§ 367-q. Personal care services worker recruitment and retention program. 1. The commissioner of health shall, subject to the availability of federal financial participation adjust personal care services medical assistance rates of payment established pursuant to this title for personal care services providers located in local social service districts which do not include a city with a population of over one million persons in accordance with subdivisions two and three of this section for purposes of improving recruitment and retention of personal care services workers or any worker with direct patient care responsibility in the following aggregate amounts for the following periods:

(a) for the period April first, two thousand two through December thirty-first, two thousand two, seven million dollars;

(b) for the period January first, two thousand three through December thirty-first, two thousand three, fourteen million dollars;

(c) for the period January first, two thousand four through December thirty-first, two thousand four, twenty-one million dollars;

(d) for the period January first, two thousand five through December thirty-first, two thousand five, twenty-seven million dollars;

(e) for the period January first, two thousand six through December thirty-first, two thousand six, thirty-one million dollars, provided however that for the period August first, two thousand six through December thirty-first, two thousand six, such rate adjustments shall be increased by an additional aggregate amount of four million dollars;

(f) for the period January first, two thousand seven through June thirtieth, two thousand seven, thirteen million five hundred thousand dollars;

(g) for the period July first, two thousand seven through March thirty-first, two thousand eight, twenty-six million two hundred fifty thousand dollars;

(h) for the period April first, two thousand eight through March thirty-first, two thousand nine, twenty-eight million five hundred thousand dollars;

(i) for the period April first, two thousand nine through March thirty-first, two thousand ten, twenty-eight million five hundred thousand dollars;

(j) for the period April first, two thousand ten through March

thirty-first, two thousand eleven, twenty-eight million five hundred thousand dollars;

(k) for the period April first, two thousand eleven through March thirty-first, two thousand twelve, twenty-eight million five hundred thousand dollars;

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

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

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

(o) for the period April first, two thousand fifteen through March thirty-first, two thousand sixteen, up to twenty-eight million five hundred thousand dollars; and

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

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

(r) for the period April first, two thousand eighteen through March thirty-first, two thousand nineteen, twenty-eight million five hundred thousand dollars;

(s) for the period April first, two thousand nineteen through March thirty-first, two thousand twenty, twenty-eight million five hundred thousand dollars;

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

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

(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;

(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;

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

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

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

2. Such adjustments to rates of payments shall be allocated proportionally based on each personal care services providers' total annual hours of personal care services provided, as reported in each such provider's nineteen hundred ninety-nine cost report as submitted to the department of health prior to November first, two thousand one, provided, however, that for periods on and after July first, two thousand seven, such payments shall be in the form of a percentage add-on to rates of payments of eligible providers based on the proportion of each personal care services providers' total annual hours of personal care services provided to recipients of medical assistance to the total annual hours of personal care services provided by such providers.

3. Payments made pursuant to this section shall not be subject to subsequent adjustment or reconciliation.

4. Personal care services providers which have their rates adjusted

pursuant to this section 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 of health, 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 of health 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.