

STATE OF NEW YORK

2590--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 21, 2025

Introduced by M. of A. HEVESI, SHIMSKY, LEVENBERG, LUNSFORD, CRUZ, PAULIN, SIMONE, BICHOTTE HERMELYN, TAYLOR, DE LOS SANTOS, ROZIC, GONZALEZ-ROJAS, ZACCARO, STECK, SIMON, COLTON, KELLES, RAGA, ROSENTHAL, LASHER, TAPIA, LUPARDO, CHANG, BOLOGNA, ANGELINO, DeSTEFANO, CUNNINGHAM, K. BROWN, GIGLIO, PALMESANO, REYES, GRIFFIN, TORRES, SEAWRIGHT, ROMERO, GALLAGHER, PHEFFER AMATO, GRAY, SHRESTHA, OTIS, DAIS, ALVAREZ, BURROUGHS, SANTABARBARA, NOVAKHOV, KASSAY, BURDICK, BENDETT, CHLUDZINSKI, VALDEZ -- Multi-Sponsored by -- M. of A. KAY -- read once and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to establish a cost of living adjustment for designated human services programs

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

1 Section 1. 1. Subject to available appropriations and approval of the
2 director of the budget, the commissioners and directors of the office of
3 mental health, office for people with developmental disabilities, office
4 of addiction services and supports, office of temporary and disability
5 assistance, office of children and family services, office of victim
6 services, department of health, and the state office for the aging
7 (hereinafter "the commissioners") shall establish a state fiscal year
8 2026-2027 cost of living adjustment (COLA), effective April 1, 2026, for
9 projecting for the effects of inflation upon rates of payments,
10 contracts, or any other form of reimbursement for the programs and
11 services listed in subdivision four of this section. The COLA estab-
12 lished herein shall be applied to the appropriate portion of reimburse-
13 ble costs or contract amounts. Where appropriate, transfers to the
14 department of health (DOH) shall be made as reimbursement for the state
15 share of medical assistance.

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

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1 2. Notwithstanding any inconsistent provision of law, subject to the
2 approval of the director of the budget and available appropriations
3 therefore, for the period of April 1, 2026, through March 31, 2027, the
4 commissioners and directors shall provide funding to support a two and
5 seven-tenths percent (2.7%) cost of living adjustment under this section
6 for all eligible programs and services as determined pursuant to subdivi-
7 sion four of this section.

8 3. Notwithstanding any inconsistent provision of law, and as approved
9 by the director of the budget, the 2.7 percent cost of living adjustment
10 (COLA) established herein shall be inclusive of all other cost of living
11 type increases, inflation factors, or trend factors that are newly
12 applied effective April 1, 2026. Except for the 2.7 percent cost of
13 living adjustment (COLA) established herein, for the period commencing
14 on April 1, 2026, and ending March 31, 2027 the commissioners and direc-
15 tors shall not apply any other new cost of living adjustments for the
16 purpose of establishing rates of payments, contracts or any other form
17 of reimbursement. The phrase "all other cost of living type increases,
18 inflation factors, or trend factors" as defined in this subdivision
19 shall not include payments made pursuant to the American Rescue Plan Act
20 or other federal relief programs related to the Coronavirus Disease 2019
21 (COVID-19) pandemic public health emergency. This subdivision shall not
22 prevent the office of children and family services from applying addi-
23 tional trend factors or staff retention factors to eligible programs and
24 services under paragraph (v) of subdivision four of this section.

25 4. Eligible programs and services. (i) Programs and services funded,
26 licensed, or certified by the office of mental health (OMH) eligible for
27 the cost of living adjustment established herein, pending federal
28 approval where applicable, include: office of mental health licensed
29 outpatient programs, pursuant to parts 587 and 599 of title 14 CRR-NY of
30 the office of mental health regulations including clinic, continuing day
31 treatment, day treatment, intensive outpatient programs and partial
32 hospitalization; outreach; crisis residence; crisis stabilization,
33 crisis/respite beds; mobile crisis, part 590 comprehensive psychiatric
34 emergency program services; crisis intervention; home based crisis
35 intervention; family care; supported single room occupancy; supported
36 housing; supported housing community services; treatment congregate;
37 supported congregate; community residence - children and youth;
38 treatment/apartment; supported apartment; community residence single
39 room occupancy; on-site rehabilitation; employment programs; recreation;
40 respite care; transportation; psychosocial club; assertive community
41 treatment; case management; care coordination, including health home
42 plus services; local government unit administration; monitoring and
43 evaluation; children and youth vocational services; single point of
44 access; school-based mental health program; family support children and
45 youth; advocacy/support services; drop in centers; recovery centers;
46 transition management services; bridger; home and community based waiver
47 services; behavioral health waiver services authorized pursuant to the
48 section 1115 MRT waiver; self-help programs; consumer service dollars;
49 conference of local mental hygiene directors; multicultural initiative;
50 ongoing integrated supported employment services; supported education;
51 mentally ill/chemical abuse (MICA) network; personalized recovery
52 oriented services; children and family treatment and support services;
53 residential treatment facilities operating pursuant to part 584 of title
54 14-NYCRR; geriatric demonstration programs; community-based mental
55 health family treatment and support; coordinated children's service
56 initiative; homeless services; and promises zone.

1 (ii) Programs and services funded, licensed, or certified by the
2 office for people with developmental disabilities (OPWDD) eligible for
3 the cost of living adjustment established herein, pending federal
4 approval where applicable, include: local/unified services; chapter 620
5 services; voluntary operated community residential services; article 16
6 clinics; day treatment services; family support services; 100% day
7 training; epilepsy services; traumatic brain injury services; hepatitis
8 B services; independent practitioner services for individuals with
9 intellectual and/or developmental disabilities; crisis services for
10 individuals with intellectual and/or developmental disabilities; family
11 care residential habilitation; supervised residential habilitation;
12 supportive residential habilitation; respite; day habilitation; prevoca-
13 tional services; supported employment; community habilitation; interme-
14 diate care facility day and residential services; specialty hospital;
15 pathways to employment; intensive behavioral services; community transi-
16 tion services; family education and training; fiscal intermediary;
17 support broker; and personal resource accounts. The office, in collab-
18 oration with the education department, shall also provide a comparable
19 cost of living adjustment to the independent living centers program.

20 (iii) Programs and services funded, licensed, or certified by the
21 office of addiction services and supports (OASAS) eligible for the cost
22 of living adjustment established herein, pending federal approval where
23 applicable, include: medically supervised withdrawal services - residen-
24 tial; medically supervised withdrawal services - outpatient; medically
25 managed detoxification; medically monitored withdrawal; inpatient reha-
26 bilitation services; outpatient opioid treatment; residential opioid
27 treatment; KEEP units outpatient; residential opioid treatment to absti-
28 nence; problem gambling treatment; medically supervised outpatient;
29 outpatient rehabilitation; specialized services substance abuse
30 programs; home and community based waiver services pursuant to subdivi-
31 sion 9 of section 366 of the social services law; children and family
32 treatment and support services; continuum of care rental assistance case
33 management; NY/NY III post-treatment housing; NY/NY III housing for
34 persons at risk for homelessness; permanent supported housing; youth
35 clubhouse; recovery community centers; recovery community organizing
36 initiative; residential rehabilitation services for youth (RRSY); inten-
37 sive residential; community residential; supportive living; residential
38 services; job placement initiative; case management; family support
39 navigator; local government unit administration; peer engagement; voca-
40 tional rehabilitation; support services; HIV early intervention
41 services; dual diagnosis coordinator; problem gambling resource centers;
42 problem gambling prevention; prevention resource centers; primary
43 prevention services; other prevention services; community services; and
44 addiction treatment centers.

45 (iv) Programs and services funded, licensed, or certified by the
46 office of temporary and disability assistance (OTDA) eligible for the
47 cost of living adjustment established herein, pending federal approval
48 where applicable, include: nutrition outreach and education program
49 (NOEP); New York state supportive housing program; solutions to end
50 homelessness program; disability advocacy programs; and state supple-
51 mental nutrition assistance program outreach program.

52 (v) Programs and services funded, licensed, or certified by the office
53 of children and family services (OCFS) eligible for the cost of living
54 adjustment established herein, pending federal approval where applica-
55 ble, include: programs for which the office of children and family
56 services establishes maximum state aid rates pursuant to section 398-a

1 of the social services law and section 4003 of the education law; emer-
2 gency foster homes; foster family boarding homes and therapeutic foster
3 homes; supervised settings as defined by subdivision twenty-two of
4 section 371 of the social services law; adoptive parents receiving
5 adoption subsidy pursuant to section 453 of the social services law;
6 congregate and scattered supportive housing programs and supportive
7 services provided under the NY/NY III supportive housing agreement to
8 young adults leaving or having recently left foster care; child care
9 resource and referral agencies; healthy families New York; New York
10 state learning and enrichment after-school program supports (LEAPS); New
11 York state commission for the blind; residential and non-residential
12 domestic violence services and preventative services as defined by
13 section 409 of the social services law.

14 (vi) Programs and services funded, licensed, or certified by the state
15 office for the aging (SOFA) eligible for the cost of living adjustment
16 established herein, pending federal approval where applicable, include:
17 community services for the elderly; expanded in-home services for the
18 elderly; wellness in nutrition program; New York connects program; long
19 term ombudsman program; naturally occurring retirement communities
20 (NORCs); neighborhood naturally occurring retirement communities
21 (NNORCs); and social adult day services program.

22 (vii) Programs and services funded, licensed, or certified by the
23 department of health eligible for the cost of living adjustment estab-
24 lished herein, pending federal approval where applicable, include:
25 health home care management agencies authorized under section 365-1 of
26 the social services law; rape crisis programs; maternal, infant, and
27 early childhood home visiting (MIECHV) initiative, and medicaid trans-
28 portation program.

29 (viii) Programs and services funded, licensed, or certified by the
30 office of victim services eligible for the cost of living adjustment
31 established herein, pending federal approval where applicable, include:
32 crime victim service programs as defined by section 631-a of the execu-
33 tive law.

34 5. All state-funded human services programs not listed in paragraphs
35 (i), (ii), (iii), (iv), (v), (vi), (vii), and (viii) of subdivision four
36 of this section shall be deemed eligible for the cost of living adjust-
37 ment established herein, pending federal approval where applicable, if
38 such program or service is provided to individuals or groups of individ-
39 uals, for the purpose of improving or enhancing such individuals' health
40 and/or welfare, by addressing social problems. The commissioners and
41 directors of the office of mental health, the office for people with
42 developmental disabilities, the office of addiction services and
43 supports, the office of temporary and disability assistance, the office
44 of children and family services, the state office for the aging, the
45 department of health, and the director of the office of victim services
46 shall publish a list of such newly eligible programs and services each
47 year on department websites no later than March first and review the
48 current list of cost of living adjustment eligible programs every five
49 years. Each local government unit or direct contract provider receiving
50 funding for the cost of living adjustment established herein shall
51 submit a written certification, in such form and at such time as each
52 commissioner or director shall prescribe, attesting how such funding
53 will be or was used to first promote the recruitment and retention of
54 non-executive direct care staff, non-executive direct support profes-
55 sionals, non-executive clinical staff, or respond to other critical

1 non-personal service costs prior to supporting any salary increases or
2 other compensation for executive level job titles.

3 6. Each local government unit or direct contract provider receiving
4 funding for the cost of living adjustment established herein shall
5 submit a written certification, in such form and at such time as each
6 commissioner shall prescribe, attesting how such funding will be or was
7 used to first promote the recruitment and retention of support staff,
8 direct care staff, clinical staff, non-executive administrative staff,
9 or respond to other critical non-personal service costs prior to
10 supporting any salary increases or other compensation for executive
11 level job titles.

12 7. Notwithstanding any inconsistent provision of law to the contrary,
13 agency commissioners and directors shall be authorized to recoup funding
14 from a local governmental unit or direct contract provider for the cost
15 of living adjustment established herein determined to have been used in
16 a manner inconsistent with the appropriation, or any other provision of
17 this section. Such agency commissioners and directors shall be author-
18 ized to employ any legal mechanism to recoup such funds, including an
19 offset of other funds that are owed to such local governmental unit or
20 direct contract provider.

21 § 2. This act shall take effect immediately and shall be deemed to
22 have been in full force and effect on and after April 1, 2026.