AN ACT to amend part H of 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 known and projected department of health state fund medicaid expenditures (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 scan-

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

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S. 4007--C                          2                         A. 3007--C
ning 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 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 methodology requirement; and to amend the public health law, in relation to extending the provisions thereof 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 chapter 471 of the laws of 2016 amending the education law and the public health law relating to authorizing certain advanced home health aides to perform certain advanced tasks, in relation to the effectiveness thereof; and to amend part R of chapter 59 of the laws of 2016 amending the public health law and the education law relating to electronic prescriptions, 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 five 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 services and hospital 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 section 5 of part AAA of chapter 56 of the laws of 2022, amending the social services law relating to expanding Medicaid eligibility requirements for seniors and disabled individuals, in relation to the effectiveness of the basic health plan program; 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 and setting performance standards for managed long term care plans; 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; and 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 (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 (Part K); to amend the insurance law and the public health 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 review and oversight of material transactions (Part M); to amend the social services law, in relation to expanding the Medicaid Buy-In program for people with disabilities (Part N); intentionally omitted (Part O); to amend the public health law, in relation to establishing a new statewide health care transformative program; and to amend the public health law, in relation to adding debt retirement, working capital or other non-capital projects to existing health care facility transformation programs (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 and the civil service law, in relation to modernizing the state of New York's emergency medical system and workforce (Part S); to amend the public health law, in relation to lead testing in certain multiple dwellings; 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; and providing for the repeal of certain provisions of the public health law upon expiration thereof (Part T); to amend the general business law, in relation to safeguarding abortion access through data privacy protection (Part U); intentionally omitted (Part V); to amend chapter 471 of the laws of 2016 amending the education law and the public health law relating to authorizing certain advanced home health aides to perform certain advanced tasks, in relation to the effectiveness thereof (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); Intentionally omitted (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; and to direct the superintendent of financial services to develop an assessment offset plan to limit the impact of certain assessments (Subpart D) (Part Y); intentionally omitted (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 extending such provisions thereof (Part AA); to amend the public health law, in relation to adding certain fentanyl analogs to the schedules of controlled substances (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); intentionally omitted (Part FF); 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, in relation to utilization review standards for mental health services (Subpart B); intentionally omitted (Subpart C); intentionally omitted (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 mental hygiene law, in relation to establishing the independent developmental disability ombudsman program (Part KK); to amend the insurance law, in relation to coverage for abortion services (Part LL); to amend the public health law and the insurance law, in relation to the definition of clinical peer reviewer (Part MM); to amend the public health law, in relation to wage adjustments for home care aides; to amend the social services law, in relation to electronic visit certifications; and to repeal certain provisions of the social services law, relating to definitions and to proclaim review for participating providers of medical assistance program services and items (Part NN); to direct the office of mental health to convene a
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 necessary to implement the state health and mental hygiene budget for the 2023-2024 state fiscal year. Each component is wholly contained within a Part identified as Parts A through PP. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a 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 Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Paragraph (a) of subdivision 1 of section 92 of part H of chapter 59 of the laws of 2011, amending the public health law and other laws relating to general hospital reimbursement for annual rates, as amended by section 2 of part H of chapter 57 of the laws of 2022, is amended to read as follows:

(a) For state fiscal years 2011-12 through [2023-24] 2024-25, the director of the budget, in consultation with the commissioner of health referenced as "commissioner" for purposes of this section, shall assess on a quarterly basis, as reflected in quarterly reports pursuant to subdivision five of this section known and projected department of health state funds medicaid expenditures by category of service and by geographic regions, as defined by the commissioner.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2023.

PART B

Section 1. Subdivision 1 of section 20 of 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, as amended by chapter 181 of the laws of 2021, is amended to read as follows:

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

§ 2. Subdivision 6-a of section 93 of part C of chapter 58 of the laws of 2007, amending the social services law and other laws relating to adjustments of rates, as amended by section 2 of part T of chapter 57 of the laws of 2018, is amended to read as follows:
6-a. section fifty-seven of this act shall expire and be deemed repealed [on March 31, 2023] March 31, 2028; provided that the amendments made by such section to subdivision 4 of section 366-c of the social services law shall apply with respect to determining initial and continuing eligibility for medical assistance, including the continued eligibility of recipients originally determined eligible prior to the effective date of this act, and provided further that such amendments shall not apply to any person or group of persons if it is subsequently determined by the Centers for Medicare and Medicaid Services or by a court of competent jurisdiction that medical assistance with federal financial participation is available for the costs of services provided to such person or persons under the provisions of subdivision 4 of section 366-c of the social services law in effect immediately prior to the effective date of this act.

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

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

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

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

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

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

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

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

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that, effective immediately, the addition, amendment, and/or repeal of any rules and regulations necessary to implement the provisions of this act on its effective date are directed to be completed on or before such effective date; and provided further, that this act shall expire and be deemed repealed five years after such effective date January 30, 2029.

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

§ 5. This act shall take effect June 1, 1983 and shall remain in full force and effect until July 1, [2023] 2028.

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

§ 5. This act shall take effect immediately, provided however that the provisions of this act shall remain in full force and effect until July
at which time the provisions of this act shall be deemed to be repealed.

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

(ii) Participation and membership during a three year demonstration period in a physician committee of the Medical Society of the State of New York or the New York State Osteopathic Society whose purpose is to confront and refer to treatment physicians who are thought to be suffering from alcoholism, drug abuse, or mental illness. Such demonstration period shall commence on April first, nineteen hundred eighty and terminate on May thirty-first, nineteen hundred eighty-three. An additional demonstration period shall commence on June first, nineteen hundred eighty-three and terminate on March thirty-first, nineteen hundred eighty-six. An additional demonstration period shall commence on April first, nineteen hundred eighty-six and terminate on March thirty-first, nineteen hundred eighty-nine. An additional demonstration period shall commence on April first, nineteen hundred eighty-nine and terminate on March thirty-first, nineteen hundred ninety-two. An additional demonstration period shall commence on April first, nineteen hundred ninety-two and terminate on March thirty-first, nineteen hundred ninety-five. An additional demonstration period shall commence on April first, nineteen hundred ninety-five and terminate on March thirty-first, two thousand three. An additional demonstration period shall commence on April first, two thousand three and terminate on March thirty-first, two thousand eight. An additional demonstration period shall commence on April first, two thousand eight and terminate on July first, two thousand twenty-three.

provided, however, that the commissioner may prescribe requirements for the continuation of such demonstration program, including periodic reviews of such programs and submission of any reports and data necessary to permit such reviews. During these additional periods, the provisions of this subparagraph shall also apply to a physician committee of a county medical society.

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

§ 4. This act shall take effect immediately; provided, however, that the provisions of paragraph (b) of subdivision 4 of section 409-c of the public health law, as added by section three of this act, shall take effect January 1, 1996 and shall expire and be deemed repealed [twenty-eight years from the effective date thereof] March 31, 2027.

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

(b) Notwithstanding any inconsistent provision of law or regulation to the contrary, for the state fiscal years beginning April first, two thousand ten and ending March thirty-first, two thousand twenty-five, the commissioner shall not be required to revise certified rates of payment established pursuant to this article for rate periods prior to April first, two thousand twenty-five, based on consideration of rate appeals filed by residential health care facili-
ties or based upon adjustments to capital cost reimbursement as a result of approval by the commissioner of an application for construction under section twenty-eight hundred two of this article, in excess of an aggregate annual amount of eighty million dollars for each such state fiscal year provided, however, that for the period April first, two thousand eleven through March thirty-first, two thousand twelve such aggregate annual amount shall be fifty million dollars. In revising such rates within such fiscal limit, the commissioner shall, in prioritizing such rate appeals, include consideration of which facilities the commissioner determines are facing significant financial hardship as well as such other considerations as the commissioner deems appropriate and, further, the commissioner is authorized to enter into agreements with such facilities or any other facility to resolve multiple pending rate appeals based upon a negotiated aggregate amount and may offset such negotiated aggregate amounts against any amounts owed by the facility to the department, including, but not limited to, amounts owed pursuant to section twenty-eight hundred seven-d of this article; provided, however, that the commissioner's authority to negotiate such agreements resolving multiple pending rate appeals as hereinbefore described shall continue on and after April first, two thousand twenty-five. Rate adjustments made pursuant to this paragraph remain fully subject to approval by the director of the budget in accordance with the provisions of subdivision two of section twenty-eight hundred seven of this article.

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

(a) Notwithstanding any inconsistent provision of law or regulation and subject to the availability of federal financial participation, effective April first, two thousand twelve through March thirty-first, two thousand twenty-five, payments by government agencies for services provided by certified home health agencies, except for such services provided to children under eighteen years of age and other discreet groups as may be determined by the commissioner pursuant to regulations, shall be based on episodic payments. In establishing such payments, a statewide base price shall be established for each sixty day episode of care and adjusted by a regional wage index factor and an individual patient case mix index. Such episodic payments may be further adjusted for low utilization cases and to reflect a percentage limitation of the cost for high-utilization cases that exceed outlier thresholds of such payments.

§ 14. Section 4 of 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, as amended by section 2 of part BB of chapter 56 of the laws of 2020, is amended to read as follows:

§ 4. This act shall take effect 120 days after it shall have become a law and shall expire and be deemed repealed March 31, 2023.

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

(e-1) Notwithstanding any inconsistent provision of law or regulation, the commissioner shall provide, in addition to payments established pursuant to this article prior to application of this section, additional payments under the medical assistance program pursuant to title eleven of article five of the social services law for non-state operated...
1 public residential health care facilities, including public residential health care facilities located in the county of Nassau, the county of Westchester and the county of Erie, but excluding public residential health care facilities operated by a town or city within a county, in aggregate annual amounts of up to one hundred fifty million dollars in additional payments for the state fiscal year beginning April first, two thousand six and for the state fiscal year beginning April first, two thousand seven and for the state fiscal year beginning April first, two thousand eight and of up to three hundred million dollars in such aggregate annual additional payments for the state fiscal year beginning April first, two thousand nine, and for the state fiscal year beginning April first, two thousand ten and for the state fiscal years beginning April first, two thousand twelve and of up to five hundred million dollars in such aggregate annual additional payments for the state fiscal years beginning April first, two thousand thirteen, and of up to five hundred million dollars in such aggregate annual additional payments for the state fiscal year beginning April first, two thousand twenty, April first, two thousand twenty-one, and April first, two thousand twenty-two

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

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

§ 17. Section 4 of 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, as amended by
section 5 of part BB of chapter 56 of the laws of 2020, is amended to
read as follows:
§ 4. This act shall take effect immediately; provided that the
provisions of section one of this act shall be deemed to have been in
full force and effect on and after April 1, 2003, and shall expire March
31, [2023] 2026 when upon such date the provisions of such section shall
be deemed repealed.
§ 18. Subdivision (o) of section 111 of 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, as amended by
section 6 of part BB of chapter 56 of the laws of 2020, is amended to
read as follows:
(o) sections thirty-eight and thirty-eight-a of this act shall expire
and be deemed repealed March 31, [2023] 2026;
§ 19. Section 32 of 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, as amended by
section 7 of part BB of chapter 56 of the laws of 2020, is amended to
read as follows:
§ 32. This act shall take effect immediately and shall be deemed to
have been in full force and effect on and after April 1, 2008; provided
however, that sections one, six-a, nineteen, twenty, twenty-four, and
twenty-five of this act shall take effect July 1, 2008; provided however
that sections sixteen, seventeen and eighteen of this act shall expire
April 1, [2023] 2026; provided, however, that the amendments made by
section twenty-eight of this act shall take effect on the same date as
section 1 of chapter 281 of the laws of 2007 takes effect; provided
further, that sections twenty-nine, thirty, and thirty-one of this act
shall take effect October 1, 2008; provided further, that section twen-
ty-seven of this act shall take effect January 1, 2009; and provided
further, that section twenty-seven of this act shall expire and be
deemed repealed March 31, [2023] 2026; and provided, further, however,
that the amendments to subdivision 1 of section 241 of the education law
made by section twenty-nine of this act shall not affect the expiration
of such subdivision and shall be deemed to expire therewith and provided
that the amendments to section 272 of the public health law made by
section thirty of this act shall not affect the repeal of such section
and shall be deemed repealed therewith.
§ 20. Section 228 of chapter 474 of the laws of 1996, amending the
education law and other laws relating to rates for residential health
care facilities, as amended by section 12 of part BB of chapter 56 of
the laws of 2020, is amended to read as follows:
§ 228. 1. Definitions. (a) Regions, for purposes of this section,
shall mean a downstate region to consist of Kings, New York, Richmond,
Queens, Bronx, Nassau and Suffolk counties and an upstate region to
consist of all other New York state counties. A certified home health
agency or long term home health care program shall be located in the
same county utilized by the commissioner of health for the establishment
of rates pursuant to article 36 of the public health law.
(b) Certified home health agency (CHHA) shall mean such term as
defined in section 3602 of the public health law.
(c) Long term home health care program (LTHHCP) shall mean such term
as defined in subdivision 8 of section 3602 of the public health law.
(d) Regional group shall mean all those CHHAs and LTHHCPs, respective-
ly, located within a region.
(e) Medicaid revenue percentage, for purposes of this section, shall
mean CHHA and LTHHCP revenues attributable to services provided to
persons eligible for payments pursuant to title 11 of article 5 of the
social services law divided by such revenues plus CHHA and LTHHCP reven-
ues attributable to services provided to beneficiaries of Title XVIII of
the federal social security act (medicare).
(f) Base period, for purposes of this section, shall mean calendar
year 1995.
(g) Target period. For purposes of this section, the 1996 target peri-
od shall mean August 1, 1996 through March 31, 1997, the 1997 target
period shall mean January 1, 1997 through November 30, 1997, the 1998
target period shall mean January 1, 1998 through November 30, 1998, the
1999 target period shall mean January 1, 1999 through November 30, 1999,
the 2000 target period shall mean January 1, 2000 through November 30,
2000, the 2001 target period shall mean January 1, 2001 through November
30, 2001, the 2002 target period shall mean January 1, 2002 through
November 30, 2002, the 2003 target period shall mean January 1, 2003
through November 30, 2003, the 2004 target period shall mean January 1,
2004 through November 30, 2004, and the 2005 target period shall mean
January 1, 2005 through November 30, 2005, the 2006 target period shall
mean January 1, 2006 through November 30, 2006, and the 2007 target
period shall mean January 1, 2007 through November 30, 2007 and the 2008
target period shall mean January 1, 2008 through November 30, 2008, and
the 2009 target period shall mean January 1, 2009 through November 30,
2009 and the 2010 target period shall mean January 1, 2010 through
November 30, 2010 and the 2011 target period shall mean January 1, 2011
through November 30, 2011 and the 2012 target period shall mean January
1, 2012 through November 30, 2012 and the 2013 target period shall mean
January 1, 2013 through November 30, 2013, and the 2014 target period
shall mean January 1, 2014 through November 30, 2014 and the 2015 target
period shall mean January 1, 2015 through November 30, 2015 and the 2016
target period shall mean January 1, 2016 through November 30, 2016 and
the 2017 target period shall mean January 1, 2017 through November 30,
2017 and the 2018 target period shall mean January 1, 2018 through
November 30, 2018 and the 2019 target period shall mean January 1, 2019
through November 30, 2019 and the 2020 target period shall mean January
1, 2020 through November 30, 2020 and the 2021 target period shall
mean January 1, 2021 through November 30, 2021 and the 2022 target peri-
od shall mean January 1, 2022 through November 30, 2022 and the 2023
target period shall mean January 1, 2023 through November 30, 2023 and
the 2024 target period shall mean January 1, 2024 through November 30,
2024 and the 2025 target period shall mean January 1, 2025 through
November 30, 2025 and the 2026 target period shall mean January 1, 2026
through November 30, 2026 and the 2027 target period shall mean January
1, 2027 through November 30, 2027.
2. (a) Prior to February 1, 1997, for each regional group the commis-
sioner of health shall calculate the 1996 medicaid revenue percentages
for the period commencing August 1, 1996 to the last date for which such
data is available and reasonably accurate.
(b) Prior to February 1, 1998, prior to February 1, 1999, prior to
February 1, 2000, prior to February 1, 2001, prior to February 1, 2002,
prior to February 1, 2003, prior to February 1, 2004, prior to February
1, 2005, prior to February 1, 2006, prior to February 1, 2007, prior to
February 1, 2008, prior to February 1, 2009, prior to February 1, 2010,
prior to February 1, 2011, prior to February 1, 2012, prior to February
1, 2013, prior to February 1, 2014, prior to February 1, 2015, prior to
February 1, 2016, prior to February 1, 2017, prior to February 1, 2018,
prior to February 1, 2019, prior to February 1, 2020, prior to February
1, 2021, prior to February 1, 2022, prior to February 1, 2023,
prior to February 1, 2024, prior to February 1, 2025, prior to February
1, 2026 and prior to February 1, 2027 for each regional group the
commissioner of health shall calculate the prior year's medicaid revenue
percentages for the period commencing January 1 through November 30 of
such prior year.
3. By September 15, 1996, for each regional group the commissioner of
health shall calculate the base period medicaid revenue percentage.
4. (a) For each regional group, the 1996 target medicaid revenue
percentage shall be calculated by subtracting the 1996 medicaid revenue
reduction percentages from the base period medicaid revenue percentages.
The 1996 medicaid revenue reduction percentage, taking into account
regional and program differences in utilization of medicaid and medicare
services, for the following regional groups shall be equal to:
(i) one and one-tenth percentage points for CHHAs located within the
downstate region;
(ii) six-tenths of one percentage point for CHHAs located within the
upstate region;
(iii) one and eight-tenths percentage points for LTHHCPs located within
the downstate region; and
(iv) one and seven-tenths percentage points for LTHHCPs located within
the upstate region.
2020, 2021, 2022, 2023, 2024, 2025, 2026 and 2027 for each
regional group, the target medicaid revenue percentage for the respec-
tive year shall be calculated by subtracting the respective year's medi-
caid revenue reduction percentage from the base period medicaid revenue
percentage. The medicaid revenue reduction percentages for 1997, 1998,
2024, 2025, 2026 and 2027, taking into account regional and
program differences in utilization of medicaid and medicare services,
for the following regional groups shall be equal to for each such year:
(i) one and one-tenth percentage points for CHHAs located within the
downstate region;
(ii) six-tenths of one percentage point for CHHAs located within the
upstate region;
(iii) one and eight-tenths percentage points for LTHHCPs located within
the downstate region; and
(iv) one and seven-tenths percentage points for LTHHCPs located within
the upstate region.
(c) For each regional group, the 1999 target medicaid revenue percent-
age shall be calculated by subtracting the 1999 medicaid revenue
reduction percentage from the base period medicaid revenue percentage.
The 1999 medicaid revenue reduction percentages, taking into account
regional and program differences in utilization of medicaid and medicare
services, for the following regional groups shall be equal to:
(i) eight hundred twenty-five thousandths (.825) of one percentage
point for CHHAs located within the downstate region;
(ii) forty-five hundredths (.45) of one percentage point for CHHAs
located within the upstate region;
(iii) one and thirty-five hundredths percentage points (1.35) for
LTHHCPs located within the downstate region; and
(iv) one and two hundred seventy-five thousandths percentage points (1.275) for LTHHCPs located within the upstate region.

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

   (b) For 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 [and] 2023, 2024, 2025, 2026 and 2027, for each regional group, if the medicaid revenue percentage for the respective year is not equal to or less than the target medicaid revenue percentage for such respective year, the commissioner of health shall compare such respective year's medicaid revenue percentage to such respective year's target medicaid revenue percentage to determine the amount of the shortfall which, when divided by the respective year's medicaid revenue reduction percentage, shall be called the reduction factor for such respective year. These amounts, expressed as a percentage, shall not exceed one hundred percent. If the medicaid revenue percentage for a particular year is equal to or less than the target medicaid revenue percentage for that year, the reduction factor for that year shall be zero.

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

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

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

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

   (iv) five hundred ninety thousand dollars ($590,000) for LTHHCPs located within the upstate region.

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


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

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

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

   (iv) five hundred ninety thousand dollars ($590,000) for LTHHCPs located within the upstate region.
For each regional group reduction, if the reduction factor for a particular year shall be zero, there shall be no state share reduction amount for such year.

(c) For each regional group, the 1999 reduction factor shall be multiplied by the following amounts to determine each regional group's applicable 1999 state share reduction amount:

(i) one million seven hundred ninety-two thousand five hundred dollars ($1,792,500) for CHHAs located within the downstate region;
(ii) five hundred sixty-two thousand five hundred dollars ($562,500) for CHHAs located within the upstate region;
(iii) nine hundred fifty-two thousand five hundred dollars ($952,500) for LTHHCPs located within the downstate region; and
(iv) four hundred forty-two thousand five hundred dollars ($442,500) for LTHHCPs located within the upstate region.

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

7. (a) For each regional group, the 1996 state share reduction amount shall be allocated by the commissioner of health among CHHAs and LTHHCPs on the basis of the extent of each CHHA's and LTHHCP's failure to achieve the 1996 target medicaid revenue percentage, calculated on a provider specific basis utilizing revenues for this purpose, expressed as a proportion of the total of each CHHA's and LTHHCP's failure to achieve the 1996 target medicaid revenue percentage within the applicable regional group. This proportion shall be multiplied by the applicable 1996 state share reduction amount calculation pursuant to paragraph (a) of subdivision 6 of this section. This amount shall be called the 1996 provider specific state share reduction amount.

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

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

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

10. On or about June 1, 1997, for each regional group the commissioner of health shall calculate for the period August 1, 1996 through March 31, 1997 a medicaid revenue percentage, a reduction factor, a state share reduction amount, and a provider specific state share reduction amount in accordance with the methodology provided in paragraph (a) of subdivision 2, paragraph (a) of subdivision 5, paragraph (a) of subdivision 6 and paragraph (a) of subdivision 7 of this section. The provider specific state share reduction amount calculated in accordance with this subdivision shall be compared to the 1996 provider specific state share reduction amount calculated in accordance with paragraph (a) of subdivision 7 of this section. Any amount in excess of the amount determined in accordance with paragraph (a) of subdivision 7 of this section shall be due to the state from each CHHA and LTHHCP and may be recouped in accordance with paragraph (a) of subdivision 8 of this section. If the amount is less than the amount determined in accordance with paragraph (a) of subdivision 7 of this section, the difference shall be refunded to the CHHA and LTHHCP by the state no later than July 15, 1997. CHHAs and LTHHCPs shall submit data for the period August 1, 1996 through March 31, 1997 to the commissioner of health by April 15, 1997.

11. If a CHHA or LTHHCP fails to submit data and information as required for purposes of this section:
   (a) such CHHA or LTHHCP shall be presumed to have no decrease in medicaid revenue percentage between the applicable base period and the applicable target period for purposes of the calculations pursuant to this section; and
   (b) the commissioner of health shall reduce the current rate paid to such CHHA and such LTHHCP by state governmental agencies pursuant to article 36 of the public health law by one percent for a period beginning on the first day of the calendar month following the applicable due date as established by the commissioner of health and continuing until the last day of the calendar month in which the required data and information are submitted.

12. The commissioner of health shall inform in writing the director of the budget and the chair of the senate finance committee and the chair of the assembly ways and means committee of the results of the calculations pursuant to this section.

§ 21. Paragraph (f) of subdivision 1 of section 64 of chapter 81 of the laws of 1995, amending the public health law and other laws relating to medical reimbursement and welfare reform, as amended by section 13 of part BB of chapter 56 of the laws of 2020, is amended to read as follows:
   (f) Prior to February 1, 2001, February 1, 2002, February 1, 2003, February 1, 2004, February 1, 2005, February 1, 2006, February 1, 2007, February 1, 2008, February 1, 2009, February 1, 2010, February 1, 2011, February 1, 2012, February 1, 2013, February 1, 2014, February 1, 2015, February 1, 2016, February 1, 2017, February 1, 2018, February 1, 2019, February 1, 2020, February 1, 2021, February 1, 2022 [and], February 1, 2023, February 1, 2024, February 1, 2025 and February 1, 2026, the commissioner of health shall calculate the result of the statewide total of residential health care facility days of care provided to beneficiaries of title XVIII of the federal social security act (medicare), divided by the sum of such days of care plus days of care provided to...
residents eligible for payments pursuant to title 11 of article 5 of the
social services law minus the number of days provided to residents
receiving hospice care, expressed as a percentage, for the period
commencing January 1, through November 30, of the prior year respective-
ly, based on such data for such period. This value shall be called the
2023, 2024, 2025 and 2026 statewide target percentage respectively.
§ 22. Subparagraph (ii) of paragraph (b) of subdivision 3 of section
64 of chapter 81 of the laws of 1995, amending the public health law and
other laws relating to medical reimbursement and welfare reform, as
amended by section 14 of part BB of chapter 56 of the laws of 2020, is
amended to read as follows:
2019, 2020, 2021, 2022 [and], 2023, 2024, 2025 and 2026 statewide target
percentages are not for each year at least three percentage points high-
er than the statewide base percentage, the commissioner of health shall
determine the percentage by which the statewide target percentage for
each year is not at least three percentage points higher than the state-
wide base percentage. The percentage calculated pursuant to this para-
statewide reduction percentage respectively. If the 1997, 1998, 2000,
2024, 2025 and 2026 statewide target percentage for the respective year
is at least three percentage points higher than the statewide base
percentage, the statewide reduction percentage for the respective year
shall be zero.
§ 23. Subparagraph (iii) of paragraph (b) of subdivision 4 of section
64 of chapter 81 of the laws of 1995, amending the public health law and
other laws relating to medical reimbursement and welfare reform, as
amended by section 15 of part BB of chapter 56 of the laws of 2020, is
amended to read as follows:
2021, 2022 [and], 2023, 2024, 2025 and 2026 statewide reduction percent-
age shall be multiplied by one hundred two million dollars respectively
2020, 2021, 2022 [and], 2023, 2024, 2025 and 2026 statewide aggregate
statewide reduction percentage shall be zero respectively, there shall
2022 [and], 2023, 2024, 2025 and 2026 reduction amount.
§ 24. The opening paragraph of paragraph (e) of subdivision 7 of
section 367-a of the social services law, as amended by section 1 of
part GG of chapter 56 of the laws of 2020, is amended to read as
follows:
During the period from April first, two thousand fifteen through March
thirty-first, two thousand [twenty-three] twenty-six, the commissioner
may, in lieu of a managed care provider or pharmacy benefit manager, negotiate directly and enter into an arrangement with a pharmaceutical manufacturer for the provision of supplemental rebates relating to pharmaceutical utilization by enrollees of managed care providers pursuant to section three hundred sixty-four-j of this title and may also negotiate directly and enter into such an agreement relating to pharmaceutical utilization by medical assistance recipients not so enrolled. Such rebate arrangements shall be limited to the following: antiretrovirals approved by the FDA for the treatment of HIV/AIDS, opioid dependence agents and opioid antagonists listed in a statewide formulary established pursuant to subparagraph (vii) of this paragraph, hepatitis C agents, high cost drugs as provided for in subparagraph (viii) of this paragraph, gene therapies as provided for in subparagraph (ix) of this paragraph, and any other class or drug designated by the commissioner for which the pharmaceutical manufacturer has in effect a rebate arrangement with the federal secretary of health and human services pursuant to 42 U.S.C. § 1396r-8, and for which the state has established standard clinical criteria. No agreement entered into pursuant to this paragraph shall have an initial term or be extended beyond the expiration or repeal of this paragraph.

§ 25. Subdivision 1 of section 60 of part B of chapter 57 of the laws of 2015, amending the social services law and other laws relating to supplemental rebates, as amended by section 8 of part GG of chapter 56 of the laws of 2020, is amended to read as follows:

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

§ 26. Section 8 of 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, is amended to read as follows:

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

§ 27. Subdivision 4-a of section 71 of 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, as amended by section 7 of part MM of chapter 56 of the laws of 2020, is amended to read as follows:

4-a. section twenty-two of this act shall take effect April 1, 2014, and shall be deemed expired January 1, [2024] 2026;
§ 28. Section 4 of 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, as amended by section 1 of item PP of subpart B of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

§ 4. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall remain in full force and effect until July 1, [2023] 2026, provided however, that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the foregoing sections of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

§ 29. Section 11 of 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, as amended by section 1 of part S of chapter 57 of the laws of 2021, is amended to read as follows:

§ 11. This act shall take effect immediately and:
(a) sections one and three shall expire on December 31, 1996,
(b) sections four through ten shall expire on June 30, [2023] 2025, and
(c) provided that the amendment to section 2807-b of the public health law by section two of this act shall not affect the expiration of such section 2807-b as otherwise provided by law and shall be deemed to expire therewith.

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

5-a. Section sixty-four-a of this act shall be deemed to have been in full force and effect on and after April 1, 1995 through March 31, 1999 and on and after April 1, 2000 through March 31, 2000 and on and after April 1, 2000 through March 31, 2003 and on and after April 1, 2003 through March 31, 2007, and on and after April 1, 2007 through March 31, 2009, and on and after April 1, 2009 through March 31, 2011, and on and after April 1, 2011 through March 31, 2013, and on and after April 1, 2013 through March 31, 2015, and on and after April 1, 2015 through March 31, 2017 and on and after April 1, 2017 through March 31, 2019, and on and after April 1, 2019 through March 31, 2021, and on and after April 1, 2021 through March 31, 2023, and on and after April 1, 2023 through March 31, 2025;

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

§ 64-b. Notwithstanding any inconsistent provision of law, the provisions of subdivision 7 of section 3614 of the public health law, as amended, shall remain and be in full force and effect on April 1, 1995 through March 31, 1999 and on July 1, 1999 through March 31, 2000 and on and after April 1, 2000 through March 31, 2003 and on and after April 1, 2003 through March 31, 2007, and on and after April 1, 2007 through March 31, 2009, and on and after April 1, 2009 through March 31, 2011, and on and after April 1, 2011 through March 31, 2013, and on and after April 1, 2013 through March 31, 2015, and on and after April 1, 2015 through March 31, 2017 and on and after April 1, 2017 through March 31, 2019, and on and after April 1, 2019 through March 31, 2021, and on and after April 1, 2021 through March 31, 2023, and on and after April 1, 2023 through March 31, 2025.
§ 32. Section 4-a of 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, as amended by section 5 of part S of chapter 57 of the laws of 2021, is amended to read as follows:

§ 4-a. Notwithstanding paragraph (c) of subdivision 10 of section 2807-c of the public health law, section 21 of chapter 1 of the laws of 1999, or any other contrary provision of law, in determining rates of payments by state governmental agencies effective for services provided on and after January 1, 2017 through March 31, 2023, for inpatient and outpatient services provided by general hospitals, for inpatient services and adult day health care outpatient services provided by residential health care facilities pursuant to article 28 of the public health law, except for residential health care facilities or units of such facilities providing services primarily to children under twenty-one years of age, for home health care services provided pursuant to article 36 of the public health law by certified home health agencies, long term home health care programs and AIDS home care programs, and for personal care services provided pursuant to section 365-a of the social services law, the commissioner of health shall apply no greater than zero trend factors attributable to the 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, and 2025 calendar years in accordance with paragraph (c) of subdivision 10 of section 2807-c of the public health law, provided, however, that such no greater than zero trend factors attributable to such 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, and 2025 calendar years shall also be applied to rates of payment provided on and after January 1, 2017 through March 31, 2023, for personal care services provided in those local social services districts, including New York city, whose rates of payment for such services are established by such local social services districts pursuant to a rate-setting exemption issued by the commissioner of health to such local social services districts in accordance with applicable regulations; and provided further, however, that for rates of payment for assisted living program services provided on and after January 1, 2017 through March 31, 2023, 2024, and 2025, such trend factors attributable to the 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, and 2025 calendar years shall be established at no greater than zero percent.

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

2. Sections five, seven through nine, twelve through fourteen, and eighteen of this act shall be deemed to have been in full force and effect on and after April 1, 1995 through March 31, 1999 and on and after July 1, 1999 through March 31, 2000 and on and after April 1, 2000 through March 31, 2003 and on and after April 1, 2003 through March 31, 2006 and on and after April 1, 2006 through March 31, 2007 and on and after April 1, 2007 through March 31, 2009 and on and after April 1, 2009 through March 31, 2011 and sections twelve, thirteen and fourteen of this act shall be deemed to be in full force and effect on and after April 1, 2011 through March 31, 2015 and on and after April 1, 2015 through March 31, 2017 and on and after April 1, 2017 through March 31, 2019, and on and after April 1, 2019 through March 31, 2021, and on and
§ 34. Subparagraph (vi) of paragraph (b) of subdivision 2 of section 2807-d of the public health law, as amended by section 11 of part S of chapter 57 of the laws of 2021, is amended to read as follows:

(vi) Notwithstanding any contrary provision of this paragraph or any other provision of law or regulation to the contrary, for residential health care facilities the assessment shall be six percent of each residential health care facility's gross receipts received from all patient care services and other operating income on a cash basis for the period April first, two thousand two through March thirty-first, two thousand three for hospital or health-related services, including adult day services; provided, however, that residential health care facilities' gross receipts attributable to payments received pursuant to title XVIII of the federal social security act (medicare) shall be excluded from the assessment; provided, however, that for all such gross receipts received on or after April first, two thousand three through March thirty-first, two thousand five, such assessment shall be five percent, and further provided that for all such gross receipts received on or after April first, two thousand five through March thirty-first, two thousand nine, and on or after April first, two thousand nine through March thirty-first, two thousand eleven such assessment shall be six percent, and further provided that for all such gross receipts received on or after April first, two thousand eleven through March thirty-first, two thousand thirteen such assessment shall be six percent, and further provided that for all such gross receipts received on or after April first, two thousand thirteen through March thirty-first, two thousand fifteen such assessment shall be six percent, and further provided that for all such gross receipts received on or after April first, two thousand fifteen through March thirty-first, two thousand seventeen such assessment shall be six percent, and further provided that for all such gross receipts received on or after April first, two thousand seventeen through March thirty-first, two thousand nineteen such assessment shall be six percent, and further provided that for all such gross receipts received on or after April first, two thousand nineteen through March thirty-first, two thousand twenty-one such assessment shall be six percent, and further provided that for all such gross receipts received on or after April first, two thousand twenty-one through March thirty-first, two thousand twenty-three such assessment shall be six percent.

§ 35. Section 3 of 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 is amended to read as follows:

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

§ 35-a. Subdivision b of section 12 of chapter 471 of the laws of 2016 amending the education law and the public health law relating to authorizing certain advanced home health aides to perform certain advanced tasks, is amended to read as follows:
b. this act shall expire and be deemed repealed March 31, 2023;

provided, however, that section eight of this act shall expire and be
deemed repealed March 31, 2032.

§ 35-b. Section 9 of part R of chapter 59 of the laws of 2016, amend-
ing the public health law and the education law relating to electronic
prescriptions, as amended by section 1 of part BB of chapter 56 of the
laws of 2020, is amended to read as follows:

§ 9. This act shall take effect immediately; provided however, that
sections one and two of this act shall take effect on the first of June
next succeeding the date on which it shall have become a law and shall
expire and be deemed repealed June 1, [2023] 2026.

§ 36. This act shall take effect immediately and shall be deemed to
have been in full force and effect on and after April 1, 2023; provided,
however, that the amendments to subdivision 6 of section 366 of the
social services law made by section four of this act shall not affect
the repeal of such subdivision and shall be deemed repealed therewith;
provided further, however, that the amendments to subparagraph (ii) of
paragraph (c) of subdivision 11 of section 230 of the public health law
made by section ten of this act shall not affect the expiration of such
subparagraph and shall be deemed to expire therewith; and provided
further, however, that the amendments to the opening paragraph of para-
graph (e) of subdivision 7 of section 367-a of the social services law
made by section twenty-four of this act shall not affect the repeal of
such paragraph and shall be deemed repealed therewith.

PART C

Section 1. Section 34 of 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, as amended by section 1 of part Y of chapter
56 of the laws of 2020, is amended to read as follows:

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

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

(3) Notwithstanding any inconsistent provision of law, rule or regulation and effective April 1, 2008 through March 31, [2023] 2026, the commissioner of health is authorized to transfer and the comptroller is authorized to deposit, within amounts appropriated each year, those funds authorized for distribution in accordance with the provisions of paragraph (a) of subdivision 1 of section 2807-l of the public health law for the purposes of payment for administrative costs of the department of health related to the child health insurance plan program authorized pursuant to title 1-A of article 25 of the public health law into the special revenue funds - other, health care reform act (HCRA) resources fund - 061, child health insurance account, established within the department of health.

(5) Notwithstanding any inconsistent provision of law, rule or regulation and effective April 1, 2008 through March 31, [2023] 2026, the commissioner of health is authorized to transfer and the comptroller is authorized to deposit, within amounts appropriated each year, those funds allocated pursuant to paragraph (j) of subdivision 1 of section 2807-v of the public health law for the purpose of payment for administrative costs of the department of health related to administration of the state's tobacco control programs and cancer services provided pursuant to sections 2807-r and 1399-ii of the public health law into such accounts established within the department of health for such purposes.

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

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

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

(9) Notwithstanding any inconsistent provision of law, rule or regu-
lation and effective April 1, 2008 through March 31, [2023] 2026, the
commissioner of health is authorized to transfer and the comptroller is
authorized to deposit, within amounts appropriated each year, those
funds authorized pursuant to sections 2807-d, 3614-a and 3614-b of the
public health law and section 367-i of the social services law and for
distribution in accordance with the provisions of subdivision 9 of
section 2807-j of the public health law for the purpose of payment for
administration of statutory duties for the collections and distributions
authorized by sections 2807-c, 2807-d, 2807-j, 2807-k, 2807-l, 3614-a
and 3614-b of the public health law and section 367-i of the social
services law into the special revenue funds - other, health care reform
act (HCRA) resources fund - 061, provider collection monitoring account,
established within the department of health.

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

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

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

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

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

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

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

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

§ 2807-l. Health care initiatives pool distributions. 1. Funds accumulated in the health care initiatives pools pursuant to paragraph (b) of subdivision nine of section twenty-eight hundred seven-j of this article, or the health care reform act (HCRA) resources fund established pursuant to section ninety-two-dd of the state finance law, whichever is applicable, including income from invested funds, shall be distributed or retained by the commissioner or by the state comptroller, as applicable, in accordance with the following.

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

(i) from the pool for the period January first, nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-seven, up to one hundred twenty million six hundred thousand dollars;
(ii) from the pool for the period January first, nineteen hundred ninety-eight through December thirty-first, nineteen hundred ninety-eight, up to one hundred sixty-four million five hundred thousand dollars;
(iii) from the pool for the period January first, nineteen hundred ninety-nine through December thirty-first, nineteen hundred ninety-nine, up to one hundred eighty-one million dollars;
(iv) from the pool for the period January first, two thousand through December thirty-first, two thousand, two hundred seven million dollars;
(v) from the pool for the period January first, two thousand one through December thirty-first, two thousand one, two hundred thirty-five million dollars;
(vi) from the pool for the period January first, two thousand two through December thirty-first, two thousand two, three hundred twenty-four million dollars;
(vii) from the pool for the period January first, two thousand three through December thirty-first, two thousand three, up to four hundred fifty million three hundred thousand dollars;
(viii) from the pool for the period January first, two thousand four through December thirty-first, two thousand four, up to four hundred sixty million nine hundred thousand dollars;
(ix) from the pool or the health care reform act (HCRA) resources fund, whichever is applicable, for the period January first, two thousand five through December thirty-first, two thousand five, up to one hundred fifty-three million eight hundred thousand dollars;
(x) from the health care reform act (HCRA) resources fund for the period January first, two thousand six through December thirty-first,
two thousand six, up to three hundred twenty-five million four hundred thousand dollars;
(x) from the health care reform act (HCRA) resources fund for the period January first, two thousand seven through December thirty-first, two thousand seven, up to four hundred twenty-eight million fifty-nine thousand dollars;
(xii) from the health care reform act (HCRA) resources fund for the period January first, two thousand eight through December thirty-first, two thousand ten, up to four hundred fifty-three million six hundred seventy-four thousand dollars annually;
(xiii) from the health care reform act (HCRA) resources fund for the period January first, two thousand eleven, through March thirty-first, two thousand eleven, up to one hundred thirteen million four hundred eighteen thousand dollars;
(xiv) from the health care reform act (HCRA) resources fund for the period April first, two thousand eleven, through March thirty-first, two thousand twelve, up to three hundred twenty-four million seven hundred forty-four thousand dollars;
(xv) from the health care reform act (HCRA) resources fund for the period April first, two thousand twelve, through March thirty-first, two thousand thirteen, up to three hundred forty-six million four hundred forty-four thousand dollars;
(xvi) from the health care reform act (HCRA) resources fund for the period April first, two thousand thirteen, through March thirty-first, two thousand fourteen, up to three hundred seventy million six hundred ninety-five thousand dollars; and
(xvii) from the health care reform act (HCRA) resources fund for each state fiscal year for periods on and after April first, two thousand fourteen, within amounts appropriated.

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

(i) (A) an amount not to exceed six million dollars on an annualized basis for the periods January first, nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-nine; up to six million dollars for the period January first, two thousand through December thirty-first, two thousand; up to five million dollars for the period January first, two thousand one through December thirty-first, two thousand one; up to four million dollars for the period January first, two thousand two through December thirty-first, two thousand two; up to two million six hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three; up to one million three hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four; up to six hundred seventy thousand dollars for the period January first, two thousand five through June thirtieth, two thousand five; up to one million three hundred thousand dollars for the period April first, two thousand six through March thirty-first, two thousand seven; and up to one million three hundred thousand dollars annually for the period April first, two thousand seven through March thirty-first,
two thousand nine, shall be allocated to individual subsidy programs;
and
(B) an amount not to exceed seven million dollars on an annualized
basis for the periods during the period January first, nineteen hundred
ninety-seven through December thirty-first, nineteen hundred ninety-nine
and four million dollars annually for the periods January first, two
thousand through December thirty-first, two thousand two, and three
million dollars for the period January first, two thousand three through
December thirty-first, two thousand three, and two million dollars for
the period January first, two thousand four through December thirty-
first, two thousand four, and two million dollars for the period January
first, two thousand five through June thirtieth, two thousand five shall
be allocated to the catastrophic health care expense program.
(ii) Notwithstanding any law to the contrary, the characterizations of
the New York state small business health insurance partnership program
as in effect prior to June thirtieth, two thousand three, voucher
program as in effect prior to December thirty-first, two thousand one,
individual subsidy program as in effect prior to June thirtieth, two
thousand five, and catastrophic health care expense program, as in
effect prior to June thirtieth, two thousand five, may, for the purposes
of identifying matching funds for the community health care conversion
demonstration project described in a waiver of the provisions of title
XIX of the federal social security act granted to the state of New York
and dated July fifteenth, nineteen hundred ninety-seven, nineteen hundred ninety-seven, may continue to
be used to characterize the insurance programs in sections four thousand
three hundred twenty-one-a, four thousand three hundred twenty-two-a,
four thousand three hundred twenty-six and four thousand three hundred
twenty-seven of the insurance law, which are successor programs to these
programs.
(c) Up to seventy-eight million dollars shall be reserved and accumu-
lated from year to year from the pool for the period January first, nineteen
hundred ninety-seven through December thirty-first, nineteen hundred
ninety-seven, for purposes of public health programs, up to
seventy-six million dollars shall be reserved and accumulated from year
to year from the pools for the periods January first, nineteen hundred
ninety-eight through December thirty-first, nineteen hundred ninety-
eight and January first, nineteen hundred ninety-nine through December
thirty-first, nineteen hundred ninety-nine, up to eighty-four million
dollars shall be reserved and accumulated from year to year from the
pools for the period January first, two thousand through December thirty-
five, two thousand, up to eighty-five million dollars shall be
reserved and accumulated from year to year from the pools for the period
January first, two thousand one through December thirty-first, two thou-
sand one, up to eighty-six million dollars shall be reserved and accumu-
lated from year to year from the pools for the period January first, two
thousand two through December thirty-first, two thousand two, up to
eighty-six million one hundred fifty thousand dollars shall be  reserved
and accumulated from year to year from the pools for the period January
first, two thousand three through December thirty-first, two thousand
three, up to fifty-eight million seven hundred eighty thousand dollars
shall be reserved and accumulated from year to year from the pools for
the period January first, two thousand four through December thirty-
first, two thousand four, up to sixty-eight million seven hundred thirty
dollars shall be reserved and accumulated from year to year from the
pools or the health care reform act (HCRA) resources fund,
whichever is applicable, for the period January first, two thousand five
through December thirty-first, two thousand five, up to ninety-four million three hundred fifty thousand dollars shall be reserved and accumulated from year to year from the health care reform act (HCRA) resources fund for the period January first, two thousand six through December thirty-first, two thousand six, up to seventy million nine hundred thirty-nine thousand dollars shall be reserved and accumulated from year to year from the health care reform act (HCRA) resources fund for the period January first, two thousand seven through December thirty-first, two thousand seven, up to fifty-five million six hundred eighty-nine thousand dollars annually shall be reserved and accumulated from year to year from the health care reform act (HCRA) resources fund for the period January first, two thousand eight through December thirty-first, two thousand ten, up to thirteen million nine hundred twenty-two thousand dollars shall be reserved and accumulated from year to year from the health care reform act (HCRA) resources fund for the period January first, two thousand eleven through March thirty-first, two thousand eleven, and for periods on and after April first, two thousand eleven, up to funding amounts specified below and shall be available, including income from invested funds, for:

(i) deposit by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to, to the credit of the department of health's special revenue fund — other, hospital based grants program account or the health care reform act (HCRA) resources fund, whichever is applicable, for purposes of services and expenses related to general hospital based grant programs, up to twenty-two million dollars annually from the nineteen hundred ninety-seven pool, nineteen hundred ninety-eight pool, nineteen hundred ninety-nine pool, two thousand pool, two thousand one pool and two thousand two pool, respectively, up to twenty-two million dollars from the two thousand three pool, up to ten million dollars for the period January first, two thousand four through December thirty-first, two thousand four, up to eleven million dollars for the period January first, two thousand five through December thirty-first, two thousand five, up to twenty-two million dollars for the period January first, two thousand six through December thirty-first, two thousand six, up to twenty-two million ninety-seven thousand dollars annually for the period January first, two thousand seven through December thirty-first, two thousand seven, up to five million five hundred twenty-four thousand dollars for the period January first, two thousand eight through March thirty-first, two thousand eight, and up to thirteen million four hundred forty-five thousand dollars for the period April first, two thousand nine through March thirty-first, two thousand nine, up to thirteen million three hundred seventy-five thousand dollars each state fiscal year for the period April first, two thousand ten through March thirty-first, two thousand ten; and

(ii) deposit by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to, to the credit of the emergency medical services training account established in section ninety-seven-q of the state finance law or the health care reform act (HCRA) resources fund, whichever is applicable, up to sixteen million dollars on an annualized basis for the periods January first, nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-eight through December thirty-first, nineteen hundred ninety-nine through December thirty-first, two thousand through December thirty-first, two thousand one through December thirty-first, two thousand two through December thirty-first, two thousand three through December thirty-first, two thousand four through December thirty-first, two thousand five through December thirty-first, two thousand six through December thirty-first, two thousand seven through December thirty-first, two thousand eight through December thirty-first, two thousand nine through December thirty-first, two thousand ten through February thirty-first, two thousand eleven through March thirty-first, two thousand twelve through March thirty-first, two thousand thirteen through March thirty-first, two thousand fourteen through March thirty-first, two thousand fifteen through March thirty-first, two thousand sixteen through March thirty-first, two thousand seven through March thirty-first, two thousand eight through March thirty-first, two thousand nine through March thirty-first, two thousand ten through March thirty-first, two thousand eleven through March thirty-first, two thousand twelve through March thirty-first, through March thirty-first, two thousand thirteen through March thirty-first, two thousand fourteen through March thirty-first, two thousand fifteen through March thirty-first, two thousand sixteen through March thirty-first, two thousand seventeen through March thirty-first, two thousand eighteen through March thirty-first, two thousand nineteen through March thirty-first, two thousand twenty through March thirty-first, two thousand twenty-one through March thirty-first, and two thousand twenty-two through March thirty-first;
sand one, up to twenty-two million dollars for the period January first, two thousand two through December thirty-first, two thousand two, up to twenty-two million five hundred fifty thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three, up to nine million six hundred eighty thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four, up to twelve million one hundred thirty thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five, up to twenty-four million two hundred fifty thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six, up to twenty million one hundred twenty-three thousand dollars annually for the period January first, two thousand seven through December thirty-first, two thousand seven, up to thirteen million two hundred thirty thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight, up to eighteen million two hundred fifty thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine, up to eighteen million nine hundred fifty thousand dollars for the period January first, two thousand ten through March thirty-first, two thousand ten, up to eighteen million one hundred thirty thousand dollars annually for the period January first, two thousand eleven through March thirty-first, two thousand eleven, up to fifteen million one hundred twenty-three thousand dollars annually for the period January first, two thousand twelve through March thirty-first, two thousand twelve, up to nineteen million four hundred nineteen thousand dollars for the period April first, two thousand thirteen through March thirty-first, two thousand thirteen, and up to nineteen million six hundred fifty-nine thousand dollars each state fiscal year for the period of April first, two thousand fourteen through March thirty-first, two thousand fourteen, and up to thirty-two million dollars on an annualized basis for the period January first, two thousand through March thirty-first, two thousand four, up to thirty-eight million dollars on an annualized basis for the period January first, two thousand five through March thirty-first, two thousand five, up to eighteen million two hundred fifty thousand dollars for the period January first, two thousand six through March thirty-first, two thousand six; 

(iii) priority distributions by the commissioner up to thirty-two million dollars on an annualized basis for the period January first, two thousand through March thirty-first, two thousand four, up to thirty-eight million dollars on an annualized basis for the period January first, two thousand five through March thirty-first, two thousand six, up to eighteen million two hundred fifty thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven, up to three million dollars annually for the period January first, two thousand eight through December thirty-first, two thousand eight, up to seven hundred fifty thousand dollars for the period January first, two thousand nine through March thirty-first, two thousand nine, up to two million nine hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand eleven, up to two million nine hundred thousand dollars each state fiscal year for the period April first, two thousand twelve through March thirty-first, two thousand twelve; 

[twenty-three] twenty-six;
mandation of the majority leader of the senate, up to eight million
five hundred thousand dollars annually for the period January first, two
thousand through December thirty-first, two thousand six, and up to four
million two hundred fifty thousand dollars for the period January first,
two thousand seven through June thirtieth, two thousand seven, and for
the purposes outlined in such memorandum upon the recommendation of the
speaker of the assembly, up to eight million five hundred thousand
dollars annually for the periods January first, two thousand through
December thirty-first, two thousand six, and up to four million two
hundred fifty thousand dollars for the period January first, two thou-
sand seven through June thirtieth, two thousand seven; and
(C) for services and expenses, including grants, related to emergency
assistance distributions as designated by the commissioner. Notwith-
standing section one hundred twelve or one hundred sixty-three of the
state finance law or any other contrary provision of law, such distrib-
utions shall be limited to providers or programs where, as determined by
the commissioner, emergency assistance is vital to protect the life or
safety of patients, to ensure the retention of facility caregivers or
other staff, or in instances where health facility operations are jeop-
ardized, or where the public health is jeopardized or other emergency
situations exist, up to three million dollars annually for the period
April first, two thousand seven through March thirty-first, two thousand
eleven, up to two million nine hundred thousand dollars each state
fiscal year for the period April first, two thousand eleven through
March thirty-first, two thousand fourteen, up to two million nine
hundred thousand dollars each state fiscal year for the period April
first, two thousand fourteen through March thirty-first, two thousand
seventeen, up to two million nine hundred thousand dollars each state
fiscal year for the period April first, two thousand seventeen through
March thirty-first, two thousand twenty, and up to two million nine
hundred thousand dollars each state fiscal year for the period April
first, two thousand twenty through March thirty-first, two thousand
twenty-three.
(iv) distributions by the commissioner related to poison control
centers pursuant to subdivision seven of section twenty-five hundred-d
of this chapter, up to five million dollars for the period January
first, nineteen hundred ninety-seven through December thirty-first,
nineteen hundred ninety-seven, up to three million dollars on an annual-
ized basis for the periods during the period January first, nineteen
hundred ninety-eight through December thirty-first, nineteen hundred
ninety-nine, up to five million dollars annually for the periods January
first, two thousand through December thirty-first, two thousand two, up
to four million six hundred thousand dollars annually for the periods
January first, two thousand three through December thirty-first, two
thousand four, up to five million one hundred thousand dollars for the
period January first, two thousand five through December thirty-first,
two thousand six annually, up to five million one hundred thousand
dollars annually for the period January first, two thousand seven
through December thirty-first, two thousand nine, up to three million
six hundred thousand dollars for the period January first, two thousand
ten through December thirty-first, two thousand ten, up to seven hundred seventy-five thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven, up to two million five hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, up to three million dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen, up to three million dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty, and up to three million dollars each state fiscal year for the period April first, two thousand twenty through March thirty-first, two thousand twenty-three, and up to three million dollars each state fiscal year for the period April first, two thousand twenty-three through March thirty-first, two thousand twenty-six; and

(v) deposit by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to, to the credit of the department of health's special revenue fund - other, miscellaneous special revenue fund - 339 maternal and child HIV services account or the health care reform act (HCRA) resources fund, whichever is applicable, for purposes of a special program for HIV services for women and children, including adolescents pursuant to section twenty-five hundred-f-one of this chapter, up to five million dollars annually for the periods January first, two thousand through December thirty-first, two thousand two, up to five million dollars for the period January first, two thousand three through December thirty-first, two thousand three, up to two million five hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four, up to two million five hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five, up to five million dollars for the period January first, two thousand six through December thirty-first, two thousand six, up to five million dollars annually for the period January first, two thousand seven through December thirty-first, two thousand seven, up to one million two hundred fifty thousand dollars for the period January first, two thousand eight through March thirty-first, two thousand eight, and up to five million dollars each state fiscal year for the period April first, two thousand eight through March thirty-first, two thousand ten; and

(d) (i) An amount of up to twenty million dollars annually for the period January first, two thousand through December thirty-first, two thousand six, up to ten million dollars for the period January first, two thousand seven through June thirtieth, two thousand seven, up to twenty million dollars annually for the period January first, two thousand eight through December thirty-first, two thousand ten, up to five million dollars for the period January first, two thousand eleven through March thirty-first, two thousand twelve, up to nineteen million six hundred thousand dollars each state fiscal year for the period April first, two thousand twelve through March thirty-first, two thousand thirteen, up to nineteen million six hundred thousand dollars each state fiscal year for the period April first, two thousand thirteen through March thirty-first, two thousand fourteen, and up to nineteen million six hundred thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand fifteen; and
through March thirty-first, two thousand twenty-three, and up to nine-
teen million six hundred thousand dollars each state fiscal year for the
period of April first, two thousand twenty-three through March thirty-
first, two thousand twenty-six, shall be transferred to the health
facility restructuring pool established pursuant to section twenty-eight
hundred fifteen of this article;
(ii) provided, however, amounts transferred pursuant to subparagraph
(i) of this paragraph may be reduced in an amount to be approved by the
director of the budget to reflect the amount received from the federal
government under the state's 1115 waiver which is directed under its
terms and conditions to the health facility restructuring program.
(f) Funds shall be accumulated and transferred from as follows:
(i) from the pool for the period January first, nineteen hundred nine-
ty-seven through December thirty-first, nineteen hundred ninety-seven,
(A) thirty-four million six hundred thousand dollars shall be trans-
ferred to funds reserved and accumulated pursuant to paragraph (b) of
subdivision nineteen of section twenty-eight hundred seven-c of this
article, and (B) eighty-two million dollars shall be transferred and
deposited and credited to the credit of the state general fund medical
assistance local assistance account;
(ii) from the pool for the period January first, nineteen hundred
ninety-eight through December thirty-first, nineteen hundred ninety-
eight, eighty-two million dollars shall be transferred and deposited and
credited to the credit of the state general fund medical assistance
local assistance account;
(iii) from the pool for the period January first, nineteen hundred
ninety-nine through December thirty-first, nineteen hundred ninety-nine,
eighty-two million dollars shall be transferred and deposited and cred-
it to the credit of the state general fund medical assistance local
assistance account;
(iv) from the pool or the health care reform act (HCRA) resources
fund, whichever is applicable, for the period January first, two thou-
sand through December thirty-first, two thousand four, eighty-two
million dollars annually, and for the period January first, two thousand
five through December thirty-first, two thousand five, eighty-two
million dollars, and for the period January first, two thousand six
through December thirty-first, two thousand six, eighty-two million
dollars, and for the period January first, two thousand six through
December thirty-first, two thousand seven, eighty-two million dollars,
and for the period January first, two thousand eight through December
thirty-first, two thousand eight, ninety million seven hundred thousand
dollars shall be deposited by the commissioner, and the state comp-
troller is hereby authorized and directed to receive for deposit to the
credit of the state special revenue fund – other, HCRA transfer fund,
medical assistance account;
(v) from the health care reform act (HCRA) resources fund for the
period January first, two thousand nine through December thirty-first,
two thousand nine, one hundred eight million nine hundred seventy-five
thousand dollars, and for the period January first, two thousand ten
through December thirty-first, two thousand ten, one hundred twenty-six
million one hundred thousand dollars, for the period January first, two
thousand eleven through March thirty-first, two thousand eleven, twenty
million five hundred thousand dollars, and for each state fiscal year
for the period April first, two thousand eleven through March thirty-
first, two thousand fourteen, one hundred forty-six million four hundred
thousand dollars, shall be deposited by the commissioner, and the state
comptroller is hereby authorized and directed to receive for deposit, to
the credit of the state special revenue fund - other, HCRA transfer
fund, medical assistance account.

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

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

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

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

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

(i) funds shall be reserved and accumulated:

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

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

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

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

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

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

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

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

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

1. from the pool for the period January first, nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-seven, thirteen and forty-nine-hundredths percent;
2. from the pool for the period January first, nineteen hundred ninety-eight through December thirty-first, nineteen hundred ninety-eight, thirteen and forty-nine-hundredths percent;
3. from the pool for the period January first, nineteen hundred ninety-nine through December thirty-first, nineteen hundred ninety-nine, thirteen and seventy-one-hundredths percent;
4. from the pool for the periods January first, two thousand through December thirty-first, two thousand two, seventeen million dollars annually, and for the period January first, two thousand three through December thirty-first, two thousand three, up to fifteen million eight hundred fifty thousand dollars;
5. from the pool or the health care reform act (HCRA) resources fund, whichever is applicable, for the period January first, two thousand four through December thirty-first, two thousand four, up to fifteen million eight hundred fifty thousand dollars, for the period January first, two thousand five through December thirty-first, two thousand five, up to nineteen million two hundred thousand dollars, for the period January first, two thousand six through December thirty-first, two thousand six, up to nineteen million two hundred thousand dollars, for the period January first, two thousand seven through December thirty-first, two thousand ten, up to eighteen million one hundred fifty thousand dollars annually, for the period January first, two thousand eleven through March thirty-first, two thousand eleven, up to four million five hundred thirty-eight thousand dollars, for each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, up to sixteen million two hundred thousand dollars, up to sixteen million two hundred thousand dollars each state fiscal year for the period April first, two thousand twenty-three through March thirty-first, two thousand twenty-six.

(j) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of distributions related to health information and health care quality improvement pursuant to former section twenty-eight hundred seven-n of this article from the respective health care initiatives pools established for the following periods in the following percentage amounts of funds remaining after allocations in accordance with paragraphs (a) through (f) of this subdivision:
(i) from the pool for the period January first, nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-seven, six and thirty-five-hundredths percent;
(ii) from the pool for the period January first, nineteen hundred ninety-eight through December thirty-first, nineteen hundred ninety-eight, six and thirty-five-hundredths percent; and
(iii) from the pool for the period January first, nineteen hundred ninety-nine through December thirty-first, nineteen hundred ninety-nine, six and forty-five-hundredths percent.

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

(i) from the pool for the period January first, nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-seven, thirty-eight and one-tenth percent;
(ii) from the pool for the period January first, nineteen hundred ninety-eight through December thirty-first, nineteen hundred ninety-eight, thirty-eight and one-tenth percent;
(iii) from the pool for the period January first, nineteen hundred ninety-nine through December thirty-first, nineteen hundred ninety-nine, thirty-eight and seventy-one-hundredths percent;
(iv) from the pool for the periods January first, two thousand through December thirty-first, two thousand two, forty-eight million dollars annually, and for the period January first, two thousand three through June thirtieth, two thousand three, twenty-four million dollars;
(v) (A) from the pool or the health care reform act (HCRA) resources fund, whichever is applicable, for the period July first, two thousand three through December thirty-first, two thousand three, up to six million dollars, for the period January first, two thousand four through December thirty-first, two thousand six, up to twelve million dollars annually, for the period January first, two thousand seven through December thirty-first, two thousand thirteen, up to forty-eight million dollars annually, for the period January first, two thousand fourteen through March thirty-first, two thousand fourteen, up to twelve million dollars for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen, up to forty-eight million dollars annually, for the period April first, two thousand seventeen through March thirty-first, two thousand twenty, up to forty-eight million dollars annually, and for the period April first, two thousand twenty, forty-eight million dollars annually; and for the period April first, two thousand twenty-three through March thirty-first, two thousand twenty-six, up to forty-eight million dollars annually;
(B) from the health care reform act (HCRA) resources fund for the period January first, two thousand six through December thirty-first, two thousand six, an additional seven million five hundred thousand dollars, for the period January first, two thousand seven through December thirty-first, two thousand thirteen, an additional seven million dollars, for the period January first, two thousand fourteen through March thirty-first, two thousand fourteen, an additional seven million dollars, for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen, an additional seven million dollars annually, for the period April first, two thousand seventeen through March thirty-first, two thousand twenty, an additional seven million dollars annually.
two thousand fourteen through March thirty-first, two thousand fourteen, 
an additional one million eight hundred seventy-five thousand dollars, 
for the period April first, two thousand fourteen through March thirty-
first, two thousand seventeen, an additional seven million five hundred 
thousand dollars annually, for the period April first, two thousand 
seventeen through March thirty-first, two thousand twenty, an additional 
seven million five hundred thousand dollars annually, [and] for the 
period April first, two thousand twenty through March thirty-first, two 
thousand twenty-three, an additional seven million five hundred thousand 
dollars annually, and for the period April first, two thousand twenty-
three through March thirty-first, two thousand twenty-six, an additional 
seventy million five hundred thousand dollars annually for voluntary non-
profit diagnostic and treatment center uncompensated care in accordance 
with subdivision four-c of section twenty-eight hundred seven-p of this 
article; and 
(vi) funds reserved and accumulated pursuant to this paragraph for 
periods on and after July first, two thousand three, shall be deposited 
by the commissioner, within amounts appropriated, and the state com-
troller is hereby authorized and directed to receive for deposit to the 
credit of the state special revenue funds - other, HCRA transfer fund, 
medical assistance account, for purposes of funding the state share of 
rates adjustments made pursuant to section twenty-eight hundred seven-p 
of this article, provided, however, that in the event federal financial 
participation is not available for rate adjustments made pursuant to 
paragraph (b) of subdivision one of section twenty-eight hundred seven-p 
of this article, funds shall be distributed pursuant to paragraph (a) of 
subdivision one of section twenty-eight hundred seven-p of this article 
from the respective health care initiatives pools or the health care 
reform act (HCRA) resources fund, whichever is applicable. 
(l) Funds shall be reserved and accumulated from year to year by the 
commissioner and shall be available, including income from invested 
funds, for transfer to and allocation for services and expenses for the 
payment of benefits to recipients of drugs under the AIDS drug assist-
ance program (ADAP) - HIV uninsured care program as administered by 
Health Research Incorporated from the respective health care initi-
atives pools or the health care reform act (HCRA) resources fund, which-
ever is applicable, established for the following periods in the follow-
ing percentage amounts of funds remaining after allocations in 
accordance with paragraphs (a) through (f) of this subdivision, and for 
periods on and after January first, two thousand, in the following 
amounts: 
(i) from the pool for the period January first, nineteen hundred nine-
ty-seven through December thirty-first, nineteen hundred ninety-seven, 
nine and fifty-two-hundredths percent; 
(ii) from the pool for the period January first, nineteen hundred 
ninety-eight through December thirty-first, nineteen hundred ninety-
eight, nine and fifty-two-hundredths percent; 
(iii) from the pool for the period January first, nineteen hundred 
ninety-nine and December thirty-first, nineteen hundred ninety-nine, 
nine and sixty-eight-hundredths percent; 
(iv) from the pool for the periods January first, two thousand through 
December thirty-first, two thousand two, up to twelve million dollars 
anually, and for the period January first, two thousand three through 
December thirty-first, two thousand three, up to forty million dollars; 
and
(v) from the pool or the health care reform act (HCRA) resources fund, whichever is applicable, for the periods January first, two thousand four through December thirty-first, two thousand four, up to fifty-six million dollars, for the period January first, two thousand five through December thirty-first, two thousand six, up to sixty million dollars annually, for the period January first, two thousand seven through December thirty-first, two thousand ten, up to sixty million dollars annually, for the period January first, two thousand eleven through March thirty-first, two thousand eleven, up to fifteen million dollars, each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, up to forty-two million three hundred thousand dollars and up to forty-one million fifty thousand dollars each state fiscal year for the period April first, two thousand twenty-six.

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

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

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

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

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

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

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

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

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

3. Revenue from distributions pursuant to this section shall not be included in gross revenue received for purposes of the assessments pursuant to subdivision eighteen of section twenty-eight hundred seven-c of this article, subject to the provisions of paragraph (e) of subdivision eighteen of section twenty-eight hundred seven-c of this article, and shall not be included in gross revenue received for purposes of the assessments pursuant to section twenty-eight hundred seven-d of this article, subject to the provisions of subdivision twelve of section twenty-eight hundred seven-d of this article.

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

5-a. Graduate medical education innovations pool. (a) Supplemental distributions. (i) Thirty-one million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight, shall be set aside and reserved by the commissioner from the regional pools established pursuant to subdivision two of this section and shall be available for distributions pursuant to subdivision five of this section and in accordance with section 86-1.89 of title 10 of the codes, rules and regulations of the state of New York as in effect on January first, two thousand eight; provided, however, for purposes of funding the empire clinical research investigation program (ECRIP) in accordance with paragraph eight of subdivision (e) and paragraph two of subdivision (f) of section 86-1.89 of title 10 of the codes, rules and regulations of the state of New York, distributions shall be made using two regions defined as New York city and the rest of the state and the dollar amount set forth in subparagraph (i) of paragraph two of subdivision (f) of section 86-1.89 of title 10 of the codes, rules and regulations of the state of New York shall be increased from sixty thousand dollars to seventy-five thousand dollars.
(ii) For periods on and after January first, two thousand nine, supplemental distributions pursuant to subdivision five of this section and in accordance with section 86-1.89 of title 10 of the codes, rules and regulations of the state of New York shall no longer be made and the provisions of section 86-1.89 of title 10 of the codes, rules and regulations of the state of New York shall be null and void.

(b) Empire clinical research investigator program (ECRIP). Nine million one hundred twenty thousand dollars annually for the period January first, two thousand nine through December thirty-first, two thousand ten, and two million two hundred eighty thousand dollars for the period January first, two thousand eleven, through March thirty-first, two thousand eleven, nine million one hundred twenty thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, up to eight million six hundred twelve thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand sixteen, and up to eight million six hundred twelve thousand dollars each state fiscal year for the period April first, two thousand twenty-three through March thirty-first, two thousand twenty-six, shall be set aside and reserved by the commissioner from the regional pools established pursuant to subdivision two of this section to be allocated regionally with two-thirds of the available funding going to New York city and one-third of the available funding going to the rest of the state and shall be available for distribution as follows:

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

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

(B) Distributions made to a consortium or teaching general hospital shall equal the product of the total number of clinical research positions submitted by a consortium or teaching general hospital and accepted by the commissioner as meeting the criteria set forth in paragraph (b) of subdivision one of this section, subject to the reduction calculation set forth in clause (C) of this subparagraph, times one hundred ten thousand dollars.

(C) If the dollar amount for the total number of clinical research positions in the region calculated pursuant to clause (B) of this subparagraph exceeds the total amount appropriated for purposes of this
paragraph, including clinical research positions that continue from and were funded in prior distribution periods, the commissioner shall eliminate one-half of the clinical research positions submitted by each consortium or teaching general hospital rounded down to the nearest one position. Such reduction shall be repeated until the dollar amount for the total number of clinical research positions in the region does not exceed the total amount appropriated for purposes of this paragraph. If the repeated reduction of the total number of clinical research positions in the region by one-half does not render a total funding amount that is equal to or less than the total amount reserved for that region within the appropriation, the funding for each clinical research position in that region shall be reduced proportionally in one thousand dollar increments until the total dollar amount for the total number of clinical research positions in that region does not exceed the total amount reserved for that region within the appropriation. Any reduction in funding will be effective for the duration of the award. No clinical research positions that continue from and were funded in prior distribution periods shall be eliminated or reduced by such methodology.

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

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

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

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

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

(G) In order to be eligible for distributions pursuant to this subparagraph, each consortium and teaching general hospital shall provide to the commissioner by July first of each distribution period, the following data and information on a hospital-specific basis. Such data and information shall be certified as to accuracy and completeness by the chief executive officer, chief financial officer or chair of the consortium governing body of each consortium or teaching general hospital and
shall be maintained by each consortium and teaching general hospital for five years from the date of submission:

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

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

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

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

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

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

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

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

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

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

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

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

(c) Physician loan repayment program. One million nine hundred sixty thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight, one million nine hundred sixty thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine, one million
nine hundred sixty thousand dollars for the period January first, two
thousand ten through December thirty-first, two thousand ten, four
hundred ninety thousand dollars for the period January first, two thou-
sand eleven through March thirty-first, two thousand eleven, one million
seven hundred thousand dollars each state fiscal year for the period
April first, two thousand eleven through March thirty-first, two thou-
sand fourteen, up to one million seven hundred five thousand dollars
each state fiscal year for the period April first, two thousand seventeen through
March thirty-first, two thousand seventeen, up to one million
seven hundred five thousand dollars each state fiscal year for the peri-
od April first, two thousand seventeen through March thirty-first, two
thousand twenty, and up to one million seven hundred five thousand
dollars each state fiscal year for the period April first, two thousand
twenty through March thirty-first, two thousand twenty-three, and up to
one million seven hundred five thousand dollars each state fiscal year
for the period April first, two thousand twenty through March
thirty-first, two thousand twenty-six, shall be set aside and reserved
by the commissioner from the regional pools established pursuant to
subdivision two of this section and shall be available for purposes of
physician loan repayment in accordance with subdivision ten of this
section. Notwithstanding any contrary provision of this section,
sections one hundred twelve and one hundred sixty-three of the state
finance law, or any other contrary provision of law, such funding shall
be allocated regionally with one-third of available funds going to New
York city and two-thirds of available funds going to the rest of the
state and shall be distributed in a manner to be determined by the
commissioner without a competitive bid or request for proposal process
as follows:

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

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

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

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

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

(vi) Notwithstanding any provision of law to the contrary, and subject
to the extension of the Health Care Reform Act of 1996, sufficient funds
shall be available for the purposes described in subdivision ten of this
section in amounts necessary to fund the remaining year commitments for
awards made pursuant to subparagraphs (iv) and (v) of this paragraph.
(d) Physician practice support. Four million nine hundred thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight, four million nine hundred thousand dollars annually for the period January first, two thousand nine through December thirty-first, two thousand ten, one million two hundred twenty-five thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven, four million three hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, up to four million three hundred sixty thousand dollars for each state fiscal year for the period April first, two thousand fifteen through March thirty-first, two thousand seventeen, up to four million three hundred sixty thousand dollars for each state fiscal year for the period April first, two thousand twenty through March thirty-first, two thousand twenty-three, and up to four million three hundred sixty thousand dollars for each fiscal year for the period April first, two thousand twenty-three through March thirty-first.

shall be set aside and reserved by the commissioner from the regional pools established pursuant to subdivision two of this section and shall be available for purposes of physician practice support. Notwithstanding any contrary provision of this section, sections one hundred twelve and one hundred sixty-three of the state finance law, or any other contrary provision of law, such funding shall be allocated regionally with one-third of available funds going to New York city and two-thirds of available funds going to the rest of the state and shall be distributed in a manner to be determined by the commissioner without a competitive bid or request for proposal process as follows:

(i) Preference in funding shall first be accorded to teaching general hospitals for up to twenty-five awards, to support costs incurred by physicians trained in primary or specialty tracks who thereafter establish or join practices in underserved communities, as determined by the commissioner. After distributions in accordance with subparagraph (i) of this paragraph, all remaining funds shall be awarded to physicians to support the cost of establishing or joining practices in underserved communities, as determined by the commissioner, and to hospitals and other health care providers to recruit new physicians to provide services in underserved communities, as determined by the commissioner.

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

(e) Work group. For funding available pursuant to paragraphs (c) and (d) of this subdivision:

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

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

(f) Study on physician workforce. Five hundred ninety thousand dollars annually for the period January first, two thousand eight through December thirty-first, two thousand ten, one hundred forty-eight thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand twelve, five hundred sixteen thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen, up to four hundred eighty-seven thousand dollars each state fiscal year for the period April first, two thousand twelve through March thirty-first, two thousand fourteen, up to four hundred eighty-seven thousand dollars each state fiscal year for the period April first, two thousand thirteen through March thirty-first, two thousand sixteen, up to four hundred eighty-seven thousand dollars each state fiscal year for the period April first, two thousand twenty through March thirty-first, two thousand twenty-three, and up to four hundred eighty-seven thousand dollars each state fiscal year for the period April first, two thousand twenty-three through March thirty-first, two thousand twenty-six, shall be set aside and reserved by the commissioner from the regional pools established pursuant to subdivision two of this section and shall be available to fund a study of physician workforce needs and solutions including, but not limited to, an analysis of residency programs and projected physician workforce and community needs. The commissioner shall enter into agreements with one or more organizations to conduct such study based on a request for proposal process.

(g) Diversity in medicine/post-baccalaureate program. Notwithstanding any inconsistent provision of section one hundred twelve or one hundred sixty-three of the state finance law or any other law, one million nine hundred sixty thousand dollars annually for the period January first, two thousand eight through December thirty-first, two thousand ten, four hundred ninety thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand twelve, one million seven hundred thousand dollars each state fiscal year for the period April first, two thousand twelve through March thirty-first, two thousand fourteen, up to one million six hundred five thousand dollars each state fiscal year for the period April first, two thousand sixteen through March thirty-first, two thousand seventeen, up to one million six hundred five thousand dollars each state fiscal year for the period April first, two thousand twenty through March thirty-first, two thousand twenty-three, and up to one million six hundred five thousand dollars each state fiscal year for the period April first, two thousand twenty-three through March thirty-first, two thousand twenty-six, shall be set aside and reserved by the commissioner from the regional pools established pursuant to subdivision two of this section and shall be available for distributions to the Associated Medical Schools of New York to fund its diversity program including existing and new post-baccalaureate programs for minority and economically disadvantaged students and encourage participation from all medical schools in New York. The associated medical schools of New York shall report to the commissioner on an annual basis regarding the use of funds for such purpose in such form and manner as specified by the commissioner.
(h) In the event there are undistributed funds within amounts made available for distributions pursuant to this subdivision, such funds may be reallocated and distributed in current or subsequent distribution periods in a manner determined by the commissioner for any purpose set forth in this subdivision.

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

4-c. Notwithstanding any provision of law to the contrary, the commissioner shall make additional payments for uncompensated care to voluntary non-profit diagnostic and treatment centers that are eligible for distributions under subdivision four of this section in the following amounts: for the period June first, two thousand six through December thirty-first, two thousand six, in the amount of seven million five hundred thousand dollars, for the period January first, two thousand seven through December thirty-first, two thousand seven, seven million five hundred thousand dollars, for the period January first, two thousand eight through December thirty-first, two thousand eight, seven million five hundred thousand dollars, for the period January first, two thousand nine through December thirty-first, two thousand nine, fifteen million five hundred thousand dollars, for the period January first, two thousand ten through December thirty-first, two thousand ten, seven million five hundred thousand dollars, for the period January first, two thousand eleven through December thirty-first, two thousand eleven, seven million five hundred thousand dollars, for the period January first, two thousand twelve through December thirty-first, two thousand twelve, seven million five hundred thousand dollars, for the period January first, two thousand thirteen through December thirty-first, two thousand thirteen, seven million five hundred thousand dollars, for the period January first, two thousand fourteen through December thirty-first, two thousand fourteen, seven million five hundred thousand dollars, for the period January first, two thousand fifteen through December thirty-first, two thousand fifteen, seven million five hundred thousand dollars, for the period January first, two thousand sixteen through December thirty-first, two thousand sixteen, seven million five hundred thousand dollars, for the period January first, two thousand seventeen through December thirty-first, two thousand seventeen, seven million five hundred thousand dollars, for the period January first, two thousand eighteen through December thirty-first, two thousand eighteen, seven million five hundred thousand dollars, for the period January first, two thousand nineteen through December thirty-first, two thousand nineteen, seven million five hundred thousand dollars, for the period January first, two thousand twenty through December thirty-first, two thousand twenty, seven million five hundred thousand dollars, for the period January first, two thousand twenty-one through December thirty-first, two thousand twenty-one, seven million five hundred thousand dollars, for the period January first, two thousand twenty-two through December thirty-first, two thousand twenty-two, seven million five hundred thousand dollars, for the period January first, two thousand twenty-three through December thirty-first, two thousand twenty-three, seven million five hundred thousand dollars, for the period January first, two thousand twenty-four through December thirty-first, two thousand twenty-four, seven million five hundred thousand dollars, for the period January first, two thousand twenty-five through December thirty-first, two thousand twenty-five, seven million five hundred thousand dollars, and for the period January first, two thousand twenty-six through December thirty-first, two thousand twenty-six, seven million five hundred thousand dollars, for the period January first, two thousand twenty-seven through December thirty-first, two thousand twenty-seven, seven million five hundred thousand dollars, for the period January first, two thousand twenty-eight through December thirty-first, two thousand twenty-eight, seven million five hundred thousand dollars, for the period January first, two thousand twenty-nine through December thirty-first, two thousand twenty-nine, seven million five hundred thousand dollars, for the period January first, two thousand thirty through December thirty-first, two thousand thirty, seven million five hundred thousand dollars.
twenty-six through March thirty-first, two thousand [twenty-three] twenty-six, in the amount of one million six hundred thousand dollars, provided, however, that for periods on and after January first, two thousand eight, such additional payments shall be distributed to voluntary, non-profit diagnostic and treatment centers and to public diagnostic and treatment centers in accordance with paragraph (g) of subdivision four of this section. In the event that federal financial participation is available for rate adjustments pursuant to this section, the commissioner shall make such payments as additional adjustments to rates of payment for voluntary non-profit diagnostic and treatment centers that are eligible for distributions under subdivision four-a of this section in the following amounts: for the period June first, two thousand six through December thirty-first, two thousand six, fifteen million dollars in the aggregate, and for the period January first, two thousand seven through June thirtieth, two thousand seven, seven million five hundred thousand dollars in the aggregate. The amounts allocated pursuant to this paragraph shall be aggregated with and distributed pursuant to the same methodology applicable to the amounts allocated to such diagnostic and treatment centers for such periods pursuant to subdivision four of this section if federal financial participation is not available, or pursuant to subdivision four-a of this section if federal financial participation is available. Notwithstanding section three hundred sixty-eight-a of the social services law, there shall be no local share in a medical assistance payment adjustment under this subdivision.

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

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

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

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

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

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

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

§ 11. Subdivision 6 of section 2807-t of the public health law, as amended by section 13 of part Y of chapter 56 of the laws of 2020, is amended to read as follows:
6. Prospective adjustments. (a) The commissioner shall annually reconcile the sum of the actual payments made to the commissioner or the commissioner's designee for each region pursuant to section twenty-eight hundred seven-s of this article and pursuant to this section for the prior year with the regional allocation of the gross annual statewide amount specified in subdivision six of section twenty-eight hundred seven-s of this article for such prior year. The difference between the actual amount raised for a region and the regional allocation of the specified gross annual amount for such prior year shall be applied as a prospective adjustment to the regional allocation of the specified gross annual payment amount for such region for the year next following the calculation of the reconciliation. The authorized dollar value of the adjustments shall be the same as if calculated retrospectively.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, for covered lives assessment rate periods on and after January first, two thousand fifteen through December thirty-first, two thousand twenty-one, for amounts collected in the aggregate in excess of one billion forty-five million dollars on an annual basis, and for the period January first, two thousand twenty-two to December thirty-first, two thousand twenty-six for amounts collected in the aggregate in excess of one billion eighty-five million dollars on an annual basis, prospective adjustments shall be suspended if the annual reconciliation calculation from the prior year would otherwise result in a decrease to the regional allocation of the specified gross annual payment amount for that region, provided, however, that such suspension shall be lifted upon a determination by the commissioner, in consultation with the director of the budget, that sixty-five million dollars in aggregate collections on an annual basis over and above one billion forty-five million dollars on an annual basis for the period on and after January first, two thousand fifteen through December thirty-first, two thousand twenty-one and for the period January first, two thousand twenty-two to December thirty-first, two thousand twenty-six for amounts collected in the aggregate in excess of one billion eighty-five million dollars on an annual basis have been reserved and set aside for deposit in the HCRA resources fund. Any amounts collected in the aggregate at or below one billion forty-five million dollars on an annual basis for the period on and after January first, two thousand fifteen through December thirty-first, two thousand twenty-two, and for the period January first, two thousand twenty-three to December thirty-first, two thousand twenty-six for amounts collected in the aggregate in excess of one billion eighty-five million dollars on an annual basis, shall be subject to regional adjustments reconciling any decreases or increases to the regional allocation in accordance with paragraph (a) of this subdivision.

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

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

(a) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special
revenue funds - other, HCRA transfer fund, medicaid fraud hotline and medicaid administration account, or any successor fund or account, for purposes of services and expenses related to the toll-free medicaid fraud hotline established pursuant to section one hundred eight of chapter one of the laws of nineteen hundred ninety-nine from the tobacco control and insurance initiatives pool established for the following periods in the following amounts: four hundred thousand dollars annually for the periods January first, two thousand through December thirty-first, two thousand two, up to four hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three, up to four hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four, up to four hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five, up to four hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six, up to four hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven, up to four hundred thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight, up to four hundred thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine, up to four hundred thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten, up to one hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven and within amounts appropriated on and after April first, two thousand eleven.

(b) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of payment of audits or audit contracts necessary to determine payor and provider compliance with requirements set forth in sections twenty-eight hundred seven-j, twenty-eight hundred seven-s and twenty-eight hundred seven-t of this article from the tobacco control and insurance initiatives pool established for the following periods in the following amounts: five million six hundred thousand dollars annually for the periods January first, two thousand through December thirty-first, two thousand two, up to five million dollars for the period January first, two thousand three through December thirty-first, two thousand three, up to five million dollars for the period January first, two thousand four through December thirty-first, two thousand four, up to five million dollars for the period January first, two thousand five through December thirty-first, two thousand five, up to seven million eight hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six, up to five million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven, up to fourteen million seven hundred thousand dollars each state fiscal year for the period April first, two thousand eleven
through March thirty-first, two thousand fourteen, up to eleven million
one hundred thousand dollars each state fiscal year for the period April
first, two thousand fourteen through March thirty-first, two thousand
seventeen, up to eleven million one hundred thousand dollars each state
fiscal year for the period April first, two thousand seventeen through
March thirty-first, two thousand twenty, [and] up to eleven million one
hundred thousand dollars each state fiscal year for the period April
first, two thousand twenty through March thirty-first, two thousand
twenty-three, and up to eleven million one hundred thousand dollars each
state fiscal year for the period April first, two thousand twenty-three
through March thirty-first, two thousand twenty-six.

(c) Funds shall be deposited by the commissioner, within amounts
appropriated, and the state comptroller is hereby authorized and
directed to receive for deposit to the credit of the state special
revenue funds – other, HCRA transfer fund, enhanced community services
account, or any successor fund or account, for mental health services
programs for case management services for adults and children; supported
housing; home and community based waiver services; family based treat-
ment; family support services; mobile mental health teams; transitional
housing; and community oversight, established pursuant to articles seven
and forty-one of the mental hygiene law and subdivision nine of section
three hundred sixty-six of the social services law; and for comprehen-
sive care centers for eating disorders pursuant to the former section
twenty-seven hundred ninety-nine-l of this chapter, provided however
that, for such centers, funds in the amount of five hundred thousand
dollars on an annualized basis shall be transferred from the enhanced
community services account, or any successor fund or account, and depos-
ited into the fund established by section ninety-five-e of the state
finance law; from the tobacco control and insurance initiatives pool
established for the following periods in the following amounts:

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

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

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

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

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

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

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

(viii) eighty-six million four hundred thousand dollars, plus five hundred thousand dollars, to be reserved, to be retained or for distribution pursuant to a chapter of the laws of two thousand seven and pursuant to the former section twenty-seven hundred ninety-nine-l of this chapter, for the period January first, two thousand seven through December thirty-first, two thousand seven; and

(ix) twenty-two million nine hundred thirteen thousand dollars, plus one hundred twenty-five thousand dollars, to be reserved, to be retained or for distribution pursuant to a chapter of the laws of two thousand eight through March thirty-first, two thousand eight.

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

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

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

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

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

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

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

(f) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds – other, HCRA transfer fund, medicaid fraud hotline and medicaid administration account, or any successor fund or account, for purposes of payment of administrative expenses of the department related to the family health plus program established pursuant to section three hundred sixty-nine-ee of the social services law from the tobacco control and insurance initiatives pool established for the following periods in the following amounts: five hundred thousand dollars on an annual basis for the periods January first, two thousand through December thirty-first, two thousand six, five hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven, and five hundred thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight, five hundred thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine, five hundred thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten, one hundred twenty-five thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven and within amounts appropriated on and after April first, two thousand eleven.

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

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

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

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

(iv) up to forty million dollars for the period January first, two thousand three through December thirty-first, two thousand three of which fifty percentum shall be allocated to the program pursuant to
section four thousand three hundred twenty-one-a of the insurance law
and fifty percentum to the program pursuant to section four thousand
three hundred twenty-two-a of the insurance law;
(v) up to forty million dollars for the period January first, two
thousand four through December thirty-first, two thousand four of
which fifty percentum shall be allocated to the program pursuant to section
four thousand three hundred twenty-one-a of the insurance law and fifty
percentum to the program pursuant to section four thousand three hundred
twenty-two-a of the insurance law;
(vi) up to forty million dollars for the period January first, two
thousand five through December thirty-first, two thousand five of
which fifty percentum shall be allocated to the program pursuant to section
four thousand three hundred twenty-one-a of the insurance law and fifty
percentum to the program pursuant to section four thousand three hundred
twenty-two-a of the insurance law;
(vii) up to forty million dollars for the period January first, two
thousand six through December thirty-first, two thousand six of
which fifty percentum shall be allocated to the program pursuant to section
four thousand three hundred twenty-one-a of the insurance law and fifty
percentum shall be allocated to the program pursuant to section four
thousand three hundred twenty-two-a of the insurance law;
(viii) up to forty million dollars for the period January first, two
thousand seven through December thirty-first, two thousand seven of
which fifty percentum shall be allocated to the program pursuant to
section four thousand three hundred twenty-one-a of the insurance law
and fifty percentum shall be allocated to the program pursuant to
section four thousand three hundred twenty-two-a of the insurance law;
and
(ix) up to forty million dollars for the period January first, two
thousand eight through December thirty-first, two thousand eight of
which fifty percentum shall be allocated to the program pursuant to
section four thousand three hundred twenty-one-a of the insurance law
and fifty percentum shall be allocated to the program pursuant to
section four thousand three hundred twenty-two-a of the insurance law.
(h) Funds shall be reserved and accumulated from year to year and
shall be available, including income from invested funds, for purposes
of services and expenses related to the healthy New York individual
program established pursuant to sections four thousand three hundred
twenty-six and four thousand three hundred twenty-seven of the insurance
law from the tobacco control and insurance initiatives pool established
for the following periods in the following amounts:
(i) up to six million dollars for the period January first, two thou-
sand one through December thirty-first, two thousand one;
(ii) up to twenty-nine million dollars for the period January first,
two thousand two through December thirty-first, two thousand two;
(iii) up to five million one hundred thousand dollars for the period
January first, two thousand three through December thirty-first, two
thousand three;
(iv) up to twenty-four million six hundred thousand dollars for the
period January first, two thousand four through December thirty-first,
two thousand four;
(v) up to thirty-four million six hundred thousand dollars for the
period January first, two thousand five through December thirty-first,
two thousand five;
(vi) up to fifty-four million eight hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(vii) up to sixty-one million seven hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven; and
(viii) up to one hundred three million seven hundred fifty thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight.
(i) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of services and expenses related to the healthy New York group program established pursuant to sections four thousand three hundred twenty-six and four thousand three hundred twenty-seven of the insurance law from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:
(i) up to thirty-four million dollars for the period January first, two thousand one through December thirty-first, two thousand one;
(ii) up to seventy-seven million dollars for the period January first, two thousand two through December thirty-first, two thousand two;
(iii) up to ten million five hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;
(iv) up to twenty-four million six hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four;
(v) up to thirty-four million six hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(vi) up to fifty-four million eight hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(vii) up to sixty-one million seven hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven; and
(viii) up to one hundred three million seven hundred fifty thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight.
(i-1) Notwithstanding the provisions of paragraphs (h) and (i) of this subdivision, the commissioner shall reserve and accumulate up to two million five hundred thousand dollars annually for the periods January first, two thousand four through December thirty-first, two thousand six, one million four hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven, two million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight, from funds otherwise available for distribution under such paragraphs for the services and expenses related to the pilot program for entertainment industry employees included in subsection (b) of section one thousand one hundred twenty-two of the insurance law, and an additional seven hundred thousand dollars annually for the periods January first, two thousand four through December thirty-first, two thousand six, an additional three hundred thousand dollars for the period January first, two thousand seven through June thirtieth, two thousand seven for services and expenses related to the pilot program for displaced workers included
in subsection (c) of section one thousand one hundred twenty-two of the insurance law.

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

(i) up to thirty million dollars for the period January first, two thousand through December thirty-first, two thousand;
(ii) up to forty million dollars for the period January first, two thousand one through December thirty-first, two thousand one;
(iii) up to forty million dollars for the period January first, two thousand two through December thirty-first, two thousand two;
(iv) up to thirty-six million nine hundred fifty thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;
(v) up to thirty-six million nine hundred fifty thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four;
(vi) up to forty million six hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(vii) up to eighty-one million nine hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six, provided, however, that within amounts appropriated, a portion of such funds may be transferred to the Roswell Park Cancer Institute Corporation to support costs associated with cancer research;
(viii) up to ninety-four million one hundred fifty thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven, provided, however, that within amounts appropriated, a portion of such funds may be transferred to the Roswell Park Cancer Institute Corporation to support costs associated with cancer research;
(ix) up to ninety-four million one hundred fifty thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(x) up to ninety-four million one hundred fifty thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(xi) up to eighty-seven million seven hundred seventy-five thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;
(xii) up to twenty-one million four hundred twelve thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;
(xiii) up to fifty-two million one hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen;
(xiv) up to six million dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen;
(xv) up to six million dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty; [and]
(xvi) up to six million dollars each state fiscal year for the period April first, two thousand twenty through March thirty-first, two thousand twenty-three; and

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

(k) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue fund - other, HCRA transfer fund, health care services account, or any successor fund or account, for purposes of services and expenses related to public health programs, including comprehensive care centers for eating disorders pursuant to the former section twenty-seven hundred ninety-nine-l of this chapter, provided however that, for such centers, funds in the amount of five hundred thousand dollars on an annualized basis shall be transferred from the health care services account, or any successor fund or account, and deposited into the fund established by section ninety-five-e of the state finance law for periods prior to March thirty-first, two thousand eleven, from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

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

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

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

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

(v) one hundred eight million five hundred seventy-five thousand dollars, plus an additional five hundred thousand dollars, for the period January first, two thousand four through December thirty-first, two thousand four;

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

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

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

(ix) one hundred sixteen million nine hundred forty-nine thousand dollars, plus an additional five hundred thousand dollars, for the period January first, two thousand eight through December thirty-first, two thousand eight;

(x) one hundred sixteen million nine hundred forty-nine thousand dollars, plus an additional five hundred thousand dollars, for the period January first, two thousand nine through December thirty-first, two thousand nine;

(xi) one hundred sixteen million nine hundred forty-nine thousand dollars, plus an additional five hundred thousand dollars, for the period January first, two thousand ten through December thirty-first, two thousand ten;
(xii) twenty-nine million two hundred thirty-seven thousand two hundred fifty dollars, plus an additional one hundred twenty-five thousand dollars, for the period January first, two thousand eleven through March thirty-first, two thousand eleven;
(xiii) one hundred twenty million thirty-eight thousand dollars for the period April first, two thousand eleven through March thirty-first, two thousand twelve; and
(xiv) one hundred nineteen million four hundred seven thousand dollars each state fiscal year for the period April first, two thousand twelve through March thirty-first, two thousand fourteen.
(l) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of the personal care and certified home health agency rate or fee increases established pursuant to subdivision three of section three hundred sixty-seven-o of the social services law from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:
(i) twenty-three million two hundred thousand dollars for the period January first, two thousand through December thirty-first, two thousand;
(ii) twenty-three million two hundred thousand dollars for the period January first, two thousand one through December thirty-first, two thousand one;
(iii) twenty-three million two hundred thousand dollars for the period January first, two thousand two through December thirty-first, two thousand two;
(iv) up to sixty-five million two hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;
(v) up to sixty-five million two hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four;
(vi) up to sixty-five million two hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(vii) up to sixty-five million two hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(viii) up to sixty-five million two hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven; and
(ix) up to sixteen million three hundred thousand dollars for the period January first, two thousand eight through March thirty-first, two thousand eight.
(m) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of services and expenses related to home care workers insurance pilot demonstration programs established pursuant to subdivision two of section three hundred sixty-seven-o of the social services law from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:
(i) three million eight hundred thousand dollars for the period January first, two thousand through December thirty-first, two thousand;
(ii) three million eight hundred thousand dollars for the period January first, two thousand one through December thirty-first, two thousand one;
(iii) three million eight hundred thousand dollars for the period January first, two thousand two through December thirty-first, two thousand two;
(iv) up to three million eight hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;
(v) up to three million eight hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four;
(vi) up to three million eight hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(vii) up to three million eight hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(viii) up to three million eight hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven; and
(ix) up to nine hundred fifty thousand dollars for the period January first, two thousand eight through March thirty-first, two thousand eight.

(n) Funds shall be transferred by the commissioner and shall be deposited to the credit of the special revenue funds - other, miscellaneous special revenue fund - 339, elderly pharmaceutical insurance coverage program premium account authorized pursuant to the provisions of title three of article two of the elder law, or any successor fund or account, for funding state expenses relating to the program from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:
(i) one hundred seven million dollars for the period January first, two thousand through December thirty-first, two thousand;
(ii) one hundred sixty-four million dollars for the period January first, two thousand one through December thirty-first, two thousand one;
(iii) three hundred twenty-two million seven hundred thousand dollars for the period January first, two thousand two through December thirty-first, two thousand two;
(iv) four hundred thirty-three million three hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;
(v) five hundred four million one hundred fifty thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four;
(vi) five hundred sixty-six million eight hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(vii) six hundred three million one hundred fifty thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(viii) six hundred sixty million eight hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(ix) three hundred sixty-seven million four hundred sixty-three thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(x) three hundred thirty-four million eight hundred twenty-five thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(xi) three hundred forty-four million nine hundred thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;
(xii) eighty-seven million seven hundred eighty-eight thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;
(xiii) one hundred forty-three million one hundred fifty thousand dollars for the period April first, two thousand eleven through March thirty-first, two thousand twelve;
(xiv) one hundred twenty million nine hundred fifty thousand dollars for the period April first, two thousand twelve through March thirty-first, two thousand thirteen;
(xv) one hundred twenty-eight million eight hundred fifty thousand dollars for the period April first, two thousand thirteen through March thirty-first, two thousand fourteen;
(xvi) one hundred twenty-seven million four hundred sixteen thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen;
(xvii) one hundred twenty-seven million four hundred sixteen thousand dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty;
(xviii) one hundred twenty-seven million four hundred sixteen thousand dollars each state fiscal year for the period April first, two thousand twenty through March thirty-first, two thousand twenty-three;
(xix) one hundred twenty-seven million four hundred sixteen thousand dollars each state fiscal year for the period April first, two thousand twenty-three through March thirty-first, two thousand twenty-six.

(o) Funds shall be reserved and accumulated and shall be transferred to the Roswell Park Cancer Institute Corporation, from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:
(i) up to ninety million dollars for the period January first, two thousand through December thirty-first, two thousand;
(ii) up to sixty million dollars for the period January first, two thousand one through December thirty-first, two thousand one;
(iii) up to eighty-five million dollars for the period January first, two thousand two through December thirty-first, two thousand two;
(iv) eighty-five million two hundred fifty thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;
(v) seventy-eight million dollars for the period January first, two thousand four through December thirty-first, two thousand four;
(vi) seventy-eight million dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(vii) ninety-one million dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(viii) seventy-eight million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(ix) seventy-eight million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(x) seventy-eight million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(xi) seventy-eight million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;
(xii) nineteen million five hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;
(xiii) sixty-nine million eight hundred forty thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen;
(xiv) up to ninety-six million six hundred thousand dollars each state fiscal year for the period April first, two thousand twelve through March thirty-first, two thousand fifteen;
(xv) up to ninety-six million six hundred thousand dollars each state fiscal year for the period April first, two thousand thirteen through March thirty-first, two thousand sixteen; and
(xvi) up to ninety-six million six hundred thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen; and
(xvii) up to ninety-six million six hundred thousand dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty; and
(xviii) up to ninety-six million six hundred thousand dollars each state fiscal year for the period April first, two thousand twenty through March thirty-first, two thousand twenty-three; and
(xix) up to ninety-six million six hundred thousand dollars each state fiscal year for the period April first, two thousand twenty-three through March thirty-first, two thousand twenty-six.

(p) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds—other, indigent care fund—068, indigent care account, or any successor fund or account, for purposes of providing a medicaid disproportionate share payment from the high need indigent care adjustment pool established pursuant to section twenty-eight hundred seven-w of this article, from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) eighty-two million dollars annually for the periods January first, two thousand through December thirty-first, two thousand two;
(ii) up to eighty-two million dollars for the period January first, two thousand three through December thirty-first, two thousand three;
(iii) up to eighty-two million dollars for the period January first, two thousand four through December thirty-first, two thousand four;
(iv) up to eighty-two million dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(v) up to eighty-two million dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(vi) up to eighty-two million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(vii) up to eighty-two million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(viii) up to eighty-two million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(ix) up to eighty-two million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;
(x) up to twenty million five hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven; and
(xi) up to eighty-two million dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen.
(q) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of providing distributions to eligible school based health centers established pursuant to section eighty-eight of chapter one of the laws of nineteen hundred ninety-nine, from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) seven million dollars annually for the period January first, two thousand through December thirty-first, two thousand two;
(ii) up to seven million dollars for the period January first, two thousand three through December thirty-first, two thousand three;
(iii) up to seven million dollars for the period January first, two thousand four through December thirty-first, two thousand four;
(iv) up to seven million dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(v) up to seven million dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(vi) up to seven million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(vii) up to seven million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(viii) up to seven million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(ix) up to seven million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;
(x) up to one million seven hundred fifty thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;
(xi) up to five million six hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand twelve;
(xii) up to five million two hundred eighty-eight thousand dollars each state fiscal year for the period April first, two thousand twelve through March thirty-first, two thousand fifteen;
(xiii) up to five million two hundred eighty-eight thousand dollars each state fiscal year for the period April first, two thousand fifteen through March thirty-first, two thousand eighteen;
(xiv) up to five million two hundred eighty-eight thousand dollars each state fiscal year for the period April first, two thousand eighteen through March thirty-first, two thousand twenty; [and]
(xv) up to five million two hundred eighty-eight thousand dollars each state fiscal year for the period April first, two thousand twenty through March thirty-first, two thousand twenty-three; and

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

(i) forty-three million dollars for the period January first, two thousand through December thirty-first, two thousand;
(ii) sixty-one million dollars for the period January first, two thousand one through December thirty-first, two thousand one;
(iii) sixty-five million dollars for the period January first, two thousand two through December thirty-first, two thousand two;
(iv) sixty-seven million five hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;
(v) sixty-eight million dollars for the period January first, two thousand four through December thirty-first, two thousand four;
(vi) sixty-eight million dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(vii) sixty-eight million dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(viii) seventeen million five hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(ix) sixty-eight million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(x) sixty-eight million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(xi) sixty-eight million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;
(xii) seventeen million dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven; and
(xiii) sixty-eight million dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen.

(s) Funds shall be deposited by the commissioner within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds—other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of providing distributions pursuant to paragraphs (s-5), (s-6), (s-7) and (s-8) of subdivision eleven of section twenty-eight hundred seven-c of this article from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:
(i) eighteen million dollars for the period January first, two thousand through December thirty-first, two thousand;
(ii) twenty-four million dollars annually for the periods January first, two thousand one through December thirty-first, two thousand two;
(iii) up to twenty-four million dollars for the period January first, two thousand three through December thirty-first, two thousand two;
(iv) up to twenty-four million dollars for the period January first, two thousand three through December thirty-first, two thousand three;
(v) up to twenty-four million dollars for the period January first, two thousand four through December thirty-first, two thousand four;
(vi) up to twenty-four million dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(vii) up to twenty-four million dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(viii) up to twenty-four million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(ix) up to twenty-four million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
and
(x) up to twenty-two million dollars for the period January first, two thousand nine through November thirtieth, two thousand nine.

(t) Funds shall be reserved and accumulated from year to year by the commissioner and shall be made available, including income from invested funds:
(i) For the purpose of making grants to a state owned and operated medical school which does not have a state owned and operated hospital on site and available for teaching purposes. Notwithstanding sections one hundred twelve and one hundred sixty-three of the state finance law, such grants shall be made in the amount of up to five hundred thousand dollars for the period January first, two thousand through December thirty-first, two thousand;

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

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

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

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

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

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

(v) Funds shall be transferred by the commissioner and shall be deposited to the credit of the hospital excess liability pool created pursuant to section eighteen of chapter two hundred sixty-six of the laws of nineteen hundred eighty-six, or any successor fund or account, for purposes of expenses related to the purchase of excess medical malpractice insurance and the cost of administering the pool, including costs associated with the risk management program established pursuant to section forty-two of part A of chapter one of the laws of two thousand two required by paragraph (a) of subdivision one of section eighteen of chapter two hundred sixty-six of the laws of nineteen hundred eighty-six as may be amended from time to time, from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:
(i) up to fifty million dollars or so much as is needed for the period January first, two thousand two through December thirty-first, two thousand two;
(ii) up to seventy-six million seven hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;
(iii) up to sixty-five million dollars for the period January first, two thousand four through December thirty-first, two thousand four;
(iv) up to sixty-five million dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(v) up to one hundred thirteen million eight hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(vi) up to one hundred thirty million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(vii) up to one hundred thirty million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(viii) up to one hundred thirty million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(ix) up to one hundred thirty million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;
(x) up to thirty-two million five hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;
(xi) up to one hundred twenty-seven million four hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen;
(xii) up to one hundred twenty-seven million four hundred thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen;
(xiii) up to one hundred twenty-seven million four hundred thousand dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty;
(xiv) up to one hundred twenty-seven million four hundred thousand dollars each state fiscal year for the period April first, two thousand twenty through March thirty-first, two thousand twenty-three; and
(xv) up to one hundred twenty-seven million four hundred thousand dollars each state fiscal year for the period April first, two thousand twenty-three through March thirty-first, two thousand twenty-six.

(w) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds—other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of the treatment of breast and cervical cancer pursuant to paragraph (d) of subdivision four of section three hundred sixty-six of the social services law, from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:
(i) up to four hundred fifty thousand dollars for the period January first, two thousand two through December thirty-first, two thousand two;
(ii) up to two million one hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;
(iii) up to two million one hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four;
(iv) up to two million one hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(v) up to two million one hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(vi) up to two million one hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(vii) up to two million one hundred thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(viii) up to two million one hundred thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(ix) up to two million one hundred thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;
(x) up to five hundred twenty-five thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;
(xi) up to two million one hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand eleven;
(xii) up to two million one hundred thousand dollars each state fiscal year for the period April first, two thousand twelve through March thirty-first, two thousand twelve;
(xiii) up to two million one hundred thousand dollars each state fiscal year for the period April first, two thousand thirteen through March thirty-first, two thousand thirteen;
(xiv) up to two million one hundred thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand fourteen;
(xv) up to two million one hundred thousand dollars each state fiscal year for the period April first, two thousand fifteen through March thirty-first, two thousand fifteen;
(xvi) up to two million one hundred thousand dollars each state fiscal year for the period April first, two thousand sixteen through March thirty-first, two thousand sixteen;
(xvii) up to two million one hundred thousand dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand seventeen;
(xviii) up to two million one hundred thousand dollars each state fiscal year for the period April first, two thousand eighteen through March thirty-first, two thousand eighteen;
(xix) up to two million one hundred thousand dollars each state fiscal year for the period April first, two thousand nineteen through March thirty-first, two thousand nineteen;
(xx) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of the non-public general hospital rates increases for recruitment and retention of health care workers from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:
(i) twenty-seven million one hundred thousand dollars on an annualized basis for the period January first, two thousand two through December thirty-first, two thousand two;
(ii) fifty million eight hundred thousand dollars on an annualized basis for the period January first, two thousand three through December thirty-first, two thousand three;
(iii) sixty-nine million three hundred thousand dollars on an annualized basis for the period January first, two thousand four through December thirty-first, two thousand four;
(iv) sixty-nine million three hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(v) sixty-nine million three hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(vi) sixty-five million three hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(vii) sixty-one million one hundred fifty thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight; and
(viii) forty-eight million seven hundred twenty-one thousand dollars for the period January first, two thousand nine through November thirty-first, two thousand nine.

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

(i) eighteen million five hundred thousand dollars on an annualized basis for the period January first, two thousand two through December thirty-first, two thousand two;
(ii) thirty-seven million four hundred thousand dollars on an annualized basis for the period January first, two thousand three through December thirty-first, two thousand three;
(iii) fifty-two million two hundred thousand dollars on an annualized basis for the period January first, two thousand four through December thirty-first, two thousand four;
(iv) fifty-two million two hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(v) fifty-two million two hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(vi) forty-nine million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(vii) forty-nine million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight; and
(viii) twelve million two hundred fifty thousand dollars for the period January first, two thousand nine through March thirty-first, two thousand nine.

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

(z) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds — other, HCRA transfer fund, medical assistance account,
or any successor fund or account, for purposes of funding the state
share of the non-public residential health care facility rate increases
for recruitment and retention of health care workers pursuant to para-
graph (a) of subdivision eighteen of section twenty-eight hundred eight
of this article from the tobacco control and insurance initiatives pool
established for the following periods in the following amounts:
(i) twenty-one million five hundred thousand dollars on an annualized
basis for the period January first, two thousand two through December
thirty-first, two thousand two;
(ii) thirty-three million three hundred thousand dollars on an annual-
ized basis for the period January first, two thousand three through
December thirty-first, two thousand three;
(iii) forty-six million three hundred thousand dollars on an annual-
ized basis for the period January first, two thousand four through
December thirty-first, two thousand four;
(iv) forty-six million three hundred thousand dollars for the period
January first, two thousand five through December thirty-first, two
thousand five;
(v) forty-six million three hundred thousand dollars for the period
January first, two thousand six through December thirty-first, two thou-
sand six;
(vi) thirty million nine hundred thousand dollars for the period Janu-
ary first, two thousand seven through December thirty-first, two thou-
sand seven;
(vii) twenty-four million seven hundred thousand dollars for the peri-
od January first, two thousand eight through December thirty-first, two
thousand eight;
(viii) twelve million three hundred seventy-five thousand dollars for
the period January first, two thousand nine through December thirty-
first, two thousand nine;
(ix) nine million three hundred thousand dollars for the period Janu-
ary first, two thousand ten through December thirty-first, two thousand
ten; and
(x) two million three hundred twenty-five thousand dollars for the
period January first, two thousand eleven through March thirty-first, two
thousand eleven.
(aa) Funds shall be reserved and accumulated from year to year and
shall be available, including income from invested funds, for purposes
of grants to public residential health care facilities for recruitment
and retention of health care workers pursuant to paragraph (b) of subdi-
vision eighteen of section twenty-eight hundred eight of this article
from the tobacco control and insurance initiatives pool established for
the following periods in the following amounts:
(i) seven million five hundred thousand dollars on an annualized basis
for the period January first, two thousand two through December thirty-
first, two thousand two;
(ii) eleven million seven hundred thousand dollars on an annualized
basis for the period January first, two thousand three through December
thirty-first, two thousand three;
(iii) sixteen million two hundred thousand dollars on an annualized
basis for the period January first, two thousand four through December
thirty-first, two thousand four;
(iv) sixteen million two hundred thousand dollars for the period Janu-
ary first, two thousand five through December thirty-first, two thousand
five;
(v) sixteen million two hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;

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

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

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

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

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

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

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

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

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

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

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

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

(I) one hundred thirty-six million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;
(J) thirty-four million dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;
(K) up to one hundred thirty-six million dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen;
(L) up to one hundred thirty-six million dollars each state fiscal year for the period March thirty-first, two thousand fourteen through April first, two thousand seventeen;
(M) up to one hundred thirty-six million dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty;
(N) up to one hundred thirty-six million dollars each state fiscal year for the period April first, two thousand twenty through March thirty-first, two thousand twenty-three;
(O) up to one hundred thirty-six million dollars each state fiscal year for the period April first, two thousand twenty-three through March thirty-first, two thousand twenty-six.

(ii) Adjustments to Medicaid rates made pursuant to this paragraph shall not, in aggregate, exceed the following amounts for the following periods:
(A) for the period April first, two thousand two through December thirty-first, two thousand two, one hundred ten million dollars;
(B) for the period January first, two thousand three through December thirty-first, two thousand three, one hundred eighty-five million dollars;
(C) for the period January first, two thousand four through December thirty-first, two thousand four, two hundred sixty million dollars;
(D) for the period January first, two thousand five through December thirty-first, two thousand five, three hundred forty million dollars;
(E) for the period January first, two thousand six through December thirty-first, two thousand six, three hundred forty million dollars;
(F) for the period January first, two thousand seven through December thirty-first, two thousand seven, three hundred forty million dollars;
(G) for the period January first, two thousand eight through December thirty-first, two thousand eight, three hundred forty million dollars;
(H) for the period January first, two thousand nine through December thirty-first, two thousand nine, three hundred forty million dollars;
(I) for the period January first, two thousand ten through December thirty-first, two thousand ten, three hundred forty million dollars;
(J) for the period January first, two thousand eleven through March thirty-first, two thousand eleven, eighty-five million dollars;
(K) for each state fiscal year within the period April first, two thousand eleven through March thirty-first, two thousand fourteen, three hundred forty million dollars;
(L) for each state fiscal year within the period April first, two thousand fourteen through March thirty-first, two thousand seventeen, three hundred forty million dollars;
(M) for each state fiscal year within the period April first, two thousand seventeen through March thirty-first, two thousand twenty, three hundred forty million dollars; [and]
(N) for each state fiscal year within the period April first, two thousand twenty through March thirty-first, two thousand twenty-three, three hundred forty million dollars; and
(O) for each state fiscal year within the period April first, two thousand twenty-three through March thirty-first, two thousand twenty-six, three hundred forty million dollars.
(iii) Personal care service providers which have their rates adjusted pursuant to this paragraph shall use such funds for the purpose of recruitment and retention of non-supervisory personal care services workers or any worker with direct patient care responsibility only and are prohibited from using such funds for any other purpose. Each such personal care services provider shall submit, at a time and in a manner to be determined by the commissioner, a written certification attesting that such funds will be used solely for the purpose of recruitment and retention of non-supervisory personal care services workers or any worker with direct patient care responsibility. The commissioner is authorized to audit each such provider to ensure compliance with the written certification required by this subdivision and shall recoup any funds determined to have been used for purposes other than recruitment and retention of non-supervisory personal care services workers or any worker with direct patient care responsibility. Such recoupment shall be in addition to any other penalties provided by law.

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

(i) two million eight hundred thousand dollars for the period April first, two thousand two through December thirty-first, two thousand two;
(ii) five million six hundred thousand dollars, on an annualized basis, for the period January first, two thousand three through December thirty-first, two thousand three;
(iii) eight million four hundred thousand dollars, on an annualized basis, for the period January first, two thousand four through December thirty-first, two thousand four;
(iv) ten million eight hundred thousand dollars, on an annualized basis, for the period January first, two thousand five through December thirty-first, two thousand five;
(v) ten million eight hundred thousand dollars, on an annualized basis, for the period January first, two thousand six through December thirty-first, two thousand six;
(vi) eleven million two hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(vii) eleven million two hundred thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(viii) eleven million two hundred thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(ix) eleven million two hundred thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;
(x) two million eight hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;
(xi) up to eleven million two hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen;
(xii) up to eleven million two hundred thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen;
(xiii) up to eleven million two hundred thousand dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty; and
(xiv) up to eleven million two hundred thousand dollars each state fiscal year for the period April first, two thousand twenty through March thirty-first, two thousand twenty-three.
(xv) up to eleven million two hundred thousand dollars each state fiscal year for the period April first, two thousand twenty-three through March thirty-first, two thousand twenty-six.
(dd) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue fund - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of Medicaid expenditures for physician services from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:
(i) up to fifty-two million dollars for the period January first, two thousand two through December thirty-first, two thousand two;
(ii) eighty-one million two hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;
(iii) eighty-five million two hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four;
(iv) eighty-five million two hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(v) eighty-five million two hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(vi) eighty-five million two hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(vii) eighty-five million two hundred thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(viii) eighty-five million two hundred thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(ix) eighty-five million two hundred thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;
(x) twenty-one million three hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven; and
(xi) eighty-five million two hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen.

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

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

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

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

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

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

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

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

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

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

and

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

(ff) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue fund - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of Medicaid expenditures for disabled persons as authorized pursuant to former subparagraphs twelve and thirteen of paragraph (a) of subdivision one of section three hundred sixty-six of the social services law from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

(i) one million eight hundred thousand dollars for the period April first, two thousand two through December thirty-first, two thousand two;
(ii) sixteen million four hundred thousand dollars on an annualized basis for the period January first, two thousand three through December thirty-first, two thousand three;
(iii) eighteen million seven hundred thousand dollars on an annualized basis for the period January first, two thousand four through December thirty-first, two thousand four;
(iv) thirty million six hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(v) thirty million six hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(vi) thirty million six hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(vii) fifteen million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(viii) fifteen million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(ix) fifteen million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;
(x) three million seven hundred fifty thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;
(xi) fifteen million dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen;
(xii) fifteen million dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen;
(xiii) fifteen million dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty;
(xiv) fifteen million dollars each state fiscal year for the period April first, two thousand twenty through March thirty-first, two thousand twenty-three; and
(xv) fifteen million dollars each state fiscal year for the period April first, two thousand twenty-three through March thirty-first, two thousand twenty-six.

(gg) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of grants to non-public general hospitals pursuant to paragraph (c) of subdivision thirty of section twenty-eight hundred seven-c of this article from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:
(i) up to one million three hundred thousand dollars on an annualized basis for the period January first, two thousand two through December thirty-first, two thousand two;
(ii) up to three million two hundred thousand dollars on an annualized basis for the period January first, two thousand three through December thirty-first, two thousand three;
(iii) up to five million six hundred thousand dollars on an annualized basis for the period January first, two thousand four through December thirty-first, two thousand four;
(iv) up to eight million six hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(v) up to eight million six hundred thousand dollars on an annualized basis for the period January first, two thousand six through December thirty-first, two thousand six;
(vi) up to two million six hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(vii) up to two million six hundred thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(viii) up to two million six hundred thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(ix) up to two million six hundred thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten; and
(x) up to six hundred fifty thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven.

(hh) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the special revenue fund - other, HCRA transfer fund, medical assistance account for purposes of providing financial assistance to residential health care facilities pursuant to subdivisions nineteen and twenty-one of section twenty-eight hundred eight of this article, from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:
(i) for the period April first, two thousand two through December thirty-first, two thousand two, ten million dollars;
(ii) for the period January first, two thousand three through December thirty-first, two thousand three, nine million four hundred fifty thousand dollars;
(iii) for the period January first, two thousand four through December thirty-first, two thousand four, nine million three hundred fifty thousand dollars;
(iv) up to fifteen million dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(v) up to fifteen million dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(vi) up to fifteen million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(vii) up to fifteen million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(viii) up to fifteen million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(ix) up to fifteen million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;
(x) up to three million seven hundred fifty thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven; and
(xi) fifteen million dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen.

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

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

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

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

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

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

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

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

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

(ix) eight million five hundred thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;

(x) two million one hundred twenty-five thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;

(xi) eight million five hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand twelve;

(xii) eight million five hundred thousand dollars each state fiscal year for the period April first, two thousand twelve through March thirty-first, two thousand thirteen;

(xiii) eight million five hundred thousand dollars each state fiscal year for the period April first, two thousand thirteen through March thirty-first, two thousand fourteen;

(xiv) eight million five hundred thousand dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand fifteen; [and]

(xv) eight million five hundred thousand dollars each state fiscal year for the period April first, two thousand fifteen through March thirty-first, two thousand sixteen.

(jj) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for the purposes of a grant program to improve access to infertility services, treatments and procedures, from the tobacco control and insurance initiatives pool established for the period January first, two thousand two through December thirty-first, two thousand two in the amount of nine million one hundred seventy-five thousand dollars, for the period April
first, two thousand six through March thirty-first, two thousand seven in the amount of five million dollars, for the period April first, two thousand seven through March thirty-first, two thousand eight in the amount of five million dollars, for the period April first, two thousand eight through March thirty-first, two thousand nine in the amount of five million dollars, and for the period April first, two thousand nine through March thirty-first, two thousand ten in the amount of five million dollars, for the period April first, two thousand ten through March thirty-first, two thousand eleven in the amount of two million two hundred thousand dollars, and for the period April first, two thousand eleven through March thirty-first, two thousand twelve up to one million one hundred thousand dollars.

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

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

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

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

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

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

(vi) up to six hundred sixteen million seven hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;

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

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

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

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

(ii) one hundred twenty-four million six hundred thousand dollars for the period January first, two thousand three through December thirty-first, two thousand three;
(iii) one hundred twenty-four million seven hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four;
(iv) one hundred twenty-four million seven hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(v) one hundred twenty-four million seven hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(vi) one hundred twenty-four million seven hundred thousand dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(vii) one hundred twenty-four million seven hundred thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(viii) one hundred twenty-four million seven hundred thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(ix) one hundred twenty-four million seven hundred thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;
(x) thirty-one million one hundred seventy-five thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven; and
(xi) one hundred twenty-four million seven hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen.

(mm) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding specified percentages of the state share of services and expenses related to the family health plus program in accordance with the following schedule:
(i) (A) for the period January first, two thousand three through December thirty-first, two thousand four, one hundred percent of the state share;
(B) for the period January first, two thousand five through December thirty-first, two thousand five, seventy-five percent of the state share; and
(C) for periods beginning on and after January first, two thousand six, fifty percent of the state share.
(ii) Funding for the family health plus program will include up to five million dollars annually for the period January first, two thousand three through December thirty-first, two thousand six, up to five million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven, up to seven million two hundred thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight, up to seven million two hundred thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine, up to seven million two hundred thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten, up to one million eight hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven, up to six million forty-nine thousand dollars for the period April first,
two thousand eleven through March thirty-first, two thousand twelve, up
to six million two hundred eighty-nine thousand dollars for the period
April first, two thousand twelve through March thirty-first, two thou-
sand thirteen, and up to six million four hundred sixty-one thousand
dollars for the period April first, two thousand thirteen through March
thirty-first, two thousand fourteen, for administration and marketing
costs associated with such program established pursuant to clauses (A)
and (B) of subparagraph (v) of paragraph (a) of subdivision two of the
former section three hundred sixty-nine-ee of the social services law
from the tobacco control and insurance initiatives pool established for
the following periods in the following amounts:
(A) one hundred ninety million six hundred thousand dollars for the
period January first, two thousand three through December thirty-first,
two thousand three;
(B) three hundred seventy-four million dollars for the period January
first, two thousand four through December thirty-first, two thousand
four;
(C) five hundred thirty-eight million four hundred thousand dollars
for the period January first, two thousand five through December thir-
ty-first, two thousand five;
(D) three hundred eighteen million seven hundred seventy-five thousand
dollars for the period January first, two thousand six through December
thirty-first, two thousand six;
(E) four hundred eighty-two million eight hundred thousand dollars for
the period January first, two thousand seven through December thirty-
first, two thousand seven;
(F) five hundred seventy million twenty-five thousand dollars for the
period January first, two thousand eight through December thirty-first,
two thousand eight;
(G) six hundred ten million seven hundred twenty-five thousand dollars
for the period January first, two thousand nine through December thir-
ty-first, two thousand nine;
(H) six hundred twenty-seven million two hundred seven thousand dollars
for the period January first, two thousand ten through December
thirty-first, two thousand ten;
(I) one hundred fifty-seven million eight hundred seventy-five thousand
dollars for the period January first, two thousand eleven through
March thirty-first, two thousand eleven;
(J) six hundred twenty-eight million four hundred thousand dollars for
the period April first, two thousand twelve through March thirty-first,
two thousand twelve;
(K) six hundred fifty million four hundred thousand dollars for the
period April first, two thousand thirteen through March thirty-first, two
thousand thirteen;
(L) six hundred fifty million four hundred thousand dollars for the
period April first, two thousand fourteen through March
thirty-first, two thousand fourteen; and
(M) up to three hundred ten million five hundred ninety-five thousand
dollars for the period April first, two thousand fourteen through March
thirty-first, two thousand fifteen.
(nn) Funds shall be deposited by the commissioner, within amounts
appropriated, and the state comptroller is hereby authorized and
directed to receive for deposit to the credit of the state special
revenue fund - other, HCRA transfer fund, health care services account,
or any successor fund or account, for purposes related to adult home
initiatives for medicaid eligible residents of residential facilities
licensed pursuant to section four hundred sixty-b of the social services law from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

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

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

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

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

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

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

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

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

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

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

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

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

(iii) up to five million dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(iv) up to five million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(v) up to five million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(vi) up to five million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(vii) up to five million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten; and
(viii) up to one million two hundred fifty thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven.
(pp) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for the purpose of supporting the provision of tax credits for long term care insurance pursuant to subdivision one of section one hundred ninety of the tax law, paragraph (a) of subdivision fourteen of section two hundred ten-B of such law, subsection (aa) of section six hundred six of such law and paragraph one of subdivision (m) of section fifteen hundred eleven of such law, in the following amounts:
(i) ten million dollars for the period January first, two thousand four through December thirty-first, two thousand four;
(ii) ten million dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(iii) ten million dollars for the period January first, two thousand six through December thirty-first, two thousand six; and
(iv) five million dollars for the period January first, two thousand seven through June thirtieth, two thousand seven.
(qq) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for the purpose of supporting the long-term care insurance education and outreach program established pursuant to section two hundred seventeen-a of the elder law for the following periods in the following amounts:
(i) up to five million dollars for the period January first, two thousand four through December thirty-first, two thousand four; of such funds one million nine hundred fifty thousand dollars shall be made available to the department for the purpose of developing, implementing and administering the long-term care insurance education and outreach program and three million fifty thousand dollars shall be deposited by the commissioner, within amounts appropriated, and the comptroller is hereby authorized and directed to receive for deposit to the credit of the special revenue funds - other, HCRA transfer fund, long term care insurance resource center account of the state office for the aging or any future account designated for the purpose of implementing the long term care insurance education and outreach program and providing the long term care insurance resource centers with the necessary resources to carry out their operations;
(ii) up to five million dollars for the period January first, two thousand five through December thirty-first, two thousand five; of such funds one million nine hundred fifty thousand dollars shall be made available to the department for the purpose of developing, implementing and administering the long-term care insurance education and outreach program and three million fifty thousand dollars shall be deposited by the commissioner, within amounts appropriated, and the comptroller is hereby authorized and directed to receive for deposit to the credit of the special revenue funds - other, HCRA transfer fund, long term care insurance resource center account of the state office for the aging or
any future account designated for the purpose of implementing the long
term care insurance education and outreach program and providing the
long term care insurance resource centers with the necessary resources
to carry out their operations;

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

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

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

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

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

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

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

(ii) up to ten million dollars for the period January first, two thou-
sand seven through December thirty-first, two thousand seven;
(iii) up to ten million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(iv) up to ten million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(v) up to ten million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten; and
(vi) up to two million five hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven.

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

(tt) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of providing grants for two long term care demonstration projects designed to test new models for the delivery of long term care services established pursuant to section twenty-eight hundred seven-x of this chapter, for the following periods and in the following amounts:
(i) up to five hundred thousand dollars for the period January first, two thousand four through December thirty-first, two thousand four;
(ii) up to five hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five;
(iii) up to five hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six;
(iv) up to one million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven; and
(v) up to two hundred fifty thousand dollars for the period January first, two thousand eight through March thirty-first, two thousand eight.
Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for the purpose of supporting disease management and telemedicine demonstration programs authorized pursuant to section twenty-one hundred eleven of this chapter for the following periods in the following amounts:

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

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

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

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

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

(vi) seven million eight hundred thirty-three thousand three hundred thirty-three dollars for the period January first, two thousand nine through December thirty-first, two thousand nine, of which seven million five hundred thousand dollars shall be available for disease management demonstration programs and three hundred thirty-three thousand three hundred thirty-three dollars shall be available for telemedicine demonstration programs for the period January first, two thousand nine through March first, two thousand nine;

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

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

(i) sixty million five hundred thousand dollars for the period January first, two thousand five through December thirty-first, two thousand five; and
(ii) sixty million five hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six.

(xx) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for the deposit to the credit of the state special revenue funds - other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of the general hospital rates increases for rural hospitals pursuant to subdivision thirty-two of section twenty-eight hundred seven-c of this article from the tobacco control and insurance initiatives pool established for the following periods in the following amounts:

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

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

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

(iv) three million five hundred thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight; and

(v) three million two hundred eight thousand dollars for the period January first, two thousand nine through November thirtieth, two thousand nine.

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

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

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

(ii) one hundred eight million three hundred thousand dollars for the period January first, two thousand six through December thirty-first, two thousand six, provided, however, that within amounts appropriated in the two thousand six through two thousand seven state fiscal year, a portion of such funds may be transferred to the Roswell Park Cancer Institute Corporation to fund capital costs;
(iii) one hundred seventy-one million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven, provided, however, that within amounts appropriated in the two thousand six through two thousand seven state fiscal year, a portion of such funds may be transferred to the Roswell Park Cancer Institute Corporation to fund capital costs;
(iv) one hundred seventy-one million five hundred thousand dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(v) one hundred twenty-eight million seven hundred fifty thousand dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(vi) one hundred thirty-one million three hundred seventy-five thousand dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;
(vii) thirty-four million two hundred fifty thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;
(viii) four hundred thirty-three million three hundred sixty-six thousand dollars for the period April first, two thousand eleven through March thirty-first, two thousand twelve;
(ix) one hundred fifty million eight hundred six thousand dollars for the period April first, two thousand twelve through March thirty-first, two thousand thirteen;
(x) seventy-eight million seven hundred thousand dollars for the period April first, two thousand thirteen through March thirty-first, two thousand fourteen.

(aaa) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for services and expenses related to school based health centers, in an amount up to three million five hundred thousand dollars for the period April first, two thousand six through March thirty-first, two thousand seven, up to three million five hundred thousand dollars for the period April first, two thousand seven through March thirty-first, two thousand eight, up to three million five hundred thousand dollars for the period April first, two thousand eight through March thirty-first, two thousand nine, up to three million five hundred thousand dollars for the period April first, two thousand nine through March thirty-first, two thousand ten, up to three million five hundred thousand dollars for the period April first, two thousand ten through March thirty-first, two thousand eleven, up to two million eight hundred thousand dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand twelve, up to two million six hundred forty-four thousand dollars each state fiscal year for the period April first, two thousand twelve through March thirty-first, two thousand thirteen, up to two million six hundred forty-four thousand dollars each state fiscal year for the period April first, two thousand thirteen through March thirty-first, two thousand fourteen. The total amount of funds provided herein shall be distributed as grants based on the ratio of each provider's total enrollment for all sites to
the total enrollment of all providers. This formula shall be applied to the total amount provided herein.

(bbb) Funds shall be reserved and accumulated from year to year and shall be available, including income from invested funds, for purposes of awarding grants to operators of adult homes, enriched housing programs and residences through the enhancing abilities and life experience (EnAbLe) program to provide for the installation, operation and maintenance of air conditioning in resident rooms, consistent with this paragraph, in an amount up to two million dollars for the period April first, two thousand six through March thirty-first, two thousand seven, up to three million eight hundred thousand dollars for the period April first, two thousand seven through March thirty-first, two thousand eight, up to three million eight hundred thousand dollars for the period April first, two thousand eight through March thirty-first, two thousand nine, up to three million eight hundred thousand dollars for the period April first, two thousand nine through March thirty-first, two thousand ten, and up to three million eight hundred thousand dollars for the period April first, two thousand ten through March thirty-first, two thousand eleven. Residents shall not be charged utility cost for the use of air conditioners supplied under the EnAbLe program. All such air conditioners must be operated in occupied resident rooms consistent with requirements applicable to common areas.

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

(i) twenty-five million dollars for the period June first, two thousand six through December thirty-first, two thousand six;
(ii) fifty million dollars for the period January first, two thousand seven through December thirty-first, two thousand seven;
(iii) fifty million dollars for the period January first, two thousand eight through December thirty-first, two thousand eight;
(iv) fifty million dollars for the period January first, two thousand nine through December thirty-first, two thousand nine;
(v) fifty million dollars for the period January first, two thousand ten through December thirty-first, two thousand ten;
(vi) twelve million five hundred thousand dollars for the period January first, two thousand eleven through March thirty-first, two thousand eleven;
(vii) up to fifty million dollars each state fiscal year for the period April first, two thousand eleven through March thirty-first, two thousand fourteen;
(viii) up to fifty million dollars each state fiscal year for the period April first, two thousand fourteen through March thirty-first, two thousand seventeen;
(ix) up to fifty million dollars each state fiscal year for the period April first, two thousand seventeen through March thirty-first, two thousand twenty; and

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

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

(ddd) Funds shall be deposited by the commissioner, within amounts appropriated, and the state comptroller is hereby authorized and directed to receive for the deposit to the credit of the state special revenue funds—other, HCRA transfer fund, medical assistance account, or any successor fund or account, for purposes of funding the state share of increases in the medical assistance rates for providers for purposes of enhancing the provision, quality and/or efficiency of home care services pursuant to subdivision eleven of section thirty-six hundred fourteen of this chapter from the tobacco control and insurance initiatives pool established for the following period in the amount of eight million dollars for the period April first, two thousand six through December thirty-first, two thousand six.

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

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

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

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

(ii) fourteen million seven hundred thousand dollars for the period January first, two thousand nine through November thirtieth, two thousand nine.

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

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

(ii) two million two hundred ninety-two thousand dollars for the period January first, two thousand nine through November thirtieth, two thousand nine.

(iii) Funds shall be reserved and set aside and accumulated from year to year and shall be made available, including income from investment funds, for the purpose of supporting the New York state medical indemnity fund as authorized pursuant to title four of article twenty-nine-D of this chapter, for the following periods and in the following amounts, provided, however, that the commissioner is authorized to seek waiver authority from the federal centers for medicare and Medicaid for the purpose of securing Medicaid federal financial participation for such program, in which case the funding authorized pursuant to this paragraph shall be utilized as the non-federal share for such payments:

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

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

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

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

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

§ 14. Paragraph (r) of subdivision 9 of section 3614 of the public health law, as added by section 16 of part Y of chapter 56 of the laws of 2020, is amended to read as follows:

(a) For the purpose of regulating cash flow for general hospitals, the department shall develop and implement a payment methodology to provide for timely payments for inpatient hospital services eligible for case based payments per discharge based on diagnosis-related groups provided during the period January first, nineteen hundred eighty-eight through March thirty-first, two thousand [twenty-three] twenty-six, by such hospitals which elect to participate in the system.
of 2020, is amended and three new paragraphs (s), (t) and (u) are added to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

PART D

Intentionally Omitted

PART E

Section 1. Subdivision 5-d of section 2807-k of the public health law, as amended by section 3 of part KK of chapter 56 of the laws of 2020, is amended to read as follows:
5-d. (a) Notwithstanding any inconsistent provision of this section, section twenty-eight hundred seven-w of this article or any other contrary provision of law, and subject to the availability of federal financial participation, for periods on and after January first, two thousand twenty, through March thirty-first, two thousand [twenty-three] twenty-six, all funds available for distribution pursuant to this section, except for funds distributed pursuant to [subparagraph (v) of] paragraph (b) of subdivision five-b of this section, and all funds available for distribution pursuant to section twenty-eight hundred seven-w of this article, shall be reserved and set aside and distributed in accordance with the provisions of this subdivision.

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

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

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

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

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

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

For the calendar years two thousand twenty-three through two thousand twenty-five, the total distributions to eligible general hospitals, other than major public general hospitals, shall be subject to an aggregate reduction of two hundred thirty-five million four hundred thousand dollars annually, provided that eligible general hospitals, other than major public general hospitals that qualify as enhanced safety net hospitals under section two thousand eight hundred seven-c of this article as of April first, two thousand twenty, shall not be subject to such reduction.

Such [reduction] reductions shall be determined by a methodology to be established by the commissioner. Such [methodology] methodologies may take into account the payor mix of each non-public general hospital, including the percentage of inpatient days paid by Medicaid.
(iii) For calendar years two thousand twenty through two thousand twenty-five, sixty-four million six hundred thousand dollars shall be distributed to eligible general hospitals, other than major public general hospitals, that experience a reduction in indigent care pool payments pursuant to this subdivision, and that qualify as enhanced safety net hospitals under section two thousand eight hundred seven-c of this article as of April first, two thousand twenty. Such distribution shall be established pursuant to regulations promulgated by the commissioner and shall be proportional to the reduction experienced by the facility.

(iv) Such regulations shall reserve one percent of the funds available for distribution in the two thousand fourteen and two thousand fifteen calendar years, and for calendar years thereafter, pursuant to this subdivision, subdivision fourteen-f of section twenty-eight hundred seventy-c of this article, and sections two hundred eleven and two hundred twelve of chapter four hundred seventy-four of the laws of nineteen hundred ninety-six, in a "financial assistance compliance pool" and shall establish methodologies for the distribution of such pool funds to facilities based on their level of compliance, as determined by the commissioner, with the provisions of subdivision nine-a of this section.

(c) The commissioner shall annually report to the governor and the legislature on the distribution of funds under this subdivision including, but not limited to:

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

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

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

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

1. "Hospital" means a facility or institution engaged principally in providing services by or under the supervision of a physician or, in the case of a dental clinic or dental dispensary, of a dentist, or, in the case of a midwifery birth center, of a midwife, for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, public health center, diagnostic center, treatment center, a rural emergency hospital under 42 USC 1395x(kkk), or successor provisions, dental clinic, dental dispensary, rehabilitation center other than a facility used solely for vocational rehabilitation, nursing home, tuberculosis hospital, chronic disease hospital, maternity hospital, midwifery birth center, lying-in-asylum, out-patient department, out-patient lodge, dispensary and a laboratory or central service facility serving one or more such institutions, but the term hospital shall not include an institution, sanitarium or other facility engaged principally in providing services for the prevention, diagnosis or treatment of mental disability and which is subject to the powers of visitation, examination, inspection and investigation of the department of mental hygiene except for those distinct parts of such a facility which provide hospital service. The provisions of this article shall not apply to a facility or institution engaged principally in providing services by or under the supervision of the bona fide members and adherents of a recognized religious organization whose teachings include reliance on spiritual means through prayer alone for healing in the practice of the religion of such organization and where services are provided in accordance with those
teachings. No provision of this article or any other provision of law shall be construed to: (a) limit the volume of mental health, substance use disorder services or developmental disability services that can be provided by a provider of primary care services licensed under this article and authorized to provide integrated services in accordance with regulations issued by the commissioner in consultation with the commissioner of the office of mental health, the commissioner of the office of alcoholism and substance abuse services and the commissioner of the office for people with developmental disabilities, including regulations issued pursuant to subdivision seven of section three hundred sixty-five-l of the social services law or part L of chapter fifty-six of the laws of two thousand twelve; (b) require a provider licensed pursuant to article thirty-one of the mental hygiene law or certified pursuant to article sixteen or article thirty-two of the mental hygiene law to obtain an operating certificate from the department if such provider has been authorized to provide integrated services in accordance with regulations issued by the commissioner in consultation with the commissioner of the office of mental health, the commissioner of the office of alcoholism and substance abuse services and the commissioner of the office for people with developmental disabilities, including regulations issued pursuant to subdivision seven of section three hundred sixty-five-l of the social services law or part L of chapter fifty-six of the laws of two thousand twelve.

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

4. At least thirty days prior to a general hospital applying to the federal centers for medicare and medicaid services to convert from a general hospital with inpatients to a rural emergency hospital under 42 USC 1395x(kkk), or successor provisions, such hospital shall hold a public community forum for the purpose of obtaining public input concerning the anticipated impact of the hospital's closure of inpatient units, including but not limited to, the impact on recipients of medical assistance for needy persons, the uninsured, people with disabilities, and medically underserved populations, and options and proposals to ameliorate such anticipated impact. The hospital shall notify health care providers, labor unions, the congressional representative for the district in which the facility is located, the county executive of the county in which the facility is located, and the state senator and assembly member representing the area within which the facility is located of the date, time, and location of the community forum. The hospital shall afford all public participants a reasonable opportunity to speak about relevant matters at such community forum. Prior to any community forum and as soon as practicable, the hospital shall be required to:

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

(b) notify the office of addiction services and supports in the event such general hospital has inpatient substance use disorder treatment programs or inpatient chemical dependence treatment programs licensed under article thirty-two of the mental hygiene law. The commissioner shall also accept comments submitted in writing at such public forum and by mail within at least two weeks following the community forum.
§ 4. The opening paragraph and paragraphs (i) and (ii) of subdivision (g) of section 2826 of the public health law, the opening paragraph and paragraph (i) as amended by section 3 of part M of chapter 57 of the laws of 2022 and paragraph (ii) as added by section 6 of part J of chapter 60 of the laws of 2015, are amended to read as follows:

Notwithstanding subdivision (a) of this section, and within amounts appropriated for such purposes as described herein, [for the period of April first, two thousand twenty-two through March thirty-first, two thousand twenty-three,] the commissioner may award a temporary adjustment to the non-capital components of rates, or make temporary lump-sum Medicaid payments to eligible facilities [in severe financial distress with serious financial instability and requiring extraordinary financial assistance to enable such facilities to maintain operations and vital services while such facilities establish long term solutions to achieve sustainable health services. Provided, however, the commissioner is authorized to make such a temporary adjustment or make such temporary lump sum payment only pursuant to criteria, an application, and an evaluation process and transformation plan acceptable to the commissioner in consultation with the director of the division of the budget. The department shall publish on its website the criteria, application, and evaluation process and notification of any award recipients.]

(i) Eligible facilities shall include:

(A) a public hospital, which for purposes of this subdivision, shall mean a general hospital operated by a county [or] municipality, [but shall exclude any such hospital operated by a public benefit corporation] or a public benefit corporation;

(B) a federally designated critical access hospital;

(C) a federally designated sole community hospital;

(D) a residential health care facility;

(E) a general hospital that is a safety net hospital, which for purpose of this subdivision shall mean:

(1) such hospital has at least thirty percent of its inpatient discharges made up of Medicaid eligible individuals, uninsured individuals or Medicaid dually eligible individuals and with at least thirty-five percent of its outpatient visits made up of Medicaid eligible individuals, uninsured individuals or Medicaid dually-eligible individuals;

(3) such hospital that, in the discretion of the commissioner, serves a significant population of Medicaid eligible individuals, uninsured individuals or Medicaid dually-eligible individuals; or

(F) an independent practice association or accountable care organization authorized under applicable regulations that participate in managed care provider network arrangements with any of the provider types in subparagraphs (A) through (F) of this paragraph; or an entity that was formed as a preferred provider system pursuant to the delivery system reform incentive payment (DSRIP) program and collaborated with an independent practice association that received VBP innovator status from the department for purposes of meeting DSRIP goals, and which preferred provider system remains operational as an integrated care system.

(ii) Eligible applicants must demonstrate that without such award, they will be in [severe financial distress through March thirty-first, two thousand sixteen] serious financial instability, as evidenced by:
1. (A) certification that such applicant has less than fifteen days' cash and equivalents;
2. (B) such applicant has no assets that can be monetized other than those vital to operations; and
3. (C) such applicant has exhausted all efforts to obtain resources from corporate parents and affiliated entities to sustain operations.

§ 5. Subparagraphs (A), (E) and (F) of paragraph (iii) of subdivision (g) of section 2826 of the public health law, as added by section 6 of part J of chapter 60 of the laws of 2015, are amended to read as follows:
1. (A) [Applications under this subdivision] Eligible applicants shall include a multi-year transformation plan that is aligned with the delivery system reform incentive payment ("DSRIP") program goals and objectives. Such plan shall be approved by [submit a completed application to] the department [and shall demonstrate a path towards long-term sustainability and improved patient care].
2. (E) The department shall review all applications under this subdivision, and [a] determine:
   1. (1) applicant eligibility;
   2. (2) each applicant's projected financial status;
   3. (3) [each applicant's proposed use of funds to maintain critical services needed by its community] criteria or requirements upon which an award of funds shall be conditioned, such as a transformation plan, savings plan or quality improvement plan. In the event the department requires an applicant to enter into an agreement or contract with a vendor or contractor, the department shall approve the selected vendor or contractor but shall not specify the vendor or contractor that the applicant must utilize; and
   4. (4) the anticipated impact of the loss of such services.
3. (F) After review of all applications under this subdivision, and a determination of the aggregate amount of requested funds, the department [shall] may make awards to eligible applicants; provided, however, that such awards may be in an amount lower than such requested funding, on a per applicant or aggregate basis.

§ 6. Paragraph (iv) of subdivision (g) of section 2826 of the public health law, as added by section 6 of part J of chapter 60 of the laws of 2015, is amended to read as follows:
1. (iv) Awards under this subdivision may not be used for:
   (A) capital expenditures, including, but not limited to: construction, renovation and acquisition of capital equipment, including major medical equipment; or
   (B) [consultant fees;]
   (C) retirement of long-term debt; or
   (D) bankruptcy-related costs.

§ 7. Paragraph (v) of subdivision (g) of section 2826 of the public health law, as added by section 6 of part J of chapter 60 of the laws of 2015, is amended to read as follows:
1. (v) Payments made to awardees pursuant to this subdivision [shall be] that are made on a monthly basis [Such payments] will be based on the applicant's actual monthly financial performance during such period and the reasonable cash amount necessary to sustain operations for the following month. The applicant's monthly financial performance shall be measured by such applicant's monthly financial and activity reports, which shall include, but not be limited to, actual revenue and expenses for the prior month, projected cash need for the current month, and projected cash need for the following month.
§ 8. 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, is amended by adding a new section 1-a to read
as follows:

§ 1-a. Notwithstanding any provision of law to the contrary, for the
state fiscal years beginning April 1, 2023, and thereafter, Medicaid
payments made for the operating component of hospital inpatient services
shall be subject to a uniform rate increase of seven and one-half
percent in addition to the increase contained in section one of this
act, subject to the approval of the commissioner of health and the
director of the budget. Notwithstanding any provision of law to the
contrary, for the state fiscal years beginning April 1, 2023, and there-
after, Medicaid payments made for the operating component of hospital
outpatient services shall be subject to a uniform rate increase of six
and one-half percent in addition to the increase contained in section
one of this act, subject to the approval of the commissioner of health
and the director of the budget. Such rate increase shall be subject to
federal financial participation.

§ 9. This act shall take effect immediately; provided that sections
two and three of this act shall take effect on the sixtieth day after it
shall have become a law; provided, further, that sections one, four,
five, six, seven and eight of this act shall be deemed to have been in
full force and effect on and after April 1, 2023.

PART F

Section 1. Paragraph (a) of subdivision 1 of section 18 of chapter 266
of the laws of 1986, amending the civil practice law and rules and other
laws relating to malpractice and professional medical conduct, as
amended by section 1 of part Z of chapter 57 of the laws of 2022, is
amended to read as follows:

(a) The superintendent of financial services and the commissioner of
health or their designee shall, from funds available in the hospital
excess liability pool created pursuant to subdivision 5 of this section,
purchase a policy or policies for excess insurance coverage, as author-
ized by paragraph 1 of subsection (e) of section 5502 of the insurance
law; or from an insurer, other than an insurer described in section 5502
of the insurance law, duly authorized to write such coverage and actual-
ly writing medical malpractice insurance in this state; or shall
purchase equivalent excess coverage in a form previously approved by the
superintendent of financial services for purposes of providing equiv-
alent excess coverage in accordance with section 19 of chapter 294 of
the laws of 1985, for medical or dental malpractice occurrences between
July 1, 1986 and June 30, 1987, between July 1, 1987 and June 30, 1988,
between July 1, 1988 and June 30, 1989, between July 1, 1989 and June
and June 30, 1992, between July 1, 1992 and June 30, 1993, between July
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between July 1, 2009 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July 1, 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013, between July 1, 2013 and June 30, 2014, between July 1, 2014 and June 30, 2015, between July 1, 2015 and June 30, 2016, between July 1, 2016 and June 30, 2017, between July 1, 2017 and June 30, 2018, between July 1, 2018 and June 30, 2019, between July 1, 2019 and June 30, 2020, between July 1, 2020 and June 30, 2021, between July 1, 2021 and June 30, 2022, and between July 1, 2022 and June 30, 2023, or reimburse the hospital where the hospital purchases equivalent excess coverage as defined in subparagraph (i) of paragraph (a) of subdivision 1-a of this section for medical or dental malpractice occurrences between July 1, 1987 and June 30, 1988, between July 1, 1988 and June 30, 1989, between July 1, 1989 and June 30, 1990, between July 1, 1990 and June 30, 1991, between July 1, 1991 and June 30, 1992, between July 1, 1992 and June 30, 1993, between July 1, 1993 and June 30, 1994, between July 1, 1994 and June 30, 1995, between July 1, 1995 and June 30, 1996, between July 1, 1996 and June 30, 1997, between July 1, 1997 and June 30, 1998, between July 1, 1998 and June 30, 1999, between July 1, 1999 and June 30, 2000, between July 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002, between July 1, 2002 and June 30, 2003, between July 1, 2003 and June 30, 2004, between July 1, 2004 and June 30, 2005, between July 1, 2005 and June 30, 2006, between July 1, 2006 and June 30, 2007, between July 1, 2007 and June 30, 2008, between July 1, 2008 and June 30, 2009, between July 1, 2009 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July 1, 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013, between July 1, 2013 and June 30, 2014, between July 1, 2014 and June 30, 2015, between July 1, 2015 and June 30, 2016, between July 1, 2016 and June 30, 2017, between July 1, 2017 and June 30, 2018, between July 1, 2018 and June 30, 2019, between July 1, 2019 and June 30, 2020, between July 1, 2020 and June 30, 2021, between July 1, 2021 and June 30, 2022, and between July 1, 2022 and June 30, 2023, and between July 1, 2023 and June 30, 2024, or physicians or dentists certified as eligible for each such period or periods pursuant to subdivision 2 of this section by a general hospital licensed pursuant to article 28 of the public health law; provided that no single insurer shall write more than fifty percent of the total excess premium for a given policy year; and provided, however, that such eligible physicians or dentists must have in force an individual policy, from an insurer licensed in this state of primary malpractice insurance coverage in amounts of no less than one million three hundred thousand dollars for each claimant and three million nine hundred thousand dollars for all claimants under that policy during the period of such excess coverage for such occurrences or be endorsed as additional insureds under a hospital professional liability policy which is offered through a voluntary attending physician ("channeling") program previously permitted by the superintendent of financial services during the period of such excess coverage for such occurrences. During such period, such policy for excess coverage or such equivalent excess coverage shall, when combined with the physician's or dentist's primary malpractice insurance coverage or coverage provided through a voluntary attending physician ("channeling") program, total an aggregate level of two million three hundred thousand dollars for each claimant and six million nine hundred thousand dollars for all claimants from all such policies with respect to occurrences in each of such years provided, however, if the cost of primary malpractice insurance coverage in excess of one million dollars,
but below the excess medical malpractice insurance coverage provided pursuant to this act, exceeds the rate of nine percent per annum, then the required level of primary malpractice insurance coverage in excess of one million dollars for each claimant shall be in an amount of not less than the dollar amount of such coverage available at nine percent per annum; the required level of such coverage for all claimants under that policy shall be in an amount not less than three times the dollar amount of coverage for each claimant; and excess coverage, when combined with such primary malpractice insurance coverage, shall increase the aggregate level for each claimant by one million dollars and three million dollars for all claimants; and provided further, that, with respect to policies of primary medical malpractice coverage that include occurrences between April 1, 2002 and June 30, 2002, such requirement that coverage be in amounts no less than one million three hundred thousand dollars for each claimant and three million nine hundred thousand dollars for all claimants for such occurrences shall be effective April 1, 2002.

§ 2. Subdivision 3 of section 18 of chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, as amended by section 2 of part Z of chapter 57 of the laws of 2022, is amended to read as follows:


(b) The superintendent of financial services shall determine and certify to each general hospital and to the commissioner of health the cost of excess malpractice insurance or equivalent excess coverage for medical or dental malpractice occurrences between July 1, 1987 and June 30, 1988, between July 1, 1988 and June 30, 1989, between July 1, 1989 and June 30, 1990, between July 1, 1990 and June 30, 1991, between July
between July 1, 1991 and June 30, 1992, between July 1, 1992 and June 30, 1993,
between July 1, 1993 and June 30, 1994, between July 1, 1994 and June
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and June 30, 1997, between July 1, 1997 and June 30, 1998, between July
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and June 30, 2011, between July 1, 2011 and June 30, 2012, between July
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between July 1, 2014 and June 30, 2015, between July 1, 2015 and June
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and June 30, 2018, between July 1, 2018 and June 30, 2019, between July
1, 2019 and June 30, 2020, between July 1, 2020 and June 30, 2021,
between July 1, 2021 and June 30, 2022, [and] between July 1, 2022 and
June 30, 2023, and between July 1, 2023 and June 30, 2024 allocable to
each general hospital for physicians or dentists certified as eligible
for purchase of a policy for excess insurance coverage or equivalent
excess coverage by such general hospital in accordance with subdivision
2 of this section, and may amend such determination and certification as
necessary. The superintendent of financial services shall determine and
certify to each general hospital and to the commissioner of health the
ratable share of such cost allocable to the period July 1, 1987 to
December 31, 1987, to the period January 1, 1988 to June 30, 1988, to
the period July 1, 1988 to December 31, 1988, to the period January 1,
1989 to June 30, 1989, to the period July 1, 1989 to December 31, 1989,
to the period January 1, 1990 to June 30, 1990, to the period July 1,
1990 to December 31, 1990, to the period January 1, 1991 to June 30,
1991, to the period July 1, 1991 to December 31, 1991, to the period
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30, 1994, to the period July 1, 1994 to December 31, 1994, to the period
January 1, 1995 to June 30, 1995, to the period July 1, 1995 to December
31, 1995, to the period January 1, 1996 to June 30, 1996, to the period
July 1, 1996 to December 31, 1996, to the period January 1, 1997 to June
30, 1997, to the period July 1, 1997 to December 31, 1997, to the period
January 1, 1998 to June 30, 1998, to the period July 1, 1998 to December
31, 1998, to the period January 1, 1999 to June 30, 1999, to the period
July 1, 1999 to December 31, 1999, to the period January 1, 2000 to June
30, 2000, to the period July 1, 2000 to December 31, 2000, to the period
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2002, to the period July 1, 2002 to June 30, 2003, to the period July 1,
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period July 1, 2008 and June 30, 2009, to the period July 1, 2009 and
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period July 1, 2011 and June 30, 2012, to the period July 1, 2012 and
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period July 1, 2014 and June 30, 2015, to the period July 1, 2015 and
June 30, 2016, to the period July 1, 2016 and June 30, 2017, to the
period July 1, 2017 to June 30, 2018, to the period July 1, 2018 to June
$3. Paragraphs (a), (b), (c), (d) and (e) of subdivision 8 of section 18 of chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, as amended by section 3 of part Z of chapter 57 of the laws of 2022, are amended to read as follows:

(a) To the extent funds available to the hospital excess liability pool pursuant to subdivision 5 of this section as amended, and pursuant to section 6 of part J of chapter 63 of the laws of 2001, as may from time to time be amended, which amended this subdivision, are insufficient to meet the costs of excess insurance coverage or equivalent excess coverage for coverage periods during the period July 1, 1992 to June 30, 1993, during the period July 1, 1993 to June 30, 1994, during the period July 1, 1994 to June 30, 1995, during the period July 1, 1995 to June 30, 1996, during the period July 1, 1996 to June 30, 1997, during the period July 1, 1997 to June 30, 1998, during the period July 1, 1998 to June 30, 1999, during the period July 1, 1999 to June 30, 2000, during the period July 1, 2000 to June 30, 2001, during the period July 1, 2001 to October 29, 2001, during the period April 1, 2002 to June 30, 2002, during the period July 1, 2002 to June 30, 2003, during the period July 1, 2003 to June 30, 2004, during the period July 1, 2004 to June 30, 2005, during the period July 1, 2005 to June 30, 2006, during the period July 1, 2006 to June 30, 2007, during the period July 1, 2007 to June 30, 2008, during the period July 1, 2008 to June 30, 2009, during the period July 1, 2009 to June 30, 2010, during the period July 1, 2010 to June 30, 2011, during the period July 1, 2011 to June 30, 2012, during the period July 1, 2012 to June 30, 2013, during the period July 1, 2013 to June 30, 2014, during the period July 1, 2014 to June 30, 2015, during the period July 1, 2015 to June 30, 2016, during the period July 1, 2016 to June 30, 2017, during the period July 1, 2017 to June 30, 2018, during the period July 1, 2018 to June 30, 2019, during the period July 1, 2019 to June 30, 2020, during the period July 1, 2020 to June 30, 2021, during the period July 1, 2021 to June 30, 2022, during the period July 1, 2022 to June 30, 2023, and during the period July 1, 2023 to June 30, 2024

allocated or reallocated in accordance with paragraph (a) of subdivision 4-a of this section to rates of payment applicable to state governmental agencies, each physician or dentist for whom a policy for excess insurance coverage or equivalent excess coverage is purchased for such period shall be responsible for payment to the provider of excess insurance coverage or equivalent excess coverage of an allocable share of such insufficiency, based on the ratio of the total cost of such coverage for such physician to the sum of the total cost of such coverage for all physicians applied to such insufficiency.

(b) Each provider of excess insurance coverage or equivalent excess coverage covering the period July 1, 1992 to June 30, 1993, or covering the period July 1, 1993 to June 30, 1994, or covering the period July 1, 1994 to June 30, 1995, or covering the period July 1, 1995 to June 30, 1996, or covering the period July 1, 1996 to June 30, 1997, or covering the period July 1, 1997 to June 30, 1998, or covering the period July 1, 1998 to June 30, 1999, or covering the period July 1, 1999 to June 30, 2000, or covering the period July 1, 2000 to June 30, 2001, or covering the period July 1, 2001 to October 29, 2001, or covering the period April 1, 2002 to June 30, 2002, or covering the period July 1, 2002 to June 30, 2003, or covering the period July 1, 2003 to June 30, 2004, or covering the period July 1, 2004 to June 30, 2005, or covering the period July 1, 2005 to June 30, 2006, or covering the period July 1, 2006 to June 30, 2007, or covering the period July 1, 2007 to June 30, 2008, or covering the period July 1, 2008 to June 30, 2009, or covering the period July 1, 2009 to June 30, 2010, or covering the period July 1, 2010 to June 30, 2011, or covering the period July 1, 2011 to June 30, 2012, or covering the period July 1, 2012 to June 30, 2013, or covering the period July 1, 2013 to June 30, 2014, or covering the period July 1, 2014 to June 30, 2015, or covering the period July 1, 2015 to June 30, 2016, or covering the period July 1, 2016 to June 30, 2017, or covering the period July 1, 2017 to June 30, 2018, or covering the period July 1, 2018 to June 30, 2019, or covering the period July 1, 2019 to June 30, 2020, or covering the period July 1, 2020 to June 30, 2021, or covering the period July 1, 2021 to June 30, 2022, during the period July 1, 2022 to June 30, 2023, during the period July 1, 2023 to June 30, 2024

allocated or reallocated in accordance with paragraph (a) of subdivision 4-a of this section to rates of payment applicable to state governmental agencies, each physician or dentist for whom a policy for excess insurance coverage or equivalent excess coverage is purchased for such period shall be responsible for payment to the provider of excess insurance coverage or equivalent excess coverage of an allocable share of such insufficiency, based on the ratio of the total cost of such coverage for such physician to the sum of the total cost of such coverage for all physicians applied to such insufficiency.
1 April 1, 2002 to June 30, 2002, or covering the period July 1, 2002 to
2 June 30, 2003, or covering the period July 1, 2003 to June 30, 2004, or
3 covering the period July 1, 2004 to June 30, 2005, or covering the peri-
4 od July 1, 2005 to June 30, 2006, or covering the period July 1, 2006 to
5 June 30, 2007, or covering the period July 1, 2007 to June 30, 2008, or
6 covering the period July 1, 2008 to June 30, 2009, or covering the peri-
7 od July 1, 2009 to June 30, 2010, or covering the period July 1, 2010 to
8 June 30, 2011, or covering the period July 1, 2011 to June 30, 2012, or
9 covering the period July 1, 2012 to June 30, 2013, or covering the peri-
10 od July 1, 2013 to June 30, 2014, or covering the period July 1, 2014 to
11 June 30, 2015, or covering the period July 1, 2015 to June 30, 2016, or
12 covering the period July 1, 2016 to June 30, 2017, or covering the peri-
13 od July 1, 2017 to June 30, 2018, or covering the period July 1, 2018 to
14 June 30, 2019, or covering the period July 1, 2019 to June 30, 2020, or
15 covering the period July 1, 2020 to June 30, 2021, or covering the peri-
16 od July 1, 2021 to June 30, 2022, or covering the period July 1, 2022 to
17 June 30, 2023, or covering the period July 1, 2023 to June 30, 2024
18 shall notify a covered physician or dentist by mail, mailed to the
19 address shown on the last application for excess insurance coverage or
20 equivalent excess coverage, of the amount due to such provider from such
21 physician or dentist for such coverage period determined in accordance
22 with paragraph (a) of this subdivision. Such amount shall be due from
23 such physician or dentist to such provider of excess insurance coverage
24 or equivalent excess coverage in a time and manner determined by the
25 superintendent of financial services.
26 (c) If a physician or dentist liable for payment of a portion of the
27 costs of excess insurance coverage or equivalent excess coverage cover-
28 ing the period July 1, 1992 to June 30, 1993, or covering the period
29 July 1, 1993 to June 30, 1994, or covering the period July 1, 1994 to
30 June 30, 1995, or covering the period July 1, 1995 to June 30, 1996, or
31 covering the period July 1, 1996 to June 30, 1997, or covering the peri-
32 od July 1, 1997 to June 30, 1998, or covering the period July 1, 1998 to
33 June 30, 1999, or covering the period July 1, 1999 to June 30, 2000, or
34 covering the period July 1, 2000 to June 30, 2001, or covering the peri-
35 od July 1, 2001 to October 29, 2001, or covering the period April 1,
36 2002 to June 30, 2002, or covering the period July 1, 2002 to June 30,
37 2003, or covering the period July 1, 2003 to June 30, 2004, or covering
38 the period July 1, 2004 to June 30, 2005, or covering the period July 1,
39 2005 to June 30, 2006, or covering the period July 1, 2006 to June 30,
40 2007, or covering the period July 1, 2007 to June 30, 2008, or covering
41 the period July 1, 2008 to June 30, 2009, or covering the period July 1,
42 2009 to June 30, 2010, or covering the period July 1, 2010 to June 30,
43 2011, or covering the period July 1, 2011 to June 30, 2012, or covering
44 the period July 1, 2012 to June 30, 2013, or covering the period July 1,
45 2013 to June 30, 2014, or covering the period July 1, 2014 to June 30,
46 2015, or covering the period July 1, 2015 to June 30, 2016, or covering
47 the period July 1, 2016 to June 30, 2017, or covering the period July 1,
48 2017 to June 30, 2018, or covering the period July 1, 2018 to June 30,
49 2019, or covering the period July 1, 2019 to June 30, 2020, or covering
50 the period July 1, 2020 to June 30, 2021, or covering the period July 1,
51 2021 to June 30, 2022, or covering the period July 1, 2022 to June 30,
52 2023, or covering the period July 1, 2023 to June 30, 2024 determined in
53 accordance with paragraph (a) of this subdivision fails, refuses or
54 neglects to make payment to the provider of excess insurance coverage or
55 equivalent excess coverage in such time and manner as determined by the
56 superintendent of financial services pursuant to paragraph (b) of this
subdivision, excess insurance coverage or equivalent excess coverage purchased for such physician or dentist in accordance with this section for such coverage period shall be cancelled and shall be null and void as of the first day on or after the commencement of a policy period where the liability for payment pursuant to this subdivision has not been met.

(d) Each provider of excess insurance coverage or equivalent excess coverage shall notify the superintendent of financial services and the commissioner of health or their designee of each physician and dentist eligible for purchase of a policy for excess insurance coverage or equivalent excess coverage covering the period July 1, 1992 to June 30, 1993, or covering the period July 1, 1993 to June 30, 1994, or covering the period July 1, 1994 to June 30, 1995, or covering the period July 1, 1995 to June 30, 1996, or covering the period July 1, 1996 to June 30, 1997, or covering the period July 1, 1997 to June 30, 1998, or covering the period July 1, 1998 to June 30, 1999, or covering the period July 1, 1999 to June 30, 2000, or covering the period July 1, 2000 to June 30, 2001, or covering the period July 1, 2001 to October 29, 2001, or covering the period April 1, 2002 to June 30, 2002, or covering the period July 1, 2002 to June 30, 2003, or covering the period July 1, 2003 to June 30, 2004, or covering the period July 1, 2004 to June 30, 2005, or covering the period July 1, 2005 to June 30, 2006, or covering the period July 1, 2006 to June 30, 2007, or covering the period July 1, 2007 to June 30, 2008, or covering the period July 1, 2008 to June 30, 2009, or covering the period July 1, 2009 to June 30, 2010, or covering the period July 1, 2010 to June 30, 2011, or covering the period July 1, 2011 to June 30, 2012, or covering the period July 1, 2012 to June 30, 2013, or covering the period July 1, 2013 to June 30, 2014, or covering the period July 1, 2014 to June 30, 2015, or covering the period July 1, 2015 to June 30, 2016, or covering the period July 1, 2016 to June 30, 2017, or covering the period July 1, 2017 to June 30, 2018, or covering the period July 1, 2018 to June 30, 2019, or covering the period July 1, 2019 to June 30, 2020, or covering the period July 1, 2020 to June 30, 2021, or covering the period July 1, 2021 to June 30, 2022, or covering the period July 1, 2022 to June 30, 2023, or covering the period July 1, 2023 to June 30, 2024, that has made payment to such provider of excess insurance coverage or equivalent excess coverage in accordance with paragraph (b) of this subdivision and of each physician and dentist who has failed, refused or neglected to make such payment.

(e) A provider of excess insurance coverage or equivalent excess coverage shall refund to the hospital excess liability pool any amount allocable to the period July 1, 1992 to June 30, 1993, and to the period July 1, 1993 to June 30, 1994, and to the period July 1, 1994 to June 30, 1995, and to the period July 1, 1995 to June 30, 1996, and to the period July 1, 1996 to June 30, 1997, and to the period July 1, 1997 to June 30, 1998, and to the period July 1, 1998 to June 30, 1999, and to the period July 1, 1999 to June 30, 2000, and to the period July 1, 2000 to June 30, 2001, and to the period July 1, 2001 to October 29, 2001, and to the period April 1, 2002 to June 30, 2002, and to the period July 1, 2002 to June 30, 2003, and to the period July 1, 2003 to June 30, 2004, and to the period July 1, 2004 to June 30, 2005, and to the period July 1, 2005 to June 30, 2006, and to the period July 1, 2006 to June 30, 2007, and to the period July 1, 2007 to June 30, 2008, and to the period July 1, 2008 to June 30, 2009, and to the period July 1, 2009 to June 30, 2010, and to the period July 1, 2010 to June 30, 2011, and to the period July 1, 2011 to June 30, 2012, and to the period July 1, 2012 to June 30, 2013, and to the period July 1, 2013 to June 30, 2014, and to the period July 1, 2014 to June 30, 2015, and to the period July 1, 2015 to June 30, 2016, and to the period July 1, 2016 to June 30, 2017, and to the period July 1, 2017 to June 30, 2018, and to the period July 1, 2018 to June 30, 2019, and to the period July 1, 2019 to June 30, 2020, and to the period July 1, 2020 to June 30, 2021, and to the period July 1, 2021 to June 30, 2022, and to the period July 1, 2022 to June 30, 2023, and to the period July 1, 2023 to June 30, 2024, or covering the period July 1, 2024 to June 30, 2025.
to June 30, 2013, and to the period July 1, 2013 to June 30, 2014, and to the period July 1, 2014 to June 30, 2015, and to the period July 1, 2015 to June 30, 2016, to the period July 1, 2016 to June 30, 2017, and to the period July 1, 2017 to June 30, 2018, and to the period July 1, 2018 to June 30, 2019, and to the period July 1, 2019 to June 30, 2020, and to the period July 1, 2020 to June 30, 2021, and to the period July 1, 2021 to June 30, 2022, and to the period July 1, 2022 to June 30, 2023, and to the period July 1, 2023 to June 30, 2024 received from the hospital excess liability pool for purchase of excess insurance coverage or equivalent excess coverage covering the period July 1, 1992 to June 30, 1993, and covering the period July 1, 1993 to June 30, 1994, and covering the period July 1, 1994 to June 30, 1995, and covering the period July 1, 1995 to June 30, 1996, and covering the period July 1, 1996 to June 30, 1997, and covering the period July 1, 1997 to June 30, 1998, and covering the period July 1, 1998 to June 30, 1999, and covering the period July 1, 1999 to June 30, 2000, and covering the period July 1, 2000 to June 30, 2001, and covering the period July 1, 2001 to October 29, 2001, and covering the period April 1, 2002 to June 30, 2002, and covering the period July 1, 2002 to June 30, 2003, and covering the period July 1, 2003 to June 30, 2004, and covering the period July 1, 2004 to June 30, 2005, and covering the period July 1, 2005 to June 30, 2006, and covering the period July 1, 2006 to June 30, 2007, and covering the period July 1, 2007 to June 30, 2008, and covering the period July 1, 2008 to June 30, 2009, and covering the period July 1, 2009 to June 30, 2010, and covering the period July 1, 2010 to June 30, 2011, and covering the period July 1, 2011 to June 30, 2012, and covering the period July 1, 2012 to June 30, 2013, and covering the period July 1, 2013 to June 30, 2014, and covering the period July 1, 2014 to June 30, 2015, and covering the period July 1, 2015 to June 30, 2016, and covering the period July 1, 2016 to June 30, 2017, and covering the period July 1, 2017 to June 30, 2018, and covering the period July 1, 2018 to June 30, 2019, and covering the period July 1, 2019 to June 30, 2020, and covering the period July 1, 2020 to June 30, 2021, and covering the period July 1, 2021 to June 30, 2022, and covering the period July 1, 2022 to June 30, 2023 for, and covering the period July 1, 2023 to June 30, 2024 a physician or dentist where such excess insurance coverage or equivalent excess coverage is cancelled in accordance with paragraph (c) of this subdivision.

§ 4. Section 40 of chapter 266 of the laws of 1986, amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, as amended by section 4 of part Z of chapter 57 of the laws of 2022, is amended to read as follows:

§ 40. The superintendent of financial services shall establish rates for policies providing coverage for physicians and surgeons medical malpractice for the periods commencing July 1, 1985 and ending June 30, 2024; provided, however, that notwithstanding any other provision of law, the superintendent shall not establish or approve any increase in rates for the period commencing July 1, 2009 and ending June 30, 2010. The superintendent shall direct insurers to establish segregated accounts for premiums, payments, reserves and investment income attributable to such premium periods and shall require periodic reports by the insurers regarding claims and expenses attributable to such periods to monitor whether such accounts will be sufficient to meet incurred claims and expenses. On or after July 1, 1989, the superintendent shall impose a surcharge on premiums to satisfy a projected deficiency that is attributable to the premium levels established pursuant to this section
1 for such periods; provided, however, that such annual surcharge shall not exceed eight percent of the established rate until July 1, 2023, at which time and thereafter such surcharge shall not exceed twenty-five percent of the approved adequate rate, and that such annual surcharges shall continue for such period of time as shall be sufficient to satisfy such deficiency. The superintendent shall not impose such surcharge during the period commencing July 1, 2009 and ending June 30, 2010. On and after July 1, 1989, the surcharge prescribed by this section shall be retained by insurers to the extent that they insured physicians and surgeons during the July 1, 1985 through June 30, 2023 policy periods; in the event and to the extent physicians and surgeons were insured by another insurer during such periods, all or a pro rata share of the surcharge, as the case may be, shall be remitted to such other insurer in accordance with rules and regulations to be promulgated by the superintendent. Surcharges collected from physicians and surgeons who were not insured during such policy periods shall be apportioned among all insurers in proportion to the premium written by each insurer during such policy periods; if a physician or surgeon was insured by an insurer subject to rates established by the superintendent during such policy periods, and at any time thereafter a hospital, health maintenance organization, employer or institution is responsible for responding in damages for liability arising out of such physician's or surgeon's practice of medicine, such responsible entity shall also remit to such prior insurer the equivalent amount that would then be collected as a surcharge if the physician or surgeon had continued to remain insured by such prior insurer. In the event any insurer that provided coverage during such policy periods is in liquidation, the property/casualty insurance security fund shall receive the portion of surcharges to which the insurer in liquidation would have been entitled. The surcharges authorized herein shall be deemed to be income earned for the purposes of section 2303 of the insurance law. The superintendent, in establishing adequate rates and in determining any projected deficiency pursuant to the requirements of this section and the insurance law, shall give substantial weight, determined in his discretion and judgment, to the prospective anticipated effect of any regulations promulgated and laws enacted and the public benefit of stabilizing malpractice rates and minimizing rate level fluctuation during the period of time necessary for the development of more reliable statistical experience as to the efficacy of such laws and regulations affecting medical, dental or podiatric malpractice enacted or promulgated in 1985, 1986, by this act and at any other time. Notwithstanding any provision of the insurance law, rates already established and to be established by the superintendent pursuant to this section are deemed adequate if such rates would be adequate when taken together with the maximum authorized annual surcharges to be imposed for a reasonable period of time whether or not any such annual surcharge has been actually imposed as of the establishment of such rates.

§ 5. Section 5 and subdivisions (a) and (e) of section 6 of 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, as amended by section 5 of part Z of chapter 57 of the laws of 2022, are amended to read as follows:


1. The amount of funds available in the hospital excess liability pool, created pursuant to section 18 of chapter 266 of the laws of 1986, and whether such funds are sufficient for purposes of purchasing excess insurance coverage for eligible participating physicians and dentists during the period July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30, 2003, or July 1, 2003 to June 30, 2004, or July 1, 2004 to June 30, 2005, or July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30, 2007, or July 1, 2007 to June 30, 2008, or July 1, 2008 to June 30, 2009, or July 1, 2009 to June 30, 2010, or July 1, 2010 to June 30, 2011, or July 1, 2011 to June 30, 2012, or July 1, 2012 to June 30, 2013, or July 1, 2013 to June 30, 2014, or July 1, 2014 to June 30, 2015, or July 1, 2015 to June 30, 2016, or July 1, 2016 to June 30, 2017, or July 1, 2017 to June 30, 2018, or July 1, 2018 to June 30, 2019, or July 1, 2019 to June 30, 2020, or July 1, 2020 to June 30, 2021, or July 1, 2021 to June 30, 2022, or July 1, 2022 to June 30, 2023, or July 1, 2023 to June 30, 2024, as applicable.

(a) This section shall be effective only upon a determination, pursuant to section five of this act, by the superintendent of financial services and the commissioner of health, and a certification of such determination to the state director of the budget, the chair of the senate committee on finance and the chair of the assembly committee on ways and means, that the amount of funds in the hospital excess liability pool, created pursuant to section 18 of chapter 266 of the laws of 1986, is insufficient for purposes of purchasing excess insurance coverage for eligible participating physicians and dentists during the period July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30, 2003, or July 1, 2003 to June 30, 2004, or July 1, 2004 to June 30, 2005, or July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30, 2007, or July 1, 2007 to June 30, 2008, or July 1, 2008 to June 30, 2009, or July 1, 2009 to June 30, 2010, or July 1, 2010 to June 30, 2011, or July 1, 2011 to June 30, 2012, or July 1, 2012 to June 30, 2013, or July 1, 2013 to June 30, 2014, or July 1, 2014 to June 30, 2015, or July 1, 2015 to June 30, 2016, or July 1, 2016 to June 30, 2017, or July 1, 2017 to June 30, 2018, or July 1, 2018 to June 30, 2019, or July 1, 2019 to June 30, 2020, or July 1, 2020 to June 30, 2021, or July 1, 2021 to June 30, 2022, or July 1, 2022 to June 30, 2023, or July 1, 2023 to June 30, 2024, as applicable.

(e) The commissioner of health shall transfer for deposit to the hospital excess liability pool created pursuant to section 18 of chapter 266 of the laws of 1986 such amounts as directed by the superintendent of financial services for the purchase of excess liability insurance coverage for eligible participating physicians and dentists for the policy year July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30, 2003, or July 1, 2003 to June 30, 2004, or July 1, 2004 to June 30, 2005, or July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30, 2007, or July 1, 2007 to June 30, 2008, or July 1, 2008 to June 30, 2009, or July 1, 2009 to June 30, 2010, or July 1, 2010 to June 30, 2011, or July 1, 2011 to June 30, 2012, or July 1, 2012 to June 30, 2013, or July 1, 2013 to June 30, 2014, or July 1, 2014 to June 30, 2015, or July 1, 2015 to June 30, 2016, or July 1, 2016 to June 30, 2017, or July 1, 2017 to June 30, 2018, or July 1, 2018 to June 30, 2019, or July 1, 2019 to June 30, 2020, or July 1, 2020 to June 30, 2021, or July 1, 2021 to June 30, 2022, or July 1, 2022 to June 30, 2023, or July 1, 2023 to June 30, 2024, as applicable. 

§ 6. Section 20 of 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 thereto, as amended by section 6 of part Z of chapter 57 of the laws of 2022, is amended to read as follows:

§ 20. Notwithstanding any law, rule or regulation to the contrary, only physicians or dentists who were eligible, and for whom the superintendent of financial services and the commissioner of health, or their designee, purchased, with funds available in the hospital excess liability pool, a full or partial policy for excess coverage or equivalent excess coverage for the coverage period ending the thirtieth of June, two thousand [twenty-two] twenty-three, shall be eligible to apply for such coverage for the coverage period beginning the first of July, two thousand [twenty-two] twenty-three; provided, however, if the total number of physicians or dentists for whom such excess coverage or equivalent excess coverage was purchased for the policy year ending the thirtieth of June, two thousand [twenty-two] twenty-three exceeds the total number of physicians or dentists certified as eligible for the coverage period beginning the first of July, two thousand [twenty-two] twenty-three, then the general hospitals may certify additional eligible physicians or dentists in a number equal to such general hospital's proportional share of the total number of physicians or dentists for whom excess coverage or equivalent excess coverage was purchased with funds available in the hospital excess liability pool as of the thirtieth of June, two thousand [twenty-two] twenty-three, as applied to the difference between the number of eligible physicians or dentists for whom a policy for excess coverage or equivalent excess coverage was purchased for the coverage period ending the thirtieth of June, two thousand [twenty-two] twenty-three and the number of such eligible physicians or dentists who have applied for excess coverage or equivalent excess coverage for the coverage period beginning the first of July, two thousand [twenty-two] twenty-three.

§ 7. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2023.

PART G

Section 1. Paragraph (a) of subdivision 12 of section 203 of the elder law, as added by section 1 of part U of chapter 57 of the laws of 2019, is amended to read as follows:

(a) The director is hereby authorized to implement private pay protocols for programs and services administered by the office. These protocols may be implemented by area agencies on aging at their option and such protocols shall not be applied to services for a participant when being paid for with federal funds or funds designated as federal match, or for individuals with an income below two hundred and fifty percent of the federal poverty level. All private payments received directly by an area agency on aging or indirectly by one of its contractors shall be used to supplement, not supplant, funds by state, federal, or county appropriations. Such private pay payments shall be set at a cost to the participant of not more than twenty percent above either the unit cost to the area agency on aging to provide the program or service directly, or the amount that the area agency on aging pays to its contractor to provide the program or service. Private pay payments received under this subdivision shall be used by the area agency on
agin to first reduce any unmet need for programs and services, and then
to support and enhance services or programs provided by the area agency
on aging. No participant, regardless of income, shall be required to pay
for any program or service that they are receiving at the time these
protocols are implemented by the area agency on aging. This subdivision
shall not prevent cost sharing for the programs and services established
pursuant to section two hundred fourteen of this title [for individuals
below four hundred percent of the federal poverty level]. Consistent
with federal and state statute and regulations, when providing programs
and services, area agencies on aging and their contractors shall continue to give priority for programs and services to individuals with the
greatest economic or social needs. In the event that the capacity to
provide programs and services is limited, such programs and services
shall be provided to individuals with incomes below [four] two hundred
and fifty percent of the federal poverty level before such programs and
services are provided to those participating in the private pay protocol
pursuant to this subdivision.

§ 2. This act shall take effect immediately.

PART H

Section 1. Section 5 of part AAA of chapter 56 of the laws of 2022,
amending the social services law relating to expanding Medicaid eligibility requirements for seniors and disabled individuals, is amended to
read as follows:

§ 5. This act shall take effect January 1, 2023, subject to federal
financial participation for sections one, three, and four of this act;
provided, however that [the] section two of this act shall take effect
no later than January 1, 2024. The commissioner of health shall notify
the legislative bill drafting commission upon the occurrence of federal
financial participation in order that the commission may maintain an
accurate and timely effective data base of the official text of the laws
of the state of New York in furtherance of effectuating the provisions
of section 44 of the legislative law and section 70-b of the public
officers law.

§ 2. Short title. This act shall be known and may be cited as the
"1332 state innovation program".

§ 3. The social services law is amended by adding a new section 369-ii
to read as follows:

§ 369-ii. 1332 state innovation program. 1. Authorization. Notwithstanding section three hundred sixty-nine-gg of this title, subject to
federal approval, if it is in the financial interest of the state to do
so, the commissioner of health is authorized, with the approval of the
director of the budget, to establish a 1332 state innovation program
pursuant to section 1332 of the patient protection and affordable care
act (P.L. 111-148) and subdivision twenty-five of section two hundred
sixty-eight-c of the public health law. The commissioner of health’s
authority pursuant to this section is contingent upon obtaining and
maintaining all necessary approvals from the secretary of health and
human services and the secretary of the treasury based on an application
for a waiver for state innovation. The commissioner of health may take
all actions necessary to obtain such approvals.

2. Definitions. For the purposes of this section:

(a) "Eligible organization" means an insurer licensed pursuant to
article thirty-two or forty-two of the insurance law, a corporation or
an organization under article forty-three of the insurance law, or an
organization certified under article forty-four of the public health law, including providers certified under section forty-four hundred three-e of the public health law.

(b) "Approved organization" means an eligible organization approved by the commissioner of health to underwrite a 1332 state innovation health insurance plan pursuant to this section.

(c) "Health care services" means:

(i) the services and supplies as defined by the commissioner of health in consultation with the superintendent of financial services, and shall be consistent with and subject to the essential health benefits as defined by the commissioner in accordance with the provisions of the patient protection and affordable care act (P.L. 111-148) and consistent with the benefits provided by the reference plan selected by the commissioner of health for the purposes of defining such benefits, and shall include coverage of and access to the services of any national cancer institute-designated cancer center licensed by the department of health within the service area of the approved organization that is willing to agree to provide cancer-related inpatient, outpatient and medical services to all enrollees in approved organizations' plans in such cancer center's service area under the prevailing terms and conditions that the approved organization requires of other similar providers to be included in the approved organization's network, provided that such terms shall include reimbursement of such center at no less than the fee-for-service medicaid payment rate and methodology applicable to the center's inpatient and outpatient services;

(ii) dental and vision services as defined by the commissioner of health, and

(iii) as defined by the commissioner of health and subject to federal approval, certain services and supports provided to enrollees who have functional limitations and/or chronic illnesses that have the primary purpose of supporting the ability of the enrollee to live or work in the setting of their choice, which may include the individual's home, a worksite, or a provider-owned or controlled residential setting.

(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.

(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.

(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.

3. State innovation plan eligible individual. (a) A person is eligible to receive coverage for health care under this section if they:

(i) reside in New York state and are under sixty-five years of age;

(ii) are not eligible for medical assistance under title eleven of this article or for the child health insurance plan described in title one-A of article twenty-five of the public health law;

(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

(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; however, MAGI eligible noncitizens lawfully present in the United States 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 if such noncitizen would be ineligible for medical assistance under title eleven of this article due to their immigration status.

(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.

(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 such change would render the pregnant individual ineligible to receive health care services pursuant to this section.

(d) For the purposes of this section, 1332 state innovation program eligible individuals are prohibited from being treated as qualified individuals under section 1312 of the Affordable Care Act and as eligible individuals under section 1331 of the ACA and enrolling in qualified health plan through the Marketplace or standard health plan through the Basic Health Program.

4. Enrollment. (a) Subject to federal approval, the commissioner of health is authorized to establish an application and enrollment procedure for prospective enrollees. Such procedure will include a verification system for applicants, which must be consistent with 42 USC § 1320b-7.

(b) Such procedure shall allow for continuous enrollment for enrollees to the 1332 state innovation program where an individual may apply and enroll for coverage at any point.

(c) Upon an applicant's enrollment in a 1332 state innovation plan, coverage for health care services pursuant to the provisions of this section shall be retroactive to the first day of the month in which the individual was determined eligible, except in the case of program transitions within the Marketplace.

(d) A person who has enrolled for coverage pursuant to this section, and who loses eligibility to enroll in the 1332 state innovation program for a reason other than citizenship status, lack of state residence, failure to provide a valid social security number, providing inaccurate information that would affect eligibility when requesting or renewing
health coverage pursuant to this section, or failure to make an applicable premium payment, before the end of a twelve month period beginning on the effective date of the person's initial eligibility for coverage, or before the end of a twelve month period beginning on the date of any subsequent determination of eligibility, shall have their eligibility for coverage continued until the end of such twelve month period, provided that the state receives federal approval for using funds under an approved 1332 waiver.

5. Premiums. Subject to federal approval, the commissioner of health shall establish premium payments enrollees in a 1332 state innovation plan shall pay to approved organizations for coverage of health care services pursuant to this section. Such premium payments shall be established in the following manner:

(a) up to fifteen dollars monthly for an individual with a household income above two hundred percent of the federal poverty line but 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

(b) no payment is required for individuals with a household income at or below two hundred 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.

6. Cost-sharing. The commissioner of health shall establish cost-sharing obligations for enrollees, subject to federal approval, including childbirth and newborn care consistent with the medical assistance program under title eleven of this article. There shall be no cost-sharing obligations for enrollees for:

(a) dental and vision services as defined in subparagraph (ii) of paragraph (c) of subdivision two of this section; and

(b) services and supports as defined in subparagraph (iii) of paragraph (c) of subdivision two of this section.

7. Rates of payment. (a) The commissioner of health shall select the contract with an independent actuary to study and recommend appropriate reimbursement methodologies for the cost of health care service coverage pursuant to this section. Such independent actuary shall review and make recommendations concerning appropriate actuarial assumptions relevant to the establishment of reimbursement methodologies, including but not limited to; the adequacy of rates of payment in relation to the population to be served adjusted for case mix, the scope of health care services approved organizations must provide, the utilization of such services and the network of providers required to meet state standards.

(b) Upon consultation with the independent actuary and entities representing approved organizations, the commissioner of health shall develop reimbursement methodologies and fee schedules for determining rates of payment, which rates shall be approved by the director of the division of the budget, to be made by the department to approved organizations for the cost of health care services coverage pursuant to this section. Such reimbursement methodologies and fee schedules may include provisions for capitation arrangements.

(c) The commissioner of health shall have the authority to promulgate regulations, including emergency regulations, necessary to effectuate the provisions of this subdivision.

(d) The department of health shall require the independent actuary selected pursuant to paragraph (a) of this subdivision to provide a complete actuarial report, along with all actuarial assumptions made and all other data, materials and methodologies used in the development of
rates for the 1332 state innovation plan authorized under this section.
Such report shall be provided annually to the temporary president of the
senate and the speaker of the assembly.
8. An individual who is lawfully admitted for permanent residence,
permanently residing in the United States under color of law, or who is
a non-citizen in a valid nonimmigrant status, as defined in 8 U.S.C.
1101(a)(15), and who would be ineligible for medical assistance under
title eleven of this article due to their immigration status if the
provisions of section one hundred twenty-two of this chapter were
applied, shall be considered to be ineligible for medical assistance for
purposes of paragraphs (b) and (c) of subdivision three of this section.
9. Reporting. The commissioner of health shall submit a report to the
temporary president of the senate and the speaker of the assembly annu-
ally by December thirty-first. The report shall include, at a minimum,
an analysis of the 1332 state innovation program and its impact on the
financial interest of the state; its impact on the Marketplace including
enrollment and premiums; its impact on the number of uninsured individ-
uals in the state; its impact on the Medicaid global cap; and the demo-
graphics of the 1332 state innovation program enrollees including age
and immigration status.
10. Severability. If the secretary of health and human services or the
secretary of the treasury do not approve any provision of the applica-
tion for a state innovation waiver, such decision shall in no way affect
or impair any other provisions that the secretaries may approve under
this section.
§ 4. The state finance law is amended by adding a new section 98-d to
read as follows:
§ 98-d. 1332 state innovation program fund. 1. There is hereby estab-
lished in the joint custody of the state comptroller and the commis-
sioner of taxation and finance a special fund to be known as the "1332 state
innovation program fund".
2. Such fund shall be kept separate and shall not be commingled with
any other funds in the custody of the state comptroller and the commis-
sioner of taxation and finance.
3. Such fund shall consist of moneys transferred from the federal
government pursuant to 42 U.S.C. 18052 and an approved 1332 state inno-
vation program waiver application for the purpose implementing the state
plan under the 1332 state innovation program, established pursuant to
section three hundred sixty-nine-ii of the social services law.
4. Upon federal approval, all moneys in such fund shall be used to
implement and operate the 1332 state innovation program, pursuant to
section three hundred sixty-nine-ii of the social services law, except
to the extent that the provisions of such section conflict or are incon-
sistent with federal law, in which case the provisions of such federal
law shall supersede such state law provisions.
§ 5. Subparagraph (1) of paragraph (g) of subdivision 1 of section 366
of the social services law, as amended by section 43 of part B of chap-
ter 57 of the laws of 2015, is amended to read as follows:
(1) Applicants and recipients who are lawfully admitted for permanent
residence, or who are permanently residing in the United States under
color of law, or who are non-citizens in a valid nonimmigrant status, as
defined in 8 U.S.C. 1101(a)(15); who are MAGI eligible pursuant to
paragraph (b) of this subdivision; and who would be ineligible for
medical assistance coverage under subdivisions one and two of section
three hundred sixty-five-a of this title solely due to their immigration
status if the provisions of section one hundred twenty-two of this chap-
ter were applied, shall only be eligible for assistance under this title if enrolled in a standard health plan offered by a basic health program established pursuant to section three hundred sixty-nine-gg of this article or a standard health plan offered by a 1332 state innovation program established pursuant to section three hundred sixty-nine-ii of this article if such program is established and operating.

§ 6. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 7. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 1, 2023; provided that section three of this act shall be contingent upon the commissioner of health obtaining and maintaining all necessary approvals from the secretary of health and human services and the secretary of the treasury based on an application for a waiver for state innovation pursuant to section 1332 of the patient protection and affordable care act (P.L. 111-148) and subdivision 25 of section 268-c of the public health law. The department of health shall notify the legislative bill drafting commission upon the occurrence of approval of the waiver program in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART I

Section 1. Subdivision (i) of section 111 of 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, as amended by section 8 of part E of chapter 57 of the laws of 2019, is amended to read as follows:

(i) the amendments to paragraph (b) and subparagraph (i) of paragraph (g) of subdivision 7 of section 4403-f of the public health law made by section forty-one-b of this act shall expire and be repealed April 1, 2023;

§ 2. Paragraph (a) of subdivision 6 of section 4403-f of the public health law, as amended by section 4 of part MM of chapter 56 of the laws of 2020, is amended to read as follows:

(a) An applicant shall be issued a certificate of authority as a managed long term care plan upon a determination by the commissioner that the applicant complies with the operating requirements for a managed long term care plan under this section. The commissioner shall issue no more than seventy-five certificates of authority to managed long term care plans pursuant to this section.

(a-1) Nothing in this section shall be construed as requiring the department to contract with or to contract for a particular line of business with an entity certified under this section for the provision of services available under title eleven of article five of the social services law. A managed long term care plan that has been issued a certificate of authority, or an applicant for a certificate of authority
as a managed long term care plan that has in any of the three calendar years immediately preceding the application, met any of the following criteria shall not be eligible for a contract for the provision of services available under title eleven of article five of the social services law: (i) classified as a poor performer, or substantially similar terminology, by the centers for medicare and medicaid services; or (ii) an excessive volume of penalties, statements of findings, statements of deficiency, intermediate sanctions or enforcement actions, regardless of whether the applicant has addressed such issues in a timely manner.

§ 3. The opening paragraph of subparagraph (i) of paragraph (d) of subdivision 6 of section 4403-f of the public health law, as added by section 5 of part MM of chapter 56 of the laws of 2020, is amended to read as follows:

Effective April first, two thousand twenty, and expiring March thirty-first, two thousand twenty-two, the commissioner shall place a moratorium on the processing and approval of applications seeking a certificate of authority as a managed long term care plan pursuant to this section, including applications seeking authorization to expand an existing managed long term care plan's approved service area or scope of eligible enrollee populations. Such moratorium shall not apply to:

§ 4. Section 4403-f of the public health law is amended by adding a new subdivision 6-a to read as follows:

6-a. Performance standards. (a) On or before January first, two thousand twenty-four, each managed long term care plan that has been issued a certificate of authority pursuant to this section shall have an active Medicare Dual Eligible Special Needs Plan in operation whose H-contract either has a current quality star rating from the Centers for Medicare and Medicaid Services of three stars or higher, or has not been issued a quality star rating from the Centers for Medicare and Medicaid Services. In addition, the managed long term care plan shall sufficiently demonstrate success in the following performance categories:

(i) in addition to meeting the requirements of paragraph (j) of subdivision seven of this section, in order to ensure network adequacy a commitment to contracting with an adequate number of licensed home care service agencies needed to provide necessary personal care services to the greatest practicable number of enrollees, and with an adequate number of fiscal intermediaries needed to provide necessary consumer directed personal assistance services to the greatest practicable number of enrollees in accordance with section three hundred sixty-five-f of the social services law;

(ii) readiness to timely implement and adhere to maximum wait time criteria for key categories of service in accordance with laws, rules and regulations of the department or the Centers for Medicare and Medicaid Services;

(iii) commitment to quality improvement;

(iv) accessibility and geographic distribution of network providers, taking into account the needs of persons with disabilities and the differences between rural, suburban, and urban settings;

(v) demonstrated cultural and language competencies specific to the population of participants;

(vi) ability to serve enrollees across the continuum of care, as demonstrated by the type and number of products the managed long term care operates, or has applied to operate, including integrated care for participants who are dually eligible for Medicaid and Medicare, and
those operated under title one-A of article twenty-five of this chapter and section three hundred sixty-nine-gg of the social services law; and

(vii) value based care readiness and experience.

(b) The commissioner shall require any managed long term care plan with a Medicare Dual Eligible Special Needs Plan in operation that at any time has a current quality star rating from the Centers for Medicare and Medicaid Services of less than three stars to establish and implement a performance improvement plan acceptable to the commissioner, and which shall be consistent with the standards of the Medicare Advantage Quality Rating System.

(c) The commissioner shall have the authority to promulgate regulations to effectuate the provisions of this subdivision.

(d) The provisions of this subdivision shall not apply for managed long term care plans operating under a certificate of authority pursuant to subdivision twelve, as added by section seventy-six of part A of chapter fifty-six of the laws of two thousand thirteen, or subdivision thirteen of this section, or to the program of all-inclusive care for the elderly under article twenty-nine-EE of this chapter.

§ 5. Subparagraph (i) of paragraph (g) of subdivision 7 of section 4403-f of the public health law, as amended by section 1 of part GGG of chapter 59 of the laws of 2017, is amended to read as follows:

(i) Managed long term care plans and demonstrations may enroll eligible persons in the plan or demonstration upon the completion of a comprehensive assessment that shall include, but not be limited to, an evaluation of the medical, social, cognitive, and environmental needs of each prospective enrollee in such program. This assessment shall also serve as the basis for the development and provision of an appropriate plan of care for the enrollee, including appropriate community-based referrals. Upon approval of federal waivers pursuant to paragraph (b) of this subdivision which require medical assistance recipients who require community-based long term care services to enroll in a plan, and upon approval of the commissioner, a plan may enroll an applicant who is currently receiving home and community-based services and complete the comprehensive assessment within thirty days of enrollment provided that the plan continues to cover transitional care until such time as the assessment is completed.

§ 6. Subparagraph (i) of paragraph (g) of subdivision 7 of section 4403-f of the public health law, as added by section 65-c of part A of chapter 57 of the laws of 2006 and relettered by section 20 of part C of chapter 58 of the laws of 2007, is amended to read as follows:

(i) Managed long term care plans and demonstrations may enroll eligible persons in the plan or demonstration upon the completion of a comprehensive assessment that shall include, but not be limited to, an evaluation of the medical, social and environmental needs of each prospective enrollee in such program. This assessment shall also serve as the basis for the development and provision of an appropriate plan of care for the prospective enrollee, including appropriate community-based referrals.

§ 7. 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, is amended by adding two new sections 1-a and 1-b to read as follows:

§ 1-a. Notwithstanding any provision of law to the contrary, for the state fiscal years beginning April 1, 2023, and thereafter, Medicaid payments made for the operating component of residential health care facilities services shall be subject to a uniform rate increase of 6.5
percent in addition to the increase contained in subdivision 1 of section 1 of this part, subject to the approval of the commissioner of the department of health and the director of the division of the budget; provided, however, that such Medicaid payments shall be subject to a uniform rate increase of up to 7.5 percent in addition to the increase contained in subdivision 1 of section 1 of this part contingent upon approval of the commissioner of the department of health, the director of the division of the budget, and the Centers for Medicare and Medicaid Services. Such rate increase shall be subject to federal financial participation.

§ 1-b. Notwithstanding any provision of law to the contrary, for the state fiscal years beginning April 1, 2023, and thereafter, Medicaid payments made for the operating component of assisted living programs as defined by paragraph (a) of subdivision one of section 461-l of the social services law shall be subject to a uniform rate increase of 6.5 percent in addition to the increase contained in section one of this part, subject to the approval of the commissioner of the department of health and the director of division of the budget. Such rate increase shall be subject to federal financial participation.

§ 8. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2023; provided, however, that:

(a) the amendments to section 4403-f of the public health law made by sections two through six of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and

(b) the amendments to subparagraph (i) of paragraph (g) of subdivision 7 of section 4403-f of the public health law made by section five of this act shall be subject to the expiration and reversion of such subparagraph pursuant to subdivision (i) of section 111 of part H of chapter 59 of the laws of 2011, as amended, when upon such date the provisions of section six of this act shall take effect.

PART J

Intentionally Omitted

PART K

Section 1. Subparagraphs 1 and 2 of paragraph (e) of subdivision 1 of section 366 of the social services law, as added by section 1 of part D of chapter 56 of the laws of 2013, clause (iii) of subparagraph 2 as amended by chapter 477 of the laws of 2022, are amended to read as follows:

(1) is an inmate or patient in an institution or facility wherein medical assistance may not be provided in accordance with applicable federal or state requirements, except for persons described in subparagraph ten of paragraph (c) of this subdivision or subdivision one-a or subdivision one-b of this section; or except for certain services provided to persons in a correctional institution or facility permitted by a waiver authorized pursuant to section eleven hundred fifteen of the federal social security act; if, so long as, and to the extent federal financial participation is available for such expenditures provided pursuant to such waiver; or

(2) is a patient in a public institution operated primarily for the treatment of tuberculosis or care of the mentally disabled, with the
exception of: (i) a person sixty-five years of age or older and a
2 patient in any such institution; (ii) a person under twenty-one years of
3 age and receiving in-patient psychiatric services in a public institu-
4 tion operated primarily for the care of the mentally disabled; (iii) a
5 patient in a public institution operated primarily for the care of indi-
6 viduals with developmental disabilities who is receiving medical care or
7 treatment in that part of such institution that has been approved pursu-
8 ant to law as a hospital or nursing home; (iv) a patient in an institu-
9 tion operated by the state department of mental hygiene, while under
10 care in a hospital on release from such institution for the purpose of
11 receiving care in such hospital; [or] (v) a person residing in a
12 community residence or a residential care center for adults; or (vi)
certain services provided to persons in an institution for mental
diseases permitted by a waiver authorized pursuant to section eleven
14 hundred fifteen of the federal social security act; if, so long as, and
to the extent federal financial participation is available for such
17 expenditures provided pursuant to such waiver.
§ 2. The department of health shall submit a report to the legisla-
ture on the waiver's impact on service availability which shall include,
but not be limited to: (a) the total number of beds currently licensed
18 organized by geographic region; (b) the total number of beds currently
occupied organized by geographic region; and the total number of beds
occupied, each organized by geographic region and placement type of the
19 enrollee; (c) information related to the department of health and the
office of children and family services plan to ensure immediate and long
20 term community needs currently served by an institution of mental
disease; and (d) an overview of the department's stakeholder engagement
21 efforts related to the waiver's implementation.
§ 3. This act shall take effect immediately and shall be deemed to
22 have been in full force and effect on and after April 1, 2023.

PART L

Section 1. The insurance law is amended by adding a new section 4909
to read as follows:

§ 4909. Site of service clinical review. (a) For purposes of this
section:
(1) "Free-standing ambulatory surgical center" shall mean a diagnostic
and treatment center authorized pursuant to article twenty-eight of the
public health law and operated independently from a hospital.
(2) "Health care plan" shall mean an insurer, a corporation organized
pursuant to article forty-three of this chapter, a health maintenance
organization certified pursuant to article forty-four of the public
health law, a municipal cooperative health benefit plan certified pursu-
ant to article forty-seven of this chapter, and a student health plan
established or maintained pursuant to section one thousand one hundred
twenty-four of this chapter, that issues a health insurance policy or
contract or that arranges for care and services for members under a
contract with the department of health with a network of health care
providers and utilizes site of service clinical review to determine
coverage for services delivered by network participating providers.
(3) "Hospital-based outpatient clinic" shall mean a clinic authorized
pursuant to article twenty-eight of the public health law and listed on
a hospital's operating certificate.
(4) "Site of service clinical review" shall mean clinical criteria
applied by a health care plan for the purpose of determining whether
non-urgent outpatient medical procedures and surgeries will be covered for a given insured or enrollee when rendered by a network participating provider at a hospital-based outpatient clinic rather than a free-standing ambulatory surgical center.

(b) Site of service clinical review shall be deemed utilization review in accordance with and subject to the requirements and protections of this article and article forty-nine of the public health law, including the right to internal and external appeal of denials related to site of service clinical review.

(c) Site of service clinical review shall consider the insured's health and safety, choice of health care provider, and timely access to care and shall not be based solely on cost.

(d) A health care plan that utilizes site of service clinical review that is intended to direct insureds and enrollees to free-standing ambulatory surgical centers shall be able to demonstrate to the department or, as applicable, to the department of health, that it has an adequate network of free-standing ambulatory surgical center providers to meet the health needs of insureds and enrollees and to provide an appropriate choice of providers sufficient to render the services covered under the policy or contract. Such network shall be in compliance with network adequacy standards established by the superintendent and section three thousand two hundred forty-one of this chapter.

(e) Except as provided in subsection (g) of this section, starting January first, two thousand twenty-four, a health care plan that utilizes a site of service clinical review shall deliver a notice disclosing and clearly explaining the site of service clinical review to:

(1) policyholders, contract holders, insureds, and enrollees and prospective policyholders, contract holders, insureds, and enrollees at the time of plan and policy or contract selection and at least ninety days prior to the implementation of new site of service clinical review or modification of existing site of service clinical review. Such notice shall include the specific services under the site of service review policy, a statement that site of service clinical review may limit the settings in which services covered under the policy or contract may be provided and render a network participating provider unable to perform a service; shall disclose to insureds or enrollees any quality or cost differential, including differences in out-of-pocket costs, between the hospital-based outpatient clinic and the free-standing ambulatory surgical center when services at a hospital-based outpatient clinic are requested; and shall set forth any rights the insured or enrollee may have to obtain the service at a hospital-based outpatient clinic through a utilization review appeal. Notifications shall also be made at any other time upon the insured's or enrollee's request;

(2) network participating providers at least ninety days prior to implementation. A health care plan shall also inform providers of the process for requesting coverage of a service in a hospital-based outpatient clinic setting, including the right to request a real time clinical peer to peer discussion as part of the authorization process; and

(3) the superintendent and, as applicable, to the commissioner of health, at least forty-five days prior to notifying policyholders, contract holders, insureds and enrollees and prospective policyholders, contract holders, insureds and enrollees and network participating providers in accordance with this subsection. Such notice to the superintendent and, as applicable, to the commissioner of health, shall include (A) draft communications to the foregoing persons for purposes
of complying with this subsection and (B) an explanation of how the site of service clinical review selected by the health care plan complies with this article and article forty-nine of the public health law.

(f) A health care plan's provider directory shall explain that even though a provider is participating in the network, a site of service clinical review may affect where services will need to be obtained and whether the provider will be available to provide such service, as applicable.

(g) A health care plan that has implemented site of service clinical review prior to January first, two thousand twenty-four that is not in compliance with this section shall revise such site of service clinical review to comply with this section and deliver the notices required under subsection (e) of this section at the beginning of the open enrollment period for individual health insurance policies and contracts, and for group health insurance policies and contracts, prior to January first, two thousand twenty-four.

(h) Starting January first, two thousand twenty-four, at a minimum, a health care plan shall approve a request for authorization for a service covered under the policy or contract and requested to be performed by a network participating provider at a hospital-based outpatient clinic in the following situations:

1. the procedure cannot be safely performed in a free-standing ambulatory surgical center due to the insured's or enrollee's health condition;

2. there is no free-standing ambulatory surgical center capacity in the insured's or enrollee's geographic area; or

3. the provision of health care services at a free-standing ambulatory surgical center would result in undue delay.

(i) Starting January first, two thousand twenty-four, site of service clinical review criteria developed by health care plans shall also take into consideration whether:

1. the insured's or enrollee's treating network participating provider recommends, based on a written clinical justification submitted to the health care plan, that the service be provided at a hospital-based outpatient clinic; or

2. the insured or enrollee has requested a particular network participating provider who performs the requested service in a hospital-based outpatient clinic because the insured or enrollee is undergoing a continuing course of treatment with the participating provider or because the insured has previously obtained the requested service from the participating provider, and the provider is not credentialed at any free-standing ambulatory surgical center in the service area and is not able to be credentialed within ninety days following the submission of the authorization request to the health care plan.

§ 2. The public health law is amended by adding a new section 4909 to read as follows:

§ 4909. Site of service clinical review. 1. For purposes of this section:

(a) "Free-standing ambulatory surgical center" shall mean a diagnostic and treatment center authorized pursuant to article twenty-eight of this chapter and operated independently from a hospital.

(b) "Health care plan" shall mean an insurer, a corporation organized pursuant to article forty-three of the insurance law, a health maintenance organization certified pursuant to article forty-four of this chapter, a municipal cooperative health benefit plan certified pursuant to article forty-seven of the insurance law, and a student health plan.
established or maintained pursuant to section one thousand one hundred twenty-four of the insurance law, that issues a health insurance policy or contract or that arranges for care and services for members under a contract with the department with a network of health care providers and utilizes site of service clinical review to determine coverage for services delivered by network participating providers.

(c) "Hospital-based outpatient clinic" shall mean a clinic authorized pursuant to article twenty-eight of this chapter and listed on a hospital's operating certificate.

(d) "Site of service clinical review" shall mean clinical criteria applied by a health care plan for the purpose of determining whether non-urgent outpatient medical procedures and surgeries will be covered for a given insured or enrollee when rendered by a network participating provider at a hospital-based outpatient clinic rather than a free-standing ambulatory surgical center.

2. Site of service clinical review shall be deemed utilization review in accordance with and subject to the requirements and protections of this article and article forty-nine of the insurance law, including the right to internal and external appeal of denials related to site of service clinical review.

3. Site of service clinical review shall consider the insured's health and safety, choice of health care provider, and timely access to care and shall not be based solely on cost.

4. A health care plan that utilizes site of service clinical review that is intended to direct insureds and enrollees to free-standing ambulatory surgical centers shall be able to demonstrate to the department that it has an adequate network of free-standing ambulatory surgical center providers to meet the health needs of insureds and enrollees and to provide an appropriate choice of providers sufficient to render the services covered under the policy or contract. Such network shall be in compliance with network adequacy standards established by the commissioner and article forty-four of this chapter.

5. Except as provided in subdivision seven of this section, starting January first, two thousand twenty-four, a health care plan that utilizes a site of service clinical review shall deliver a notice disclosing and clearly explaining the site of service clinical review to:

(a) policyholders, contract holders, insureds, and enrollees and prospective policyholders, contract holders, insureds, and enrollees at the time of plan and policy or contract selection and at least ninety days prior to the implementation of new site of service clinical review or modification of existing site of service clinical review. Such notice shall include the specific services under the site of service review policy, a statement that site of service clinical review may limit the settings in which services covered under the policy or contract may be provided and render a network participating provider unable to perform a service; shall disclose to insureds or enrollees any quality or cost differential, including differences in out-of-pocket costs, between the hospital-based outpatient clinic and the free-standing ambulatory surgical center when services at a hospital-based outpatient clinic are requested; and shall set forth any rights the insured or enrollee may have to obtain the service at a hospital-based outpatient clinic through a utilization review appeal. Notifications shall also be made at any other time upon the insured's or enrollee's request;

(b) network participating providers at least ninety days prior to implementation. A health care plan shall also inform providers of the
process for requesting coverage of a service in a hospital-based outpatient clinic setting, including the right to request a real-time clinical peer to peer discussion as part of the authorization process; and

(c) the commissioner, at least forty-five days prior to notifying policyholders, contract holders, insureds and enrollees and prospective policyholders, contract holders, insureds and enrollees and network participating providers in accordance with this subdivision. Such notice to the commissioner shall include (i) draft communications to the foregoing persons for purposes of complying with this subdivision and (ii) an explanation of how the site of service clinical review selected by the health care plan complies with this article and article forty-nine of the insurance law.

6. A health care plan's provider directory shall explain that even though a provider is participating in the network, a site of service clinical review may affect where services will need to be obtained and whether the provider will be available to provide such service, as applicable.

7. A health care plan that has implemented site of service clinical review prior to January first, two thousand twenty-four that is not in compliance with this section shall revise such site of service clinical review to comply with this section and deliver the notices required under subdivision five of this section at the beginning of the open enrollment period for individual health insurance policies and contracts, and for group health insurance policies and contracts, prior to January first, two thousand twenty-four.

8. Starting January first, two thousand twenty-four, at a minimum, a health care plan shall approve a request for authorization for a service covered under the policy or contract and requested to be performed by a network participating provider at a hospital-based outpatient clinic in the following situations:

(a) the procedure cannot be safely performed in a free-standing ambulatory surgical center due to the insured’s or enrollee’s health condition;

(b) there is no free-standing ambulatory surgical center capacity in the insured’s or enrollee’s geographic area; or

(c) the provision of health care services at a free-standing ambulatory surgical center would result in undue delay.

9. Starting January first, two thousand twenty-four, site of service clinical review criteria developed by health care plans shall also take into consideration whether:

(a) the insured’s or enrollee’s treating network participating provider recommends, based on a written clinical justification submitted to the health care plan, that the service be provided at a hospital-based outpatient clinic; or

(b) the insured or enrollee has requested a particular network participating provider who performs the requested service in a hospital-based outpatient clinic because the insured or enrollee is undergoing a continuing course of treatment with the participating provider or because the insured has previously obtained the requested service from the participating provider, and the provider is not credentialed at any free-standing ambulatory surgical center in the service area and is not able to be credentialed within ninety days following the submission of the authorization request to the health care plan.

§ 3. This act shall take effect June 1, 2023.
Section 1. The public health law is amended by adding a new article 45-A to read as follows:

ARTICLE 45-A

DISCLOSURE OF MATERIAL TRANSACTIONS

Section 4550. Definitions.

4551. Disclosure of material transactions.

4552. Notice of material transactions; requirements.

§ 4550. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management, administrative functions, and policies of a health care entity, whether through the ownership of voting securities or rights, control, either directly or indirectly, by contract (except a commercial contract for goods or non-management services) or otherwise; but no person shall be deemed to control another person solely by reason of being an officer or director of a health care entity. "Control" shall be presumed to exist if any person directly or indirectly owns, controls, or holds with the power to vote ten percent or more of the voting securities of a health care entity.

2. "Health care entity" shall include but not be limited to a physician practice, group, or management services organization or similar entity providing all or substantially all of the administrative or management services under contract with one or more physician practices, provider-sponsored organization, health insurance plan, or any other kind of health care facility, organization or plan providing health care services in this state; provided, however, that a "health care entity" shall not include an insurer authorized to do business in this state, or a pharmacy benefit manager registered or licensed in this state. An "insurer" shall not include non-insurance subsidiaries and affiliated entities of insurance companies regulated under the insurance law or this chapter.

3. "Health equity" shall mean achieving the highest level of health for all people and shall entail focused efforts to address avoidable inequalities by equalizing those conditions for health for those that have experienced injustices, socioeconomic disadvantages, and systemic disadvantages.

4. "Material transaction" shall mean:

(a) any of the following, occurring during a single transaction or in a series of related transactions that take place within a rolling twelve month time period, and meet or exceed thresholds, for factors including but not limited to changes in revenue:

(i) a merger with a health care entity;

(ii) an acquisition of one or more health care entities, including but not limited to the assignment, sale, or other conveyance of assets, voting securities, membership, or partnership interest or the transfer of control;

(iii) an affiliation agreement or contract formed between a health care entity and another person; or

(iv) the formation of a partnership, joint venture, accountable care organization, parent organization, or management services organization for the purpose of administering contracts with health plans, third-party administrators, pharmacy benefit managers, or health care providers as prescribed by the commissioner by regulation.

(b) "Material transaction" shall not include a clinical affiliation of health care entities formed for the purpose of collaborating on clinical...
trials or graduate medical education programs and shall not include any
transaction that is already subject to review under article twenty-
eight, thirty, thirty-six, forty, forty-four, forty-six, forty-six-A, or
forty-six-B of this chapter. "Material transaction" shall not include a
de minimis transaction, which shall mean for purposes of this article a
transaction or a series of related transactions which result in a health
care entity increasing its total gross in-state revenues by less than
twenty-five million dollars.

§ 4551. Disclosure of material transactions. Pursuant to this article,
the department shall adopt a process for the disclosure and notice of
material transactions. The items disclosed shall include the factors
listed in this article. Nothing in this article shall limit or restrict
the authority of the superintendent of financial services under article
fifteen, sixteen, seventeen, forty-two, forty-three, seventy-one, or
seventy-three of the insurance law, or regulations promulgated there-
under.

§ 4552. Notice of material transactions; requirements. 1. A health
care entity shall submit to the department written notice, with support-
ing documentation as described below and further defined in regulation
developed by the department, which the department shall be in receipt of
at least thirty days before the closing date of the transaction, in the
form and manner prescribed by the department. Immediately upon the
submission to the department, the department shall submit electronic
copies of such notice with supporting documentation to the antitrust,
health care and charities bureaus of the office of the New York attorney
general. Such written notice shall include, but not be limited to:

(a) The names of the parties to the material transaction and their
current addresses;

(b) Copies of any definitive agreements governing the terms of the
material transaction, including pre- and post-closing conditions;

(c) Identification of all locations where health care services are
currently provided by each party and the revenue generated in the state
from such locations;

(d) Any plans to reduce or eliminate services and/or participation in
specific plan networks;

(e) The closing date of the proposed material transaction;

(f) A brief description of the nature and purpose of the proposed
material transaction including:

(i) the anticipated impact of the material transaction on cost, quali-

ity, access, health equity, and competition in the impacted markets,
which may be supported by data and a formal market impact analysis; and

(ii) any commitments by the health care entity to address anticipated
impacts.

2. (a) Except as provided in paragraph (b) of this subdivision,
supporting documentation as described in subdivision one of this section
shall not be subject to disclosure under article six of the public offi-
cers law.

(b) During such thirty-day period prior to the closing date, the
department shall post on its website:

(i) a summary of the proposed transaction;

(ii) an explanation of the groups or individuals likely to be impacted
by the transaction;

(iii) information about services currently provided by the health care
entity, commitments by the health care entity to continue such services
and any services that will be reduced or eliminated; and
(iv) details about how to submit comments, in a format that is easy to find and easy to read.

3. A health care entity that is a party to a material transaction shall notify the department upon closing of the transaction in the form and manner prescribed by the department.

4. Failure to notify the department of a material transaction under this section shall be subject to civil penalties under section twelve of this chapter. Each day in which the violation continues shall constitute a separate violation.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART N

Section 1. Section 366 of the social services law is amended by adding a new subdivision 16 to read as follows:

16. (a) The commissioner of health is authorized to submit the appropriate waivers and/or any other required requests for federal approval, including but not limited to, those authorized in section eleven hundred fifteen of the federal social security act, in order to establish expanded medical assistance eligibility for working disabled individuals. Such waiver applications shall be executed consistent with paragraphs (b), (c), (d) and (e) of this subdivision, to the extent those sections comply with the requirements of section eleven hundred fifteen of the federal social security act. Notwithstanding subparagraphs five and six of paragraph (c) of subdivision one of this section and subdivision twelve of section three hundred sixty-seven-a of this title, or any other provision of law to the contrary, if granted such waiver, the commissioner of health may authorize eligible persons to receive medical assistance pursuant to the waiver if, for so long as, and to the extent that, financial participation is available therefor. The waiver application shall provide for thirty thousand persons to be eligible to participate in such waiver.

(b) Individuals eligible for participation in such waiver shall:

(i) be a disabled individual, defined as having a medically determinable impairment of sufficient severity and duration to qualify for benefits under Titles II or XVI of the social security act;

(ii) be at least sixteen years of age;

(iii) be otherwise eligible for medical assistance benefits, but for earnings and/or resources in excess of the allowable limit;

(iv) have net available income, determined in accordance with subdivision two of this section, that does not exceed two thousand two hundred fifty percent of the applicable federal poverty line, as defined and updated by the United States department of health and human services;

(v) have resources, as defined in paragraph (e) of subdivision two of section three hundred sixty-six-c of this title, other than retirement accounts, that do not exceed three hundred thousand dollars;

(vi) contribute to the cost of medical assistance provided pursuant to this paragraph in accordance with paragraph (d) of this subdivision; and

(vii) meet such other criteria as may be established by the commissioner as may be necessary to administer the provisions of this subdivision in an equitable manner.
(c) An individual at least sixteen years of age who is employed;
takes to be eligible for participation in such waiver pursuant to para-
graph (b) of this subdivision because the person, by reason of medical
improvement, is determined at the time of a regularly scheduled continu-
ing disability review to no longer be certified as disabled under the
social security act; continues to have a severe medically determinable
impairment, to be determined in accordance with applicable federal regu-
lations; and contributes to the cost of medical assistance provided
pursuant to this paragraph in accordance with paragraph (d) of this
subdivision, shall be eligible for participation in such waiver. For
purposes of this paragraph, a person is considered to be employed if the
person is earning at least the applicable minimum wage under section six
of the federal fair labor standards act and working at least forty hours
per month.

(d) Prior to receiving medical assistance pursuant to such waiver, a
person whose net available income is greater than or equal to two
hundred fifty percent of the applicable federal poverty line shall pay a
monthly premium, in accordance with a procedure to be established by the
commissioner, provided that no enrollee shall pay a monthly premium that
exceeds exceed eight and one-half percent of the enrollee's monthly
income. The amount of such premium for a person whose net available
income is greater than or equal to two hundred fifty percent of the
applicable federal poverty line, but less than three hundred percent of
the applicable federal poverty line shall be three hundred and forty-
seven dollars but shall not exceed four percent of the enrollee's monthly
income. The amount of such premium for a person whose net available
income is greater than or equal to three hundred percent of the applicable
federal poverty line, but less than four hundred percent of the applicable
federal poverty line shall be five hundred eighteen dollars
but shall not exceed six percent of the enrollee's monthly income. The amount of such premium for a person whose net available
income is greater than or equal to four hundred percent of the applicable
federal poverty line, but less than five hundred percent of the applicable
federal poverty line shall be seven hundred and seventy-nine dollars but
shall not exceed eight and one-half percent of the enrollee's monthly
income. The amount of such premium for a person whose net available
income is equal to or greater than five hundred percent of the applicable
federal poverty line shall be one thousand thirty-three dollars but
shall not exceed eight and one-half percent of the enrollee's monthly
income. No premium shall be required from a person whose net available
income is less than two hundred fifty percent of the applicable federal
poverty line.

(e) Notwithstanding any other provision of this section or any other
law to the contrary, for purposes of determining medical assistance
eligibility for persons specified in paragraph (b) or (c) of this subdi-
vision, the income and resources of responsible relatives shall not be
deemed available for as long as the person meets the criteria specified
in this subdivision.

§ 2. This act shall take effect on January 1, 2025.
Section 1. The public health law is amended by adding a new section 2825-h to read as follows:

§ 2825-h. Health care facility transformation program: statewide V.

1. A statewide health care facility transformation program is hereby established within the department for the purpose of transforming, redesigning, and strengthening quality health care services in alignment with statewide and regional health care needs, and in the ongoing pandemic response. The program shall also provide funding, subject to lawful appropriation, in support of capital projects, debt retirement, working capital or other non-capital projects that facilitate furthering such transformational goals.

2. The commissioner shall enter into an agreement with the president of the dormitory authority of the state of New York pursuant to section sixteen hundred eighty-r of the public authorities law, which shall apply to this agreement, subject to the approval of the director of the division of the budget, for the purposes of the distribution and administration of available funds pursuant to such agreement, and made available pursuant to this section and appropriation. Such funds may be awarded and distributed by the department for grants to health care providers including but not limited to, hospitals, residential health care facilities, adult care facilities licensed under title two of article seven of the social services law, diagnostic and treatment centers licensed or granted an operating certificate under this chapter, clinics, including but not limited to those licensed or granted an operating certificate under this chapter or the mental hygiene law, children’s residential treatment facilities licensed under article thirty-one of the mental hygiene law, assisted living programs approved by the department pursuant to section four hundred sixty-one-l of the social services law, behavioral health facilities licensed or granted an operating certificate pursuant to articles thirty-one and thirty-two of the mental hygiene law, home care providers certified or licensed under article thirty-six of this chapter, primary care providers, hospices licensed or granted an operating certificate pursuant to article forty of this chapter, community-based programs funded under the office of mental health, the office of addiction services and supports, the office for people with developmental disabilities, or through local governmental units as defined under article forty-one of the mental hygiene law, independent practice associations or organizations, residential facilities or day program facilities licensed or granted an operating certificate under article sixteen of the mental hygiene law, and midwifery birth centers established pursuant to this chapter. A copy of such agreement, and any amendments thereto, shall be provided by the department to the chair of the senate finance committee, the chair of the assembly ways and means committee, and the director of the division of the budget no later than thirty days after such agreement is finalized. Projects awarded, in whole or part, under sections twenty-eight hundred twenty-five-a and twenty-eight hundred twenty-five-b of this article shall not be eligible for grants or awards made available under this section.

3. Notwithstanding section one hundred sixty-three of the state finance law, or any inconsistent provision of law to the contrary, up to four hundred ninety million dollars of the funds appropriated for this program shall be awarded, without a competitive bid or request for proposal process, for grants to health care providers, as defined in subdivision two of this section. Awards made pursuant to this subdivision shall provide funding for capital projects, debt retirement, working capital or other non-capital projects to the extent lawful appropri-
ation and funding is available, to build innovative, patient-centered models of care, increase access to care, to improve the quality of care and to ensure financial sustainability of health care providers, and develop capacity in underserved areas of the state. For the purposes of this section, the development of capacity in underserved areas shall include new construction and renovation projects in areas determined to be underserved by the department.

4. Notwithstanding section one hundred sixty-three of the state finance law, or any inconsistent provision of law to the contrary, up to five hundred million dollars of the funds appropriated for this program shall be awarded, without a competitive bid or request for proposal process, for technological and telehealth transformation projects, which shall include projects related to improving cyber security, and which may also include unfunded project applications submitted in response to a request for applications issued by the department pursuant to subdivision six of section twenty-eight hundred twenty-five-g of this article.

5. Selection of awards made by the department pursuant to subdivisions three and four of this section shall be contingent on an evaluation process acceptable to the commissioner and approved by the director of the division of the budget. Disbursement of awards shall be conditioned on the awardee achieving certain process and performance metrics and milestones as determined by the commissioner. Such metrics and milestones shall be structured to ensure that the goals of the project are achieved, and such metrics and milestones shall be included in grant disbursement agreements or other contractual documents as required by the commissioner.

6. The department shall provide a report on a quarterly basis to the chairs of the senate finance, assembly ways and means, and senate and assembly health committees, until such time as the department determines that the projects that receive funding pursuant to this section are substantially complete. Such reports shall be submitted no later than sixty days after the close of the quarter, and shall include, for each award, the name of the health care provider as defined in subdivision two of this section, a description of the project or purpose, the amount of the award, disbursement date, and status of achievement of process and performance metrics and milestones pursuant to subdivision five of this section.

§ 2. Subdivision 1 of section 2825-g of the public health law, as added by section 1 of part K of chapter 57 of laws of 2022, is amended to read as follows:

1. A statewide health care facility transformation program is hereby established within the department for the purpose of transforming, redesigning, and strengthening quality health care services in alignment with statewide and regional health care needs, and in the ongoing pandemic response. The program shall also provide funding, subject to lawful appropriation, in support of capital projects, debt retirement, working capital or other non-capital projects that facilitate furthering such transformational goals.

§ 3. Paragraph (b) of subdivision 5 of section 2825-g of the public health law, as added by section 1 of part K of chapter 57 of laws of 2022, is amended to read as follows:

(b) Awards made pursuant to this subdivision shall provide funding [only] for capital projects, debt retirement, working capital or other non-capital projects to the extent lawful appropriation and funding is available, to build innovative, patient-centered models of care,
increase access to care, to improve the quality of care and to ensure financial sustainability of health care providers.

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2023.

PART Q

Section 1. Subdivision 2 of section 365-a of the social services law is amended by adding a new paragraph (kk) to read as follows:

(kk) community health worker services which shall include, but not be limited to, culturally appropriate patient education, health care navigation, care coordination including the development of a care plan, patient advocacy, and support services for the management of chronic conditions for children under age twenty-one, and for adults with health-related social needs, when such services are recommended by a physician or other health care practitioner authorized under title eight of the education law, and provided by qualified community health workers, as determined by the commissioner of health; provided, however, that the provisions of this paragraph shall not take effect unless all necessary approvals under federal law and regulation have been obtained to receive federal financial participation in the costs of health care services provided pursuant to this paragraph. Nothing in this paragraph shall be construed to modify any licensure, certification or scope of practice provision under title eight of the education law.

§ 2. Clause (C) of subparagraph (ii) of paragraph (f) of subdivision 2-a of section 2807 of the public health law, as amended by section 43 of part B of chapter 58 of the laws of 2010, is amended to read as follows:

(C) [individual—psychotherapy] services provided by licensed social workers, licensed mental health counselors, and licensed marriage and family therapists, in accordance with licensing criteria set forth in applicable regulations[, to persons under the age of twenty-one and to persons requiring such services as a result of or related to pregnancy or giving birth]; and

§ 3. This act shall take effect January 1, 2024.

PART R

Section 1. Subdivision 2 of section 365-a of the social services law is amended by adding two new paragraphs (kk) and (ll) to read as follows:

(kk) care and services of nutritionists and dietitians certified pursuant to article one hundred fifty-seven of the education law acting within their scope of practice.

(ll) Chronic Disease Self-Management Program for persons diagnosed with arthritis when such services are ordered by a physician, registered physician's assistant, registered nurse practitioner, or licensed midwife and provided by qualified educators, as determined by the commissioner of health, subject to federal financial participation. Nothing in this paragraph shall be construed to modify any licensure, certification or scope of practice provision under title eight of the education law.

§ 2. Clause (A) of subparagraph (ii) of paragraph (f) of subdivision 2-a of section 2807 of the public health law, as amended by section 43 of part B of chapter 58 of the laws of 2010, is amended to read as follows:
(A) services provided in accordance with the provisions of paragraphs (q) [and], (r), and (ll) of subdivision two of section three hundred sixty-five-a of the social services law; and

§ 3. This act shall take effect July 1, 2023; provided, however, that paragraph (ll) of subdivision 2 of section 365-a of the social services law added by section one of this act, and section two of this act, shall take effect October 1, 2023.

PART S

Section 1. Section 3002 of the public health law is amended by adding a new subdivision 1-a to read as follows:

1-a. The state emergency medical services council shall advise and assist the commissioner on such issues as the commissioner may require related to the provision of emergency medical service, specialty care, designated facility care, and disaster medical care. This shall include, but shall not be limited to, the recommendation, periodic review, and application of rules and regulations, appropriateness review standards, treatment protocols, workforce development, and quality improvement standards. The state emergency medical services council shall meet at least three times per year or more frequently at the request of the chairperson or department and approved by the commissioner.

§ 2. Section 3003 of the public health law is amended by adding a new subdivision 1-a to read as follows:

1-a. Each regional emergency medical services council shall advise the state emergency medical services council and department on such issues as the state emergency medical services council or department may require, related to the provision of emergency medical service, specialty care, designated facility care, and disaster medical care, and shall carry out duties to assist in the regional coordination of such, as outlined by the state emergency medical services council with approval of the department.

§ 3. The public health law is amended by adding a new section 3004 to read as follows:

§ 3004. Emergency medical services system and agency performance standards. 1. The state emergency medical services council and with input from the regional emergency medical services councils, in collaboration and with final approval of the department, shall create an emergency medical services system and agency performance standards (hereinafter referred to as "performance standards") for the purpose of sustaining and evolving a reliable emergency medical services system including but not limited to emergency medical services agencies and any facility or agency that dispatches or accepts emergency medical services resources.

2. The performance standards may include but shall not be limited to: safety initiatives, emergency vehicle operations, operational competencies, planning, training, onboarding, workforce development and engagement, survey responses, leadership and other standards and metrics as determined by the state emergency medical services council, with approval of the department, to promote positive patient outcomes, safety, provider retention and emergency medical services system sustainability throughout the state.

3. The performance standards shall require each emergency medical services agency, dispatch agency or facility that accepts emergency medical services resources to perform regular and periodic review of the performance standards and its metrics, perform surveys, identification...
of agency deficiencies and strengths, development of programs to improve agency metrics, strengthen system sustainability and operations, and improve the delivery of patient care.

4. The department, after consultation with the state emergency medical services council and with input from regional emergency medical services councils, may contract for services with subject matter experts to assist in the oversight of the performance standards statewide.

5. Emergency medical services agencies that do not meet the performance standards set forth in this section may be subject to enforcement actions, including but not limited to revocation, suspension, performance improvement plans, or restriction from specific types of response including but not limited to suspension of ability to respond to requests for emergency medical assistance or to perform emergency medical services.

§ 4. The public health law is amended by adding a new section 3020 to read as follows:

§ 3020. Recruitment and retention. 1. The commissioner shall establish and fund within amounts appropriated, a public service campaign to recruit additional personnel into the emergency medical system fields.

2. The commissioner shall establish and fund within amounts appropriated an emergency medical system mental health and wellness program that provides resources to emergency medical service practitioners to retain personnel in the emergency medical system fields.

§ 5. Section 3032 of the public health law is renumbered section 3034 and two new sections 3032 and 3033 are added to read as follows:

§ 3032. State emergency medical services task force. 1. The department shall develop a state emergency medical services (EMS) task force, operated by the department, that may coordinate and operate resources that are needed around the state in situations including but not limited to a disaster, specialized response, or community need.

2. The state EMS task force shall be made up of non-government and government agencies, that are licensed to provide emergency medical services in the state including but not limited to commercial agencies, nonprofits, fire departments and third services.

3. The department shall allocate funds to effectuate the delivery of the state EMS task force that shall allow for contracting with licensed emergency medical services agencies, the purchase of specialized response equipment, staff to carry out the daily functions of the state EMS task force either directly or by contract and other functions as determined by the department.

4. The state emergency medical services council shall make recommendations to the department to effectuate the development and delivery of care by the state EMS task force.

5. The state EMS task force shall have the authority to operate throughout New York state.

§ 3033. Rules and regulations. The commissioner, upon approval of the state emergency medical services council, may promulgate rules and regulations to effectuate the purposes of this article, provided, however, that sections three thousand thirty and three thousand thirty-one of this article shall be subject to the provisions of section three thousand thirty-four of this article.

§ 6. Subdivision 2 of section 163 of the civil service law, as amended by section 4 of part T of chapter 56 of the laws of 2010, is amended to read as follows:

2. The contract or contracts shall provide for health benefits for retired employees of the state and of the state colleges of agriculture,
home economics, industrial labor relations and veterinary medicine, the state agricultural experiment station at Geneva, and any other institution or agency under the management and control of Cornell university as the representative of the board of trustees of the state university of New York, and the state college of ceramics under the management and control of Alfred university as the representative of the board of trustees of the state university of New York, and their spouses and dependent children as defined by the regulations of the president, on such terms as the president may deem appropriate, and the president may authorize the inclusion in the plan of the employees and retired employees of public authorities, public benefit corporations, school districts, special districts, district corporations, municipal corporations excluding active employees and retired employees of cities having a population of one million or more inhabitants whose compensation is or was before retirement paid out of the city treasury, or other appropriate agencies, subdivisions or quasi-public organizations of the state, including active members of volunteer fire and volunteer ambulance companies serving one or more municipal corporations pursuant to subdivision seven of section ninety-two-a of the general municipal law, and their spouses and dependent children as defined by the regulations of the president. Notwithstanding any law or regulation to the contrary, active members of volunteer ambulance companies serving one or more municipal corporations pursuant to subdivision seven of section ninety-two-a of the general municipal law shall be eligible for health benefits regardless of the amount of funds derived from public sources. Any such corporation, district, agency or organization electing to participate in the plan shall be required to pay its proportionate share of the expenses of administration of the plan in such amounts and at such times as determined and fixed by the president. All amounts payable for such expenses of administration shall be paid to the commissioner of taxation and finance and shall be applied to the reimbursement of funds previously advanced for such purposes. Neither the state nor any other participant in the plan shall be charged with the particular experience attributable to the employees of the participant, and all dividends or retroactive rate credits shall be distributed pro-rata based upon the number of employees of such participant covered by the plan.

§ 7. This act shall take effect immediately.

PART T

Section 1. Section 1370 of the public health law is amended by adding a new subdivision 8 to read as follows:

8. "Owner" means and includes the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm or corporation, directly or indirectly in control of a dwelling.

§ 2. The public health law is amended by adding a new section 1377 to read as follows:

§ 1377. State rental registry and proactive inspections to identify lead hazards. 1. The department shall, in consultation with the division of housing and community renewal, develop a registry for all residential dwellings with two or more units built prior to nineteen hundred eighty which, by virtue of their property class designation, are potentially eligible for rental, lease, let or hiring out, and are located within communities of concern as identified by the department. Such registry
shall only include qualifying residential dwellings outside a city with a population of one million people or more. The department shall utilize all available property information to develop the registry including but not limited to information from tax assessment rolls and information from property records in the office in which instruments affecting real property in the county are recorded.

2. The department, or their designee, shall provide written notice to the owners of residential dwellings qualifying for registration in accordance with this section within sixty days of the effectiveness of such registry.

3. Owners of all residential dwellings qualifying for registration in accordance with this section shall certify as free of lead paint hazards, in accordance with subdivision seven of this section and the regulations promulgated thereunder. Inspection certifications must be submitted by the owner to the local health department or their designee for recording in the rental registry by October first of the year the certification is due.

4. The department, or their designee, shall provide owners of qualifying residential dwellings a minimum of two notices prior to the deadline to submit a certification, not including the notification under subdivision two of this section. Such notice shall include information for owners to notify the department or their designee a residential dwelling is not eligible for rental, lease, let or hiring out and are therefore not required to submit a certification under this section.

If an owner fails to submit a certification by the deadline, or incorrectly asserts that they are not required to submit a certification under this section, the department, or their designee, shall provide an additional notice prior to taking any further action.

5. The department shall establish an annual inspection and audit process which shall review at least ten percent of the certification inspections of residential dwellings qualifying for the rental registry. Such process shall include individual inspections and document review to ensure that owners complied with all obligations and responsibilities under this section. Such audits shall be conducted in-person and shall confirm that a residential dwelling is or is not eligible for the rental registry and that the residential dwelling is free of lead paint hazards.

6. The commissioner shall promulgate regulations as needed to administer, coordinate, and enforce this section.

7. The commissioner shall promulgate regulations regarding the inspections required to be completed pursuant to this section as well as the certification of such inspections which shall include, but not be limited to: (a) the frequency of such inspections which shall be no less frequent than every three years; (b) the minimum conditions the residential dwelling must meet for a valid inspection certification; (c) qualifications for inspectors; (d) minimum standards for a standardized form on which the owner of a residential dwelling may self-certify as to a satisfactory inspection, such form shall require such owner to confirm such residential dwelling meets all the requirements of paragraph (b) of this subdivision and may require such owner to submit any documentation deemed necessary by the commissioner, provided, however, such owner shall meet the qualifications pursuant to paragraph (c) of this subdivision; (e) alternative methods of certification, which may include the submission of a valid and active residential occupancy permit for which the minimum conditions required under paragraph (b) of this subdivision were required to be met for such issuance; (f) procedures for false
certifications, upon a finding by the department that a self-certified dwelling contains lead hazards; and (g) any other information or requirements deemed necessary by the commissioner to administer, coordinate, and enforce this section.

8. The inspection requirements under this section shall, at a minimum, include visual inspections for deteriorated paint and outdoor soil conditions, as well as the collection of dust wipe samples obtained in accordance with United States Environmental Protection Agency protocols for such procedures.

9. Remediation of lead-based paint hazards must be conducted in compliance with all municipal requirements and specific requirements specified in regulation.

10. A failure to file or filing a false certificate as required under this section shall be subject to civil penalties under section twelve of this chapter, in addition to any penalties that may apply.

11. The commissioner shall, on or before December thirty-first in each year, beginning the calendar year after the effective date of this section, submit a report to the governor, the temporary president of the senate, and the speaker of the assembly on the activity and implementation of this section. Such report shall include but not be limited to: the number of residential properties qualifying for registration, the number of properties required to submit inspection certifications by October first of such year, the number of inspection certifications submitted by October first of such year, the number of inspections conducted pursuant to the audit process established in subdivision five of this section, the results of the audit process established in subdivision five of this section, and such other information as the commissioner determines. The information provided in the report shall reflect statewide activities in the aggregate and activities for each community of concern.

§ 3. Paragraphs h and i of subdivision 1 of section 381 of the executive law, as added by chapter 560 of the laws of 2010, are amended and a new paragraph j is added to read as follows:

h. minimum basic training and in-service training requirements for personnel charged with administration and enforcement of the state energy conservation construction code; [and]

i. standards and procedures for measuring the rate of compliance with the state energy conservation construction code, and provisions requiring that such rate of compliance be measured on an annual basis;[1] and

j. procedures requiring the documentation of compliance with regulations adopted pursuant to section thirteen hundred seventy-seven of the public health law as a condition to issuance of a certificate of occupancy or certificate of compliance following a periodic fire safety and property maintenance inspection for multiple dwellings.

§ 4. This act shall take effect thirty months after it shall have become a law; provided, however, sections one and two of this act shall expire and be deemed repealed three years after such date; and provided further, however, section three of this act shall take effect three years after it shall have become a law. Effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the timely implementation of this act on or before its effective date are authorized to be made and completed on or before such effective date.
Section 1. The general business law is amended by adding a new section 394-f to read as follows:

§ 394-f. Warrants for reproductive health related electronic data. 1. For the purposes of this section, the following terms shall have the following meanings:

a. “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system; provided, however, such term shall not include:

i. any telephonic or telegraphic communication.

ii. any communication made through a tone only paging device.

iii. any communication made through a tracking device consisting of an electronic or mechanical device which permits the tracking of the movement of a person or object.

iv. any communication that is disseminated by the sender through a method of transmission that is configured so that such communication is readily accessible to the public.

b. “Electronic communication services” means any service which provides to users thereof the ability to send or receive wire or electronic communications.

c. "Prohibited violation" means any civil or criminal offense defined under the laws of another state that creates civil or criminal liability or any theory of vicarious, joint, several or conspiracy liability for, in whole or in part based on or arising out of, either of the following, unless such out-of-state proceeding i. sounds in tort or contract; ii. is actionable, in an equivalent or similar manner, under the laws of this state; or iii. was brought by the patient who received reproductive health care, or the patient's legal representative:

(1) providing, facilitating, or obtaining reproductive health care services that are lawful under New York law; or

(2) intending or attempting to provide, facilitate, or obtain reproductive health care services that are lawful under New York law.

d. "Reproductive health care services" means any services related to the performance or aiding within the performance of an abortion performed within this state that is performed in accordance with the applicable law of this state, ending, seeking to end, or aiding another in ending their pregnancy within this state, or procuring or aiding in the procurement of an abortion within this state.

2. Any person or entity that is headquartered or incorporated in New York that provides electronic communications services to the general public, when, in New York, served with a warrant issued by another state to produce records in New York that would reveal the identity of the customers using those services, data stored by or on behalf of the customers, the customers' usage of those services, the recipient or destination of communications sent to or from those customers, or the content of those communications, shall not produce those records when the corporation knows that the warrant relates to an investigation into, or enforcement of, a prohibited violation.

3. Any person or entity that is headquartered or incorporated in New York may comply with a warrant as described in subdivision two of this section if the warrant is accompanied by an attestation made by the entity seeking the records that the evidence sought is not related to an investigation into, or enforcement of, a prohibited violation.

4. The attorney general may commence a civil action to compel any corporation headquartered or incorporated in New York that provides
electronic communications services or remote computing services to the
general public to comply with the provisions of this section.
§ 2. The general business law is amended by adding a new section 394-g
to read as follows:
§ 394-g. Geofencing of health care facilities. 1. For the purposes of
this section, the following terms shall have the following meanings:
a. "Digital advertisement" means any communication delivered by elec-
tronic means that is intended to be used for the purposes of marketing,
solicitation, or dissemination of information related, directly or indi-
rectly, to goods or services provided by the digital advertiser or a
third party.
b. "Geofencing" means a technology that uses global positioning system
coordinates, cell tower connectivity, cellular data, radio frequency
identification, Wi-Fi data and/or any other form of location detection,
to establish a virtual boundary of one thousand eight hundred fifty
feet radius or less or "geofence" around a particular location that
allows a digital advertiser to track the location of an individ-
ual user and electronically deliver targeted digital advertisements
directly to such user's mobile device upon such user's entry into the
geofenced area. This shall also include the process of identifying
whether a device enters, exits, or is present within a geographic area
through the use of any information stored, transmitted, or received by
the device, including but not limited to latitude, longitude, internet
protocol address, wireless internet access information, cell tower
connectivity, device identification information and/or other forms of
location data.
c. "Health care facility" means any governmental or private entity
that provides medical care or related services, including but not limit-
ed to, those who provide such care pursuant to article twenty-eight of
the public health law or licensed under article thirty-one, thirty-two
or sixteen of the mental hygiene law, including the building or struc-
ture in which the facility is located.
d. "User" means a natural person who owns or uses a mobile device or
any other connected electronic device capable of receiving digital
advertisements.
2. It shall be unlawful for any person, corporation, partnership, or
association to establish a geofence or similar virtual boundary around
any health care facility, other than their own health care facility, as
defined pursuant to paragraph c of subdivision one of this section, for
the purpose of delivering by electronic means a digital advertisement to
a user, for the purpose of building consumer profiles, or to infer
health status, medical condition, or medical treatment of any person at
or within such health care facility, and it shall be unlawful for any
person, corporation, partnership, or association to deliver by electron-
ic means any digital advertisement to a user at or within any such
health care facility, other than their own health care facility, through
the use of geofencing or similar virtual boundary.
§ 3. The general business law is amended by adding a new section
394-h to read as follows:
§ 394-h. Electronic health information protections. 1. For the
purposes of this section, the following terms shall have the following
meanings:
a. Electronic health information. The term "electronic health informa-
tion" 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 data derived 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.

b. Law enforcement agency. The term "law enforcement agency" shall have the same meaning as in subdivision four of section 705.00 of the criminal procedure law.

c. Law enforcement officer. The term "law enforcement officer" means a police officer or peace officer as defined in section 1.20 of the criminal procedure law.

2. Prohibition on access to electronic health information. Notwithstanding any other law, law enforcement agencies and law enforcement officers shall be prohibited from purchasing or obtaining electronic health information without a warrant.

3. Exemptions. Nothing in this article shall apply to:
   a. Information processed by local, state, and federal governments, and municipal corporations;
   b. Protected health information that is collected by a covered entity or business associate governed by the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and the Health Information Technology for Economic and Clinical Health Act (Public Law 111-5);
   c. Any covered entity governed by the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), to the extent the covered entity maintains patient information in the same manner as protected health information as described in paragraph b of this subdivision;
   d. Information collected as part of a clinical trial subject to the Federal Policy for the Protection of Human Subjects, also known as the Common Rule, pursuant to good clinical practice guidelines issued by the International Council for Harmonisation or pursuant to human subject protection requirements of the United States Food and Drug Administration;
   e. Information processed pursuant to the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g) and its implementing regulations;
   f. Information processed pursuant to section two-d of the education law; and
   g. Information processed pursuant to the federal Driver's Privacy Protection Act of 1994 (18 U.S.C. Sec. 2721 et seq).

§ 4. Severability. If any provision of this article or the application thereof to any person or circumstances is held invalid, the invalidity thereof shall not affect other provisions or applications of the article.
which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

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

PART V

Intentionally Omitted

PART W

§ 1. Subdivision b of section 12 of chapter 471 of the laws of 2016 amending the education law and the public health law relating to authorizing certain advanced home health aides to perform certain advanced tasks, is amended to read as follows:

b. this act shall expire and be deemed repealed March 31, [2023] 2029.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2023.

PART X

Section 1. The public health law is amended by adding a new article 29-K to read as follows:

ARTICLE 29-K

REGISTRATION OF TEMPORARY HEALTH CARE SERVICES AGENCIES AND HEALTH CARE TECHNOLOGY PLATFORMS

Section 2999-ii. Definitions.

2999-ii. Registration of temporary health care services agencies; requirements.

2999-kk. Temporary health care services agencies; minimum standards.

2999-ll. Violations; penalties.

2999-mm. Rates for temporary health care services; reports.

§ 2999-ii. Definitions. For the purposes of this article:

1. "Certified nurse aide" means a person included in the nursing home nurse aide registry pursuant to section twenty-eight hundred three-j of this chapter as added by chapter seven hundred seventeen of the laws of nineteen hundred eighty-nine.

2. "Controlling person" means a person, officer, program administrator, or director whose responsibilities include the direction of the management or policies of a temporary health care services agency. "Controlling person" also means an individual who, directly owns at least ten percent voting interest in a corporation, partnership, or other business entity that is a controlling person.

3. "Health care entity" means an agency, corporation, facility, or individual providing medical or health care services.

4. "Health care personnel" means nurses, certified nurse aides and licensed or unlicensed direct care staff provided by the temporary health care services agency to provide temporary services in a health care entity.

5. "Nurse" means a registered professional nurse, or a licensed practical nurse as defined by article one hundred thirty-nine of the education law.

6. "Direct care worker" means an individual who is responsible for patient/resident handling or patient/resident assessment as a regular or
incidental part of their services, including any licensed or unlicensed health care worker.

7. "Person" means an individual, firm, corporation, partnership, or association.

8. "Temporary health care services agency" or "agency" means a person, firm, corporation, partnership, association or other entity in the business of providing or procuring temporary employment of health care personnel for health care entities. Temporary health care services agency shall include a nurses' registry licensed under article eleven of the general business law and entities that utilize apps or other technology-based solutions to provide or procure temporary employment of health care personnel in health care entities. Temporary health care services agency shall not include: (a) an individual who only engages in providing the individual's own services on a temporary basis to health care entities; or (b) a home care agency licensed under article thirty-six of this chapter.

§ 2999-jj. Registration of temporary health care services agencies; requirements. 1. Any person who operates a temporary health care services agency shall register the agency with the department.

2. The commissioner shall publish guidelines establishing the forms and procedures for applications for registration. Forms must include, at a minimum all of the following:
   (a) The names and addresses of the temporary health care services agency controlling person or persons.
   (b) The names and addresses of health care entities where the controlling person or persons or their family members:
      (i) have an ownership relationship; or
      (ii) direct the management or policies of such health care entities.
   (c) A demonstration that the applicant is of good moral character and able to comply with all applicable state laws and regulations relating to the activities in which it intends to engage under the registration.
   (d) Registration and registration annual renewal fees of one thousand dollars and shall only be used for the purpose of operating this registry.
   (e) The state of incorporation of the agency.
   (f) Any additional information that the commissioner determines is necessary to properly evaluate an application for registration.

3. As a condition of registration, a temporary health care services agency:
   (a) Shall document that each health care personnel provided to or contracted with health care entities currently meets the minimum licensing, training, and continuing education standards for the position in which the health care personnel will be working.
   (b) Shall comply with all pertinent requirements and qualifications for personnel employed in health care entities.
   (c) Shall not restrict in any manner the employment opportunities of its health care personnel.
   (d) Shall not require the payment of liquidated damages, employment fees, or other compensation should the health care personnel be hired as a permanent employee of a health care entity in any contract with any health care personnel or health care entity or otherwise.
   (e) Shall retain all records related to health care personnel for six calendar years and make them available to the department upon request.
   (f) Shall comply with any requests made by the department to examine the books and records of the agency, subpoena witnesses and documents and make such other investigation as is necessary in the event that the
department has reason to believe that the books or records do not accurately reflect the financial condition or financial transactions of the agency.

(g) Shall comply with any additional requirements the department may deem necessary.

4. A registration issued by the commissioner according to this section shall be effective for a period of one year, unless the registration is revoked or suspended, or unless ownership interest of ten percent or more, or management of the temporary health care services agency, is sold or transferred. When ownership interest of ten percent or more, or management of a temporary health care services agency is sold or transferred, the registration of the agency may be transferred to the new owner or operator for thirty days, or until the new owner or operator applies and is granted or denied a new registration, whichever is sooner.

5. The commissioner may, after appropriate notice and hearing, suspend, revoke, or refuse to issue or renew any registration or issue any fines established pursuant to section twenty-nine hundred ninety-nine-ll of this article if the applicant fails to comply with this article or any guidelines, rules and regulations promulgated thereunder.

6. The commissioner shall make available a list of temporary health care services agencies registered with the department on the department’s public website.

7. The department shall publish a quarterly report containing aggregated and de-identified data collected pursuant to this article on the department’s website.

8. The department, in consultation with the department of labor, shall provide a report to the governor and legislature on or before January first, two thousand twenty-four, summarizing the key findings of the data collected pursuant to this article. The department shall further have authority to utilize any data collected pursuant to this article for additional purposes consistent with this chapter, including but not limited to determinations of whether an acute labor shortage exists, or any other purpose the department deems necessary for health care related data purposes.

9. The attorney general may, upon the request of the department, bring an action for an injunction against any person who violates any provision of this article; provided, the department shall furnish the attorney general with such material, evidentiary matter or proof as may be requested by the attorney general for the prosecution of such action.

§ 2999-kk. Temporary health care services agencies; minimum standards.

1. A temporary health care services agency shall appoint an administrator qualified by training, experience or education to operate the agency. Each separate agency location shall have its own administrator.

2. A temporary health care services agency shall maintain a written agreement or contract with each health care entity, which shall include, at a minimum:

(a) The required minimum licensing, training, and continuing education requirements for each assigned health care personnel.

(b) Any requirement for minimum advance notice in order to ensure prompt arrival of assigned health care personnel.

(c) The maximum rates that can be billed or charged by the temporary health care services agency pursuant to section twenty-nine hundred ninety-nine-mm of this article and any applicable regulations.

(d) The rates to be charged by the temporary health care services agency.
(e) Procedures for the investigation and resolution of complaints about the performance of temporary health care services agency personnel.

(f) Procedures for notice from health care entities of failure of medical personnel to report to assignments.

(g) Procedures for notice of actual or suspected abuse, theft, tampering or other diversion of controlled substances by medical personnel.

(h) The types and qualifications of health care personnel available for assignment through the temporary health care services agency.

3. A temporary health care services agency shall submit to the department copies of all contracts between the agency and a health care entity to which it assigns or refers health care personnel, and copies of all invoices to health care entities personnel. Executed contracts must be sent to the department within five business days of their effective date and are not subject to disclosure under article six of the public officers law.

4. The commissioner may promulgate regulations to implement the requirements of this section and to establish additional minimum standards for the operation of temporary health care services agencies, including but not limited to pricing, fees, administrative costs, profits, and business practices.

5. The commissioner may waive the requirements of this article during a declared state or federal public health emergency.

§ 2999-ll. Violations; penalties. In addition to other remedies available by law, violations of the provisions of this article and any regulations promulgated thereunder shall be subject to penalties and fines pursuant to section twelve of this chapter; provided, however, that each violation committed by any health care personnel of a temporary health care services agency shall be considered a separate violation.

§ 2999-mm. Rates for temporary health care services; reports. A temporary health care services agency shall report quarterly to the department a full disclosure of charges and compensation, including a schedule of all hourly bill rates per category of health care personnel, a full description of administrative charges, and a schedule of rates of all compensation per category of health care personnel including, but not limited to:

1. hourly regular pay rate, shift differential, weekend differential, hazard pay, charge nurse add-on, overtime, holiday pay, travel or mileage pay, and any health or other fringe benefits provided;

2. the percentage of health care entity dollars that the agency expended on temporary personnel wages and benefits compared to the temporary health care services agency’s profits and other administrative costs;

3. a list of the states and zip codes of their health care personnel’s primary residences;

4. the names of all health care entities they have contracted within New York state;

5. the number of health care personnel of the temporary health care services agency working at each entity; and

6. any other information prescribed by the commissioner.

§ 2. This act shall take effect ninety days after it shall have become a law.
Section 1. This Part enacts into law major components of legislation relating to medical debt and drug prices. Each component is wholly contained within a Subpart identified as Subparts A through D. 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 Part sets forth the general effective date of this Part.

SUBPART A

Section 1. Subdivisions (f) and (j) of section 3215 of the civil practice law and rules, subdivision (f) as amended and subdivision (j) as added by chapter 593 of the laws of 2021, subdivision (f) as separately amended by chapter 831 of the laws of 2021, are amended to read as follows:

(f) Proof. On any application for judgment by default, the applicant shall file proof of service of the summons and the complaint, or a summons and notice served pursuant to subdivision (b) of rule 305 or subdivision (a) of rule 316 of this chapter, and proof of the facts constituting the claim, the default and the amount due, including, if applicable, a statement that the interest rate for consumer debt pursuant to section five thousand four of this chapter applies, by affidavit made by the party, or where the state of New York is the plaintiff, by affidavit made by an attorney from the office of the attorney general who has or obtains knowledge of such facts through review of state records or otherwise. Where a verified complaint has been served, it may be used as the affidavit of the facts constituting the claim and the amount due; in such case, an affidavit as to the default shall be made by the party or the party's attorney. In an action arising out of a consumer credit transaction, if the plaintiff is not the original creditor, the applicant shall include: (1) an affidavit by the original creditor of the facts constituting the debt, the default in payment, the sale or assignment of the debt, and the amount due at the time of sale or assignment; (2) for each subsequent assignment or sale of the debt to another entity, an affidavit of sale of the debt by the debt seller, completed by the seller or assignor; and (3) an affidavit of a witness of the plaintiff, which includes a chain of title of the debt, completed by the plaintiff or plaintiff's witness. In an action arising from medical debt, if the plaintiff is not a hospital licensed under article twenty-eight of the public health law or a health care professional authorized under title eight of the education law, the applicant shall include: (1) an affidavit by the hospital or health care professional of the facts constituting the medical debt, the default in payment, the sale or assignment of the medical debt, and the amount due at the time of sale or assignment; (2) for each subsequent assignment or sale of the medical debt to another entity, an affidavit of sale of the medical debt by the debt seller, completed by the seller or assignor; and (3) an affidavit of a witness of the plaintiff, which includes a chain of title of the medical debt, completed by the plaintiff or plaintiff's witness. The chief administrative judge shall issue form affidavits to satisfy the requirements of this subdivision for consumer credit transactions and actions arising from medical debt. When jurisdiction is based on an
attachment of property, the affidavit must state that an order of
attachment granted in the action has been levied on the property of the
defendant, describe the property and state its value. Proof of mailing
the notice required by subdivision (g) of this section, where applica-
ble, shall also be filed.

(j) Affidavit. A request for a default judgment entered by the clerk,
must be accompanied by an affidavit by the plaintiff or plaintiff's
attorney stating that after reasonable inquiry, he or she has reason to
believe that the statute of limitations has not expired. The chief
administrative judge shall issue form affidavits to satisfy the require-
ments of this subdivision for consumer credit transactions and actions
arising from medical debt.

§ 2. Subdivision 2 of section 212 of the judiciary law is amended by
adding a new paragraph (cc) to read as follows:

(cc) Make available form affidavits required for a motion for default
judgment in an action arising from medical debt as required by subdivi-
sion (f) of section thirty-two hundred fifteen of the civil practice law
and rules.

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

SUBPART B

Intentionally Omitted

SUBPART C

Section 1. Subdivision 9 of section 2807-k of the public health law,
as amended by section 17 of part B of chapter 60 of the laws of 2014, is
amended to read as follows:

9. In order for a general hospital to participate in the distribution
of funds from the pool, the general hospital must implement minimum
collection policies and procedures approved by the commissioner, utilizing only a uniform financial assistance form developed and provided by
the department.

§ 2. This act shall take effect April 1, 2024.

SUBPART D

Section 1. Legislative findings. The legislature finds that it is in
the best interest of the people of this state to expand article 77 of
the insurance law to protect insureds and health care providers against
the failure or inability of a health or property/casualty insurer writ-
ing health insurance to perform its contractual obligations due to
financial impairment or insolvency. The superintendent of financial
services has the right and responsibility to enforce the insurance law
and the authority to seek redress against any person responsible for the
impairment or insolvency of the insurer, and nothing in this act is
intended to restrict or limit such right, responsibility, or authority.

§ 2. The article heading of article 77 of the insurance law, as added
by chapter 802 of the laws of 1985, is amended to read as follows:

THE LIFE AND HEALTH INSURANCE COMPANY

GUARANTY CORPORATION

OF NEW YORK ACT

§ 3. Section 7701 of the insurance law, as added by chapter 802 of the
laws of 1985, is amended to read as follows:
§ 7701. Short title. This article shall be known and may be cited as "The Life and Health Insurance Company Guaranty Corporation of New York Act".

§ 4. Section 7702 of the insurance law, as amended by chapter 454 of the laws of 2014, is amended to read as follows:

§ 7702. Purpose. The purpose of this article is to provide funds to protect policy owners, insureds, health care providers, annuitants, payees and assignees of life insurance policies, health insurance policies, annuity contracts, funding agreements and supplemental contracts issued by life insurance companies, health insurance companies, and property/casualty insurance companies, subject to certain limitations, against failure in the performance of contractual obligations due to the impairment or insolvency of the insurer issuing such policies, contracts, or funding agreements. In the judgment of the legislature, the foregoing objects and purposes not being capable of accomplishment by a corporation created under general laws, the creation of a not-for-profit corporation of insurers is provided for by this article to enable the guarantee of payment of benefits and of continuation of coverages, and members of the corporation are subject to assessment to carry out the purposes of this article.

§ 5. Paragraphs 1 and 2 of subsection (a) of section 7703 of the insurance law, as added by chapter 454 of the laws of 2014, are amended to read as follows:

(1) This article shall apply to direct life insurance policies, health insurance policies, annuity contracts, funding agreements, and supplemental contracts issued by a life insurance company, health insurance company, or property/casualty insurance company licensed to transact life or health insurance or annuities in this state at the time the policy, contract, or funding agreement was issued or on the date of entry of a court order of liquidation or rehabilitation with respect to such a company that is an impaired or insolvent insurer, as the case may be.

(2) Except as otherwise provided in this section, this article shall apply to the policies, contracts, and funding agreements specified in paragraph one of this subsection with regard to a person who is:

(A) an owner or certificate holder under a policy, contract, or funding agreement and in each case who:

(i) is a resident of this state; or

(ii) is not a resident of this state, but only under all of the following conditions:

(I) the insurer that issued the policy, contract, or agreement is domiciled in this state;

(II) the state or states in which the person resides has or have a guaranty entity similar to the corporation created by this article; and

(III) the person is not eligible for coverage by a guaranty entity in any other state because the insurer was not licensed or authorized in that state at the time specified in that state's guaranty entity law;

or

(B) the beneficiary, assignee, or payee of the person specified in subparagraph (A) of this paragraph, regardless of where the person resides; or

(C) a health care provider that has rendered services to a person specified in subparagraph (A) of this paragraph, regardless of where the person resides.

§ 6. Subsections (c), (d), (e), (h) and (i) of section 7705 of the insurance law, subsections (c), (e) and (i) as added by chapter 802 of the laws of 1985 and subsections (d) and (h) as amended by chapter 454
of the laws of 2014, are amended and a new subsection (m) is added to
read as follows:

(c) "Corporation" means The Life and Health Insurance Company Guaranty
Corporation of New York created under section seven thousand seven
hundred six of this article unless the context otherwise requires.

(d) "Covered policy" means any of the kinds of insurance specified in
paragraph one, two or three of subsection (a) of section one thousand
one hundred thirteen of this chapter, any supplemental contract, or any
funding agreement referred to in section three thousand two hundred
twenty-two of this chapter, or any portion or part thereof, within the
scope of this article under section seven thousand seven hundred three
of this article, except that any certificate issued to an individual
under any group or blanket policy or contract shall be considered to be
a separate covered policy for purposes of section seven thousand seven
hundred eight of this article.

(e) "Health insurance" means the kinds of insurance specified under
items (i) and (ii) of paragraph three and paragraph thirty-one of
subsection (a) of section one thousand one hundred seventeen of this
chapter, and section one thousand one hundred seventeen of this chapter;
medical expense indemnity, dental expense indemnity, hospital service,
or health service under article forty-three of this chapter; and compre-
hensive health services under article forty-four of the public health
law. "Health insurance" shall not include hospital, medical, surgical,
prescription drug, or other health care benefits pursuant to: (1) part
C of title XVIII of the social security act (42 U.S.C. § 1395w-21 et
seq.) or part D of title XVIII of the social security act (42 U.S.C. §
1395w-101 et seq.), commonly known as Medicare parts C and D, or any
regulations promulgated thereunder; (2) titles XIX and XXI of the social
security act (42 U.S.C. § 1396 et seq.), commonly known as the Medicaid
and child health insurance programs, or any regulations promulgated
thereunder; (3) the basic health program under section three hundred
sixty-nine-gg of the social services law; (4) chapter 55 of part II of
subtitle A of title X (10 U.S.C §§ 1071-1110(b)), commonly known as
TRICARE, or any regulations promulgated thereunder; or (5) subpart G of
part III of title V (5 U.S.C. §§ 8101-9009), commonly known as the
Federal Employees Program, or any regulations promulgated thereunder.

(h) (1) "Member insurer" means:

(A) any life insurance company licensed to transact in this state any
kind of insurance to which this article applies under section seven
thousand seven hundred three of this article; provided, however, that
the term "member insurer" also means any life insurance company formerly
licensed to transact in this state any kind of insurance to which this
article applies under section seven thousand seven hundred three of this
article; and

(B) an insurer licensed or formerly licensed to write accident and
health insurance or salary protection insurance in this state, corpo-
ration organized pursuant to article forty-three of this chapter, recip-
rocral insurer organized pursuant to article sixty-one of this chapter,
cooperative property/casualty insurance company operating under or
subject to article sixty-six of this chapter, nonprofit
property/casualty insurance company organized pursuant to article
sixty-seven of this chapter, and health maintenance organization certi-
fied pursuant to article forty-four of the public health law.

(2) "Member insurer" shall not include a municipal cooperative health
benefit plan established pursuant to article forty-seven of this chap-
ter, an employee welfare fund registered under article forty-four of
this chapter, a fraternal benefit society organized under article forty-five of this chapter, an institution of higher education with a certificate of authority under section one thousand one hundred twenty-four of this chapter, or a continuing care retirement community with a certificate of authority under article forty-six or forty-six-A of the public health law.

(i) "Premiums" means direct gross insurance premiums and annuity and funding agreement considerations received on covered policies, less return premiums and considerations thereon and dividends paid or credited to policyholders or contract holders on such direct business, subject to such modifications as the superintendent may establish by regulation or order as necessary to facilitate the equitable administration of this article. Premiums do not include premiums and considerations on contracts between insurers and reinsurers. For the purposes of determining the assessment for an insurer under this article, the term "premiums", with respect to a group annuity contract (or portion of any such contract) that does not guarantee annuity benefits to any specific individual identified in the contract and with respect to any funding agreement issued to fund benefits under any employee benefit plan, means the lesser of one million dollars or the premium attributable to that portion of such group contract that does not guarantee benefits to any specific individuals or such agreements that fund benefits under any employee benefit plan.

(m) "Long-term care insurance" means an insurance policy, rider, or certificate advertised, marketed, offered, or designed to provide coverage, subject to eligibility requirements, for not less than twenty-four consecutive months for each covered person on an expense incurred, indemnity, prepaid or other basis and provides at least the benefits set forth in part fifty-two of title eleven of the official compilation of codes, rules and regulations of this state.

§ 7. Subsection (a) of section 7706 of the insurance law, as added by chapter 802 of the laws of 1985, is amended to read as follows:

(a) There is created a not-for-profit corporation to be known as "The Life and Health Insurance Company Guaranty Corporation of New York". To the extent that the provisions of the not-for-profit corporation law do not conflict with the provisions of this article or the plan of operation of the corporation hereunder the not-for-profit corporation law shall apply to the corporation and the corporation shall be a type C corporation pursuant to the not-for-profit corporation law. If an applicable provision of this article or the plan of operation of the corporation hereunder relates to a matter embraced in a provision of the not-for-profit corporation law but is not in conflict therewith, both provisions shall apply. All member insurers shall be and remain members of the corporation as a condition of their authority to transact insurance in this state. The corporation shall perform its functions under the plan of operation established and approved under section seven thousand seven hundred ten of this article and shall exercise its powers through a board of directors established under section seven thousand seven hundred seven of this article. For purposes of administration and assessment the corporation shall maintain two accounts:

(1) the health insurance account; and

(2) the life insurance, annuity and funding agreement account.

§ 8. Subsection (d) of section 7707 of the insurance law, as added by chapter 802 of the laws of 1985, is amended to read as follows:

(d) The superintendent shall be ex-officio chairman of the board of directors but shall not be entitled to vote.
§ 9. Paragraph 7 of subsection (h) of section 7708 of the insurance law, as amended by chapter 454 of the laws of 2014, is amended to read as follows:

(7) exercise, for the purposes of this article and to the extent approved by the superintendent, the powers of a domestic life, health, or property/casualty insurance company, but in no case may the corporation issue insurance policies or contracts other than those issued to perform the contractual obligations of the impaired or insolvent insurer;

§ 10. Paragraph 2 of subsection (c) of section 7709 of the insurance law, as added by chapter 802 of the laws of 1985, is amended to read as follows:

(2) The amount of any class B or class C assessment, except for assessments related to long-term care insurance, shall be allocated for assessment purposes among the accounts in the proportion that the premiums received by the impaired or insolvent insurer on the policies or contracts covered by each account for the last calendar year preceding the assessment in which the impaired or insolvent insurer received premiums bears to the premiums received by such insurer for such calendar year on all covered policies. The amount of any class B or class C assessment for long-term care insurance written by the impaired or insolvent insurer shall be allocated according to a methodology included in the plan of operation and approved by the superintendent. The methodology shall provide for fifty percent of the assessment to be allocated to health insurance company member insurers and fifty percent to be allocated to life insurance company member insurers; provided, however, that a property/casualty insurer that writes health insurance shall be considered a health insurance company member for this purpose.

§ 11. Subsection (a) of section 7712 of the insurance law, as added by chapter 802 of the laws of 1985, is amended to read as follows:

(a) The superintendent shall annually, within six months following the close of each calendar year, furnish to the commissioner of taxation and finance and the director of the division of the budget a statement of operations for the life insurance guaranty corporation and the life and health insurance company guaranty corporation of New York. Such statement shall show the assessments, less any refunds or reimbursements thereof, paid by each insurance company pursuant to the provisions of article seventy-five or section seven thousand seven hundred nine of this article, for the purposes of meeting the requirements of this chapter. Each statement, starting with the statement furnished in the year nineteen hundred eighty-six and ending with the statement furnished in the year two thousand, shall show the annual activity for every year commencing from nineteen hundred eighty-five through the most recently completed year. Each statement furnished in each year after the year two thousand shall reflect such assessments paid during the preceding fifteen calendar years. The superintendent shall also furnish a copy of such statement to each such insurance company.

§ 12. Subsections (a), (d) and (g) of section 7719 of the insurance law, as added by chapter 454 of the laws of 2014, are amended to read as follows:
(a) The corporation may incorporate one or more not-for-profit corporations, known as a resolution facility, in connection with the liquidation of an insolvent domestic life insurance company, health insurance company, or property/casualty insurance company under article seventy-four of this chapter for the purpose of administering and disposing of the business of the insolvent [domestic-life] insurance company.

(d) A resolution facility may:

(1) guarantee, assume, or reinsure, or cause to be guaranteed, assumed, or reinsured, the covered policies, or arrange for replacement by policies found by the superintendent to be substantially similar to the covered policies;

(2) exercise, for the purposes of this article and to the extent approved by the superintendent, the powers of a domestic life insurance company, health insurance company, or property/casualty insurance company but in no case may the resolution facility issue insurance policies, annuity contracts, funding agreements, or supplemental contracts other than those issued to perform the contractual obligations of the impaired or insolvent insurer;

(3) assure payment of the contractual obligations of the insolvent insurer; and

(4) provide such moneys, pledges, notes, guarantees, or other means as are reasonably necessary to discharge its duties.

(g) (1) If the superintendent determines that the resolution facility is not administering and disposing of the business of an insolvent domestic life insurance company, health insurance company, or property/casualty insurance company consistent with the resolution facility's certificate of incorporation, plan of operation, or this section, then the superintendent shall provide notice to the resolution facility and the resolution facility shall have thirty days to respond to the superintendent and cure the defect.

(2) If, after thirty days, the superintendent continues to believe that the resolution facility is not administering and disposing of the business of an insolvent domestic life insurance company, health insurance company, or property/casualty insurance company consistent with the resolution facility's certificate of incorporation, plan of operation, or this section, then the superintendent may apply to the court for an order directing the resolution facility to correct the defect or take other appropriate actions.

§ 13. The insurance law is amended by adding a new section 7720 to read as follows:

§ 7720. Penalties. (a) If any member insurer fails to make any payment required by this article, or if the superintendent has cause to believe that any other statement filed is false or inaccurate in any particular, or that any payment made is incorrect, the superintendent may examine all the books and records of the member insurer to ascertain the facts and determine the correct amount to be paid. Based on such finding, the corporation may proceed in any court of competent jurisdiction to recover for the benefit of the fund any sums shown to be due upon such examination and determination.

(b) Any member insurer that fails to make any such required statement, or to make any payment to the fund when due, shall forfeit to the corporation for deposit in the fund a penalty of five percent of the amount determined to be due plus one percent of such amount for each month of delay, or fraction thereof, after the expiration of the first month of delay. If satisfied that the delay was excusable, the corporation may remit all or any part of the penalty.
(c) The superintendent, in the superintendent's discretion, may revoke the certificate of authority to do business in this state of any foreign member insurer that fails to comply with this article or to pay any penalty imposed hereunder.

§ 14. The insurance law is amended by adding a new section 3245 to read as follows:

§ 3245. Liability to providers in the event of an insolvency. In the event an insurance company authorized to do an accident and health insurance business in this state is deemed insolvent, as provided in section one thousand three hundred nine of this chapter, no insured covered under a policy delivered or issued for delivery in this state by the insurance company shall be liable to any provider of health care services for any covered services of the insolvent insurance company. No provider of health care services or any representative of such provider shall collect or attempt to collect from the insured sums owed by such insurance company, and no provider or representative of such provider may maintain any action at law against an insured to collect sums owed to such provider by such insurance company.

§ 14-a. The superintendent of financial services, in consultation with the director of the budget and other appropriate agencies as appropriate, shall be authorized and required to develop an assessment offset plan to limit the impact of the assessments imposed pursuant to section 7709 of the insurance law on not-for-profit member insurers. Such offset shall be comparable, to the extent possible, to the tax credit available to for-profit member insurers. The plan shall consider tax, assessment or other credits or financial benefits to offset such assessments in a manner that has a comparable impact as the tax credits applicable to for-profit insurers; the feasibility of a cap or limit on premium rate increases, cost-sharing requirements, or any other surcharges passed on to policyholders due to the assessments pursuant to section 7709 of the insurance law; and any other mechanism that minimizes the costs to policyholders while addressing the need to provide relief to not-for-profit member insurers subject to article 77 of the insurance law. The superintendent of financial services shall transmit the written plan to the governor, the temporary president of the senate, and the speaker of the assembly by January 15, 2024, and the superintendent may promulgate regulations to implement such plan for not-for-profit member insurers. Notwithstanding the foregoing, the Life and Health Insurance Company Guaranty Corporation of New York shall not impose any assessments on not-for-profit member insurers pursuant to article 77 of the insurance law until the offset plan has been implemented.

§ 15. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2023; provided, however, that the amendments made by this act shall not apply to the estate of an insurer for which a court entered a final order of liquidation prior to the effective date of this act.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.
§ 3. This act shall take effect immediately; provided, however, that the applicable effective date of Subparts A through D of this act shall be as specifically set forth in the last section of such Subparts.

PART Z

Intentionally Omitted

PART AA

Section 1. Section 3 of chapter 425 of the laws of 2013, amending the public health law relating to requiring hospitals to offer hepatitis C testing, as amended by chapter 284 of the laws of 2019, is amended to read as follows:

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall expire and be deemed repealed January 1, [2026] 2030; provided, however, that the commissioner of health is authorized to adopt rules and regulations necessary to implement this act prior to such effective date.

§ 2. Subdivisions 1 and 2 of section 2171 of the public health law, as added by chapter 425 of the laws of 2013, are amended to read as follows:

1. Every individual born between the years of nineteen hundred forty-five and nineteen hundred sixty-five age eighteen and older (or younger than eighteen if there is evidence or indication of risk activity) who receives health services as an inpatient or in the emergency department of a general hospital defined in subdivision ten of section twenty-eight hundred one of this chapter or who receives primary care services in an outpatient department of such hospital or in a diagnostic and treatment center licensed under article twenty-eight of this chapter or from a physician, physician assistant or nurse practitioner or midwife providing primary care shall be offered a hepatitis C screening test unless the health care practitioner providing such services reasonably believes that:
   (a) the individual is being treated for a life threatening emergency; or
   (b) the individual has previously been offered or has been the subject of a hepatitis C screening test (except that a test shall be offered if otherwise indicated); or
   (c) the individual lacks capacity to consent to a hepatitis C screening test.

2. If an individual accepts the offer of a hepatitis C screening test and the screening test is reactive, an HCV RNA test must be performed, on the same specimen or a second specimen collected at the same time as the initial HCV screening test specimen, to confirm diagnosis of current infection. The health care provider shall either offer follow-up health care and treatment or refer the individual to a health care provider who can provide follow-up HCV health care and treatment. [The follow-up health care shall include a hepatitis C diagnostic test.]

§ 3. The public health law is amended by adding a new section 2500-l to read as follows:

§ 2500-l. Pregnant people, blood test for hepatitis C virus (HCV); follow-up care. 1. Every physician or other authorized practitioner attending a pregnant person in the state shall order a hepatitis C virus
(HCV) screening test and if the test is reactive, an HCV RNA test must be performed on the same specimen, or a second specimen collected at the same time as the initial HCV screening test specimen, to confirm diagnosis of current infection. The health care provider shall either offer all persons with a detectable HCV RNA test follow-up HCV health care and treatment or refer the individual to a health care provider who can provide follow-up HCV health care and treatment.

2. The physician or other authorized practitioner attending a pregnant person shall record the HCV test results prominently in the pregnant person’s medical record at or before the time of hospital admission for delivery.

3. The commissioner may promulgate such rules and regulations as are necessary to carry out the requirements of this section.

§ 4. The section heading of section 2308 of the public health law, as amended by section 37 of part E of chapter 56 of the laws of 2013, is amended to read as follows:

Sexually transmitted disease; pregnant persons; blood test for syphilis.

§ 5. Subdivision 1 of section 2308 of the public health law is amended to read as follows:

1. Every physician or other authorized practitioner attending pregnant persons in the state shall in the case of every woman person so attended take or cause to be taken a sample of blood of such woman person at the time of first examination, and submit such sample to an approved laboratory for a standard serological test for syphilis. In addition to testing at the time of first examination, every such physician or other authorized practitioner shall order a syphilis test during the third trimester of pregnancy consistent with any guidance and regulations issued by the commissioner.

§ 6. This act shall take effect immediately; provided, however that the amendments to section 2171 of the public health law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith; provided, further, that sections two, three, four and five of this act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART BB

Section 1. Paragraphs 59 and 61 of subdivision (b) of schedule I of section 3306 of the public health law, as added by section 2 of part CC of chapter 56 of the laws of 2020, are amended and 22 new paragraphs 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91 and 92 are added to read as follows:

(59) \[N-(1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl)-N-phenylpropionamide\] \[N-(1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl)-N-phenylpropionamide\]. Other name: Beta-Hydroxythiofentanyl.

(61) \[3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide\] \[3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide\]. Other name: U-47700.

(71) \[N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide\]. Other name: Valeryl fentanyl.

(72) \[N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide\]. Other name: para-Methoxybutyryl fentanyl.
(73) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide. Other name: para-chloroisobutyryl fentanyl.

(74) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide. Other name: isobutyryl fentanyl.

(75) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide. Other name: cyclopentyl fentanyl.

(76) (E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide. Other name: crotonyl fentanyl.

(77) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide. Other name: cyclopentyl fentanyl.

(78) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide. Other names: 2'-fluoro ortho-fluorofentanyl; 2'-fluoro 2-fluorofentanyl.

(79) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide. Other name: phenyl fentanyl; benzoyl fentanyl.

(80) N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide. Other names: thiofuranyl fentanyl; 2-thiofuranyl fentanyl; thiophene fentanyl.

(81) N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)acetamide. Other names: ortho-methyl acetylfentanyl; 2-methyl acetylfentanyl.

(82) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acetamide. Other names: ortho-fluorobutyryl fentanyl; 2-fluorobutyryl fentanyl.

(83) N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide. Other name: 4'-methyl acetyl fentanyl.

(84) 2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide. Other names: ortho-methyl methoxyacetylfentanyl; 2-methyl methoxyacetyl fentanyl.

(85) N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide. Other names: para-methyl fentanyl; 4-methylfentanyl.

(86) N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide. Other names: beta'-phenyl fentanyl; beta'-phenyl fentanyl; 3-phenylpropanoyl fentanyl.

(87) ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate. Other name: Fentanyl carbamate.

(88) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide. Other name: ortho- fluorooacryl fentanyl.

(89) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide. Other name: ortho-fluoroisobutyryl fentanyl.

(90) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide. Other name: para-fluoro furanyl fentanyl.

(91) N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine. Other name: Isotonitazene.

(92) 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazol-2-one. Other names: Borphine; 1-{1-[1-(4-bromophenyl)ethyl]-4-piperidinyl}-1,3-dihydro-2H-benzo[d]imidazol-2-one.

§ 2. Paragraph 3 of subdivision (g) of schedule II of section 3306 of the public health law, as added by section 7 of part C of chapter 447 of the laws of 2012, is amended to read as follows:

(3) Immediate precursor to fentanyl:

(i) [4-anilino-N-phenethyl-4-piperidine (ANPP)] 4-anilino-N-phenethylpiperidine (ANPP).

(ii) N-phenyl-N-(piperidin-4-yl)propionamide (Norfentanyl).

§ 3. This act shall take effect immediately.
Section 1. 1. Subject to available appropriations and approval of the
director of the budget, the commissioners of the office of mental
health, office for people with developmental disabilities, office of
addiction services and supports, office of temporary and disability
assistance, office of children and family services, and the state office
for the aging shall establish a state fiscal year 2023-24 cost of living
adjustment (COLA), effective April 1, 2023, for projecting for the
effects of inflation upon rates of payments, contracts, or any other
form of reimbursement for the programs and services listed in paragraphs
(i), (ii), (iii), (iv), (v), and (vi) of subdivision four of this
section. The COLA established herein shall be applied to the appropri-
ate portion of reimbursable costs or contract amounts. Where appropri-
ate, transfers to the department of health (DOH) shall be made as
reimbursement for the state share of medical assistance.

2. Notwithstanding any inconsistent provision of law, subject to the
approval of the director of the budget and available appropriations
therefore, for the period of April 1, 2023 through March 31, 2024, the
commissioners shall provide funding to support a four percent (4.0%)
cost of living adjustment under this section for all eligible programs
and services as determined pursuant to subdivision four of this section.

3. Notwithstanding any inconsistent provision of law, and as approved
by the director of the budget, the 4.0 percent cost of living adjustment
(COLA) established herein shall be inclusive of all other cost of living
type increases, inflation factors, or trend factors that are newly
applied effective April 1, 2023. Except for the 4.0 percent cost of
living adjustment (COLA) established herein, for the period commencing
on April 1, 2023 and ending March 31, 2024 the commissioners shall not
apply any other new cost of living adjustments for the purpose of estab-
lishing rates of payments, contracts or any other form of reimbursement.
The phrase "all other cost of living type increases, inflation factors,
or trend factors" as defined in this subdivision shall not include
payments made pursuant to the American Rescue Plan Act or other federal
relief programs related to the Coronavirus Disease 2019 (COVID-19)
pandemic Public Health Emergency. This subdivision shall not prevent
the office of children and family services from applying additional
trend factors or staff retention factors to eligible programs and
services under paragraph (v) of subdivision four of this section.

4. Eligible programs and services. (i) Programs and services funded,
licensed, or certified by the office of mental health (OMH) eligible for
the cost of living adjustment established herein, pending federal
approval where applicable, include: office of mental health licensed
outpatient programs, pursuant to parts 587 and 599 of title 14 CRR-NY of
the office of mental health regulations including clinic, continuing day
treatment, day treatment, intensive outpatient programs and partial
hospitalization; outreach; crisis residence; crisis stabilization,
crisis/respite beds; mobile crisis, part 590 comprehensive psychiatric
emergency program services; crisis intervention; home based crisis
intervention; family care; supported single room occupancy; supported
housing; supported housing community services; treatment congregate;
supported congregate; community residence - children and youth;
treatment/apartment; supported apartment; community residence single
room occupancy; on-site rehabilitation; employment programs; recreation; respite care; transportation; psychosocial club; assertive community treatment; case management; care coordination, including health home plus services; local government unit administration; monitoring and evaluation; children and youth vocational services; single point of access; school-based mental health program; family support children and youth; advocacy/support services; drop in centers; recovery centers; transition management services; bridger; home and community based waiver services; behavioral health waiver services authorized pursuant to the section 1115 MRT waiver; self-help programs; consumer service dollars; conference of local mental hygiene directors; multicultural initiative; ongoing integrated supported employment services; supported education; mentally ill/chemical abuse (MICA) network; personalized recovery oriented services; children and family treatment and support services; residential treatment facilities operating pursuant to part 584 of title 14-NYCCR; geriatric demonstration programs; community-based mental health family treatment and support; coordinated children's service initiative; homeless services; and promises zone.

(ii) Programs and services funded, licensed, or certified by the office for people with developmental disabilities (OPWDD) eligible for the cost of living adjustment established herein, pending federal approval where applicable, include: local/unified services; chapter 620 services; voluntary operated community residential services; article 16 clinics; day treatment services; family support services; 100% day training; epilepsy services; traumatic brain injury services; hepatitis B services; independent practitioner services for individuals with intellectual and/or developmental disabilities; crisis services for individuals with intellectual and/or developmental disabilities; family care residential habilitation; supervised residential habilitation; supportive residential habilitation; respite; day habilitation; pre-vocational services; supported employment; community habilitation; intermediate care facility day and residential services; specialty hospital; pathways to employment; intensive behavioral services; basic home and community based services (HCBS) plan support; health home services provided by care coordination organizations; community transition services; family education and training; fiscal intermediary; support broker; and personal resource accounts.

(iii) Programs and services funded, licensed, or certified by the office of addiction services and supports (OASAS) eligible for the cost of living adjustment established herein, pending federal approval where applicable, include: medically supervised withdrawal services - residential; medically supervised withdrawal services - outpatient; medically managed detoxification; medically monitored withdrawal; inpatient rehabilitation services; outpatient opioid treatment; residential opioid treatment; KEEP units outpatient; residential opioid treatment to abstinence; problem gambling treatment; medically supervised outpatient; outpatient rehabilitation; specialized services substance abuse programs; home and community based waiver services pursuant to subdivision 9 of section 366 of the social services law; children and family treatment and support services; continuum of care rental assistance case management; NY/NY III post-treatment housing; NY/NY III housing for persons at risk for homelessness; permanent supported housing; youth clubhouse; recovery community centers; recovery community organizing initiative; residential rehabilitation services for youth (RRSY); intensive residential; community residential; supportive living; residential services; job placement initiative; case management; family support
navigator; local government unit administration; peer engagement; vocational rehabilitation; support services; HIV early intervention services; dual diagnosis coordinator; problem gambling resource centers; problem gambling prevention; prevention resource centers; primary prevention services; other prevention services; and community services.

(iv) Programs and services funded, licensed, or certified by the office of temporary and disability assistance (OTDA) eligible for the cost of living adjustment established herein, pending federal approval where applicable, include: nutrition outreach and education program (NOEP).

(v) Programs and services funded, licensed, or certified by the office of children and family services (OCFS) eligible for the cost of living adjustment established herein, pending federal approval where applicable, include: programs for which the office of children and family services establishes maximum state aid rates pursuant to section 398-a of the social services law and section 4003 of the education law; emergency foster homes; foster family boarding homes and therapeutic foster homes; supervised settings as defined by subdivision twenty-two of section 371 of the social services law; adoptive parents receiving adoption subsidy pursuant to section 453 of the social services law; and congregate and scattered supportive housing programs and supportive services provided under the NY/NY III supportive housing agreement to young adults leaving or having recently left foster care.

(vi) Programs and services funded, licensed, or certified by the state office for the aging (SOFA) eligible for the cost of living adjustment established herein, pending federal approval where applicable, include: community services for the elderly; expanded in-home services for the elderly; and supplemental nutrition assistance program.

5. Each local government unit or direct contract provider receiving funding for the cost of living adjustment established herein shall submit a written certification, in such form and at such time as each commissioner shall prescribe, attesting how such funding will be or was used to first promote the recruitment and retention of non-executive direct care staff, non-executive direct support professionals, non-executive clinical staff, or respond to other critical non-personal service costs prior to supporting any salary increases or other compensation for executive level job titles.

6. Notwithstanding any inconsistent provision of law to the contrary, agency commissioners shall be authorized to recoup funding from a local governmental unit or direct contract provider for the cost of living adjustment established herein determined to have been used in a manner inconsistent with the appropriation, or any other provision of this section. Such agency commissioners shall be authorized to employ any legal mechanism to recoup such funds, including an offset of other funds that are owed to such local governmental unit or direct contract provider.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2023.

PART EE

Section 1. Subdivision 1-a of section 84 of 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, as amended by section 9 of part Z of chapter 57 of the laws of 2018, is amended to read as follows:

1-a. sections seventy-three through eighty-a shall expire and be deemed repealed [September 30] December 31, [2023] 2025;

§ 2. This act shall take effect immediately.

PART FF

Intentionally Omitted

PART GG

Intentionally Omitted

PART HH

Section 1. The mental hygiene law is amended by adding three new sections 36.04, 36.05 and 36.06 to read as follows:

§ 36.04 Certified community behavioral health clinics.

(a) The commissioners are authorized to jointly certify community behavioral health clinics, subject to the availability of state and federal funding.

(b) Certified community behavioral health clinics shall provide coordinated, comprehensive behavioral health care, including mental health and addiction services, primary care screening, and case management services, in accordance with certified community behavioral health clinic standards established by the United States department of health and human services substance abuse and mental health services administration and the commissioners of the office of mental health and the office of addiction services and supports.

(c) The commissioners shall require each proposed certified community behavioral health clinic to submit a plan, which shall be approved by the commissioners prior to the issuance of an operating certificate pursuant to this article. Such plan shall include:

(1) a description of the clinic's character and competency to provide certified community behavioral health clinic services across the life-span, including how the clinic will ensure access to crisis services at all times and accept all patients regardless of ability to pay;

(2) a description of the clinic's catchment area;

(3) a statement indicating that the clinic has been included in an approved local services plan developed pursuant to article forty-one of this title for each local government located within the clinic's catchment area;

(4) where executed, agreements establishing formal relationships with designated collaborating organizations to provide certain certified community behavioral health clinic services, consistent with guidance issued by the United States department of health and human services substance abuse and mental health services administration and the office of mental health and the office of addiction services and supports;

(5) a staffing plan driven by local needs assessment, licensing, and training to support service delivery;

(6) a description of the clinic's data-driven approach to quality improvement;
(7) a description of how consumers are represented in governance of the clinic;
(8) all financial information in the form and format required by the office of mental health and the office of addiction services and supports; and
(9) any other information or agreements required by the commissioners.
(d) Where a certified community behavioral health clinic has been established and is participating on the effective date of this section in the federal certified community behavioral health clinic demonstration awarded to the state by the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration, the previously established clinic may be certified where the clinic demonstrates compliance with the certification standards established pursuant to this article.
(e) The commissioners shall promulgate any rule or regulation necessary to effectuate this section.
§ 36.05 Certified community behavioral health clinics indigent care program.
(a) (1) For periods on and after July first, two thousand twenty-three, the commissioners are authorized to make payment to eligible certified community behavioral health clinics, to the extent of funds appropriated therefor to assist in meeting losses resulting from uncompensated care. In the event federal financial participation is not available for such payments to eligible certified community behavioral health clinics, payments shall be made solely on the basis of available state general fund appropriations for this purpose in amounts to be determined by the director of the division of the budget.
(2) For purposes of this section, "eligible certified community behavioral health clinics" shall mean voluntary non-profit certified community behavioral health clinics participating in the federal certified community behavioral health clinic demonstration awarded to the state by the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration and other certified community behavioral health clinics certified pursuant to section 36.04 of this article, which demonstrate that a minimum of three percent of total visits reported during the applicable base year period, as determined by the commissioners, were to uninsured individuals.
(3) For purposes of this section, "losses resulting from uncompensated care" shall mean losses from reported self-pay and free visits multiplied by the clinic's medical assistance payment rate for the applicable distribution year, offset by payments received from such patients during the reporting period.
(b) A certified community behavioral health clinic qualifying for a distribution pursuant to this section shall provide assurances satisfactory to the commissioners that it shall undertake reasonable efforts to maintain financial support from community and public funding sources and reasonable efforts to collect payments for services from third-party insurance payors, governmental payors and self-paying patients.
(c) (1) Funding pursuant to this section shall be allocated to eligible certified community behavioral health clinics based on actual, reported losses resulting from uncompensated care in a given base year period and shall not exceed one hundred percent of an eligible clinic's losses in the same period.
(2) If the sum of actual, reported losses resulting from uncompensated care for all certified community behavioral health clinics exceeds the amount appropriated therefor in a given base year period, allocations of
funds for each eligible certified community behavioral health clinic shall be assessed proportionately based upon the percentage of the total number of uncompensated care visits for all clinics that each clinic provided during the base year and shall not exceed amounts appropriated 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.

§ 36.06 Review of criminal history information.

(a) The justice center for the protection of people with special needs and the office of addiction services and supports shall be authorized to jointly receive from the division of criminal justice services criminal history information, as such term is defined in paragraph (c) of subdivision one of section eight hundred forty-five-b of the executive law, pursuant to the authority provided under sections 19.20, 19.20-a, and 31.35 of this chapter to facilitate a single process to review such criminal history of and make a suitability determination for applicants to be providers of services and prospective employees or volunteers who will have regular and substantial unsupervised or unrestricted physical contact with the clients of a provider licensed, certified, or otherwise authorized under this article, in accordance with policies and procedures developed jointly by the justice center for the protection of people with special needs and the office of addiction services and supports, in consultation with the office of mental health.

(b) The justice center for the protection of people with special needs and the office of addiction services and supports shall be authorized to jointly adopt a single process to review the criminal history of and make a suitability determination for applicants to be providers of services under both articles thirty-one and thirty-two of this title,
and prospective employees or volunteers who will have regular and
substantial unsupervised or unrestricted physical contact with the
clients of such provider and shall be authorized to jointly receive
criminal history information, as such term is defined in paragraph (c)
of subdivision one of section eight hundred forty-five-b of the executive law from the division of criminal justice services.

§ 2. The opening paragraph of section 19.20 of the mental hygiene law, as added by section 2 of part F of chapter 501 of the laws of 2012, is amended to read as follows:

Every provider of services who contracts with or is approved or otherwise authorized by the office to provide services, except (1) a department facility, (2) a hospital as defined in article twenty-eight of the public health law, or (3) a licensed professional under title eight of the education law who does not have employees or volunteers who will have regular and substantial unsupervised or unrestricted physical contact with the clients of such provider, shall request that the office request and receive from the division of criminal justice services criminal history information, as such phrase is defined in paragraph (c) of subdivision one of section eight hundred forty-five-b of the executive law, concerning each prospective employee or volunteer of such provider. Provided, however, a provider of services approved or otherwise authorized under article thirty-six of this chapter shall comply with the requirements of subdivision (a) of section 36.06 of such article to satisfy the requirements of this section, and provided further that a provider who complies with the requirements of subdivision (b) of section 36.06 of such article, shall be deemed to have satisfied the requirements of this section.

§ 3. The opening paragraph of section 19.20-a of the mental hygiene law, as added by section 3 of part F of chapter 501 of the laws of 2012, is amended to read as follows:

The office shall be authorized to receive from the division of criminal justice services criminal history information, as such phrase is defined in paragraph (c) of subdivision one of section eight hundred forty-five-b of the executive law, concerning each applicant to be a provider of services or operator of such provider except: (1) a department facility; (2) a hospital as defined in article twenty-eight of the public health law; or (3) a licensed professional under title eight of the education law who does not have employees or volunteers who will have regular and substantial unsupervised or unrestricted physical contact with the clients of such provider, and for every individual seeking to be credentialed by the office to provide substance use disorder services pursuant to section 19.07 of this article. For purposes of this section, "operator" shall include any natural person with an ownership interest in the provider of services. Provided, however, an applicant to be a provider of services or operator of such provider under article thirty-six of this chapter shall comply with the requirements of subdivision (a) of section 36.06 of such article to satisfy the requirements of this section, and provided further that a provider who complies with the requirements of subdivision (b) of section 36.06 of such article, shall be deemed to have satisfied the requirements of this section.

§ 4. Subdivision (a) of section 31.35 of the mental hygiene law, as amended by chapter 83 of the laws of 2013, is amended to read as follows:

(a) Every provider of services who contracts with or is approved or otherwise authorized by the office of mental health to provide services,
except (1) a department facility, (2) a hospital as defined in article twenty-eight of the public health law, or (3) a licensed professional under title eight of the education law who does not have employees or volunteers who will have regular and substantial unsupervised or unrestricted physical contact with the clients of such provider, and every applicant to be such a provider of services except (i) a department facility, (ii) a hospital as defined in article twenty-eight of the public health law, or (iii) a licensed professional under title eight of the education law who does not have employees or volunteers who will have regular and substantial unsupervised or unrestricted physical contact with the clients of such provider, shall request that the justice center for the protection of people with special needs check, and upon such request such justice center shall request and shall be authorized to receive from the division of criminal justice services criminal history information, as such phrase is defined in paragraph (c) of subdivision one of section eight hundred forty-five-b of the executive law, concerning each prospective operator, employee or volunteer of such provider who will have regular and substantial unsupervised or unrestricted physical contact with the clients of such provider. For purposes of this section, "operator" shall include any natural person with an ownership interest in the provider of services. Provided, however, an applicant to be a provider of services, or provider of services approved or otherwise authorized, under article thirty-six of this title shall comply with the requirements of subdivision (a) of section 36.06 of such article to satisfy the requirements of this section, and provided further that an applicant or provider who complies with the requirements of subdivision (b) of section 36.06 of such article, shall be deemed to have satisfied the requirements of this section.

§ 5. This act shall take effect six months after it shall have become a law; provided however, that the commissioners of mental health and addiction services and supports are authorized to adopt rules and regulations necessary to implement this act prior to such effective date.

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 residential facility licensed or
operated by the office of mental health; outpatient care provided by a facility issued an operating certificate by the commissioner of mental hygiene or by a facility operated by the office of mental health; outpatient care provided by a crisis stabilization center licensed pursuant to section 36.01 of the mental hygiene law; outpatient care provided by a mobile crisis intervention services provider licensed, certified, or designated by the office of mental health or the office of addiction services and supports; outpatient and inpatient care for critical time intervention services and outpatient care for assertive community treatment services provided by facilities issued an operating certificate by the commissioner of mental health pursuant to the provisions of article thirty-one of the mental hygiene law, beginning no later than thirty days following discharge from a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law or the emergency department of a hospital licensed pursuant to article twenty-eight of the public health law; or, for care provided in other states, to similarly licensed or certified hospitals; and

§ 2. Items (iii) and (iv) of subparagraph (E) of paragraph 35 of subsection (i) of section 3216 of the insurance law, as added by section 8 of subpart A of part BB of chapter 57 of the laws of 2019, are amended and three new items (v), (vi) and (vii) are added to read as follows:

(iii) "treatment limitation" means limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment and includes nonquantitative treatment limitations such as: medical management standards limiting or excluding benefits based on medical necessity, or based on whether the treatment is experimental or investigational; formulary design for prescription drugs; network tier design; standards for provider admission to participate in a network, including reimbursement rates; methods for determining usual, customary, and reasonable charges; fail-first or step therapy protocols; exclusions based on failure to complete a course of treatment; and restrictions based on geographic location, facility type, provider specialty, and other criteria that limit the scope or duration of benefits for services provided under the policy; and

(iv) "mental health condition" means any mental health disorder as defined in the most recent edition of the diagnostic and statistical manual of mental disorders or the most recent edition of another generally recognized independent standard of current medical practice such as the international classification of diseases;

(v) "assertive community treatment services" means a comprehensive and integrated combination of treatment, rehabilitation, case management, and support services primarily provided in an insured's residence or other community locations by a mobile multidisciplinary mental health treatment team licensed pursuant to article thirty-one of the mental hygiene law;

(vi) "critical time intervention services" means services rendered by a provider licensed under article thirty-one of the mental hygiene law that provides evidence-based, therapeutic interventions that include intensive outreach, engagement, and care coordination services that are provided to an insured before the insured is discharged from inpatient care in a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law or the emergency department of a hospital licensed pursuant to article twenty-eight of the public health law and continue after discharge until the insured is stabilized; and
"residential facility" means crisis residence facilities and community residences for eating disorder integrated treatment programs licensed pursuant to article thirty-one of the mental hygiene law.

§ 3. Paragraph 35 of subsection (i) of section 3216 of the insurance law is amended by adding a new subparagraph (I) to read as follows:

(I) This subparagraph shall apply to mobile crisis intervention services providers licensed, certified, or designated by the office of mental health or the office of addiction services and supports. For purposes of this subparagraph, "mobile crisis intervention services" means mental health and substance use disorder services consisting of:

(1) telephonic crisis triage and response; (2) mobile crisis response to provide intervention and facilitate access to other behavioral health services; and (3) mobile and telephonic follow-up services after the initial crisis response until the insured is stabilized, provided to an insured who is experiencing, or is at imminent risk of experiencing, a behavioral health crisis, which includes instances in which an insured cannot manage their primarily psychiatric or substance use related symptoms without de-escalation or intervention. Mobile crisis intervention services do not include services provided to an insured after the insured has been stabilized.

(i) Benefits for covered services provided by a mobile crisis intervention services provider shall not be subject to preauthorization. Except where otherwise required by law, nothing in this subparagraph shall prevent services provided subsequent to the provision of mobile crisis intervention services from being subject to preauthorization.

(ii) Benefits for covered services provided by a mobile crisis intervention services provider shall be covered regardless of whether the mobile crisis intervention services provider is a participating provider.

(iii) If the covered services are provided by a non-participating mobile crisis intervention services provider, an insurer shall not impose any administrative requirement or limitation on coverage that is more restrictive than the requirements or limitations that apply to covered services received from a participating mobile crisis intervention services provider.

(iv) If the covered services are provided by a non-participating mobile crisis intervention services provider, the insurer's copayment, coinsurance, and deductible shall be the same as would apply if such covered services were provided by a participating mobile crisis intervention services provider.

(v) A mobile crisis intervention services provider reimbursed pursuant to this section shall not charge or seek any reimbursement from, or have any recourse against, an insured for the services provided pursuant to this subparagraph, except for the collection of in-network copayments, coinsurance, or deductibles for which the insured is responsible for under the terms of the policy.

§ 4. Paragraph 35 of subsection (i) of section 3216 of the insurance law is amended by adding a new subparagraph (J) to read as follows:

(J) This subparagraph shall apply to school-based mental health clinics that are licensed pursuant to article thirty-one of the mental hygiene law and provide outpatient care in pre-school, elementary, or secondary schools. An insurer shall provide reimbursement for covered outpatient care when provided by such school-based mental health clinics at a pre-school, elementary, or secondary school, regardless of whether the school-based mental health clinic furnishing such services is a participating provider with respect to such services. Reimbursement for
such covered services shall be at the rate negotiated between the insurer and school-based mental health clinic or, in the absence of a negotiated rate, an amount no less than the rate that would be paid for such services pursuant to the medical assistance program under title eleven of article five of the social services law. Payment by an insurer pursuant to this section shall be payment in full for the services provided. The school-based mental health clinic reimbursed pursuant to this section shall not charge or seek any reimbursement from, or have any recourse against, an insured for the services provided pursuant to this subparagraph, except for the collection of in-network copayments, coinsurance, or deductibles for which the insured is responsible for under the terms of the policy.

§ 5. Item (i) of subparagraph (A) of paragraph 5 of subsection (l) of section 3221 of the insurance law, as amended by section 14 of part AA of chapter 57 of the laws of 2021, is amended to read as follows:

(i) where the policy provides coverage for inpatient hospital care, 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 residential facility licensed or operated by the office of mental health; outpatient care provided by a facility issued an operating certificate by the commissioner of mental health pursuant to the provisions of article thirty-one of the mental hygiene law, or by a facility operated by the office of mental health; outpatient care provided by a mobile crisis intervention services provider licensed, certified, or designated by the office of mental health or the office of addiction services and supports; outpatient and inpatient care for critical time intervention services and outpatient care for assertive community treatment services provided by facilities issued an operating certificate by the commissioner of mental health pursuant to the provisions of article thirty-one of the mental hygiene law, beginning no later than thirty days following discharge from a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law or the emergency department of a hospital licensed pursuant to article twenty-eight of the public health law; or, for care provided in other states, to similarly licensed or certified hospitals; facilities, or licensed, certified or designated providers; and

§ 6. Items (iii) and (iv) of subparagraph (E) of paragraph 5 of subsection (l) of section 3221 of the insurance law, as added by section 14 of subpart A of part BB of chapter 57 of the laws of 2019, are amended and three new items (v), (vi) and (vii) are added to read as follows:

(iii) "treatment limitation" means limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment and includes nonquantitative treatment limitations such as: medical management standards limiting or excluding benefits based on medical necessity, or based on whether the treatment is experimental or investigational; formulary design for prescription drugs; network tier design; standards for provider admission to participate in a network, including reimbursement rates; methods for determining usual, customary, and reasonable charges; fail-first or step therapy protocols; exclusions based on failure to complete a course of treatment; and restrictions based on geographic location, facility type, provider specialty, and other criteria that limit the scope or duration of benefits for services provided under the policy;
(iv) "mental health condition" means any mental health disorder as defined in the most recent edition of the diagnostic and statistical manual of mental disorders or the most recent edition of another generally recognized independent standard of current medical practice such as the international classification of diseases[\(\text{\textsuperscript{\ldots}}\)].

(v) "assertive community treatment services" means a comprehensive and integrated combination of treatment, rehabilitation, case management, and support services primarily provided in an insured’s residence or other community locations by a mobile multidisciplinary mental health treatment team licensed pursuant to article thirty-one of the mental hygiene law.

(vi) "critical time intervention services" means services rendered by a provider licensed under article thirty-one of the mental hygiene law that provides evidence-based, therapeutic interventions that include intensive outreach, engagement, and care coordination services that are provided to an insured before the insured is discharged from inpatient care in a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law or the emergency department of a hospital licensed pursuant to article twenty-eight of the public health law and continue after discharge until the insured is stabilized; and

(vii) "residential facility" means crisis residence facilities and community residences for eating disorder integrated treatment programs licensed pursuant to article thirty-one of the mental hygiene law.

§ 7. Paragraph 5 of subsection (l) of section 3221 of the insurance law is amended by adding a new subparagraph (I) to read as follows:

(I) This subparagraph shall apply to mobile crisis intervention services providers licensed, certified, or designated by the office of mental health or the office of addiction services and supports. For purposes of this subparagraph, "mobile crisis intervention services" means mental health and substance use disorder services, consisting of: (1) telephonic crisis triage and response; (2) mobile crisis response to provide intervention and facilitate access to other behavioral health services; and (3) mobile and telephonic follow-up services after the initial crisis response until the insured is stabilized provided to an insured who is experiencing, or is at imminent risk of experiencing, a behavioral health crisis, which includes instances in which an insured cannot manage their primarily psychiatric or substance use related symptoms without de-escalation or intervention. Mobile crisis intervention services do not include services provided to an insured after the insured has been stabilized.

(i) Benefits for covered services provided by a mobile crisis intervention services provider shall not be subject to preauthorization. Except where otherwise required by law, nothing in this subparagraph shall prevent services provided subsequent to the provision of mobile crisis intervention services from being subject to preauthorization.

(ii) Benefits for covered services provided by a mobile crisis intervention services provider shall be covered regardless of whether the mobile crisis intervention services provider is a participating provider.

(iii) If the covered services are provided by a non-participating mobile crisis intervention services provider, an insurer shall not impose any administrative requirement or limitation on coverage that is more restrictive than the requirements or limitations that apply to covered services received from a participating mobile crisis intervention services provider.
(iv) If the covered services are provided by a non-participating mobile crisis intervention services provider, the insured's copayment, coinsurance, and deductible shall be the same as would apply if such covered services were provided by a participating mobile crisis intervention services provider.

(v) A mobile crisis intervention services provider reimbursed pursuant to this section shall not charge or seek any reimbursement from, or have any recourse against, an insured for the services provided pursuant to this subparagraph, except for the collection of in-network copayments, coinsurance, or deductibles for which the insured is responsible for under the terms of the policy.

§ 8. Paragraph 5 of subsection (l) of section 3221 of the insurance law is amended by adding a new subparagraph (J) to read as follows:

(J) This subparagraph shall apply to school-based mental health clinics that are licensed pursuant to article thirty-one of the mental hygiene law and provide outpatient care in pre-school, elementary, or secondary schools. An insurer shall provide reimbursement for covered outpatient care when provided by such school-based mental health clinics at a pre-school, elementary, or secondary school, regardless of whether the school-based mental health clinic furnishing such services is a participating provider with respect to such services. Reimbursement for such covered services shall be at the rate negotiated between the insurer and school-based mental health clinic or, in the absence of a negotiated rate, an amount no less than the rate that would be paid for such services pursuant to the medical assistance program under title eleven of article five of the social services law. Payment by an insurer pursuant to this section shall be payment in full for the services provided. The school-based mental health clinic reimbursed pursuant to this section shall not charge or seek any reimbursement from or have any recourse against, an insured for the services provided pursuant to this subparagraph, except for the collection of in-network copayments, coinsurance, or deductibles for which the insured is responsible for under the terms of the policy.

§ 9. Paragraph 1 of subsection (g) of section 4303 of the insurance law, as amended by section 18 of part AA of chapter 57 of the laws of 2021, is amended to read as follows:

(1) where the contract provides coverage for inpatient hospital care, benefits for in-patient care in a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law [or for inpatient care provided in other states, to similarly licensed hospitals, and benefits for]; sub-acute care in a residential facility licensed or operated by the office of mental health [or in]; outpatient care provided [in] by a facility issued an operating certificate by the commissioner of mental health pursuant to the provisions of article thirty-one of the mental hygiene law or [in] by a facility operated by the office of mental health [or in]; outpatient care provided by a crisis stabilization center licensed pursuant to section 36.01 of the mental hygiene law; outpatient care provided by a mobile crisis intervention services provider licensed, certified, or designated by the office of mental health or the office of addiction services and supports; outpatient and inpatient care for critical time intervention services and outpatient care for assertive community treatment services provided by facilities issued an operating certificate by the commissioner of mental health pursuant to the provisions of article thirty-one of the mental hygiene law, beginning no later than thirty days following discharge from a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law,
hygiene law or the emergency department of a hospital licensed pursuant to article twenty-eight of the public health law; or for [out-patient] care provided in other states, to similarly licensed or certified hospitals, facilities, or licensed, certified or designated providers; and

§ 10. Subparagraphs (C) and (D) of paragraph 6 of subsection (g) of section 4303 of the insurance law, as added by section 23 of subpart A of part BB of chapter 57 of the laws of 2019, are amended and three new subparagraphs (E), (F) and (G) are added to read as follows:

(C) "treatment limitation" means limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment and includes nonquantitative treatment limitations such as: medical management standards limiting or excluding benefits based on medical necessity, or based on whether the treatment is experimental or investigational; formulary design for prescription drugs; network tier design; standards for provider admission to participate in a network, including reimbursement rates; methods for determining usual, customary, and reasonable charges; fail-first or step therapy protocols; exclusions based on failure to complete a course of treatment; and restrictions based on geographic location, facility type, provider specialty, and other criteria that limit the scope or duration of benefits for services provided under the contract; [and]

(D) "mental health condition" means any mental health disorder as defined in the most recent edition of the diagnostic and statistical manual of mental disorders or the most recent edition of another generally recognized independent standard of current medical practice such as the international classification of diseases[\textsuperscript{1}];

(E) "assertive community treatment services" means a comprehensive and integrated combination of treatment, rehabilitation, case management, and support services primarily provided in an insured's residence or other community locations by a mobile multidisciplinary mental health treatment team licensed pursuant to article thirty-one of the mental hygiene law;

(F) "critical time intervention services" means services rendered by a provider licensed under article thirty-one of the mental hygiene law that provides evidence-based, therapeutic interventions that include intensive outreach, engagement, and care coordination services that are provided to an insured before the insured is discharged from inpatient care in a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law or the emergency department of a hospital licensed pursuant to article twenty-eight of the public health law and continue after discharge until the insured is stabilized; and

(G) "residential facility" means crisis residence facilities and community residences for eating disorder integrated treatment programs licensed pursuant to article thirty-one of the mental hygiene law.

§ 11. Subsection (g) of section 4303 of the insurance law is amended by adding a new paragraph 10 to read as follows:

(10) This paragraph shall apply to mobile crisis intervention services providers licensed, certified, or designated by the office of mental health or the office of addiction services and supports. For purposes of this paragraph, "mobile crisis intervention services" means mental health and substance use disorder services, consisting of: (1) telephonic crisis triage and response; (2) mobile crisis response to provide intervention and facilitate access to other behavioral health services; and (3) mobile and telephonic follow-up services after the initial crisis response until the insured is stabilized, provided to an insured who is experiencing, or is at imminent risk of experiencing, a behav-
ioral health crisis, which includes instances in which an insured cannot
manage their primarily psychiatric or substance use related symptoms
without de-escalation or intervention. Mobile crisis intervention
services do not include services provided to an insured after the
insured has been stabilized.

(A) Benefits for covered services provided by a mobile crisis inter-
vention services provider shall not be subject to preauthorization.
Except where otherwise required by law, nothing in this paragraph shall
prevent services provided subsequent to the provision of mobile crisis
intervention services from being subject to preauthorization.

(B) Benefits for covered services provided by a mobile crisis inter-
vention services provider shall be covered regardless of whether the
mobile crisis intervention services provider is a participating provid-
er.

(C) If the covered services are provided by a non-participating
mobile crisis intervention services provider, a corporation shall not
impose any administrative requirement or limitation on coverage that is
more restrictive than the requirements or limitations that apply to
covered services received from a participating mobile crisis inter-
vention services provider.

(D) If the covered services are provided by a non-participating
mobile crisis intervention services provider, the insured's copayment,
coinsurance, and deductible shall be the same as would apply if such
covered services were provided by a participating mobile crisis inter-
vention services provider.

(E) A mobile crisis intervention services provider reimbursed pursu-
ant to this section shall not charge or seek any reimbursement from,
or have any recourse against, an insured for the services provided
pursuant to this subparagraph, except for the collection of in-network
copayments, coinsurance, or deductibles for which the insured is
responsible for under the terms of the contract.

§ 12. Subsection (g) of section 4303 of the insurance law is amended
by adding a new paragraph 11 to read as follows:

(11) This paragraph shall apply to school-based mental health clinics
that are licensed pursuant to article thirty-one of the mental hygiene
law and provide outpatient care in pre-school, elementary, or secondary
schools. A corporation shall provide reimbursement for covered outpa-
tient care when provided by such school-based mental health clinics at a
pre-school, elementary, or secondary school, regardless of whether the
school-based mental health clinic furnishing such services is a partic-
ipating provider with respect to such services. Reimbursement for such
covered services shall be at the rate negotiated between the corporation
and school-based mental health clinic or, in the absence of a negotiated
rate, an amount no less than the rate that would be paid for such
services pursuant to the medical assistance program under title eleven
of article five of the social services law. Payment by a corporation
pursuant to this section shall be payment in full for the services
provided. The school-based mental health clinic reimbursed pursuant to
this section shall not charge or seek any reimbursement from, or have
any recourse against, a corporation for the services provided pursuant
to this paragraph, except for the collection of in-network copayments,
coinsurance, or deductibles for which the insured is responsible for
under the terms of the contract.

§ 13. Paragraphs 1 and 2 of subsection (a) of section 605 of the
financial services law, as amended by section 5 of subpart A of part AA
of chapter 57 of the laws of 2022, are amended to read as follows:
(1) When a health care plan receives a bill for emergency services from a non-participating provider, including a bill for inpatient services which follow an emergency room visit, or a bill for services from a mobile crisis intervention services provider licensed, certified, or designated by the office of mental health or the office of addiction services and supports, the health care plan shall pay an amount that it determines is reasonable for the emergency services, including inpatient services which follow an emergency room visit or for the mobile crisis intervention services, rendered by the non-participating provider, in accordance with section three thousand two hundred twenty-four-a of the insurance law, except for the insured's co-payment, coinsurance or deductible, if any, and shall ensure that the insured shall incur no greater out-of-pocket costs for the emergency services, including inpatient services which follow an emergency room visit or for the mobile crisis intervention services, than the insured would have incurred with a participating provider. The non-participating provider may bill the health care plan for the services rendered. Upon receipt of the bill, the health care plan shall pay the non-participating provider the amount prescribed by this section and any subsequent amount determined to be owed to the provider in relation to the emergency services provided, including inpatient services which follow an emergency room visit or for the mobile crisis intervention services.

(2) A non-participating provider or a health care plan may submit a dispute regarding a fee or payment for emergency services, including inpatient services which follow an emergency room visit, or for services rendered by a mobile crisis intervention services provider licensed, certified, or designated by the office of mental health or the office of addiction services and supports, for review to an independent dispute resolution entity.

§ 14. Subsection (b) of section 606 of the financial services law, as amended by section 7 of subpart A of part AA of chapter 57 of the laws of 2022, is amended to read as follows:

(b) A non-participating provider shall not bill an insured for emergency services, including inpatient services which follow an emergency room visit, or for services rendered by a mobile crisis intervention services provider licensed, certified, or designated by the office of mental health or the office of addiction services and supports, except for any applicable copayment, coinsurance or deductible that would be owed if the insured utilized a participating provider.

§ 15. This act shall take effect January 1, 2024; provided, however, that sections four, eight, and twelve of this act shall apply to policies and contracts issued, renewed, amended, modified or altered on or after such date; provided, however, that sections one through three, five through seven, nine through eleven, thirteen and fourteen of this act shall take effect on January 1, 2025; provided further that sections one through three, five through seven, nine through eleven, thirteen and fourteen of this act shall not take effect until after the superintendent of financial services and the commissioner of health have promulgated regulations pursuant to paragraph two of subsection (a) of section 3241 of the insurance law and paragraph (b) of subdivision five of section 4403 of the public health law and, thereafter, shall apply to policies and contracts issued, renewed, amended, modified or altered ninety days after the superintendent of financial services and the commissioner of health, in consultation with the commissioner of mental health and the commissioner of addiction services and supports, have determined, for a particular provider type, that there are a sufficient
number of certified, licensed, or designated providers available in this state of sub-acute care in a residential facility, assertive community treatment services, critical time intervention services or mobile crisis intervention services, respectively, to meet network adequacy requirements as required under subsection (a) of section 3241 of the insurance law and paragraph (b) of subdivision five of section 4403 of the public health law; provided however that the superintendent of financial services and commissioner of health shall notify the legislative bill drafting commission upon the occurrence of the date such regulations appear in the state register and the date of their adoption in order that the commission may maintain an accurate and timely effective database of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

SUBPART B

Section 1. Subparagraphs (G) and (H) of paragraph 35 of subsection (i) of section 3216 of the insurance law, subparagraph (G) as added by section 8 of subpart A of part BB of chapter 57 of the laws of 2019 and subparagraph (H) as added by section 13 of part AA of chapter 57 of the laws of 2021, are amended to read as follows:

(G) This subparagraph shall apply to hospitals and crisis residence facilities in this state that are licensed or operated by the office of mental health that are participating in the insurer's provider network. Where the policy provides coverage for inpatient hospital care, benefits for inpatient hospital care in a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law [provided to individuals who have not attained the age of eighteen] and benefits for sub-acute care in a crisis residence facility licensed or operated by the office of mental health shall not be subject to preauthorization. Coverage provided under this subparagraph shall also not be subject to concurrent utilization review for individuals who have not attained the age of eighteen during the first fourteen days of the inpatient admission, provided the facility notifies the insurer of both the admission and the initial treatment plan within two business days of the admission, performs daily clinical review of the [patient] insured, and participates in periodic consultation with the insurer to ensure that the facility is using the evidence-based and peer reviewed clinical review criteria utilized by the insurer which is approved by the office of mental health and appropriate to the age of the [patient] insured, to ensure that the inpatient care is medically necessary for the [patient] insured. For individuals who have attained age eighteen, coverage provided under this subparagraph shall also not be subject to concurrent review during the first thirty days of the inpatient or residential admission, provided the facility notifies the insurer of both the admission and the initial treatment plan within two business days of the admission, performs daily clinical review of the [patient] insured, and participates in periodic consultation with the insurer to ensure that the facility is using the evidence-based and peer reviewed clinical review criteria utilized by the insurer which is approved by the office of mental health and appropriate to the age of the insured, to ensure that the inpatient or residential care is medically necessary for the insured. However, concurrent review may be performed during the first thirty days if an insured meets clinical criteria designated by the office of mental health or where the insured is admitted to a hospital...
or facility which has been designated by the office of mental health for concurrent review, in consultation with the commissioner of health and the superintendent. All treatment provided under this subparagraph may be reviewed retrospectively. Where care is denied retrospectively, an insured shall not have any financial obligation to the facility for any treatment under this subparagraph other than any copayment, coinsurance, or deductible otherwise required under the policy.

(H) This subparagraph shall apply to crisis stabilization centers in this state that are licensed pursuant to section 36.01 of the mental hygiene law and participate in the insurer's provider network. Benefits for care [in] by a crisis stabilization center shall not be subject to preauthorization. All treatment provided under this subparagraph may be reviewed retrospectively. Where care is denied retrospectively, an insured shall not have any financial obligation to the facility for any treatment under this subparagraph other than any copayment, coinsurance, or deductible otherwise required under the policy.

§ 2. Subparagraphs (G) and (H) of paragraph 5 of subsection (l) of section 3221 of the insurance law, subparagraph (G) as added by section 14 of subpart A of part BB of chapter 57 of the laws of 2019 and subparagraph (H) as added by section 15 of part AA of chapter 57 of the laws of 2021, are amended to read as follows:

(G) This subparagraph shall apply to hospitals and crisis residence facilities in this state that are licensed or operated by the office of mental health that are participating in the insurer's provider network. Where the policy provides coverage for inpatient hospital care, benefits for inpatient hospital care in a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law [provided to individuals who have not attained the age of eighteen] and benefits for sub-acute care in a crisis residence facility licensed or operated by the office of mental health shall not be subject to preauthorization. Coverage provided under this subparagraph shall also not be subject to concurrent utilization review for individuals who have not attained the age of eighteen during the first fourteen days of the inpatient admission, provided the facility notifies the insurer of both the admission and the initial treatment plan within two business days of the admission, performs daily clinical review of the [patient] insured, and participates in periodic consultation with the insurer to ensure that the facility is using the evidence-based and peer reviewed clinical review criteria utilized by the insurer which is approved by the office of mental health and appropriate to the age of the [patient] insured. For individuals who have attained age eighteen, coverage provided under this subparagraph shall also not be subject to concurrent review during the first thirty days of the inpatient or residential admission, provided the facility notifies the insurer of both the admission and the initial treatment plan within two business days of the admission, performs daily clinical review of the insured, and participates in periodic consultation with the insurer to ensure that the facility is using the evidence-based and peer reviewed clinical review criteria utilized by the insurer which is approved by the office of mental health and appropriate to the age of the insured, to ensure that the inpatient or residential care is medically necessary for the [patient] insured. However, concurrent review may be performed during the first thirty days if an insured meets clinical criteria designated by the office of mental health or where the insured is admitted to a hospital or facility which has been designated by the office of mental health for...
concurrent review, in consultation with the commissioner of health and the superintendent. All treatment provided under this subparagraph may be reviewed retrospectively. Where care is denied retrospectively, an insured shall not have any financial obligation to the facility for any treatment under this subparagraph other than any copayment, coinsurance, or deductible otherwise required under the policy.

(H) This subparagraph shall apply to crisis stabilization centers in this state that are licensed pursuant to section 36.01 of the mental hygiene law and participate in the insurer's provider network. Benefits for care [in] by a crisis stabilization center shall not be subject to preauthorization. All treatment provided under this subparagraph may be reviewed retrospectively. Where care is denied retrospectively, an insured shall not have any financial obligation to the facility for any treatment under this subparagraph other than any copayment, coinsurance, or deductible otherwise required under the policy.

§ 3. Paragraphs 8 and 9 of subsection (g) of section 4303 of the insurance law, paragraph 8 as added by section 23 of subpart A of part BB of chapter 57 of the laws of 2019 and paragraph 9 as added by section 19 of part AA of chapter 57 of the laws of 2021, are amended to read as follows:

(8) This paragraph shall apply to hospitals and crisis residence facilities in this state that are licensed or operated by the office of mental health that are participating in the corporation's provider network. Where the contract provides coverage for inpatient hospital care, benefits for inpatient hospital care in a hospital as defined by subdivision ten of section 1.03 of the mental hygiene law [provided to individuals who have not attained the age of eighteen] and benefits for sub-acute care in a crisis residence facility licensed or operated by the office of mental health shall not be subject to preauthorization. Coverage provided under this paragraph shall also not be subject to concurrent utilization review for individuals who have not attained the age of eighteen during the first fourteen days of the inpatient admission, provided the facility notifies the corporation of both the admission and the initial treatment plan within two business days of the admission, performs daily clinical review of the [patient] insured, and participates in periodic consultation with the corporation to ensure that the facility is using the evidence-based and peer reviewed clinical review criteria utilized by the corporation which is approved by the office of mental health and appropriate to the age of the [patient] insured, to ensure that the inpatient care is medically necessary for the [patient] insured. For individuals who have attained age eighteen, coverage provided under this paragraph shall also not be subject to concurrent review during the first thirty days of the inpatient or residential admission, provided the facility notifies the corporation of both the admission and the initial treatment plan within two business days of the admission, performs daily clinical review of the insured, and participates in periodic consultation with the corporation to ensure that the facility is using the evidence-based and peer reviewed clinical review criteria utilized by the corporation which is approved by the office of mental health and appropriate to the age of the insured, to ensure that the inpatient or residential care is medically necessary for the insured. However, concurrent review may be performed during the first thirty days if an insured meets clinical criteria designated by the office of mental health or where the insured is admitted to a hospital or facility which has been designated by the office of mental health for concurrent review, in consultation with the commissioner of health.
and the superintendent. All treatment provided under this paragraph may be reviewed retrospectively. Where care is denied retrospectively, an insured shall not have any financial obligation to the facility for any treatment under this paragraph other than any copayment, coinsurance, or deductible otherwise required under the contract.

(9) This paragraph shall apply to crisis stabilization centers in this state that are licensed pursuant to section 36.01 of the mental hygiene law and participate in the corporation's provider network. Benefits for care by a crisis stabilization center shall not be subject to preauthorization. All treatment provided under this paragraph may be reviewed retrospectively. Where care is denied retrospectively, an insured shall not have any financial obligation to the facility for any treatment under this paragraph other than any copayment, coinsurance, or deductible otherwise required under the contract.

§ 4. Intentionally omitted.
§ 5. Intentionally omitted.
§ 6. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

SUBPART C

Intentionally omitted

SUBPART D

Intentionally omitted

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 (or), 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 insured 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 (1) 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
naloxone, or medication for opioid overdose reversal prescribed or
dispensed to an insured 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.

Every policy that provides medical, major medical or similar comprehen-
sive-type large group coverage shall provide [immediate] coverage for
prescription drugs for medication for the treatment of a substance use
disorder and shall not require prior authorization for an initial or
renewal prescription for the detoxification or maintenance treatment of
a substance use disorder, including all buprenorphine products, metha-
done [or] long acting injectable naltrexone [without prior autho-
ration for the detoxification or maintenance treatment of a substance
use disorder], or medication for opioid overdose reversal prescribed
or dispensed to an insured 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.

§ 3. Paragraph (A) of subsection (l-1) of section 4303 of the insur-
ance law, as added by chapter 748 of the laws of 2019, is amended to
read as follows:

(A) No contract that provides medical, major medical or similar
comprehensive-type individual or 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 insured covered under
the contract, 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. Every contract that provides medical,
major medical, or similar comprehensive-type large group coverage shall
provide [immediate coverage for] coverage for prescription drugs for
medication for the treatment of a substance use disorder and shall not
require prior authorization for an initial or renewal prescription for
the detoxification of maintenance treatment of a substance use disorder,
including all buprenorphine products, methadone [or] long acting
injectable naltrexone [without prior authorization for the detoxifica-
tion or maintenance treatment of a substance use disorder], or medica-
tion for opioid overdose reversal prescribed or dispensed to an individ-
ual covered under the contract, including federal food and drug
administration-approved over-the-counter opioid overdose reversal medi-
cation as prescribed, dispensed or as otherwise authorized under state
or federal law, except where otherwise prohibited by law.

§ 4. This act shall take effect immediately.

SUBPART F

Section 1. Subsection (a) of section 3241 of the insurance law, as
added by section 6 of part H of chapter 60 of the laws of 2014, is
amended to read as follows:
An insurer, a corporation organized pursuant to article forty-three of this chapter, a municipal cooperative health benefit plan certified pursuant to article forty-seven of this chapter, or a student health plan established or maintained pursuant to section one thousand one hundred twenty-four of this chapter, that issues a health insurance policy or contract with a network of health care providers shall ensure that the network is adequate to meet the health needs of insureds and provide an appropriate choice of providers sufficient to render the services covered under the policy or contract. The superintendent shall review the network of health care providers for adequacy at the time of the superintendent's initial approval of a health insurance policy or contract; at least every three years thereafter; and upon application for expansion of any service area associated with the policy or contract in conformance with the standards set forth in subdivision five of section four thousand four hundred three of the public health law. The superintendent shall determine standards for network adequacy for mental health and substance use disorder treatment services, including sub-acute care in a residential facility, assertive community treatment services, critical time intervention services and mobile crisis intervention services, in consultation with the commissioner of the office of mental health and the commissioner of the office of addiction services and supports. To the extent that the network has been determined by the commissioner of health to meet the standards set forth in subdivision five of section four thousand four hundred three of the public health law, such network shall be deemed adequate by the superintendent.

(2) The superintendent, in consultation with the commissioner of health, the commissioner of the office of mental health, and the commissioner of the office of addiction services and supports, shall propose regulations setting forth standards for network adequacy for mental health and substance use disorder treatment services, including sub-acute care in a residential facility, assertive community treatment services, critical time intervention services and mobile crisis intervention services, by December thirty-first, two thousand twenty-three.

§ 2. Paragraph (b) of subdivision 5 of section 4403 of the public health law, as amended by section 39 of subpart A of part BB of chapter 57 of the laws of 2019, is amended to read as follows:

(b) The following criteria shall be considered by the commissioner at the time of a review: (i) the availability of appropriate and timely care that is provided in compliance with the standards of the Federal Americans with Disability Act to assure access to health care for the enrollee population; (ii) the network's ability to provide culturally and linguistically competent care to meet the needs of the enrollee population; (iii) the availability of appropriate and timely care that is in compliance with the standards of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C. 18031(j), and any amendments to, and federal guidance and regulations issued under those Acts, which shall include an analysis of the rate of out-of-network utilization for covered mental health and substance use disorder services as compared to the rate of out-of-network utilization for the respective category of medical services; (iv) with the exception of initial licensure, the number of grievances filed by enrollees relating to waiting times for appointments, appropriateness of referrals and other indicators of plan capacity; and regulations to be promulgated by the commissioner. The commissioner shall determine standards for network adequacy for mental health and substance
use disorder treatment services, including sub-acute care in a residential facility, assertive community treatment services, critical time intervention services and mobile crisis intervention services and propose regulations, in consultation with the superintendent of financial services, the commissioner of the office of mental health and the commissioner of the office of addiction services and supports by December thirty-first, two thousand twenty-three.

§ 3. This act shall take effect immediately.
§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.
§ 3. This act shall take effect immediately, provided, however, that the applicable effective date of Subparts A through F of this act shall be as specifically set forth in the last section of such Subparts.

PART JJ

Section 1. Subdivision (g) of section 31.16 of the mental hygiene law, as amended by chapter 351 of the laws of 1994, is amended to read as follows:
(g) The commissioner may impose a [fine] civil penalty upon a finding that the holder of the certificate has failed to comply with the terms of the operating certificate or with the provisions of any applicable statute, rule or regulation. The maximum amount of such [fine] civil penalty imposed thereunder shall not exceed [one] two thousand dollars per day or [fifteen] twenty-five thousand dollars, per violation. Penalties may be considered at the individual bed level for beds closed without authorization at inpatient settings. Such civil penalty may be recovered by an action brought by the commissioner in any court of competent jurisdiction.
Such civil penalty may be released or compromised by the commissioner before the matter has been referred to the attorney general. Any such civil penalty may be released or compromised and any action commenced to recover the same may be settled or discontinued by the attorney general with the consent of the commissioner.

1. Such civil penalty under this subdivision shall account for factors which shall include: (i) any officially declared national, state, or municipal emergency; (ii) any unforeseen disaster or other catastrophic event that directly impacts access to health care services; (iii) the frequency, duration, scope, and nature of non-compliance; and (iv) any other factors as established by the commissioner.

2. In determining whether an operating certificate holder has violated its obligation to comply with the terms of the operating certificate, it shall not be a defense that the operator was unable to secure proper staff or other necessary resources if the lack of staff or other resources was foreseeable and could be prudently planned for or involved routine staffing needs that arose due to typical staffing patterns, typical levels of absenteeism, and time off typically approved by the operator for vacation, holidays, sick leave, and personal leave.
§ 2. This act shall take effect immediately.

PART KK

Section 1. The mental hygiene law is amended by adding a new section 33.28 to read as follows:

§ 33.28 Independent developmental disability ombudsman program.

(a) There is hereby established by the office for people with developmental disabilities the independent developmental disability ombudsman program for the purpose of assisting individuals with developmental disabilities to access services and preserve their rights.

(b) Such ombudsman program shall have the following duties, including, but not limited to identifying, investigating, referring and resolving complaints that are made by, or on behalf of individuals relative to access to services provided by the office for people with developmental disabilities or care coordination or other providers certified and/or authorized by the office to provide services to people with developmental disabilities, and access to initial and continuing intellectual and developmental disability services and supports.

(c) Notices and materials provided to individuals by the office for people with developmental disabilities, providers of services, and the health homes serving individuals with developmental disabilities shall include the name, phone number and website address of the independent developmental disability ombudsman program established by the office for people with developmental disabilities pursuant to this section. The phone number shall be available for forty hours every week.

(d) Funds available for expenditure pursuant to this section for the establishment of an independent developmental disability ombudsman program may be allocated and distributed by the commissioner of the office for people with developmental disabilities, subject to the approval of the director of the budget, but only after the commissioner of the office for people with developmental disabilities holds a request for proposal process for the establishment of an independent developmental disability ombudsman program. The commissioner of the office for people with developmental disabilities shall consider all competitive proposals submitted through such request for proposal process and shall determine which proposal submitted is appropriate for the establishment of an independent developmental disability ombudsman program. In making such determination, applicants who demonstrate experience providing advocacy or assistance to people with developmental disabilities, or experience tracking and reporting on case activities while protecting individual confidentiality shall receive deference for the award.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

PART LL

Section 1. Paragraph 36 of subsection (i) of section 3216 of the insurance law, as added by section 1 of part R of chapter 57 of the laws of 2022, is amended by adding a new subparagraph (C) to read as follows:

(C) Coverage for abortion shall include coverage of any drug prescribed for the purpose of an abortion, including both generic and brand name drugs, even if such drug has not been approved by the food and drug administration for abortion, provided, however, that such drug shall be a recognized medication for abortion in one of the following established reference compendia:
(i) The WHO Model Lists of Essential Medicines;
(ii) The WHO Abortion Care Guidance; or

§ 2. Paragraph 2 of subsection (k) of section 3221 of the insurance law is amended by adding a new subparagraph (C) to read as follows:
(C) Coverage for abortion shall include coverage of any drug prescribed for the purpose of an abortion, including both generic and brand name drugs, even if such drug has not been approved by the food and drug administration for abortion, provided, however, that such drug shall be a recognized medication for abortion in one of the following established reference compendia:
(i) The WHO Model Lists of Essential Medicines;
(ii) The WHO Abortion Care Guidance; or

§ 3. Paragraph 3 of subsection (ss) of section 4303 of the insurance law is renumbered paragraph 4 and a new paragraph 3 is added to read as follows:
(3) Coverage for abortion shall include coverage of any drug prescribed for the purpose of an abortion, including both generic and brand name drugs, even if such drug has not been approved by the food and drug administration for abortion, provided, however, that such drug shall be a recognized medication for abortion in one of the following established reference compendia:
(A) The WHO Model Lists of Essential Medicines;
(B) The WHO Abortion Care Guidance; or
(C) The National Academies of Science, Engineering, and Medicine Consensus Study Report.

§ 4. Section 3436-a of the insurance law, as added by chapter 221 of the laws of 2022, is amended to read as follows:
(1) Every insurer which issues or renews medical malpractice insurance covering a health care provider licensed to practice in this state shall be prohibited from taking any adverse action against a health care provider solely on the basis that the health care provider performs an abortion or provides reproductive health care that is legal in this state on someone who is from out of the state. Such policy shall include health care providers who legally prescribe abortion medication to out-of-state patients by means of tele-health.
(2) Every insurer that issues or renews medical malpractice insurance covering a health care provider licensed to practice in this state shall be prohibited from refusing to issue or renew, canceling, or charging or imposing an increased premium or rate for, or excluding, limiting, restricting, or reducing coverage under a medical malpractice insurance policy based solely upon the legal use or prescription in this state of any drug prescribed for the purpose of an abortion, including both generic and brand name drugs, that has not been approved by the food and drug administration for abortion, provided, however, that such drug shall be a recognized medication for abortion in one of the following established reference compendia:
(1) The WHO Model Lists of Essential Medicines;
(2) The WHO Abortion Care Guidance; or
As used in this section, "adverse action" shall mean but not be limited to: (1) refusing to renew or execute a contract or agreement with a health care provider; (2) making a report or comment to an appropriate private or governmental entity regarding practices of such provider which may violate abortion laws in other states; and (3) increasing in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount for, any medical malpractice insurance contract or agreement with a health care provider.

(d) As used in this section, "medical malpractice insurance" shall have the meaning set forth in section five thousand five hundred one of this chapter.

§ 5. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, or to violate or be inconsistent with any federal law or regulation, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this act, which can be given effect without that provision or application; and to that end, the provisions and applications of this act are severable.

§ 6. This act shall take effect immediately.

PART MM

Section 1. Subdivision 2 of section 4900 of the public health law, as amended by chapter 586 of the laws of 1998, item (B) of subparagraph (ii) of paragraph (a) as amended by chapter 41 of the laws of 2014, subparagraph (iii) of paragraph (a) as amended by section 42 of subpart A of part BB of chapter 57 of the laws of 2019 and subparagraph (iv) of paragraph (a) as amended and subparagraph (v) of paragraph (a) as added by chapter 816 of the laws of 2022, is amended to read as follows:

2. "Clinical peer reviewer" means:
   (a) for purposes of title one section four thousand nine hundred three of this article:
      (i) a physician who possesses a current and valid non-restricted license to practice medicine; or
      (ii) a health care professional other than a licensed physician who:
         (A) 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; and
         (B) is 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
      (iii) for purposes of a determination involving substance use disorder treatment:
         (A) a physician who 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; or
         (B) a health care professional other than a licensed physician who 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 regis-
tration exists, is credentialed by the national accrediting body appropriate to the profession; or
(iv) for purposes of a determination involving treatment for a mental health condition:
(A) a physician who 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; 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 section four thousand nine hundred and four and title two of this article:
(i) a physician who:
(A) possesses a current and valid non-restricted license to practice medicine;
(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 appeal;
(C) has been practicing in such area of specialty for a period of at least five years; [and]
(D) for purposes of a determination involving substance use disorder treatment, possesses a current and valid non-restricted license to practice medicine and 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 appeal; or
(ii) a health care professional other than a licensed physician who:
(A) where applicable, possesses a current and valid non-restricted license, certificate or registration;
(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 appeal;
(C) for purposes of title two of this article, has been practicing in such area of specialty for a period of at least five years;
is knowledgeable about the health care service or treatment under appeal; [and]

(E) 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;

(F) 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 registration exists, is credentialed by the national accrediting body appropriate to the profession; and

(G) where applicable to such health care professional's scope of practice, is clinically supported by a physician who possesses a current and valid non-restricted license to practice medicine;

(iii) 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;

(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.

(c) Nothing herein shall be construed to change any statutorily-defined scope of practice.

§ 2. Subsection (b) of section 4900 of the insurance law, as amended by chapter 586 of the laws of 1998, item (ii) of subparagraph (B) of paragraph 1 as amended by chapter 41 of the laws of 2014, subparagraph (C) of paragraph 1 as amended by section 36 of subpart A of part BB of chapter 57 of the laws of 2019 and subparagraph (D) of paragraph 1 and paragraph 2 as amended and subparagraph (E) of paragraph 1 as added by chapter 816 of the laws of 2022, is amended to read as follows:

(b) "Clinical peer reviewer" means:

(1) for purposes of title one section four thousand nine hundred three of this article:

(A) a physician who possesses a current and valid non-restricted license to practice medicine; or

(B) a health care professional other than a licensed physician who:

(i) 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; and

(ii) is 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

(C) for purposes of a determination involving substance use disorder treatment:

(i) a physician who 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; or
(ii) a health care professional other than a licensed physician who
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 regis-
tration exists, is credentialed by the national accrediting body appro-
priate to the profession; or
(D) for purposes of a determination involving treatment for a mental
health condition:
(i) a physician who 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 treat-
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 eligi-
ble in pediatric rehabilitation, pediatric critical care, or neonatolo-
y; 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 section four thousand nine hundred four and
title two of this article:
(A) a physician who:
(i) possesses a current and valid non-restricted license to practice
medicine;
(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 appeal;
(iii) for purposes of title two of this article, has been practicing
in such area of specialty for a period of at least five years; [and]
(iv) for purposes of a determination involving substance use disorder
treatment, possesses a current and valid non-restricted license to prac-
tice medicine and who specializes in behavioral health and has experi-
ence in the delivery of substance use disorder courses of treatment;
(v) 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
(vi) is knowledgeable about the health care service or treatment under
appeal; or
(B) a health care professional other than a licensed physician who:
(i) where applicable, possesses a current and valid non-restricted
license, certificate or registration;
(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 appeal;

(iii) for purposes of title two of this article, has been practicing in such area of specialty for a period of at least five years;

(iv) 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, certificate or registration exists, is credentialed by the national accrediting body appropriate to the profession;

(v) 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 registration exists, is credentialed by the national accrediting body appropriate to the profession;

(vi) is knowledgeable about the health care service or treatment under appeal; and

(vii) where applicable to such health care professional's scope of practice, is clinically supported by a physician who possesses a current and valid non-restricted license to practice medicine; or

(C) 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.

(3) Nothing herein shall be construed to change any statutorily-defined scope of practice.

§ 3. This act shall take effect on January 1, 2024.

PART NN

Section 1. Subparagraphs (iv) and (v) of paragraph (a) of subdivision 3 of section 3614-c of the public health law, subparagraph (iv) as amended and subparagraph (v) as added by section 3 of part XX of chapter 56 of the laws of 2022, are amended and a new subparagraph (vi) is added to read as follows:

(iv) for all periods on or after the period April first, two thousand sixteen, through December thirty-first, two thousand twenty-two, the cash portion of the minimum rate of home care aide total compensation shall be ten dollars or the minimum wage as laid out in paragraph (a) of subdivision one of section six hundred fifty-two of the labor law, whichever is higher. The benefit portion of the minimum rate of home care aide total compensation shall be four dollars and nine cents;

(v) for all periods on or after the period January first, two thousand twenty-three, through December thirty-first, two thousand twenty-three, the cash portion of the minimum rate of home care aide total
compensation shall be the minimum wage for home care aides in the applicable region, as defined in section thirty-six hundred fourteen-f of this article. The benefit portion of the minimum rate of home care aide total compensation shall be four dollars and nine cents.

(vi) for all periods on or after January first, two thousand twenty-four, the cash portion of the minimum rate of home care aide total compensation shall be the minimum wage for home care aides in the applicable region, as defined in section thirty-six hundred fourteen-f of this article. The benefit portion of the minimum rate of home care aide total compensation shall be two dollars and fifty-four cents.

§ 2. Subparagraphs (iv) and (v) of paragraph (b) of subdivision 3 of section 3614-c of the public health law, subparagraph (iv) as amended and subparagraph (v) as added by section 4 of part XX of chapter 56 of the laws of 2022, are amended and a new subparagraph (vi) is added to read as follows:

(iv) for [all periods on or after] the period March first, two thousand sixteen through December thirty-first, two thousand twenty-two, the cash portion of the minimum rate of home care aide total compensation shall be ten dollars or the minimum wage as laid out in paragraph (b) of subdivision one of section six hundred fifty-two of the labor law, whichever is higher. The benefit portion of the minimum rate of home care aide total compensation shall be three dollars and twenty-two cents;

(v) for [all periods on or after] the period January first, two thousand twenty-three through December thirty-first, two thousand twenty-three, the cash portion of the minimum rate of home care aide total compensation shall be the minimum wage for the applicable region, as defined in section thirty-six hundred fourteen-f of this article. The benefit portion of the minimum rate of home care aide total compensation shall be three dollars and twenty-two cents;

(vi) for all periods on or after January first, two thousand twenty-four, the cash portion of the minimum rate of home care aide total compensation shall be the minimum wage for the applicable region, as defined in section thirty-six hundred fourteen-f of this article. The benefit portion of the minimum rate of home care aide total compensation shall be one dollar and sixty-seven cents.

§ 3. Subdivisions 1 and 2 of section 3614-f of the public health law, as added by section 1 of part XX of chapter 56 of the laws of 2022, are amended to read as follows:

1. Definitions. For the purpose of this section:

(a) "Home care aide" shall have the same meaning as defined in section thirty-six hundred fourteen-c of this article.

(b) "Home care worker wage adjustment" shall mean a supplemental amount of wages equal to the rate of change in the average of the three most recent consecutive twelve month periods between the first of August and the thirty-first of July, each over their preceding twelve month periods published by the United States department of labor, non-seasonally adjusted consumer price index for northeast region urban wage earners and clerical workers (CPI-W) or any successor index as calculated by the United States department of labor.

(c) "Downstate" shall mean all counties within New York city and the counties of Nassau, Suffolk, and Westchester.

(d) "Remainder of state" shall mean all counties in the state of New York other than the counties in downstate.

2. [In] (a) Beginning October first, two thousand twenty-two, in addition to the otherwise applicable minimum wage under section six hundred
fifty-two of the labor law, or any otherwise applicable wage rule or order under article nineteen of the labor law, the minimum wage for a home care aide shall be increased by an amount of three dollars and zero cents in accordance with the following schedule:

(a) beginning October first, two thousand twenty-two, the minimum wage for a home care aide shall be increased by an amount of two dollars and zero cents.

(b) beginning October first, two thousand twenty-three, the minimum wage for a home care aide shall be increased by an additional amount of one dollar and zero cents.

(i) for each hour worked in downstate, eighteen dollars and fifty-five cents; and

(ii) for each hour worked in remainder of state, seventeen dollars and fifty-five cents.

(c) for the period January first, two thousand twenty-five through December thirty-first, two thousand twenty-five, the minimum wage for a home care aide shall be as follows:

(i) for each hour worked in downstate, nineteen dollars and ten cents; and

(ii) for each hour worked in remainder of state, eighteen dollars and sixty-five cents.

(d) for the period January first, two thousand twenty-six through December thirty-first, two thousand twenty-six, the minimum wage for a home care aide shall be as follows:

(i) for each hour worked in downstate, nineteen dollars and sixty-five cents; and

(ii) for each hour worked in remainder of state, eighteen dollars and sixty-five cents.

(e) beginning January first, two thousand twenty-seven, and each January first thereafter, the minimum wage for a home care aide from the prior calendar year and the home care worker wage adjustment.

(f) (i) Notwithstanding any provision of law to the contrary, in no event shall the minimum wage for a home care aide in downstate exceed the sum of the wage set by the commissioner of labor pursuant to paragraph (a) of subdivision one-b of section six hundred fifty-two of the labor law plus three dollars and zero cents.

(ii) Notwithstanding any provision of law to the contrary, in no event shall the minimum wage for a home care aide in remainder of state exceed the sum of the wage set by the commissioner of labor pursuant to paragraph (b) of subdivision one-b of section six hundred fifty-two of the labor law plus three dollars and zero cents.

§ 4. Section 3614-f of the public health law is amended by adding a new subdivision 4 to read as follows:

4. (a) The department is authorized to address, to any provider of medical assistance program items and services that is an employer of home care aides, or officers thereof, any inquiry in relation to its contracts, employment or other relationship, and wages, compensation and other benefits paid to home care aides, including individually identifiable data and payroll reports. Every entity or person so addressed shall reply in writing to such inquiry promptly and truthfully, and such reply shall be, if required by the department, signed by such individual, or by such officer or officers of a corporation, as the department shall designate, and affirmed by them as true under penalty of perjury. In the
event any entity or person does not provide a good faith response to an
inquiry from the department pursuant to this section within a time peri-
od specified by the department of not less than fifteen business days,
such entity or person shall be subject to civil penalties under section
twelve of this chapter. Each day after the deadline established by the
department for reply until such time that the provider submits a good
faith response shall be considered a separate and subsequent violation.
In accordance with the process outlined in this paragraph, employers
shall provide any documents or materials in the employer's possession,
custody, or control that are requested by the department as needed to
support or verify the employer's reply.

(b) Any reports or other information furnished to the department under
this subdivision shall be deemed a confidential communication and shall
not be subject to inspection or disclosure in any manner, including
article six of the public officers law or department regulations in
conformance therewith, except as provided in this section, pursuant to a
judicial subpoena issued in a pending action or proceeding, or upon
formal written request by the department of labor, the office of attor-
ney general, or a duly authorized public agency.

(c) The department shall no less than annually provide a report to the
governor, temporary president of the senate, and speaker of the assembly
summarizing the information obtained by the department under this subdi-
vision. Such report shall not contain individually identifiable data.

§ 5. Subdivision 2 of section 4409 of the public health law, as
amended by chapter 41 of the laws of 2014, is amended to read as
follows:

2. (a) The superintendent shall examine not less than once every three
years into the financial affairs of each health maintenance organiza-
tion, and transmit his findings to the commissioner. In connection with
any such examination, the superintendent shall have convenient access at
all reasonable hours to all books, records, files and other documents
relating to the affairs of such organization, which are relevant to the
examination. The superintendent may exercise the powers set forth in
sections three hundred six and three hundred four, three hundred five,
three hundred ten of the insurance law in connection with such examina-
tions, and may also require special reports from such health maintenance
organizations as specified in section three hundred eight of the insur-
ance law. As part of an examination, the superintendent shall review
determinations of coverage for substance use disorder treatment and
shall ensure that such determinations are issued in compliance with
section four thousand three hundred three of the insurance law and title
one of article forty-nine of this chapter.

(b) The department is authorized to address to any health maintenance
organization, and managed long term care plan with a certificate of
authority pursuant to section forty-four hundred three-f of this arti-
cle, or officers thereof, any inquiry in relation to its contracts with
providers and other entities providing covered services to the health
maintenance organization's or managed long term care plan's enrollees,
including but not limited to the rates of payment and payment terms and
conditions therein. Every entity or person so addressed shall reply in
writing to such inquiry promptly and truthfully, and such reply shall
be, if required by the department, signed by such individual, or by such
officer or officers of a corporation, as the department shall designate,
and affirmed by them as true under penalty of perjury. Failure to
comply with the requirements of this section shall be subject to civil
penalties under section twelve of this chapter. Each day after the
deadline established by the department for reply until such time that
the provider submits a good faith response shall be considered a separate and subsequent violation. In accordance with the process outlined
in this paragraph, employers shall provide any documents or materials in
the employer's possession, custody, or control that are requested by the
department as needed to support or verify the employer's reply.

(c) Any report, information, documents, or other materials furnished
to the department under this subdivision shall be deemed a confidential
communication and shall not be subject to inspection or disclosure in
any manner, including article six of the public officers law or depart-
ment regulations in conformance therewith, except as provided in this
section, pursuant to a judicial subpoena issued in a pending action or
proceeding, or upon formal written request by the department of labor,
the office of attorney general, or a duly authorized public agency.

(d) The department shall no less than annually provide a report to the
governor, temporary president of the senate, and speaker of the assembly
summarizing the information obtained by the department under paragraph
(b) of this subdivision. Such report shall not contain individually
identifiable data.

§ 6. Paragraphs (f), (g), (h) and (i) of subdivision 38 of section 2
of the social services law are REPEALED.

§ 7. Section 363-e of the social services law, as added by section 64
of part H of chapter 59 of the laws of 2011, is REPEALED.

§ 8. The social services law is amended by adding a new section 363-f
to read as follows:

§ 363-f. Electronic visit verification for personal care and home
health providers. The commissioner, in consultation with the Medicaid
inspector general, is hereby authorized to promulgate regulations to
implement the electronic visit verification provisions of subsection (1)
of section 1903 of the federal social security act.

§ 9. This act shall take effect immediately; provided, however, that
sections six, seven and eight of this act shall take effect January 1,
2024.
tative of the New York Conference of Local Mental Hygiene Directors; and
(10) an individual with lived experience mental health and/or alcohol
use or substance use disorder.

The task force shall conduct outreach and engage stakeholders, includ-
ing but not limited to healthcare professionals with experience provid-
ing mental health and/or alcohol use or substance use disorder services;
individuals or the primary caregiver for individuals with lived experi-
ence with mental health and/or alcohol use or substance use disorder;
individuals employed in the mental health or addiction field; crisis
response call center personnel, first responders; and individuals
employed by not-for-profits with experience in working with individuals
experiencing mental health, alcohol use or substance use crises.

(b) The Daniel's Law task force's focus shall include, but not be
limited to: identifying potential operational and financial needs to
support trauma-informed, community and public health-based crisis
response and diversion for anyone in the state experiencing a mental
health, alcohol use, or substance use crisis; reviewing and recommending
programs and systems operating within the state or nationally that could
be deployed as a model crisis and emergency services system; and identi-
ifying potential funding sources for expanding mental health, alcohol use
and substance use crisis response and diversion services.

(c) The Daniel's Law task force shall convene no later than one
hundred twenty days following the effective date of this section and
meet as frequently as its business may require, but it shall host at
least three statewide town halls. A link to information regarding the
task force and their activities shall be made available on the office of
mental health's website.

(d) The Daniel's Law task force members shall receive no compensation
for their participation but task force members shall be reimbursed for
expenses actually and necessarily incurred in the performance of their
duties pursuant to this act.

(e) Assistance from state and local agencies. All departments and
agencies of the state or subdivision thereof, and local governments of
this state shall, at the request of the chair to the maximum extent
possible, provide the task force such facilities, assistance, and data
to enable the task force to carry out its duties pursuant to this act.
Any confidential data, when received by the task force, shall be kept
confidential and shall be used solely to carry out the purposes set
forth in this act.

(f) The office of mental health shall: prepare a written report summa-
rizing opinions and recommendations from the Daniel's Law task force
which includes a list of existing, publicly accessible mental health,
alcohol use, and substance use crisis response and diversion services.
The report shall examine the effectiveness of programs established in
the state to provide crisis responses and diversion services for mental
health, alcohol use, and substance abuse crises and make recommendations
for the expansion of programs and services for individuals experiencing
mental health, alcohol use, or substance abuse crises to receive treat-
ment while limiting arrest or incarceration.

(g) This report shall be submitted to the governor, speaker of the
assembly and temporary president of the senate no later than December
31, 2025 and shall be posted on the office of mental health's website.

§ 2. This act shall take effect immediately; provided, however, that
the provisions of section one of this act shall expire and be deemed
repealed April 1, 2026.
Section 1. Subject to available appropriation, the commissioner of mental health shall establish a maternal mental health workgroup (referred to in this section as the "workgroup") within the office of mental health. The workgroup shall consist of, at the minimum, the commissioner of mental health or their designee, the commissioner of the office of children and family services or their designee; the commissioner of the department of health or their designee; and representatives from statewide mental health organizations, maternal health care provider organizations, health care provider organizations, the health insurance industry, and communities that are disproportionately impacted by the underdiagnoses of maternal mental health disorders; and any additional stakeholders that the commissioners deem necessary.

§ 2. Workgroup members shall receive no compensation for their services as members of the workgroup, but shall be reimbursed for actual expenses incurred in the performance of their duties on the work group. To allow members who represent communities disproportionately impacted by the underdiagnoses of maternal mental health disorder to wholly participate in the performance of their duties on the workgroup, their reimbursement may include, but not be limited to, childcare, travel, meals and lodging.

§ 3. It shall be the duty of the workgroup to study and issue recommendations related to maternal mental health and perinatal and postpartum mood and anxiety disorders. The workgroup shall:
   a. identify underrepresented and vulnerable populations and risk factors in the state for maternal mental health disorders that may occur during pregnancy and through the first postpartum year;
   b. identify and recommend effective, culturally competent, and accessible screening and identification, and prevention and treatment strategies, including public education and workplace awareness, provider education and training, and social support services;
   c. identify successful postpartum and perinatal mental health initiatives in other states and recommend programs, tools, strategies, and funding sources that are needed to implement similar initiatives in the state;
   d. identify and recommend evidence-based practices for health care providers and public health systems;
   e. identify and recommend private and public funding models;
   f. make recommendations on legislation, policy initiatives, funding requirements and budgetary priorities to address maternal mental health needs in the state;
   g. any other relevant issues identified by the workgroup; and
   h. submit a final report containing all findings and recommendations to the governor, the temporary president of the senate, the speaker of the assembly, the commissioner of mental health, the commissioner of the office of children and family services, the commissioner of the department of health, the minority leader of the senate and the minority leader of the assembly on or before December 31, 2024.

§ 4. This act shall take effect immediately and shall expire two years after such effective date when upon such date the provisions of this act shall be deemed repealed.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in
its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through PP of this act shall be as specifically set forth in the last section of such Parts.