*** § 364-b. Residential and medical care placement demonstration projects.** 1. Notwithstanding any inconsistent provisions of this chapter or any other law to the contrary, social services districts are hereby authorized to conduct or participate in time-limited demonstration projects for the purpose of demonstrating the feasibility of reducing medical assistance expenditures for care in residential health facilities by utilizing medical assistance funds for: (a) conducting initial assessments of, and performing case management functions, for (i) persons financially eligible for medical assistance pursuant to this title who request long term care services, and (ii) persons whether or not otherwise financially eligible for medical assistance who seek care in or discharge from a residential health care facility or a congregate care facility as described in section two hundred nine of this chapter, and (b) providing social services and medical supplies determined to be necessary and appropriate as a result of assessments conducted pursuant to paragraph (a) hereof, to those persons participating in an approved project who are otherwise eligible to receive medical assistance, whether or not such services or supplies are authorized to be provided under this title; provided, however, that no such additional services or supplies provided hereunder shall be subject to state reimbursement unless prior approval to provide such services or supplies to persons eligible for medical assistance has been granted by the department. Such demonstration projects may be conducted or participated in by a social services district only in accordance with a plan submitted to the department on or before the thirtieth day of June, nineteen hundred seventy-seven, and only to the extent and period for which such plan has been approved or from time to time extended by the commissioner.

2. Any plan submitted pursuant to this section shall provide that in any case in which it is determined by an assessment conducted in accordance with such a project that placement in a skilled nursing facility or an intermediate care facility would be appropriate, such placement shall be subject to review and approval by the department of health provided, however, that the commissioner of health may delegate preplacement assessment review function to such a project. In addition, any plan submitted pursuant to this section shall include a description

of any assessment methodology utilized in determining the appropriateness of placements in skilled nursing facilities or intermediate care facilities and any such plan may be approved by the commissioner only after such methodology has been submitted to the department of health for its review and comment.

3. Notwithstanding any inconsistent provision of law to the contrary, expenditures made in connection with an approved residential and medical care placement demonstration project for assessments, case management and social services and medical supplies authorized to be provided by this title or approved by the department, shall be subject to state reimbursement under section three hundred sixty-eight-a of the social services law in accordance with a schedule of maximum reimbursable amounts established by the department for such services and supplies.

4. Notwithstanding any inconsistent provision of this chapter or any other law to the contrary, the commissioner may, subject to the approval of the director of the budget, approve such demonstration projects and apply for the appropriate waivers under federal law and regulation and may waive: (a) any provision of this title or regulation of the department as may be necessary to make medical assistance funds available for initial assessment and performing case management functions for persons participating in such approved projects without regard to their eligibility to participate in the medical assistance program and when appropriate, providing additional approved social services and medical supplies, not otherwise authorized under this title, to persons participating in such approved projects who are otherwise eligible to participate in the medical assistance program; and (b) such department regulations relating thereto as may be necessary to enable a social services district to carry out such project.

5. The commissioner shall require that a final independent evaluation be made of any demonstration project approved and conducted hereunder in a form mutually agreed upon by him and the state commissioner of health, and shall provide copies of such report to the governor and to the legislature. In addition the commissioner shall submit annual interim reports on the progress of each project to the governor and legislature

by the first day of February of each year.

* NB Expired September 30, 1986