 be reviewed retrospectively. Where care is denied retrospectively, an
31 insured shall not have any financial obligation to the facility for any
32 treatment under this subparagraph other than any copayment, coinsurance,
33 or deductible otherwise required under the policy.

34 (H) This subparagraph shall apply to crisis stabilization centers in
35 this state that are licensed pursuant to section 36.01 of the mental
36 hygiene law and participate in the insurer's provider network. Benefits
37 for care [~~in~~] by a crisis stabilization center shall not be subject to
38 preauthorization. All treatment provided under this subparagraph may be
39 reviewed retrospectively. Where care is denied retrospectively, an
40 insured shall not have any financial obligation to the facility for any
41 treatment under this subparagraph other than any copayment, coinsurance,
42 or deductible otherwise required under the policy.

43 § 3. Paragraphs 8 and 9 of subsection (g) of section 4303 of the
44 insurance law, paragraph 8 as added by section 23 of subpart A of part
45 BB of chapter 57 of the laws of 2019 and paragraph 9 as added by section
46 19 of part AA of chapter 57 of the laws of 2021, are amended to read as
47 follows:

48 (8) This paragraph shall apply to hospitals and medically-monitored
49 crisis residential facilities in this state that are licensed, operated
50 or otherwise authorized by the office of mental health that are partic-
51 ipating in the corporation's provider network. Where the contract
52 provides coverage for inpatient hospital care, benefits for inpatient
53 hospital care in a hospital as defined by subdivision ten of section
54 1.03 of the mental hygiene law [~~provided to individuals who have not~~
55 ~~attained the age of eighteen~~] and benefits for sub-acute care in a medi-
56 cally-monitored crisis residential facility licensed, operated, or

1 otherwise authorized by the office of mental health shall not be subject
2 to preauthorization. Coverage provided under this paragraph shall also
3 not be subject to concurrent utilization review for individuals who have
4 not attained the age of eighteen during the first fourteen days of the
5 inpatient admission, provided the facility notifies the corporation of
6 both the admission and the initial treatment plan within two business
7 days of the admission, performs daily clinical review of the [~~patient~~]
8 insured, and participates in periodic consultation with the corporation
9 to ensure that the facility is using the evidence-based and peer
10 reviewed clinical review criteria utilized by the corporation which is
11 approved by the office of mental health and appropriate to the age of
12 the [~~patient~~] insured, to ensure that the inpatient care is medically
13 necessary for the [~~patient~~] insured. For individuals who have attained
14 age eighteen, coverage provided under this paragraph shall also not be
15 subject to concurrent review during the first thirty days of the inpa-
16 tient or residential admission, provided the facility notifies the
17 corporation of both the admission and the initial treatment plan within
18 two business days of the admission, performs daily clinical review of
19 the insured, and participates in periodic consultation with the corpo-
20 ration to ensure that the facility is using the evidence-based and peer
21 reviewed clinical review criteria utilized by the corporation which is
22 approved by the office of mental health and appropriate to the age of
23 the insured, to ensure that the inpatient or residential care is
24 medically necessary for the insured. However, concurrent review may be
25 performed during the first thirty days if an insured meets clinical
26 criteria designated by the office of mental health or where the insured
27 is admitted to a hospital or facility which has been designated by the
28 office of mental health for concurrent review, in consultation with the
29 commissioner of health and the superintendent. All treatment provided
30 under this paragraph may be reviewed retrospectively. Where care is
31 denied retrospectively, an insured shall not have any financial obli-
32 gation to the facility for any treatment under this paragraph other than
33 any copayment, coinsurance, or deductible otherwise required under the
34 contract.

35 (9) This paragraph shall apply to crisis stabilization centers in this
36 state that are licensed pursuant to section 36.01 of the mental hygiene
37 law and participate in the corporation's provider network. Benefits for
38 care [~~is~~] by a crisis stabilization center shall not be subject to
39 preauthorization. All treatment provided under this paragraph may be
40 reviewed retrospectively. Where care is denied retrospectively, an
41 insured shall not have any financial obligation to the facility for any
42 treatment under this paragraph other than any copayment, coinsurance, or
43 deductible otherwise required under the contract.

44 § 4. Paragraph 12 of subsection (a) of section 4902 of the insurance
45 law, as added by section 38 of subpart A of part BB of chapter 57 of the
46 laws of 2019, is amended to read as follows:

47 (12) When conducting utilization review for purposes of determining
48 health care coverage for a mental health condition, a utilization review
49 agent shall utilize evidence-based and peer reviewed clinical review
50 criteria that is appropriate to the age of the patient. The utilization
51 review agent shall use clinical review criteria designated by the
52 commissioner of the office of mental health for level of care determi-
53 nations, in consultation with the superintendent and commissioner of
54 health. For coverage determinations outside the scope of the criteria
55 designated for level of care determinations, the utilization review
56 agent shall use clinical review criteria deemed appropriate and approved

1 for such use by the commissioner of the office of mental health, in
2 consultation with the commissioner of health and the superintendent.
3 Approved clinical review criteria shall have inter rater reliability
4 testing completed [~~by December thirty-first, two thousand nineteen~~]
5 prior to implementation.

6 § 5. Paragraph (j) of subdivision 1 of section 4902 of the public
7 health law, as added by section 43 of subpart A of part BB of chapter 57
8 of the laws of 2019, is amended to read as follows:

9 (j) When conducting utilization review for purposes of determining
10 health care coverage for a mental health condition, a utilization review
11 agent shall utilize evidence-based and peer reviewed clinical review
12 criteria that is appropriate to the age of the patient. The utilization
13 review agent shall use clinical review criteria designated by the
14 commissioner of the office of mental health for level of care determi-
15 nations, in consultation with the commissioner and the superintendent of
16 financial services. For coverage determinations outside the scope of
17 the criteria designated for level of care determinations, the utiliza-
18 tion review agent shall use clinical review criteria deemed appropriate
19 and approved for such use by the commissioner of the office of mental
20 health, in consultation with the commissioner and the superintendent of
21 financial services. Approved clinical review criteria shall have inter
22 rater reliability testing completed [~~by December thirty-first, two thou-~~
23 ~~sand nineteen~~] prior to implementation.

24 § 6. This act shall take effect one year after it shall have become a
25 law. Effective immediately, the addition, amendment and/or repeal of any
26 rule or regulation necessary for the implementation of this act on its
27 effective date are authorized to be made and completed on or before such
28 effective date.

29 SUBPART C

30 Section 1. Paragraph 2 of subsection (a) of section 3217-h of the
31 insurance law, as added by section 3 of part V of chapter 57 of the laws
32 of 2022, is amended to read as follows:

33 (2) An insurer that provides comprehensive coverage for hospital,
34 medical or surgical care shall reimburse covered services delivered by
35 means of telehealth on the same basis, at the same rate, and to the same
36 extent that such services are reimbursed when delivered in person;
37 provided that reimbursement of covered services delivered via telehealth
38 shall not require reimbursement of costs not actually incurred in the
39 provision of the telehealth services, including charges related to the
40 use of a clinic or other facility when neither the originating site nor
41 distant site occur within the clinic or other facility. Notwithstanding
42 the provisions of this paragraph, services provided by facilities
43 licensed, certified or otherwise authorized pursuant to article sixteen,
44 thirty-one, thirty-two or thirty-six of the mental hygiene law, and
45 deemed appropriate to be provided by telehealth by the commissioner of
46 the office for people with developmental disabilities, the office of
47 mental health, or the office of addiction services and supports, as
48 applicable, shall be reimbursed at the same rate as is reimbursed when
49 delivered in person.

50 § 2. Paragraph 2 of subsection (a) of section 4306-g of the insurance
51 law, as added by section 4 of part V of chapter 57 of the laws of 2022,
52 is amended to read as follows:

53 (2) A corporation that provides comprehensive coverage for hospital,
54 medical or surgical care shall reimburse covered services delivered by

1 means of telehealth on the same basis, at the same rate, and to the same
2 extent that such services are reimbursed when delivered in person;
3 provided that reimbursement of covered services delivered via telehealth
4 shall not require reimbursement of costs not actually incurred in the
5 provision of the telehealth services, including charges related to the
6 use of a clinic or other facility when neither the originating site nor
7 the distant site occur within the clinic or other facility. The super-
8 intendent may promulgate regulations to implement the provisions of this
9 section. Notwithstanding the provisions of this paragraph, services
10 provided by facilities licensed, certified or otherwise authorized
11 pursuant to article sixteen, thirty-one, thirty-two or thirty-six of the
12 mental hygiene law, and deemed appropriate to be provided by telehealth
13 by the commissioner of the office for people with developmental disabil-
14 ities, the office of mental health, or the office of addiction services
15 and supports, as applicable, shall be reimbursed at the same rate as is
16 reimbursed when delivered in person.

17 § 3. Subdivision 3 of section 4406-g of the public health law, as
18 added by section 5 of part V of chapter 57 of the laws of 2022, is
19 amended to read as follows:

20 3. A health maintenance organization that provides comprehensive
21 coverage for hospital, medical or surgical care shall reimburse covered
22 services delivered via telehealth on the same basis, at the same rate,
23 and to the extent that such services are reimbursed when delivered in
24 person; provided that reimbursement of covered services delivered by
25 means of telehealth shall not require reimbursement of costs not actual-
26 ly incurred in the provision of the telehealth services, including
27 charges related to the use of a clinic or other facility when neither
28 the originating site nor the distant site occur within the clinic or
29 other facility. The commissioner, in consultation with the superinten-
30 dent, may promulgate regulations to implement the provisions of this
31 section. Notwithstanding the provisions of this subdivision, services
32 provided by facilities licensed, certified or otherwise authorized
33 pursuant to article sixteen, thirty-one, thirty-two or thirty-six of the
34 mental hygiene law, and deemed appropriate to be provided by telehealth
35 by the commissioner of the office for people with developmental disabil-
36 ities, the office of mental health, or the office of addiction services
37 and supports, as applicable, shall be reimbursed at the same rate as is
38 reimbursed when delivered in person.

39 § 4. This act shall take effect immediately, and shall apply to claims
40 submitted on or after such date; provided that:

41 (a) the amendments made to subsection (a) of section 3217-h of the
42 insurance law made by section one of this act shall not affect the expi-
43 ration and reversion of such subsection and shall be deemed to expire
44 therewith;

45 (b) the amendments made to subsection (a) of section 4306-g of the
46 insurance law made by section two of this act shall not affect the expi-
47 ration and reversion of such subsection and shall be deemed to expire
48 therewith; and

49 (c) the amendments made to subdivision 3 of section 4406-g of the
50 public health law made by section three of this act shall not affect the
51 repeal of such subdivision and shall be deemed repealed therewith.

52

SUBPART D

53 Section 1. Section 109 of the insurance law is amended by adding a new
54 subsection (e) to read as follows:

(e) In addition to any right of action granted to the superintendent pursuant to this section, any person who has been injured by reason of a violation of paragraph thirty, thirty-one, thirty-one-a or thirty-five of subsection (i) of section thirty-two hundred sixteen, paragraph five, six, seven, seven-a or seven-b of subsection (l) of section thirty-two hundred twenty-one, or subsection (g), (k), (l), (l-1) or (l-2) of section forty-three hundred three of this chapter by an insurer, corporation, or health maintenance organization subject to article thirty-two or forty-three of this chapter may bring an action in the person's own name to recover the person's actual damages or one thousand dollars, whichever is greater; provided, however, that the provisions of this subsection shall not apply to any health plan that exclusively serves individuals enrolled pursuant to a federal or state insurance affordability program as defined in section two hundred sixty-eight-a of the public health law, the medical assistance program under title eleven of article five of the social services law, child health plus under title one-A of article twenty-five of the public health law, the basic health program under section three hundred sixty-nine-gg of the social services law, or a plan providing services under title XVIII of the federal Social Security Act. The court may, in its discretion, award the prevailing plaintiff in such action an additional award not to exceed five thousand dollars if the court finds a willful violation pursuant to this subsection. The court may award reasonable attorneys' fees to a prevailing plaintiff.

§ 2. This act shall take effect immediately.

SUBPART E

Section 1. Subparagraph (A) of paragraph 31-a of subsection (i) of section 3216 of the insurance law, as added by chapter 748 of the laws of 2019, is amended to read as follows:

(A) No policy that provides medical, major medical or similar comprehensive-type coverage and provides coverage for prescription drugs for medication for the treatment of a substance use disorder shall require prior authorization for an initial or renewal prescription for the detoxification or maintenance treatment of a substance use disorder, including all buprenorphine products, methadone [ex], long acting injectable naltrexone [for detoxification or maintenance treatment of a substance use disorder], or medication for opioid overdose reversal prescribed or dispensed to an individual covered under the policy, including federal food and drug administration-approved over-the-counter opioid overdose reversal medication as prescribed, dispensed or as otherwise authorized under state or federal law, except where otherwise prohibited by law.

§ 2. Subparagraph (A) of paragraph 7-a of subsection (l) of section 3221 of the insurance law, as added by chapter 748 of the laws of 2019, is amended to read as follows:

(A) No policy that provides medical, major medical or similar comprehensive-type small group coverage and provides coverage for prescription drugs for medication for the treatment of a substance use disorder shall require prior authorization for an initial or renewal prescription for the detoxification or maintenance treatment of a substance use disorder, including all buprenorphine products, methadone, long acting injectable naltrexone, or medication for opioid overdose reversal prescribed or dispensed to an individual covered under the policy, including federal food and drug administration-approved over-the-counter opioid overdose

1 reversal medication as prescribed, dispensed or as otherwise authorized
 2 under state or federal law, except where otherwise prohibited by law.
 3 Every policy that provides medical, major medical or similar comprehen-
 4 sive-type large group coverage shall provide coverage for prescription
 5 drugs for medication for the treatment of a substance use disorder and
 6 shall provide immediate coverage for all buprenorphine products, metha-
 7 done [~~or~~], long acting injectable naltrexone, or medication for opioid
 8 overdose reversal prescribed or dispensed to an individual covered under
 9 the policy, including federal food and drug administration-approved
 10 over-the-counter opioid overdose reversal medication as prescribed,
 11 dispensed or as otherwise authorized under state or federal law, without
 12 prior authorization for the detoxification or maintenance treatment of a
 13 substance use disorder, except where otherwise prohibited by law.

14 § 3. Paragraph (A) of subsection (1-1) of section 4303 of the insur-
 15 ance law, as added by chapter 748 of the laws of 2019, is amended to
 16 read as follows:

17 (A) No contract that provides medical, major medical or similar
 18 comprehensive-type individual or small group coverage and provides
 19 coverage for prescription drugs for medication for the treatment of a
 20 substance use disorder shall require prior authorization for an initial
 21 or renewal prescription for the detoxification or maintenance treatment
 22 of a substance use disorder, including all buprenorphine products,
 23 methadone, long acting injectable naltrexone, or medication for opioid
 24 overdose reversal prescribed or dispensed to an individual covered under
 25 the contract, including federal food and drug administration-approved
 26 over-the-counter opioid overdose reversal medication as prescribed,
 27 dispensed or as otherwise authorized under state or federal law, except
 28 where otherwise prohibited by law. Every contract that provides medical,
 29 major medical, or similar comprehensive-type large group coverage shall
 30 provide coverage for prescription drugs for medication for the treatment
 31 of a substance use disorder and shall provide immediate coverage for all
 32 buprenorphine products, methadone [~~or~~], long acting injectable naltrex-
 33 one, or medication for opioid overdose reversal prescribed or dispensed
 34 to an individual covered under the contract, including federal food and
 35 drug administration-approved over-the-counter opioid overdose reversal
 36 medication as prescribed, dispensed or as otherwise authorized under
 37 state or federal law, without prior authorization for the detoxification
 38 or maintenance treatment of a substance use disorder, except where
 39 otherwise prohibited by law.

40 SUBPART F

41 Section 1. Subsection (a) of 3241 of the insurance law, as added by
 42 section 6 of part H of chapter 60 of the laws of 2014, is amended to
 43 read as follows:

44 (a) (1) An insurer, a corporation organized pursuant to article
 45 forty-three of this chapter, a municipal cooperative health benefit plan
 46 certified pursuant to article forty-seven of this chapter, or a student
 47 health plan established or maintained pursuant to section one thousand
 48 one hundred twenty-four of this chapter, that issues a health insurance
 49 policy or contract with a network of health care providers shall ensure
 50 that the network is adequate to meet the health needs of insureds and
 51 provide an appropriate choice of providers sufficient to render the
 52 services covered under the policy or contract. The superintendent shall
 53 review the network of health care providers for adequacy at the time of
 54 the superintendent's initial approval of a health insurance policy or

1 contract; at least every three years thereafter; and upon application
2 for expansion of any service area associated with the policy or contract
3 in conformance with the standards set forth in subdivision five of
4 section four thousand four hundred three of the public health law. To
5 the extent that the network has been determined by the commissioner of
6 health to meet the standards set forth in subdivision five of section
7 four thousand four hundred three of the public health law, such network
8 shall be deemed adequate by the superintendent.

9 (2) The superintendent, in consultation with the commissioner of
10 health, the commissioner of the office of mental health, and the commis-
11 sioner of the office of addiction services and supports, shall promul-
12 gate regulations setting forth standards for network adequacy for mental
13 health and substance use disorder treatment. Such standards shall
14 include:

15 (A) requirements that ensure that insureds have timely and proximate
16 access to treatment for mental health conditions and substance use
17 disorders;

18 (B) appointment availability standards that include timeframes for
19 initial provider visits, follow-up provider visits, and provider visits
20 following discharge from a hospital as defined by subdivision ten of
21 section 1.03 of the mental hygiene law or the emergency department of a
22 hospital licensed pursuant to article twenty-eight of the public health
23 law;

24 (C) time and distance standards that take into consideration reason-
25 able proximity to the insured's residence, established service delivery
26 patterns for the area, the geographic area, and the availability of
27 telehealth services; and

28 (D) responsibilities of an insurer to provide an out-of-network refer-
29 ral at the in-network cost-sharing when there is no participating
30 provider able to provide the requested health care service within the
31 timely and proximate access standards established by regulation and a
32 non-participating provider is able to meet such standards; and, where
33 the non-participating provider is a facility licensed, operated, or
34 otherwise authorized by the office of mental health or the office of
35 addiction services and supports, the insurer shall reimburse the facili-
36 ty at a rate negotiated between the insurer and facility, or in the
37 absence of a negotiated rate, an amount no less than the rate that would
38 be paid for such services pursuant to the medical assistance program
39 under title eleven of article five of the social services law.

40 § 2. Subdivision 5 of section 4403 of the public health law is amended
41 by adding a new paragraph (d) to read as follows:

42 (d) The commissioner, in consultation with the superintendent of
43 financial services, the commissioner of the office of mental health, and
44 the commissioner of the office of addiction services and supports, shall
45 promulgate regulations setting forth standards for network adequacy for
46 mental health and substance use disorder treatment. Such standards
47 shall include:

48 (i) requirements that ensure that enrollees have timely and proximate
49 access to treatment for mental health conditions and substance use
50 disorders;

51 (ii) appointment availability standards that include timeframes for
52 initial provider visits, follow-up provider visits, and provider visits
53 following discharge from a hospital as defined by subdivision ten of
54 section 1.03 of the mental hygiene law or the emergency department of a
55 hospital licensed pursuant to article twenty-eight of the public health
56 law;

1 (iii) time and distance standards that take into consideration reason-
 2 able proximity to the enrollee's residence, established service delivery
 3 patterns for the area, the geographic area, and the availability of
 4 telehealth services; and

5 (iv) responsibilities of an organization to provide an out-of-network
 6 referral at the in-network cost-sharing when there is no participating
 7 provider able to provide the requested health care service within the
 8 timely and proximate access standards established by regulation and a
 9 non-participating provider is able to meet such standards; and, where
 10 the non-participating provider is a facility licensed, operated, or
 11 otherwise authorized by the office of mental health or the office of
 12 addiction services and supports, the organization shall reimburse the
 13 facility at a rate negotiated between the organization and facility or,
 14 in the absence of a negotiated rate, an amount no less than the rate
 15 that would be paid for such services pursuant to the medical assistance
 16 program under title eleven of article five of the social services law.

17 § 3. This act shall take effect immediately.

18 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
 19 sion, section or subpart of this act shall be adjudged by any court of
 20 competent jurisdiction to be invalid, such judgment shall not affect,
 21 impair, or invalidate the remainder thereof, but shall be confined in
 22 its operation to the clause, sentence, paragraph, subdivision, section
 23 or subpart thereof directly involved in the controversy in which such
 24 judgment shall have been rendered. It is hereby declared to be the
 25 intent of the legislature that this act would have been enacted even if
 26 such invalid provisions had not been included herein.

27 § 3. This act shall take effect immediately, provided, however, that
 28 the applicable effective date of Subparts A through F of this act shall
 29 be as specifically set forth in the last section of such Subparts.

30 PART JJ

31 Section 1. Subdivision (g) of section 31.16 of the mental hygiene law,
 32 as amended by chapter 351 of the laws of 1994, is amended and two new
 33 subdivisions (g-1) and (g-2) are added to read as follows:

34 (g) The commissioner may impose [~~a fine~~] sanctions upon a finding that
 35 the holder of the certificate has failed to comply with the terms of the
 36 operating certificate [~~or with the provisions of any applicable statute,~~
 37 ~~rule or regulation~~] in relation to inpatient bed levels. The commis-
 38 sioner shall be authorized to develop a schedule for the purpose of
 39 imposing such sanctions. The maximum amount of [~~such fine~~] sanctions
 40 imposed thereunder shall not exceed [~~one~~] two thousand dollars per day
 41 [~~or fifteen thousand dollars~~], per violation. Sanctions may be consid-
 42 ered at the individual bed level for beds closed without authorization
 43 at inpatient settings.

44 Such [~~penalty~~] sanctions may be recovered by an action brought by the
 45 commissioner in any court of competent jurisdiction.

46 Such [~~penalty~~] sanctions may be released or compromised by the commis-
 47 sioner before the matter has been referred to the attorney general. Any
 48 such [~~penalty~~] sanction may be released or compromised and any action
 49 commenced to recover the same may be settled or discontinued by the
 50 attorney general with the consent of the commissioner.

51 (g-1) Such sanctions under subdivision (g) of this section shall
 52 account for mitigating factors which shall include:

53 (i) any officially declared national, state, or municipal emergency;

1 (ii) any unforeseen disaster or other catastrophic event that imme-
 2 diately affects or increases the need for health care services;
 3 (iii) the frequency and nature of non-compliance; and
 4 (iv) any other mitigating factors established through regulation.
 5 (g-2) In determining whether an operating certificate holder has
 6 violated its obligation to comply with the terms of the operating
 7 certificate in relation to inpatient bed levels, it shall not be a
 8 defense that the operator was unable to secure proper staff or other
 9 necessary resources if the lack of staff or other resources was foresee-
 10 able and could be prudently planned for or involved routine staffing
 11 needs that arose due to typical staffing patterns, typical levels of
 12 absenteeism, and time off typically approved by the operator for vaca-
 13 tion, holidays, sick leave, and personal leave.

14 § 2. This act shall take effect immediately.

15 PART KK

16 Section 1. Subparagraph (i) of paragraph (e) of subdivision 2 of
 17 section 365-a of the social services law, as amended by section 2 of
 18 part MM of chapter 56 of the laws of 2020, is amended to read as
 19 follows:

20 (i) personal care services, including personal emergency response
 21 services, shared aide and an individual aide, subject to the provisions
 22 of subparagraphs (ii), (iii), (iv)[~~-(v)~~] and (vi) of this paragraph,
 23 furnished to an individual who is not an inpatient or resident of a
 24 hospital, nursing facility, intermediate care facility for individuals
 25 with intellectual disabilities, or institution for mental disease, as
 26 determined to meet the recipient's needs for assistance when cost effec-
 27 tive and appropriate, and when prescribed by a qualified independent
 28 physician selected or approved by the department of health, in accord-
 29 ance with the recipient's plan of treatment and provided by individuals
 30 who are qualified to provide such services, who are supervised by a
 31 registered nurse and who are not members of the recipient's family, and
 32 furnished in the recipient's home or other location;

33 § 2. Subparagraph (v) of paragraph (e) of subdivision 2 of section
 34 365-a of the social services law is REPEALED.

35 § 3. Paragraph (c) of subdivision 2 of section 365-f of the social
 36 services law, as amended by section 3 of part MM of chapter 56 of the
 37 laws of 2020, is amended to read as follows:

38 (c) has been determined by the social services district, pursuant to
 39 an assessment of the person's appropriateness for the program, conducted
 40 with an appropriate long term home health care program, a certified home
 41 health agency, or an AIDS home care program or pursuant to the personal
 42 care program, as being in need of home care services or private duty
 43 nursing and [~~as needing at least limited assistance with physical maneu-~~
 44 ~~vering with more than two activities of daily living, or for persons~~
 45 ~~with a dementia or Alzheimer's diagnosis, as needing at least super-~~
 46 ~~vision with more than one activity of daily living, provided that the~~
 47 ~~provisions related to activities of daily living in this paragraph shall~~
 48 ~~only apply to persons who initially seek eligibility for the program on~~
 49 ~~or after October first, two thousand twenty, and]~~ who is able and will-
 50 ing or has a designated representative, including a legal guardian able
 51 and willing to make informed choices, or a designated relative or other
 52 adult who is able and willing to assist in making informed choices, as
 53 to the type and quality of services, including but not limited to such

1 services as nursing care, personal care, transportation and respite
2 services; and
3 § 4. This act shall take effect immediately.

4 PART LL

5 Section 1. Legislative findings and intent. The legislature finds
6 that:

7 a. According to a 2020 report by the Women's Media Center there are
8 64,000-75,000 missing black women and girls across the United States.

9 b. Cases involving black women and girls often do not receive the
10 attention they need and there are often barriers to families reporting a
11 loved one, such as mistrust of police, and racial disparities in how law
12 enforcement treat disappearances.

13 c. The tens of thousands of black women and girls who are missing
14 include abductees, sex trafficking victims, and runaways. Black women
15 and girls exist at the intersection of racism and sexism, and often face
16 worse health, wealth, housing, education, and employment outcomes.

17 d. Black girls comprise over 40% of domestic sex trafficking victims
18 in the United States.

19 e. Law enforcement often categorize missing black girls as runaways
20 and fail to treat their cases with urgency.

21 f. According to a 2020 report by the Sovereign Bodies Institute, a
22 nonprofit, indigenous-led research organization, at least 2,306 missing
23 Native American women and girls have gone missing in the last 40 years
24 in the United States, about 1,800 of whom were killed or vanished.

25 g. Systemic vulnerability and compounding suppressions have resulted
26 in mass amounts of disappeared indigenous peoples, with the National
27 Congress of American Indians finding that an estimated 40% of women who
28 are victims of sex trafficking identify as American Indian, Alaska
29 Native, or First Nations.

30 h. Families of Native American women and girls who have gone missing
31 report a lack of cultural awareness, systemic racism and sexism, and
32 widespread apathy by law enforcement and express frustration that their
33 cases are not pursued.

34 i. There is not comprehensive state or federal data about missing and
35 murdered Native Americans. Advocates argue that poor record keeping,
36 racial misclassification, adverse relationships between tribal govern-
37 ments and outside law enforcement have led to an underreporting of
38 cases.

39 § 2. a. There is hereby established a task force on missing women and
40 girls who are black, indigenous and people of color (BIPOC). Such task
41 force shall be composed of the commissioner of the office of family and
42 children's services, the commissioner of the division of criminal
43 justice services, the superintendent of state police, or the designees
44 of such commissioners and superintendent. Additional members shall be
45 appointed as follows, two shall be appointed by the temporary president
46 of the senate, two shall be appointed by the speaker of the assembly,
47 one shall be appointed by the minority leader of the senate, and one
48 shall be appointed by the minority leader of the assembly. Members shall
49 be representative of the communities experiencing this crisis, including
50 directly impacted individuals, reflect the diversity of New York state,
51 and have experience in cultural competency.

52 b. Task force members shall receive no compensation for their services
53 but shall be reimbursed for actual and necessary expenses incurred in
54 the performance of their duties.

1 c. The task force shall:

2 (i) develop policy changes that will work to address the lack of care
3 and concern for missing and murdered BIPOC women and girls with New York
4 state governmental agencies, including identifying policies to ensure
5 first responders are culturally competent;

6 (ii) advance the knowledge of communities on the severity of BIPOC
7 women and girls who are missing and murdered;

8 (iii) ensure BIPOC communities are educated and trained on the
9 prevention, protection, and protocols relating to missing BIPOC women
10 and girls as it relates to social media;

11 (iv) develop a strategy to collect statistics, demographics, surveys,
12 oral histories, and data analysis;

13 (v) recommend preventive programming and ideas to advance the safety
14 of women and girls, including policies that address the overlapping
15 forms of oppression faced by BIPOC women and girls;

16 (vi) identify major traffic hubs, highways, and resource extraction
17 sites that lead to or are responsible for the facilitation of the abduc-
18 tion of BIPOC women and girls; and

19 (vii) create a state-wide awareness campaign.

20 d. In carrying out the duties of the task force, such task force shall
21 seek public input by holding public hearings in each region of the state
22 and accepting public input in writing.

23 e. On or before two years after the effective date of this act, the
24 task force shall submit to the temporary president of the senate, the
25 speaker of the assembly, the minority leader of the senate and the
26 minority leader of the assembly a report containing its findings and
27 recommendations. Such reports shall be made available to the public.

28 § 3. This act shall take effect on the sixtieth day after it shall
29 have become a law and shall expire and be deemed repealed three years
30 after such date.

31 PART MM

32 Section 1. Subdivision (f) of section 19.17 of the mental hygiene law,
33 as amended by section 1 of part K of chapter 58 of the laws of 2009, is
34 amended to read as follows:

35 (f) There shall be in the office the facilities named below for the
36 care, treatment and rehabilitation of the mentally disabled and for
37 clinical research and teaching in the science and skills required for
38 the care, treatment and rehabilitation of such mentally disabled. Such
39 facilities are authorized to provide treatment for the mental health and
40 health care needs of individuals admitted for a substance use disorder,
41 provided, further, that the mental health and health care services shall
42 be reimbursable by Medicaid and private insurance. Mental health
43 services shall be provided by a professional whose scope of practice
44 includes the diagnosis and treatment of mental health disorders. Health
45 care services shall be provided by a health care professional whose
46 scope of practice includes diagnosing and treating human responses to
47 actual or potential health problems. The office shall consult with the
48 office of mental health and the department of health to assure that
49 applicable rules and regulations of such agencies are complied with.
50 Nothing in this section shall preclude these facilities from trans-
51 ferring a person to a different facility in the event the person's
52 mental health or health care needs are deemed to exceed the treatment
53 capacity of such facility.

54 R.E. Blaisdell Addiction Treatment Center

1 Bronx Addiction Treatment Center
2 C.K. Post Addiction Treatment Center
3 Creedmoor Addiction Treatment Center
4 Dick Van Dyke Addiction Treatment Center
5 Kingsboro Addiction Treatment Center
6 McPike Addiction Treatment Center
7 Richard C. Ward Addiction Treatment Center
8 J.L. Norris Addiction Treatment Center
9 South Beach Addiction Treatment Center
10 St. Lawrence Addiction Treatment Center
11 Stutzman Addiction Treatment Center
12 § 2. This act shall take effect immediately.

13 PART NN

14 Section 1. The mental hygiene law is amended by adding a new section
15 33.28 to read as follows:

16 § 33.28 Independent developmental disability ombudsman program.

17 (a) There is hereby established by the office for people with develop-
18 mental disabilities the independent developmental disability ombudsman
19 program for the purpose of assisting individuals with developmental
20 disabilities to ensure their access to services and preservation of
21 their rights.

22 (b) Such ombudsman program shall have the following duties, including,
23 but not limited to:

24 1. establishing a service delivery structure based in New York state
25 that includes a toll-free telephone hotline, an interactive website, and
26 availability of in-person, telephone and email access to ombudsman
27 program staff or volunteers;

28 2. identifying, investigating, referring and resolving complaints made
29 by, or on behalf of, individuals relative to their access to services
30 provided by the office for people with developmental disabilities or the
31 care coordination provided by health homes serving individuals with
32 developmental disabilities or services provided by other providers;

33 3. providing assistance for navigating and completing processes, such
34 as paperwork and documentation, to access services provided by the
35 office for people with developmental disabilities or the care coordi-
36 nation provided by health homes serving individuals with developmental
37 disabilities to individuals or services provided by other providers,
38 and/or anyone seeking assistance on their behalf;

39 4. assisting individuals in filing and preparing appeals, and repres-
40 enting individuals in appeals and hearings concerning adverse benefit
41 determinations regarding services provided by the office for people with
42 developmental disabilities or health homes serving individuals with
43 developmental disabilities to individuals or services provided by other
44 providers;

45 5. collecting, tracking, and quantifying problems and inquiries
46 encountered by individuals; and

47 6. educating individuals on their rights and responsibilities with
48 respect to access to services provided by the office for people with
49 developmental disabilities and care coordination provided by health
50 homes serving individuals with developmental disabilities or services
51 provided by other providers.

52 (c) Notices and materials provided to individuals by the office for
53 people with developmental disabilities, providers of services, and the
54 health homes serving individuals with developmental disabilities shall

1 include the name, phone number and website address of the independent
2 developmental disability ombudsman program established by the office for
3 people with developmental disabilities pursuant to this section.

4 (d) Funds available for expenditure pursuant to this section for the
5 establishment of an independent developmental disability ombudsman
6 program may be allocated and distributed by the commissioner of the
7 office for people with developmental disabilities, subject to the
8 approval of the director of the budget, but only after the commissioner
9 of the office for people with developmental disabilities holds a request
10 for proposal process for the establishment of an independent develop-
11 mental disability ombudsman program. Only domestic not-for-profit corpo-
12 rations shall be eligible to submit proposals for such program. Entities
13 that currently receive funding from the office for people with develop-
14 mental disabilities to provide services to people with developmental
15 disabilities, or to operate care coordination organizations, or that
16 bill the Medicaid program for medical or healthcare services, shall be
17 excluded from consideration. The commissioner of the office for people
18 with developmental disabilities shall consider all competitive proposals
19 submitted through such request for proposal process and shall determine
20 which proposal submitted is appropriate for the establishment of an
21 independent developmental disability ombudsman program. In making such
22 determination, applicants who demonstrate experience providing advocacy
23 or assistance to people with developmental disabilities, experience
24 operating a call center, or experience tracking and reporting on case
25 activities while protecting individual confidentiality shall receive
26 deference for the award.

27 § 2. This act shall take effect on the one hundred eightieth day after
28 it shall have become a law.

29 PART 00

30 Section 1. Clause (vi) of subparagraph 1 of paragraph (e) of subdivi-
31 sion 5 of section 366 of the social services law, as amended by section
32 13 of part MM of chapter 56 of the laws of 2020, is amended to read as
33 follows:

34 (vi) "look-back period" means the sixty-month period immediately
35 preceding the date that an institutionalized individual is both institu-
36 tionalized and has applied for medical assistance, or in the case of a
37 non-institutionalized individual, subject to federal approval, for
38 transfers made on or after October first, two thousand twenty, the thir-
39 ty-month period immediately preceding the date that such non-institu-
40 tionalized individual applies for medical assistance coverage of long
41 term care services. Nothing herein precludes a review of eligibility for
42 retroactive authorization for medical expenses incurred during the three
43 months prior to the month of application for medical assistance.

44 § 2. Clauses (iii) and (iv) of subparagraph 4 of paragraph (e) of
45 subdivision 5 of section 366 of the social services law, as added by
46 section 26-a of part C of chapter 109 of the laws of 2006, are amended
47 and a new clause (v) is added to read as follows:

48 (iii) a satisfactory showing is made that: (A) the individual or the
49 individual's spouse intended to dispose of the assets either at fair
50 market value, or for other valuable consideration; or (B) the assets
51 were transferred exclusively for a purpose other than to qualify for
52 medical assistance; or (C) all assets transferred for less than fair
53 market value have been returned to the individual or used on the indi-
54 vidual's behalf; or

1 (iv) denial of eligibility would cause an undue hardship, such that
2 application of the transfer of assets provision would deprive the indi-
3 vidual of medical care such that the individual's health or life would
4 be endangered, or would deprive the individual of food, clothing, shel-
5 ter, or other necessities of life. The commissioner of health shall
6 develop a hardship waiver process which shall include a timely process
7 for determining whether an undue hardship waiver will be granted and a
8 timely process under which an adverse determination can be appealed. The
9 commissioner of health shall provide notice of the hardship waiver proc-
10 ess in writing to those individuals who are required to comply with the
11 transfer of assets provision under this section. If such an individual
12 is an institutionalized individual, the facility in which he or she is
13 residing shall be permitted to file an undue hardship waiver application
14 on behalf of such individual with the consent of the individual or the
15 personal representative of the individual[-]; or

16 (v) the transfer was to a family member or informal caregiver before
17 the current period of institutional status, or before the application
18 for Medicaid for non-institutional long-term care services, and all the
19 following conditions are met:

20 (A) the transfer is in exchange for care services the family member or
21 informal caregiver provided to the client or the client's spouse;

22 (B) the client or the client's spouse had a documented need for the
23 care services provided by the family member or informal caregiver;

24 (C) the fair market value of the asset transferred is comparable to
25 the fair market value of the care services provided; and

26 (D) the time for which care services are claimed is reasonable based
27 on the kind of services provided.

28 § 3. Subparagraph 5 of paragraph (e) of subdivision 5 of section 366
29 of the social services law, as added by section 26-a of part C of chap-
30 ter 109 of the laws of 2006, is amended to read as follows:

31 (5) Any transfer made by an individual or the individual's spouse
32 under subparagraph three of this paragraph shall cause the person to be
33 ineligible for services for a period equal to the total, cumulative
34 uncompensated value of all assets transferred during or after the look-
35 back period, divided by the average monthly costs of nursing facility
36 services provided to a private patient for a given period of time at the
37 time of application, as determined pursuant to the regulations of the
38 department. For purposes of this subparagraph, the average monthly costs
39 of nursing facility services to a private patient for a given period of
40 time at the time of application shall be presumed to be one hundred
41 twenty percent of the average medical assistance rate of payment as of
42 the first day of January of each year for nursing facilities within the
43 region where the applicant resides, as established pursuant to paragraph
44 (b) of subdivision sixteen of section twenty-eight hundred seven-c of
45 the public health law. The period of ineligibility shall begin the first
46 day of a month during or after which assets have been transferred for
47 less than fair market value, or, (i) for institutionalized individuals,
48 the first day the otherwise eligible individual is receiving services
49 for which medical assistance coverage would be available based on an
50 approved application for such care but for the provisions of subpara-
51 graph three of this paragraph, whichever is later, and which does not
52 occur in any other periods of ineligibility under this paragraph, or
53 (ii) for non-institutionalized individuals, the first day the otherwise
54 eligible individual is functionally eligible for services for which
55 medical assistance would be available based on an approved application
56 for such care but for the provisions of subparagraph three of this para-

1 graph, whichever is later, and which does not occur in any other periods
2 of ineligibility under this paragraph.

3 § 4. Subdivision 12 of section 366-a of the social services law, as
4 added by section 36-c of part B of chapter 57 of the laws of 2015, is
5 amended to read as follows:

6 12. The commissioner shall develop expedited procedures for determin-
7 ing medical assistance eligibility for any medical assistance applicant
8 with an immediate need for personal care or consumer directed personal
9 assistance services pursuant to paragraph (e) of subdivision two of
10 section three hundred sixty-five-a of this title or section three
11 hundred sixty-five-f of this title, respectively. Such procedures shall
12 require that a final eligibility determination be made within seven days
13 of the date of a [~~complete~~] medical assistance application that shall be
14 complete, except that a non-institutionalized individual applicant may
15 attest that no transfers of assets were made within the look-back period
16 under subdivision five of section three hundred sixty-six of this title;
17 provided the non-institutionalized individual applicant shall submit
18 complete documentation of assets during the look-back period within
19 thirty days of the date the application was filed.

20 § 5. This act shall take effect immediately.

21 PART PP

22 Section 1. The public health law is amended by adding a new section
23 2807-nn to read as follows:

24 § 2807-nn. Reproductive health training and education grant program.
25 1. As used in this section, "eligible participant" means an intern or
26 resident who is employed by a hospital or otherwise enrolled in an
27 accredited graduate medical education program.

28 2. The commissioner, shall establish a reproductive health services
29 training and education grant program for eligible participants as
30 defined in subdivision one of this section. Such grant program shall
31 consist of two to six weeks of clinical training in accordance with
32 Accreditation Council for Graduate Medical Education standards for clin-
33 ical training in the performance of abortion and related reproductive
34 health services and shall otherwise meet professionally recognized
35 training standards as defined by the commissioner.

36 3. The commissioner is authorized, within amounts appropriated for
37 such purpose to make grants in accordance with this subdivision. Such
38 grants may be used for administration, faculty recruitment and develop-
39 ment, start-up costs and costs incurred teaching reproductive health
40 care in hospital-based programs or non-hospital-based care sites,
41 including, but not limited to, personnel, administration and trainee
42 related expenses and other expenses judged reasonable and necessary by
43 the commissioner. As used in this section, "trainee related expenses"
44 shall include a travel and housing stipend paid to each intern or resi-
45 dent if deemed necessary.

46 § 2. The state finance law is amended by adding a new section 99-qq to
47 read as follows:

48 § 99-qq. Reproductive health training and education fund. 1. There is
49 hereby established in the joint custody of the state comptroller and
50 commissioner of taxation and finance a special fund to be known as the
51 "reproductive health training and education fund".

52 2. Such fund shall consist of all moneys appropriated thereto from any
53 other fund or source pursuant to law. Nothing contained in this section
54 shall prevent the state from receiving grants, gifts or bequests for the

1 purposes of the fund as defined in this section and depositing them into
2 the fund according to law.

3 3. Moneys shall be payable from the fund on the audit and warrant of
4 the comptroller on vouchers approved and certified by the commissioner
5 of health.

6 4. The moneys in such fund shall be expended for the reproductive
7 health services training and education grant program in accordance with
8 the provisions of section twenty-eight hundred seven-nn of the public
9 health law.

10 § 3. This act shall take effect on the thirtieth day after it shall
11 have become a law. Effective immediately, the addition, amendment and/or
12 repeal of any rule or regulation necessary for the implementation of
13 this act on its effective date are authorized to be made and completed
14 on or before such effective date.

15 PART QQ

16 Section 1. The public health law is amended by adding a new section
17 207-b to read as follows:

18 § 207-b. Women's health education program in state and local correc-
19 tional facilities. The commissioner, in consultation with the commis-
20 sioner of corrections and community supervision and the chair of the
21 state commission of correction, shall establish a women's health educa-
22 tion program in state and local correctional facilities. Such program
23 shall educate facility medical staff on the special medical needs of
24 women, including training on providing professional, respectful and
25 informed care of women who have been victims of domestic violence or
26 sexual violence.

27 § 2. Subdivision 1 of section 2308-a of the public health law, as
28 amended by section 38 of part E of chapter 56 of the laws of 2013, is
29 amended to read as follows:

30 1. The administrative officer or other person in charge of a clinic or
31 other facility providing gynecological, obstetrical, genito-urological,
32 contraceptive, sterilization or termination of pregnancy services or
33 treatment shall require the staff of such clinic or facility to offer to
34 administer to every resident of the state of New York coming to such
35 clinic or facility for such services or treatment, appropriate examina-
36 tions or tests for the detection of sexually transmitted diseases. For
37 the purposes of this subdivision, the term "facility" shall include a
38 correctional facility as defined in subdivision four of section two of
39 the correction law.

40 § 3. Subdivision 2 of section 140 of the correction law, as added by
41 chapter 516 of the laws of 1995, is amended to read as follows:

42 2. Subject to the regulations of the department of health, routine
43 medical, dental and mental health services and treatment is defined for
44 the purposes of this section to mean any routine diagnosis or treatment,
45 including without limitation the provision of gynecological services for
46 female incarcerated individuals, the administration of medications or
47 nutrition, the extraction of bodily fluids for analysis, and dental care
48 performed with a local anesthetic. Routine mental health treatment shall
49 not include psychiatric administration of medication unless it is part
50 of an ongoing mental health plan or unless it is otherwise authorized by
51 law.

52 § 4. Subdivision 2 of section 505 of the correction law, as added by
53 chapter 437 of the laws of 2013, is amended to read as follows:

1 2. Subject to the regulations of the department of health, routine
2 medical, dental and mental health services and treatment is defined for
3 the purposes of this section to mean any routine diagnosis or treatment,
4 including without limitation the provision of gynecological services for
5 female incarcerated individuals, the administration of medications or
6 nutrition, the extraction of bodily fluids for analysis, and dental care
7 performed with a local anesthetic. Routine mental health treatment shall
8 not include psychiatric administration of medication unless it is part
9 of an ongoing mental health plan or unless it is otherwise authorized by
10 law.

11 § 5. The correction law is amended by adding a new section 140-a to
12 read as follows:

13 § 140-a. Prenatal care. If a pregnant woman is confined to a state or
14 local correctional facility, she shall be given prenatal care comparable
15 to such care available to women in the community. Such care shall
16 include regular check-ups throughout the course of her pregnancy and
17 education on healthy lifestyle choices of benefit to the woman and her
18 child. Pregnant women confined to such facilities shall also be given
19 prenatal vitamins and a specialized diet tailored to provide their
20 nutritional needs during pregnancy.

21 § 6. The commissioner of corrections and community supervision, in
22 conjunction with the commissioner of health shall promulgate such rules
23 and regulations as may be necessary to effectuate the provisions of
24 section five of this act.

25 § 7. 1. The department of health, in cooperation with the department
26 of corrections and community supervision, shall conduct a study of
27 women's health care in prisons. Such study shall:

28 a. collect all available data relating to women's health care in pris-
29 ons;

30 b. determine how often women in prisons are being seen by a medical
31 professional;

32 c. determine how long it takes for women in prisons to be seen by a
33 medical professional;

34 d. identify what issues women in prisons are most often being seen
35 for;

36 e. determine the outcomes of women in prisons being seen by a medical
37 professional; and

38 f. investigate anything deemed relevant by the commissioner of health
39 or the commissioner of corrections and community supervision for the
40 purposes of this study.

41 2. Upon completion of the study required by subdivision one of this
42 section, the commissioner of health, or his or her designee, shall
43 prepare a report to be given to the governor and the legislature which
44 shall include the findings of such study. Such report shall be filed
45 within one year of the effective date of this act, unless the commis-
46 sioner of health requests in writing, an extension of time.

47 3. All other departments or agencies of the state or subdivisions
48 thereof, and local governments shall, at the request of the commissioner
49 of health or the commissioner of corrections and community supervision,
50 provide expertise, assistance, and data that will enable such commis-
51 sioner to carry out his or her powers and duties.

52 § 8. This act shall take effect immediately; provided, however, that
53 section five of this act shall take effect on the one hundred eightieth
54 day after it shall have become a law. Effective immediately, the addi-
55 tion, amendment and/or repeal of any rule or regulation necessary for

1 the implementation of this act on its effective date are authorized to
2 be made and completed on or before such effective date.

3 PART RR

4 Section 1. Subdivision 2 of section 3614-f of the public health law,
5 as added by section 1 of part XX of chapter 56 of the laws of 2022, is
6 amended to read as follows:

7 2. In addition to the otherwise applicable minimum wage under section
8 six hundred fifty-two of the labor law, or any otherwise applicable wage
9 rule or order under article nineteen of the labor law, the minimum wage
10 for a home care aide shall be increased by an amount of [~~three~~] five
11 dollars and zero cents in accordance with the following schedule:

12 (a) beginning October first, two thousand twenty-two, the minimum wage
13 for a home care aide shall be increased by an amount of two dollars and
14 zero cents, [~~and~~]

15 (b) beginning October first, two thousand twenty-three, the minimum
16 wage for a home care aide shall be increased by an additional amount of
17 one dollar and zero cents[~~+~~]

18 (c) beginning October first, two thousand twenty-four, the minimum
19 wage for a home care aide shall be increased by an additional amount of
20 one dollar and zero cents, and

21 (d) beginning October first, two thousand twenty-five, the minimum
22 wage for a home care aide shall be increased by an additional amount of
23 one dollar and zero cents.

24 § 2. Section 3614-f of the public health law is amended by adding a
25 new subdivision 4 to read as follows:

26 4. The commissioner shall submit any and all necessary applications
27 for approvals and/or waivers to the federal centers for medicare and
28 medicaid services to make state-directed payments to providers for the
29 purposes of supporting wage increases.

30 (a) If approved, directed payments shall be made to such providers of
31 medicaid services through contracts with managed care organizations
32 where applicable, provided that the commissioner ensures that such
33 directed payments are in accordance with the terms of this section.

34 (b) If the state directed payment is not approved, the department
35 shall require plans to justify deviations apart from the minimum hourly
36 base reimbursement rates.

37 § 3. To ensure compliance with this minimum wage increase, the comp-
38 troller shall have the authority to review the contracts entered into
39 between a managed care organization and a licensed home care services
40 agency, fiscal intermediary, or any agency subject to the provisions of
41 section 3614-f of the public health law to ensure that rates being
42 offered are adequate and meet the department of health's actuarial stan-
43 dards. The comptroller, in consultation with the medicaid fraud control
44 unit, may develop and promulgate a process to ensure such audits comply
45 with state and federal law to protect proprietary information and
46 contracts. In the event that the comptroller finds evidence that managed
47 care organizations are not paying sufficient adequate rates, they will
48 refer such instances to the department of health and the medicaid fraud
49 control unit for enforcement. If the department of health or the medi-
50 caid fraud control unit chooses not to pursue action related to this
51 referral, it shall inform, in writing, the comptroller's office as to
52 the reasoning. Such reports, and the department of health's responses,
53 shall be public information and made available on the comptroller's
54 website. For the purposes of this section, the term "managed care organ-

1 ization" shall mean an entity operating pursuant to section 364-j of the
2 social services law or article 44 of the public health law.

3 § 4. Severability. If any provision of this act, or any application
4 of any provision of this act, is held to be invalid, or to violate or be
5 inconsistent with any federal law or regulation, that shall not affect
6 the validity or effectiveness of any other provision of this act, or any
7 other application of any provision of this act which can be given effect
8 without that provision or application; and to that end, the provisions
9 and applications of this act are severable.

10 § 5. This act shall take effect immediately and shall be deemed to
11 have been in full force and effect on and after April 1, 2023.

12 PART SS

13 Section 1. Paragraph (d) of subdivision 1 of section 364-j of the
14 social services law, as amended by chapter 653 of the laws of 1997, is
15 amended to read as follows:

16 (d) "Medical services provider". A physician, nurse, nurse practition-
17 er, physician assistant, licensed midwife, doula, dentist, optometrist
18 or other licensed health care practitioner authorized to provide medical
19 assistance services.

20 § 2. Subdivision 2 of section 365-a of the social services law is
21 amended by adding a new paragraph (kk) to read as follows:

22 (kk) doula care services for physical, emotional, and informational
23 support to pregnant people before, during, and after delivery. This
24 shall include, but not be limited to, antepartum visits, labor and
25 delivery attendance, and postpartum visits.

26 § 3. The commissioner of health is directed to apply for such state
27 Medicaid plan amendments or waivers as may be necessary to implement the
28 provisions of this act and include doula care as a covered service under
29 the state Medicaid plan, and to secure federal financial participation
30 for state Medicaid expenditures for doula care under the federal Medi-
31 caid program.

32 § 4. Notwithstanding any provision of law to the contrary, for the
33 state fiscal years beginning April 1, 2023 and thereafter, Medicaid
34 reimbursement for doulas shall be at least one thousand nine hundred
35 thirty dollars for four antepartum visits, labor and delivery attend-
36 ance, and four postpartum visits, subject to the approval of the commis-
37 sioner and the director of the division of the budget.

38 § 5. This act shall take effect immediately and shall be deemed to
39 have been in full force and effect on and after April 1, 2023; provided,
40 however, that the amendments to section 364-j of the social services law
41 made by section one of this act shall not affect the repeal of such
42 section and shall be deemed repealed therewith.

43 PART TT

44 Section 1. The commissioner of health shall conduct a study to review
45 the rates of reimbursement made through the New York state Medicaid
46 durable medical equipment, orthotics, prosthetics and supplies program
47 for rate adequacy and patient access, including those made under all
48 capitated and contract coverage models. Such review shall include:

49 (a) an analysis of rules, regulations and policies for orthotics and
50 prosthetics service/device provisions under the New York Medicaid
51 program, including all contracted and capitated models;

1 (b) a comprehensive assessment of the existing methodology used to
2 determine payment or nonpayment for prosthetic and orthotic care includ-
3 ing but not limited to:

4 (i) all orthotic and prosthetic codes on the current Medicaid fee
5 schedule, including but not limited to a comparison of prevailing Medi-
6 care fee schedule amounts and New York Medicaid amounts;

7 (ii) codes on the Medicare fee schedule but not included on the New
8 York state Medicaid durable medical equipment, orthotics, prosthetics
9 and supplies program fee schedule;

10 (iii) recommendations for changing reimbursement methodologies.
11 Recommendations under this subparagraph shall be consistent with federal
12 law and shall include recommendations for appropriate changes in state
13 law and regulations. Such recommendations shall consider appropriate
14 payment methodologies for codes not included on the Medicaid fee sched-
15 ule;

16 (c) assessment of barriers to timely service provision as well as
17 racial and socioeconomic disparities in access including, but not limit-
18 ed to, travel time required, geographic variability, access to and cost
19 of technology;

20 (d) the workforce needed to provide orthotic and prosthetic services
21 in the next five years to eligible children and adults, disaggregated by
22 county;

23 (e) opportunities for stakeholder input on current rate methodologies;
24 and

25 (f) assessment of cost savings associated with percentage of Medicaid
26 population returning to work after orthotic and/or prosthetic provision.

27 § 2. Within one year after the effective date of this act, the commis-
28 sioner of health shall submit a report of the findings and recommenda-
29 tions pursuant to this act to the governor, the temporary president of
30 the senate, the minority leader of the senate, the speaker of the assem-
31 bly, the minority leader of the assembly, and the chairs and ranking
32 members of the senate and assembly committees on health and shall post
33 such report on the department of health's website.

34 § 3. The commissioner of health shall be authorized to promulgate
35 rules and regulations to provide for the orderly effectuation of the
36 provisions of this act.

37 § 4. This act shall take effect immediately and shall expire and be
38 deemed repealed upon the submission of the report required pursuant to
39 section two of this act; provided that the commissioner of health shall
40 notify the legislative bill drafting commission upon the submission of
41 the report required by section two of this act in order that the commis-
42 sion may maintain an accurate and timely effective data base of the
43 official text of the laws of the state of New York in furtherance of
44 effectuating the provisions of section 44 of the legislative law and
45 section 70-b of the public officers law.

46

PART UU

47 Section 1. Paragraph (i) of subdivision 2 of section 2511 of the
48 public health law is amended by adding two new subparagraphs (iii) and
49 (iv) to read as follows:

50 (iii) A child who meets the eligibility criteria set forth in this
51 subdivision or subdivision five of this section, as determined by an
52 approved organization or the health insurance exchange marketplace,
53 whichever is applicable, shall be enrolled retroactively to the first
54 day of the month in which the application was submitted, provided that

1 the applicant for insurance submits a completed and signed application
2 and required information and documentation within sixty days of the
3 original application submission.

4 (iv) A child shall be presumed eligible for subsidy payments under
5 this subdivision or eligible for coverage under subdivision five of this
6 section, provided that the applicant for insurance submits a completed
7 and signed application within sixty days of the application submission.
8 Once eligibility is determined by the approved organization or the
9 health insurance exchange marketplace, whichever is applicable, on the
10 basis of preliminary information, the child shall be enrolled retroac-
11 tively to the first day of the month in which the application was
12 submitted. All other procedures and standards regarding presumptive
13 enrollment applicable to eligible children enrolled under this title and
14 specified in state contracts with approved organizations or implemented
15 by the health insurance exchange marketplace, whichever is applicable,
16 shall apply to presumptive enrollment of children.

17 § 2. This act shall take effect immediately.

18 PART VV

19 Section 1. Sections 1 and 1-a of part FFF of chapter 56 of the laws of
20 2020 relating to directing the department of health to remove the phar-
21 macy benefit from the managed care benefit package and to provide the
22 pharmacy benefit under the fee for service program, are REPEALED.

23 § 2. Subdivision 4 of section 364-j of the social services law is
24 amended by adding four new paragraphs (x), (y), (z) and (aa) to read as
25 follows:

26 (x) Notwithstanding any provision of law to the contrary, managed care
27 providers under the medical assistance program and any pharmacy benefit
28 managers acting on their behalf, as defined in section two hundred
29 eighty-a of the public health law, shall be required to reimburse retail
30 pharmacies for each outpatient drug, at the National Average Drug Acqui-
31 sition Cost (NADAC), or if NADAC pricing is unavailable for a drug,
32 reimbursement shall be pursuant to the current benchmarks under fee-for-
33 service, plus a tiered professional dispensing fee based on prescription
34 claims volume to be determined by the commissioner. In determining a
35 professional dispensing fee, the commissioner shall issue a survey that
36 collects claims volumes from enrolled pharmacies, and other such infor-
37 mation as the commissioner may deem necessary to weigh regional vari-
38 ances and other factors significantly impacting markets from the previ-
39 ous twelve-month period, to determine the appropriate dispensing fee
40 reimbursement. The dispensing fee determined by the commissioner shall
41 be in an amount of at least ten dollars and eighteen cents.

42 (y) (i) Notwithstanding any provision of law to the contrary, a
43 managed care provider or pharmacy benefit manager acting on its behalf,
44 shall not deny any retail pharmacy the opportunity to participate in
45 another provider's pharmacy network under the medical assistance
46 program, provided that:

47 (A) such retail pharmacy agrees to the same reimbursement amount;

48 (B) is able to fill and dispense commonly dispensed prescriptions and
49 over-the-counter medications in a manner consistent with medical assist-
50 ance program guidance and statute for those patients and population the
51 pharmacy serves enrolled in the medical assistance program;

52 (ii) Nothing in this paragraph shall require a managed care provider
53 or pharmacy benefit manager to contract with a retail pharmacy or phar-
54 macies that fail to meet universally accepted professional standards of

1 pharmacy practice. Further, nothing in this paragraph shall be construed
2 as limiting the ability of managed care providers or pharmacy benefit
3 managers to remove pharmacies from their network, or to decline to
4 contract with pharmacies in cases of fraud, waste, abuse, or as other-
5 wise authorized by law.

6 (z) (i) A managed care provider or pharmacy benefit manager acting on
7 its behalf shall be required to reimburse 340B covered entity providers,
8 whether directly or through arrangements with their contractual pharma-
9 cies, for outpatient drugs dispensed under section 340B of the federal
10 public health service act (42 USCA § 256b), at NADAC, or if NADAC pric-
11 ing is unavailable for a drug, reimbursement shall be pursuant to the
12 current benchmarks under fee-for-service, plus a professional dispensing
13 fee as determined by the commissioner pursuant to paragraph (x) of this
14 subdivision.

15 (ii) Notwithstanding any provision of law to the contrary, rates of
16 payment between covered entities under section 340B of the public health
17 service act and contract pharmacies that obtain and dispense 340B drugs
18 on behalf of the covered entity, shall comprise a fee schedule, based on
19 fair market value principles and shall not be a percentage of either the
20 claim's total reimbursement or net margin. The commissioner shall evalu-
21 ate the adequacy of such fee schedule no less than every two years.

22 (aa) Notwithstanding any provision of law to the contrary, in order to
23 align managed care provider drug formularies to reduce complexity for
24 beneficiaries of medical assistance, and to maximize available federal
25 statutory drug rebates for the state, managed care providers and any
26 pharmacy benefit managers acting on their behalf, shall be required to
27 use the fee-for-service preferred drug list when developing a formulary
28 or preferred drug list of outpatients drugs for beneficiaries of medical
29 assistance. In the interests of the creation of a high quality uniform
30 formulary, and notwithstanding any provision of law to the contrary: the
31 commissioner shall convene a committee comprised of the pharmacy direc-
32 tors of the state's currently participating managed care providers to
33 advise in the creation and stewardship of any such formulary or
34 preferred drug list.

35 § 3. Section 280-a of the public health law is amended by adding a new
36 subdivision 6 to read as follows:

37 6. Medical assistance delivery option. Notwithstanding any provision
38 of law to the contrary, no pharmacy benefit manager shall limit the
39 option for an individual exercising their benefits under the state's
40 medical assistance program receiving prescription or over-the-counter
41 medications to receive such medications from their local, non-mail order
42 pharmacy of choice via delivery including in-person delivery, United
43 States postal service or other mail or courier service. No restrictions,
44 prohibitions, or prior authorization requirements shall be based on the
45 individual's choice in delivery type or distance from a pharmacy.

46 § 4. This act shall take effect immediately; provided, however, that
47 sections two and three of this act shall be deemed to have been in full
48 force and effect on and after April 1, 2023; provided, further, that the
49 amendments to section 364-j of the social services law made by section
50 two of this act shall not affect the repeal of such section and shall be
51 deemed repealed therewith.

1 Section 1. Subdivision 1 and paragraph (d) of subdivision 2 of section
2 2808-e of the public health law, as added by section 1 of part MM of
3 chapter 57 of the laws of 2021, are amended to read as follows:

4 1. Notwithstanding any law, rule, or regulation to the contrary, the
5 commissioner shall, within amounts appropriated and subject to the
6 availability of federal financial participation, establish a demon-
7 stration program for [~~two~~] four eligible pediatric residential health
8 care facilities, as defined in paragraph (d) of subdivision two of this
9 section, to construct a new facility or repurpose part of an existing
10 facility to operate as a young adult residential health care facility
11 for the purpose of improving the quality of care for young adults with
12 medical fragility.

13 (d) "eligible pediatric residential health care facilities" shall mean
14 pediatric health care facilities that meet the following eligibility
15 criteria for the demonstration program set forth in subdivision one of
16 this section: (i) has over one hundred [~~and sixty~~] twenty licensed
17 pediatric beds; or (ii) is currently licensed for pediatric beds pursu-
18 ant to this article, is co-operated by a system of hospitals licensed
19 pursuant to this article, and such hospitals qualify for funds pursuant
20 to a vital access provider assurance program or a value based payment
21 incentive program, as administered by the department in accordance with
22 all requirements set forth in the state's federal 1115 Medicaid waiver
23 standard terms and conditions.

24 § 2. This act shall take effect immediately and shall be deemed to
25 have been in full force and effect on and after April 1, 2023; provided
26 however that the amendments to section 2808-e of the public health law
27 made by section one of this act shall not affect the repeal of such
28 section and shall be deemed repealed therewith.

29 PART XX

30 Section 1. Subparagraph (vi) of paragraph (b) of subdivision 4 of
31 section 365-h of the social services law, as added by section 2 of part
32 LL of chapter 56 of the laws of 2020, is amended to read as follows:

33 (vi) [~~Responsibility~~] The broker authorized under this paragraph shall
34 not have responsibility for transportation services provided or arranged
35 for enrollees of managed long term care plans issued certificates of
36 authority under section forty-four hundred three-f of the public health
37 law, [~~not including~~] nor a program designated as a Program of All-Inclu-
38 sive Care for the Elderly (PACE) as authorized by Federal Public law
39 1053-33, subtitle I of title IV of the Balanced Budget Act of 1997[~~r~~
40 ~~and, at the commissioner's discretion, other plans that integrate bene-~~
41 ~~fits for dually eligible Medicare and Medicaid beneficiaries based on a~~
42 ~~demonstration by the plan that inclusion of transportation within the~~
43 ~~benefit package will result in cost efficiencies and quality improve-~~
44 ~~ment, shall be transferred to a transportation management broker that~~
45 ~~has a contract with the commissioner in accordance with this paragraph].~~

46 Providers of adult day health care may elect to, but shall not be
47 required to, use the services of the transportation management broker.

48 § 2. This act shall take effect immediately; provided that the amend-
49 ments to subdivision 4 of section 365-h of the social services law shall
50 be subject to the expiration and reversion of such section pursuant to
51 subdivision (a) of section 40 of part B of chapter 109 of the laws of
52 2010, as amended, and shall be deemed to expire therewith.

53 PART YY

1 Section 1. The Department of Health shall not take any action to
2 disenroll any participant in the Medicaid Health Home program based on
3 the duration of time such participant has been enrolled in the program.
4 If an appropriate health care provider makes a reasonable professional
5 judgment, that health home services are medically necessary and
6 warranted for an individual enrolled in the medical assistance program,
7 established pursuant to title 11 of article 5 of the social services
8 law, such individual shall be eligible to receive health home services;
9 this shall not be deemed to infringe on any other methods to determine
10 eligibility.

11 § 2. This act shall take effect immediately and shall be deemed to
12 have been in full force and effect on and after April 1, 2023.

13

PART ZZ

14 Section 1. The office of mental health, in collaboration with the
15 office of children and family services, shall convene a workgroup of
16 individuals with expertise in suicide prevention for black children and
17 youth.

18 (a) The following members, or their designees, shall participate in
19 the workgroup: (1) the commissioner of the office of mental health; and
20 (2) the commissioner of the office of children and family services.
21 Additional members of the workgroup shall include, but not be limited
22 to: physicians, nurses, therapists, social workers, and other profes-
23 sionals with experience researching, diagnosing, or treating black chil-
24 dren and youth mental health issues and suicidality; and representatives
25 of suicide prevention organizations that provide support and services to
26 black youth and children and their families.

27 (b) The workgroup's focus shall include, but not be limited to:
28 studying current mental health practices and suicide prevention efforts
29 for black children and youth; identifying best mental health practices
30 to improve the awareness and prevention of suicide for black children
31 and youth; determining potential reasons for the black children and
32 youth suicide rate; and recommending suicide prevention solutions for
33 black children and youth.

34 (c) The workgroup shall convene no later than one hundred twenty days
35 following the effective date of this act.

36 (d) The workgroup shall meet as frequently as its business may require
37 and members of the workgroup shall receive no compensation for their
38 participation.

39 (e) The office of mental health shall prepare a written report summa-
40 rizing opinions and recommendations from the workgroup which includes a
41 list of existing, publicly accessible resources on suicide prevention
42 and awareness in black children and youth. This report shall be submit-
43 ted to the governor, the speaker of the assembly, and the temporary
44 president of the senate no later than two years following the effective
45 date of this act and shall be posted on the office of mental health's
46 website.

47 § 2. The office of mental health, in collaboration with the office of
48 children and family services, shall convene a workgroup of individuals
49 with expertise in suicide prevention for latina children and youth.

50 (a) The following members, or their designees, shall participate in
51 the workgroup: (1) the commissioner of the office of mental health; and
52 (2) the commissioner of the office of children and family services.
53 Additional members of the workgroup shall include, but not be limited
54 to: physicians, nurses, therapists, social workers, and other profes-

1 sionals with experience researching, diagnosing, or treating latina
2 children and youth mental health issues and suicidality; and represen-
3 tatives of suicide prevention organizations that provide support and
4 services to latina children and youth and their families.

5 (b) The workgroup's focus shall include, but not be limited to:
6 studying current mental health practices and suicide prevention efforts
7 for latina children and youth; identifying best mental health practices
8 to improve the awareness and prevention of suicide for latina children
9 and youth; determining potential reasons for the latina children and
10 youth suicide rate; and recommending suicide prevention solutions for
11 latina children and youth.

12 (c) The workgroup shall convene no later than one hundred and twenty
13 days following the effective date of this act.

14 (d) The workgroup shall meet as frequently as its business may require
15 and members of the workgroup shall receive no compensation for their
16 participation.

17 (e) The office of mental health shall prepare a written report summa-
18 rizing opinions and recommendations from the workgroup which includes a
19 list of existing, publicly accessible resources on suicide prevention
20 and awareness in latina children and youth. This report shall be submit-
21 ted to the governor, the speaker of the assembly, and the temporary
22 president of the senate no later than two years following the effective
23 date of this act and shall be posted on the office of mental health's
24 website.

25 § 3. The office of mental health, in collaboration with the office of
26 children and family services, shall convene a workgroup of individuals
27 with expertise in suicide prevention for LGBTQ+ children and youth.

28 (a) The term "LGBTQ+" shall mean lesbian, gay, bisexual, transgender,
29 queer, questioning, intersex, asexual, gender non-conforming and non-bi-
30 nary individuals.

31 (b) The following members, or their designees, shall participate in
32 the workgroup: (1) the commissioner of the office of mental health; and
33 (2) the commissioner of the office of children and family services.
34 Additional members of the workgroup shall include, but not be limited
35 to: physicians, nurses, therapists, social workers, and other profes-
36 sionals with experience researching, diagnosing, or treating LGBTQ+
37 children and youth mental health issues and suicidality; and represen-
38 tatives of suicide prevention organizations that provide support and
39 services to LGBTQ+ children and youth and their families.

40 (c) The workgroup's focus shall include, but not be limited to:
41 studying current mental health practices and suicide prevention efforts
42 for LGBTQ+ children and youth; identifying best mental health practices
43 to improve the awareness and prevention of suicide for LGBTQ+ children
44 and youth; determining potential reasons for the LGBTQ+ children and
45 youth suicide rate; and recommending suicide prevention solutions for
46 LGBTQ+ children and youth.

47 (d) The workgroup shall convene no later than one hundred twenty days
48 following the effective date of this act.

49 (e) The workgroup shall meet as frequently as its business may require
50 and members of the workgroup shall receive no compensation for their
51 participation.

52 (f) The office of mental health shall prepare a written report summa-
53 rizing opinions and recommendations from the workgroup which includes a
54 list of existing, publicly accessible resources on suicide prevention
55 and awareness in LGBTQ+ children and youth. This report shall be submit-
56 ted to the governor, the speaker of the assembly, and the temporary

1 president of the senate no later than two years following the effective
2 date of this act and shall be posted on the office of mental health's
3 website.

4 § 4. This act shall take effect immediately; and shall expire and be
5 deemed repealed after the required reports have been submitted to the
6 governor, the speaker of the assembly, and the temporary president of
7 the senate; provided that the office of mental health shall notify the
8 legislative bill drafting commission upon the submission of such reports
9 provided for in sections one, two and three of this act in order that
10 the commission may maintain an accurate and timely effective data base
11 of the official text of the laws of the state of New York in furtherance
12 of effectuating the provisions of section 44 of the legislative law and
13 section 70-b of the public officers law.

14 PART AAA

15 Section 1. Subdivision 2 of section 4900 of the public health law, as
16 amended by chapter 586 of the laws of 1998, item (B) of subparagraph
17 (ii) of paragraph (a) as amended by chapter 41 of the laws of 2014,
18 subparagraph (iii) of paragraph (a) as amended by section 42 of subpart
19 A of part BB of chapter 57 of the laws of 2019 and subparagraph (iv) of
20 paragraph (a) and paragraph (b) as amended and subparagraph (v) of para-
21 graph (a) as added by chapter 816 of the laws of 2022, is amended to
22 read as follows:

23 2. "Clinical peer reviewer" means:

24 (a) ~~[for purposes of title one of this article.~~

25 ~~(i) a physician who possesses a current and valid non-restricted~~
26 ~~license to practice medicine; or~~

27 ~~(ii) a health care professional other than a licensed physician who.~~

28 ~~(A) where applicable, possesses a current and valid non-restricted~~
29 ~~license, certificate or registration or, where no provision for a~~
30 ~~license, certificate or registration exists, is credentialed by the~~
31 ~~national accrediting body appropriate to the profession; and~~

32 ~~(B) is in the same profession and same or similar specialty as the~~
33 ~~health care provider who typically manages the medical condition or~~
34 ~~disease or provides the health care service or treatment under review;~~
35 ~~or~~

36 ~~(iii) for purposes of a determination involving substance use disorder~~
37 ~~treatment.~~

38 ~~(A) a physician who possesses a current and valid non-restricted~~
39 ~~license to practice medicine and who specializes in behavioral health~~
40 ~~and has experience in the delivery of substance use disorder courses of~~
41 ~~treatment; or~~

42 ~~(B) a health care professional other than a licensed physician who~~
43 ~~specializes in behavioral health and has experience in the delivery of~~
44 ~~substance use disorder courses of treatment and, where applicable,~~
45 ~~possesses a current and valid non-restricted license, certificate or~~
46 ~~registration or, where no provision for a license, certificate or regis-~~
47 ~~tration exists, is credentialed by the national accrediting body appro-~~
48 ~~priate to the profession; or~~

49 ~~(iv) for purposes of a determination involving treatment for a mental~~
50 ~~health condition.~~

51 ~~(A) a physician who possesses a current and valid non-restricted~~
52 ~~license to practice medicine and who specializes in behavioral health~~
53 ~~and has experience in the delivery of mental health courses of treat-~~
54 ~~ment; or~~

~~(B) a health care professional other than a licensed physician who specializes in behavioral health and has experience in the delivery of a mental health courses of treatment and, where applicable, possesses a current and valid non-restricted license, certificate, or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; or~~

~~(v) for purposes of a determination involving treatment of a medically fragile child;~~

~~(A) a physician who possesses a current and valid non-restricted license to practice medicine and who is board certified or board eligible in pediatric rehabilitation, pediatric critical care, or neonatology; or~~

~~(B) a physician who possesses a current and valid non-restricted license to practice medicine and is board certified in a pediatric subspecialty directly relevant to the patient's medical condition; and~~

~~(b) for purposes of title two of this article.~~

~~(i)] a physician who:~~

~~[(A)] (i) possesses a current and valid non-restricted license to practice medicine under article one hundred thirty-one of the education law;~~

~~[(B)] (ii) where applicable, is board certified or board eligible in the same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review or appeal;~~

~~[(C)] (iii) has been practicing in such area of specialty for a period of at least five years; and~~

~~[(D)] (iv) is knowledgeable about the health care service or treatment under review or appeal; or~~

~~[(ii)] (b) a health care professional other than a licensed physician who possesses a current and valid non-restricted license or certification under title eight of the education law:~~

~~[(A)] (i) where applicable, possesses a current and valid non-restricted license, certificate or registration;~~

~~[(B)] (ii) where applicable, is credentialed by the national accrediting body appropriate to the profession in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review or appeal;~~

~~[(C)] (iii) has been practicing in such area of specialty for a period of at least five years;~~

~~[(D)] (iv) is knowledgeable about the health care service or treatment under review or appeal; and~~

~~[(E)] (v) for purposes of a determination involving substance use disorder, specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment and, where applicable, possesses a current and valid non-restricted license, certificate or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession;~~

~~(vi) for purposes of a determination involving treatment for a mental health condition, specializes in behavioral health and has experience in the delivery of mental health courses of treatment and, where applicable, possesses a current and valid non-restricted license, certificate, or registration or, where no provision for a license, certificate or~~

1 registration exists, is credentialed by the national accrediting body
 2 appropriate to the profession; and

3 (vii) where applicable to such health care professional's scope of
 4 practice, is clinically supported by a physician who possesses a current
 5 and valid non-restricted license to practice medicine; or

6 [~~(iii)~~] (viii) for purposes of a determination involving treatment of
 7 a medically fragile child:

8 (A) a physician who possesses a current and valid non-restricted
 9 license to practice medicine and who is board certified or board eligi-
 10 ble in pediatric rehabilitation, pediatric critical care, or neonatolo-
 11 gy, or

12 (B) a physician who possesses a current and valid non-restricted
 13 license to practice medicine and is board certified in a pediatric
 14 subspecialty directly relevant to the patient's medical condition.

15 [~~(e)~~] Nothing [~~herein~~] in this subdivision shall be construed to
 16 change any statutorily-defined scope of practice.

17 § 2. Subsection (b) of section 4900 of the insurance law, as amended
 18 by chapter 586 of the laws of 1998, item (ii) of subparagraph (B) of
 19 paragraph 1 as amended by chapter 41 of the laws of 2014, subparagraph
 20 (C) of paragraph 1 as amended by section 36 of subpart A of part BB of
 21 chapter 57 of the laws of 2019 and subparagraph (D) of paragraph 1 and
 22 paragraph 2 as amended and subparagraph (E) of paragraph 1 as added by
 23 chapter 816 of the laws of 2022, is amended to read as follows:

24 (b) "Clinical peer reviewer" means:

25 (1) [~~for purposes of title one of this article.~~

26 ~~(A) a physician who possesses a current and valid non-restricted~~
 27 ~~license to practice medicine; or~~

28 ~~(B) a health care professional other than a licensed physician who.~~

29 ~~(i) where applicable, possesses a current and valid non-restricted~~
 30 ~~license, certificate or registration or, where no provision for a~~
 31 ~~license, certificate or registration exists, is credentialed by the~~
 32 ~~national accrediting body appropriate to the profession; and~~

33 ~~(ii) is in the same profession and same or similar specialty as the~~
 34 ~~health care provider who typically manages the medical condition or~~
 35 ~~disease or provides the health care service or treatment under review;~~
 36 ~~or~~

37 ~~(C) for purposes of a determination involving substance use disorder~~
 38 ~~treatment;~~

39 ~~(i) a physician who possesses a current and valid non-restricted~~
 40 ~~license to practice medicine and who specializes in behavioral health~~
 41 ~~and has experience in the delivery of substance use disorder courses of~~
 42 ~~treatment; or~~

43 ~~(ii) a health care professional other than a licensed physician who~~
 44 ~~specializes in behavioral health and has experience in the delivery of~~
 45 ~~substance use disorder courses of treatment and, where applicable,~~
 46 ~~possesses a current and valid non-restricted license, certificate or~~
 47 ~~registration or, where no provision for a license, certificate or regis-~~
 48 ~~tration exists, is credentialed by the national accrediting body appro-~~
 49 ~~priate to the profession; or~~

50 ~~(D) for purposes of a determination involving treatment for a mental~~
 51 ~~health condition;~~

52 ~~(i) a physician who possesses a current and valid non-restricted~~
 53 ~~license to practice medicine and who specializes in behavioral health~~
 54 ~~and has experience in the delivery of mental health courses of treat-~~
 55 ~~ment; or~~

~~(ii) a health care professional other than a licensed physician who specializes in behavioral health and has experience in the delivery of mental health courses of treatment and, where applicable, possesses a current and valid non-restricted license, certificate, or registration or, where no provision for a license, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession; or~~

~~(E) for purposes of a determination involving treatment of a medically fragile child;~~

~~(i) a physician who possesses a current and valid non-restricted license to practice medicine and who is board certified or board eligible in pediatric rehabilitation, pediatric critical care, or neonatology; or~~

~~(ii) a physician who possesses a current and valid non-restricted license to practice medicine and is board certified in a pediatric subspecialty directly relevant to the patient's medical condition; and~~

~~(2) for purposes of title two of this article.~~

~~(A)] a physician who:~~

~~[(i)] (A) possesses a current and valid non-restricted license to practice medicine under article one hundred thirty-one of the education law;~~

~~[(ii)] (B) where applicable, is board certified or board eligible in the same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review or appeal;~~

~~[(iii)] (C) has been practicing in such area of specialty for a period of at least five years; and~~

~~[(iv)] (D) for purposes of a determination involving substance use disorder treatment, possesses a current and valid non-restricted license to practice medicine and who specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment;~~

~~(E) for purposes of a determination involving treatment for a mental health condition, possesses a current and valid non-restricted license to practice medicine and who specializes in behavioral health and has experience in the delivery of mental health courses of treatment; and~~

~~(F) is knowledgeable about the health care service or treatment under review or appeal; or~~

~~[(B)] (2) a health care professional other than a licensed physician who possesses a current and valid non-restricted license or certification under title eight of the education law:~~

~~[(i)] (A) where applicable, possesses a current and valid non-restricted license, certificate or registration;~~

~~[(ii)] (B) where applicable, is credentialed by the national accrediting body appropriate to the profession in the same profession and same or similar specialty as the health care provider who typically manages the medical condition or disease or provides the health care service or treatment under review or appeal;~~

~~[(iii)] (C) has been practicing in such area of specialty for a period of at least five years;~~

~~[(iv)] (D) for purposes of a determination involving substance use disorder treatment, specializes in behavioral health and has experience in the delivery of substance use disorder courses of treatment and, where applicable, possesses a current and valid non-restricted license, certificate or registration or, where no provision for a license,~~

1 certificate or registration exists, is credentialed by the national
2 accrediting body appropriate to the profession;

3 (E) for purposes of a determination involving treatment for a mental
4 health condition, specializes in behavioral health and has experience in
5 the delivery of mental health courses of treatment and, where applica-
6 ble, possesses a current and valid non-restricted license, certificate,
7 or registration or, where no provision for a license, certificate or
8 registration exists, is credentialed by the national accrediting body
9 appropriate to the profession;

10 (F) is knowledgeable about the health care service or treatment under
11 review or appeal; and

12 [~~(v)~~] (G) where applicable to such health care professional's scope of
13 practice, is clinically supported by a physician who possesses a current
14 and valid non-restricted license to practice medicine; or

15 [~~(c)~~] (H) for purposes of a determination involving treatment of a
16 medically fragile child:

17 (i) a physician who possesses a current and valid non-restricted
18 license to practice medicine and who is board certified or board eligi-
19 ble in pediatric rehabilitation, pediatric critical care, or neonatolo-
20 gy; or

21 (ii) a physician who possesses a current and valid non-restricted
22 license to practice medicine and is board certified in a pediatric
23 subspecialty directly relevant to the patient's medical condition.

24 [~~(3)~~] Nothing [~~herein~~] in this subsection shall be construed to change
25 any statutorily-defined scope of practice.

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

28 PART BBB

29 Section 1. Short title. This act shall be known and may be cited as
30 the "reproductive freedom and equity grant program".

31 § 2. Legislative findings. The legislature finds:

32 1. Abortion is essential health care and integral to the overall
33 health and wellbeing of individuals.

34 2. In 1970, New York legalized abortion, three years prior to the
35 Supreme Court decision in Roe v. Wade, which enumerated a constitutional
36 right to abortion care.

37 3. On January 22, 2019, the 46th anniversary of the Supreme Court
38 decision Roe v. Wade, New York modernized our state law to be consistent
39 with the holdings of Roe v. Wade, articulating in that every individual
40 has a fundamental right to abortion.

41 4. Despite a state right to abortion care, barriers exist that chal-
42 lenge an individual's ability to exercise their right to care.

43 5. Individuals seeking abortion care can often experience obstacles to
44 obtaining an abortion, whether that is an inability to afford the cost
45 of care, the distance one must travel, the costs associated with travel
46 including transportation needs, childcare, lodging, lost wages and more.

47 6. Barriers to care are often intensified for immigrants, young
48 people, people with disabilities and those living in rural areas.

49 7. The United States Supreme Court overturned Roe v. Wade on June 24,
50 2022, significantly impacting access to care across the country for
51 millions.

52 8. It is estimated that in the wake of state bans on abortion across
53 the country, New York would be the nearest provider of care for 190,000
54 to 280,000 more women of reproductive age.

1 9. Abortion funds, abortion providers, and other community-based
2 organizations have provided essential support to individuals facing
3 practical support needs. These entities assist individuals seeking
4 abortion care including those living in New York, those traveling to New
5 York and those who must travel outside of New York for care.

6 10. With no direct and sustained state investment, safety-net abortion
7 providers and abortion funds predominately rely on philanthropic giving
8 to address unmet needs of abortion patients, challenging their ability
9 to meet present need, or any future increase demand for care.

10 11. New York has a proud legacy of protecting and expanding access to
11 comprehensive reproductive and sexual health care services, including
12 abortion.

13 12. In furtherance of that legacy, it is incumbent upon the state to
14 adopt bold and innovative programs and policies that protect and advance
15 reproductive freedom.

16 § 3. Article 25-A of the public health law is amended by adding a new
17 section 2599-bb-1 to read as follows:

18 § 2599-bb-1. Reproductive freedom and equity grant program. 1. As used
19 in this section, the following terms shall have the following meanings:

20 (a) "Abortion" shall mean the termination of pregnancy pursuant to
21 section twenty-five hundred ninety-nine-bb of this article.

22 (b) "Medical services" shall mean the range of care related to the
23 provision of abortion.

24 (c) "Practical support" shall mean direct assistance to enable a
25 person to obtain abortion care, including but not limited to ground and
26 air transportation, gas money, lodging, meals, childcare, translation
27 services, and doula support.

28 (d) "Program" shall mean the reproductive freedom and equity grant
29 program.

30 2. There is hereby established in the department a reproductive free-
31 dom and equity grant program to ensure access to abortion care in the
32 state. Such program shall provide funding to abortion providers, govern-
33 ment entities and non-profit organizations whose primary function is to
34 facilitate access to abortion care. The program is designed to provide
35 support to abortion providers to increase access to care, fund uncompen-
36 sated care, and to address the support needs of individuals accessing
37 abortion care. The governor shall include an appropriation in the exec-
38 utive budget or identify funding that can be used to support the
39 program.

40 3. The commissioner is authorized to distribute funds made available
41 for expenditure pursuant to this section. In determining funding for
42 applicants under the grant program, the commissioner shall consider the
43 following criteria and goals:

44 (a) Increase access to care by growing the capacity of abortion
45 providers to meet present and future care needs. Funds shall be awarded
46 to support the recruitment and retention of staff, patient navigators,
47 staff training, the establishment of new or renovation of existing
48 health centers, investments in technology to facilitate care, security
49 enhancements, and other operational needs that reflect the intention of
50 increasing access to abortion care.

51 (b) Fund uncompensated care, to ensure the affordability of and access
52 to care for anyone who seeks care in the state, regardless of their
53 ability to pay for care. Funds shall be awarded to abortion providers,
54 government entities and non-profit entities to support uncompensated
55 costs of the medical services associated with abortion care for individ-

1 uals who lack insurance coverage, are underinsured, or whose insurance
 2 is deemed unusable by the rendering provider.

3 (c) Address practical support needs of individuals accessing abortion
 4 care. Funds shall be awarded to non-profit entities providing practical
 5 support to individuals within and traveling to the state.

6 4. In establishing and operating the program, the department shall
 7 consult a range of experts including but not limited to individuals and
 8 entities providing abortion care, abortion funds and other organizations
 9 whose mission is to expand access to abortion care, to ensure the
 10 program structure and expenditures are reflective of the needs of
 11 abortion providers, abortion funds and consumers. The department shall
 12 promulgate regulations necessary for implementation of the program.

13 5. The department shall not request, promulgate regulations to, or
 14 otherwise require, any abortion provider or non-profit organization
 15 receiving monies from the program to divulge the name, address, photo-
 16 graph, license number, email address, phone number, or any other
 17 personally identifying information of any patient, or individual who
 18 sought or received practical support from such provider or organization,
 19 in conjunction with the funding provided pursuant to this section.

20 6. Any non-profit organization or provider receiving funds from the
 21 program shall take all necessary steps to ensure the confidentiality of
 22 the individuals receiving services pursuant to state and federal laws.

23 § 4. Severability clause. If any clause, sentence, paragraph, section
 24 or part of this act shall be adjudged by any court of competent juris-
 25 diction to be invalid and after exhaustion of all further judicial
 26 review, the judgment shall not affect, impair, or invalidate the remain-
 27 der thereof, but shall be confined in its operation to the clause,
 28 sentence, paragraph, section or part of this act directly involved in
 29 the controversy in which the judgment shall have been rendered.

30 § 5. This act shall take effect on the one hundred eightieth day after
 31 it shall have become a law. Effective immediately, the addition, amend-
 32 ment and/or repeal of any rule or regulation necessary for the implemen-
 33 tation of this act on its effective date are authorized to be made and
 34 completed on or before such effective date.

35 PART CCC

36 Section 1. Paragraph (g) of subdivision 2 of section 2807 of the
 37 public health law is amended by adding a new subparagraph (iii) to read
 38 as follows:

39 (iii) (A) As used in this subparagraph, the following terms shall have
 40 the following meanings:

41 (1) "Child with medical fragility" shall mean an individual who is
 42 under twenty-one years of age and has a chronic debilitating condition
 43 or conditions, who may or may not be hospitalized or institutionalized,
 44 and meets one or more of the following criteria: (I) is technology-de-
 45 pendent for life or health sustaining functions, (II) requires complex
 46 medication regimens or medical interventions to maintain or to improve
 47 their health status, or (III) is in need of ongoing assessment or inter-
 48 vention to prevent serious deterioration of their health status or
 49 medical complications that place their life, health or development at
 50 risk.

51 (2) "Pediatric residential health care facility" shall mean a free-
 52 standing facility or discrete unit within a facility authorized by the
 53 commissioner to provide extensive nursing, medical, psychological, and
 54 counseling support services solely to children.

1 (3) "Pediatric diagnostic and treatment center" shall mean a diagnos-
2 tic and treatment center established pursuant to this article that
3 provides services to children with medical fragility and is affiliated
4 with a pediatric residential health care facility.

5 (B) (1) Notwithstanding any law, rule, or regulation to the contrary,
6 the commissioner shall establish rates of reimbursement for pediatric
7 diagnostic and treatment centers for all services provided on or after
8 April first, two thousand twenty-three, to children eligible for medical
9 assistance that reflect the costs necessary to provide care and services
10 to children with medical fragility being treated at such pediatric diag-
11 nostic and treatment center.

12 (2) For the period April first, two thousand twenty-three, to December
13 thirty-first, two thousand twenty-three, and until such time as a certi-
14 fied annual cost report for such period is received and verified by the
15 department, the operating component of the rate shall reflect budgeted
16 costs for the period January first, two thousand twenty-three, through
17 December thirty-first, two thousand twenty-three, as submitted to the
18 department and adjusted as the commissioner deems appropriate. Upon
19 submission and subsequent verification of the cost report, the operating
20 component of the rate shall reflect actual costs for the period January
21 first, two thousand twenty-three, through December thirty-first, two
22 thousand twenty-three, subject to further adjustments as the commis-
23 sioner deems appropriate. Thereafter, the base period reported operating
24 costs used to establish rates pursuant to this paragraph shall be
25 updated no less frequently than every two years. In addition to required
26 annual cost reports, pediatric diagnostic and treatment centers shall
27 submit additional data as the commissioner requires.

28 (3) Notwithstanding any law, rule or regulation to the contrary,
29 pediatric diagnostic and treatment centers shall be reimbursed for
30 services provided to children enrolled in Medicaid managed care plans at
31 the rates of reimbursement promulgated pursuant to item two of this
32 clause.

33 (4) The capital component of the rate shall reflect actual base year
34 costs.

35 (5) The commissioner may promulgate or amend regulations as the
36 commissioner determines appropriate and necessary to establish the rates
37 provided for in items two, three, and four of this clause and/or to
38 provide for the exemption of pediatric diagnostic and treatment centers
39 from the ambulatory payment group reimbursement methodology applicable
40 to diagnostic and treatment centers.

41 § 2. This act shall take effect April 1, 2023.

42 PART DDD

43 Section 1. The public health law is amended by adding a new section
44 4003 to read as follows:

45 § 4003. Director of hospice and palliative care access and quality. 1.
46 The office of hospice and palliative care access and quality is hereby
47 created within the department. The commissioner shall appoint a director
48 of the office and may employ such assistants and personnel as are neces-
49 sary to carry out the provisions of this article.

50 2. The office shall have the following powers and duties:

51 (a) to provide expertise and input on hospice and palliative care
52 policy development and regulation;

1 (b) to ensure hospice and palliative care providers, workers, and
2 patients are considered when new policy or regulatory changes are
3 contemplated, developed or implemented;

4 (c) to develop recommendations to improve patient care for individuals
5 with chronic or life-limiting illnesses;

6 (d) to facilitate communication between the department and hospice and
7 palliative care providers;

8 (e) to raise awareness and access to hospice and palliative care
9 services;

10 (f) to identify and eliminate barriers to such services;

11 (g) to support models of care and service delivery that would assist
12 in increasing utilization of hospice and palliative care services;

13 (h) to work to develop and promote innovative health care delivery
14 models for hospice and palliative care services;

15 (i) to establish and monitor quality and utilization metrics to
16 promote increased access to high-quality end-of-life care;

17 (j) to support community-wide efforts to promote advance care plan-
18 ning;

19 (k) to work in collaboration with the state palliative care education
20 and training council, centers for palliative care excellence, and palli-
21 ative care practitioner resource centers, to assist in providing educa-
22 tion on hospice and palliative care to state, regional, and local
23 personnel;

24 (l) to ensure equitable access to hospice and palliative care services
25 by underrepresented communities across New York state.

26 3. The commissioner, in conjunction with the director appointed pursu-
27 ant to this section, shall prepare and submit a report to the governor,
28 the temporary president of the senate and the speaker of the assembly,
29 and post such report on the department's website, by no later than two
30 years following the effective date of this act and annually thereafter,
31 outlining the activities of the office established pursuant to this
32 section, and recommendations on matters within the scope of the direc-
33 tor's duties as set forth in this section.

34 § 2. This act shall take effect on the one hundred eightieth day after
35 it shall have become a law. Effective immediately, the addition, amend-
36 ment and/or repeal of any rule or regulation necessary for the implemen-
37 tation of this act on its effective date are authorized to be made and
38 completed on or before such effective date.

39 PART EEE

40 Section 1. The commissioner of mental health shall establish a mater-
41 nal mental health workgroup (referred to in this section as the "work-
42 group") within the office of mental health. The workgroup shall consist
43 of, at the minimum, the commissioner of mental health or his, her or
44 their designee, the commissioner of the office of children and family
45 services or his, her or their designee; the commissioner of the depart-
46 ment of health or his, her or their designee; representatives from
47 statewide mental health organizations; representatives from maternal
48 health care provider organizations; representatives from health care
49 provider organizations; representatives from the health insurance indus-
50 try; and any additional stakeholders that the commissioners deem neces-
51 sary. At least one-third of the members shall be from historically
52 underrepresented communities that are disproportionately impacted by the
53 underdiagnoses of maternal mental health disorders.

1 § 2. Workgroup members shall receive no compensation for their
2 services as members of the workgroup, but shall be reimbursed for their
3 actual expenses incurred in the performance of their duties on the work
4 group. Reimbursement shall allow for historically underrepresented
5 communities to participate wholly in the performance of their duties on
6 the workgroup by providing, if necessary, reimbursements for reasonable
7 expenses incurred that may include, but not be limited to, childcare,
8 travel, meals and lodging.

9 § 3. It shall be the duty of the workgroup to study and issue recom-
10 mendations related to maternal mental health and perinatal and postpar-
11 tum mood and anxiety disorders. The workgroup shall:

12 a. identify underrepresented and vulnerable populations and risk
13 factors in the state for maternal mental health disorders that may occur
14 during pregnancy and through the first postpartum year;

15 b. identify and recommend effective, culturally competent, and acces-
16 sible prevention screening and identification and treatment strategies,
17 including public education and workplace awareness, provider education
18 and training, and social support services;

19 c. identify successful postpartum mental health initiatives in other
20 states and recommend programs, tools, strategies, and funding sources
21 that are needed to implement similar initiatives in the state;

22 d. identify and recommend evidence-based practices for health care
23 providers and public health systems;

24 e. identify and recommend private and public funding models;

25 f. make recommendations on legislation, policy initiatives, funding
26 requirements and budgetary priorities to address maternal mental health
27 needs in the state;

28 g. any other relevant issues identified by the workgroup; and

29 h. submit a final report containing all findings and recommendations
30 to the governor, the temporary president of the senate, the speaker of
31 the assembly, the commissioner of mental health, the commissioner of the
32 office of children and family services, the commissioner of the depart-
33 ment of health, the minority leader of the senate and the minority lead-
34 er of the assembly on or before December 31, 2023.

35 § 4. This act shall take effect immediately and shall expire two years
36 after such effective date when upon such date the provisions of this act
37 shall be deemed repealed.

38 PART FFF

39 Section 1. The public health law is amended by adding a new section
40 3615-a to read as follows:

41 § 3615-a. State aid to certain certified home health agencies and
42 hospice programs. 1. Disparities in health and in access to care
43 provided by certified home health agencies and hospice programs. The
44 commissioner shall make available, subject to appropriations, funds to
45 be used by certified home health agencies and hospice programs to
46 increase certified home health agency and hospice services in areas of
47 the state deemed by the commissioner as underserved or hard to serve.

48 2. Such funds shall be made available to certified home health agen-
49 cies and hospices which are determined to be able to service the desig-
50 ated areas, and are eligible and approved by the commissioner pursuant
51 to the provisions of this section.

52 3. To be considered eligible for receipt of funds pursuant to this
53 section, a certified home health agency or hospice shall submit an

1 application to the department. Such application shall demonstrate, to
2 the satisfaction of the commissioner, that the agency:

3 (a) received a certificate of approval pursuant to the provisions of
4 section thirty-six hundred eight of this article or section four thou-
5 sand eight of this chapter for at least two years prior to the date of
6 the application and that such certificate has not been revoked or
7 annulled subsequent to its receipt and is not limited as of the time of
8 the application;

9 (b) shall utilize such funds to maintain or increase certified home
10 health agencies and hospice services to persons who seek such services
11 in an area which have been designated by the commissioner as underserved
12 or hard to serve;

13 (c) shall undertake reasonable efforts to maintain financial support
14 from public and community contributed funding sources; and

15 (d) demonstrates a longstanding service commitment to the underserved
16 or hard to serve areas for which funds would be applied.

17 4. The commissioner is authorized to promulgate or adopt any rules or
18 regulations necessary for the implementation this section.

19 § 2. This act shall take effect immediately.

20 PART GGG

21 Section 1. Subdivision 18 of section 364-j of the social services law
22 is amended by adding a new paragraph (c-1) to read as follows:

23 (c-1) In setting such reimbursement, the commissioner of health shall
24 establish a quality incentive program for managed care providers that is
25 distributed based on managed care providers' performance in meeting
26 quality objectives, which shall be set by the commissioner in advance of
27 the period during which quality is measured. Such quality incentive
28 program shall be funded at a level of at least one percent of the total
29 annual premium paid to managed care providers, or seventy million
30 dollars, whichever is greater. In establishing the manner in which to
31 measure quality and distribute quality incentive program funds, the
32 commissioner of health shall establish a methodology that provides the
33 greatest level of funding to managed care providers receiving the high-
34 est quality scores and shall consult with representatives of managed
35 care providers and other key stakeholders.

36 § 2. Subdivision 8 of section 4403-f of the public health law, as
37 amended by section 21 of part B of chapter 59 of the laws of 2016, is
38 amended to read as follows:

39 8. Payment rates for managed long term care plan enrollees eligible
40 for medical assistance. The commissioner shall establish payment rates
41 for services provided to enrollees eligible under title XIX of the
42 federal social security act. Such payment rates shall be subject to
43 approval by the director of the division of the budget and shall reflect
44 savings to both state and local governments when compared to costs which
45 would be incurred by such program if enrollees were to receive compara-
46 ble health and long term care services on a fee-for-service basis in the
47 geographic region in which such services are proposed to be provided.
48 Payment rates shall be risk-adjusted to take into account the character-
49 istics of enrollees, or proposed enrollees, including, but not limited
50 to: frailty, disability level, health and functional status, age,
51 gender, the nature of services provided to such enrollees, and other
52 factors as determined by the commissioner. The risk adjusted premiums
53 may also be combined with disincentives or requirements designed to
54 mitigate any incentives to obtain higher payment categories. In setting

1 such payment rates, the commissioner shall consider costs borne by the
2 managed care program to ensure actuarially sound and adequate rates of
3 payment to ensure quality of care shall comply with all applicable laws
4 and regulations, state and federal, including regulations as to actuari-
5 al soundness for medicaid managed care. In setting such reimbursement,
6 the commissioner shall establish a quality incentive program for managed
7 long term care plans that shall be distributed based on such plans'
8 performance in meeting quality objectives, which shall be set by the
9 commissioner in advance of the period during which quality is measured.
10 Such quality incentive program shall be funded at a level of at least
11 one percent of the total annual premium paid to managed long term care
12 plans. In establishing the manner in which to measure quality and
13 distribute quality incentive program funds, the commissioner shall
14 establish a methodology that provides the greatest level of funding to
15 managed long term care plans receiving the highest quality scores and
16 shall consult with representatives of managed long term care plans and
17 other key stakeholders.

18 § 3. This act shall take effect on the first of January next succeed-
19 ing the date upon which it shall have become a law; provided, however,
20 that the amendments to section 364-j of the social services law and
21 section 4403-f of the public health law made by sections one and two of
22 this act shall not affect the repeal of such sections and shall be
23 deemed repealed therewith.

24 PART HHH

25 Section 1. The office of mental health, in collaboration with the
26 office of addiction services and supports, shall establish the Daniel's
27 Law task force, consisting of individuals with expertise in non-police,
28 trauma-informed, community-led responses to mental health, alcohol use
29 or substance use crises, as well as individuals affected by police
30 responses to mental health, alcohol use or substance use crises.

31 (a) The Daniel's Law task force shall consist of the following
32 members, or their designees: (1) the commissioner of mental health; and
33 (2) the commissioner of addiction services and supports. Additional
34 members of the task force shall include, but not be limited to: physi-
35 cians, nurses, and other healthcare professionals with experience
36 researching, diagnosing or treating mental health, alcohol use, or
37 substance use; individuals with lived mental health and/or alcohol use
38 or substance use disorder experience, who have experience navigating
39 systems such as the healthcare, mental health, judicial, criminal
40 justice, housing, education, and employment systems; individuals with
41 lived experience as the primary caregiver of children/youth with social,
42 emotional, behavioral, mental health or alcohol use or substance use
43 disorders, who have experience navigating systems such as the health-
44 care, mental health, judicial, criminal justice, housing, education, and
45 employment systems; licensed mental health or addiction clinicians;
46 licensed mental health or addiction counselors; crisis healthcare work-
47 ers; 988 personnel; emergency medical technicians and paramedics; non-
48 governmental organizations that may come into contact with individuals
49 experiencing mental health, alcohol use or substance use crises; and
50 representatives of not-for-profit disability justice organizations.

51 (b) The Daniel's Law task force's focus shall include, but not be
52 limited to: identifying potential operational and financial needs to
53 support a non-police, trauma-informed, community and public health-based
54 response for anyone in the state experiencing a mental health, alcohol

1 use, or substance use crisis; reviewing and recommending programs and
2 systems operating within the state or nationally that could be deployed
3 in the entire state as a model crisis and emergency services system; and
4 identifying potential funding sources for expanding preexisting mental
5 health, alcohol use and substance use crisis response services.

6 (c) The Daniel's Law task force shall convene no later than one
7 hundred twenty days following the effective date of this section and
8 meet as frequently as its business may require, but it shall host at
9 least five statewide town halls, as well as one virtual town hall, prior
10 to and during the implementation of the pilot program to solicit commu-
11 nity feedback.

12 (d) The Daniel's Law task force shall receive no compensation for
13 their participation but shall be reimbursed for expenses actually and
14 necessarily incurred in the performance of their duties.

15 (e) The office of mental health shall prepare a written report summa-
16 rizing opinions and recommendations from the Daniel's Law task force
17 which includes a list of existing, publicly accessible mental health,
18 alcohol use, and substance use crisis response services. The report
19 shall examine the effectiveness of the pilot program established pursu-
20 ant to this act in addressing non-police, trauma-informed, community-led
21 responses to mental health, alcohol use or substance use crises.

22 (f) This report shall be submitted to the governor, speaker of the
23 assembly and temporary president of the senate no later than December
24 31, 2025 and shall be posted on the office of mental health's website.

25 (g) The office of mental health in consultation with the Daniel's Law
26 task force, shall establish the Daniel's Law pilot program for non-pol-
27 ice, trauma-informed, community-led responses to mental health, alcohol
28 use or substance use crises. Awards shall be available to community-
29 based public health-based response programs that utilize crisis response
30 teams for anyone experiencing a mental health, alcohol use or substance
31 use crisis administered by community-based organizations, not-for-pro-
32 fits and/or local governments. The crisis response teams shall comply
33 with the following parameters: (a) the crisis response teams shall
34 receive culturally competent, trauma-informed, training; (b) the crisis
35 response teams shall de-escalate any situation involving individuals
36 experiencing a crisis due to mental health conditions, alcohol use, or
37 substance use and avoid the use of nonconsensual treatment, transport,
38 or force wherever possible; (c) the crisis response teams shall provide
39 the most appropriate treatment to individuals experiencing a mental
40 health, alcohol use or substance use crisis; (d) voluntary assessment
41 and referral of individuals experiencing a mental health, alcohol use or
42 substance use crisis shall be maximized; and (e) the crisis response
43 teams shall effectively respond to all individuals experiencing a mental
44 health, alcohol use or substance use crisis with culturally competent,
45 trauma-informed care. Priority shall be given to programs that involve
46 law enforcement only as a last resort while providing crisis inter-
47 vention services.

48 § 2. This act shall take effect immediately provided, however, that
49 the provisions of section one of this act shall expire and be deemed
50 repealed April 1, 2025.

51 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
52 sion, section or part of this act shall be adjudged by any court of
53 competent jurisdiction to be invalid, such judgment shall not affect,
54 impair, or invalidate the remainder thereof, but shall be confined in
55 its operation to the clause, sentence, paragraph, subdivision, section
56 or part thereof directly involved in the controversy in which such judg-

1 ment shall have been rendered. It is hereby declared to be the intent of
2 the legislature that this act would have been enacted even if such
3 invalid provisions had not been included herein.

4 § 3. This act shall take effect immediately provided, however, that
5 the applicable effective date of Parts A through HHH of this act shall
6 be as specifically set forth in the last section of such Parts.