

Amend Senate 992, Assembly 1922, A BUDGET BILL, AN ACT to amend the public health law, in relation to state aid for municipalities, implementing parental cost sharing and negotiation of rate reimbursement in certain circumstances...

Page 4,	Unnumbered line 4 (An ACT Clause),	After "(Part E);" strike out "and"
Page 4,	Unnumbered line 8 (An ACT Clause),	After "(Part F)" insert "; and to amend mental hygiene law, the state finance law and the racing, pari-mutuel wagering and breeding law, in relation to compulsive gambling assistance, and repealing certain provisions of the mental hygiene law relating thereto (Part G)"
Page 4,	Line 4,	After "through" strike out "F" and insert "G"
Page 5,	Line 41,	After "legislature." Insert " <u>Such allocation, as determined by the Commissioner, shall be adjusted to account for inflationary increases up to the level of the U.S. Consumer Price Index for all urban consumers published in the Congressional Budget Office Economic and Budget Outlook after June first of the year prior to the year for which rates are being developed.</u> "
Page 17,	Line 44,	Strike out "annual" and insert " <u>annualized</u> "
Page 17,	Line 45,	After "account" insert " <u>, or any successor fund or account,</u> "
Page 22,	Line 52,	Strike out "annual" and insert " <u>annualized</u> "
Page 22,	Line 52,	After "account" insert " <u>, or any successor fund or account,</u> "
Page 23,	Line 14,	After "[seventy-five]" Strike out " <u>eighty</u> " and insert " <u>ninety</u> "
Page 23,	Line 18,	After " <u>hundred</u> " Strike out " <u>thirty</u> " and insert " <u>forty</u> "
Page 23,	Line 22,	After "(viii)" Strike out " <u>sixty-five</u> " and insert " <u>seventy</u> "
Page 28,	Line 25,	After " <u>successor</u> " insert " <u>fund or</u> "
Page 30,	Line 20,	After "reduced"

Strike out "by the commissioner"

Page 36,	Line 21,	After "[two]" Strike out " <u>seven</u> " and insert " <u>nine</u> "
Page 37,	Line 31,	After "one" strike "]"
Page 37	Line 32	After "thousand" insert "]"
Page 40,	Line 10,	After "commissioner" insert " <u>, or the state comptroller as applicable</u> "
Page 44,	Line 56,	After "pursuant to" strike out "subparagraph" and insert " <u>subparagraphs</u> "
Page 44,	Line 56,	After "(ii)" insert " <u>, (iii) or (iv)</u> "
Page 45,	Line 3,	After "facilities" strike out "selected pursuant to a competitive process,"
Page 45,	Line 6,	After "care" Insert " <u>Notwithstanding section one hundred twelve of the state finance law or any other inconsistent provision of law, the commissioner may distribute funds pursuant to this subdivision without a competitive bid or request for proposal process, or, alternatively, the commissioner may distribute such finds to residential health care facilities selected pursuant to a competitive process</u> "
Page 46,	Between Lines 26 and 52,	After "\$18." strike out in its entirety and insert "Intentionally Omitted"
Page 46,	Line 26,	
Page 49,	Line 48,	After "program" insert " <u>as in effect prior to June thirtieth, two thousand-five,</u> "
Page 49,	Line 49,	After "program," insert " <u>as in effect prior to June thirtieth, two thousand-five,</u> "
Page 58,	Line 12,	After " <u>ten million</u> " strike out " <u>five hundred</u> " and insert " <u>fifty</u> "
Page 58,	Line 15,	After " <u>million</u> " strike out " <u>two hundred fifty</u> " and insert " <u>twenty-five</u> "

Page 69,	Line 17,	After "commissioner" insert " <u>, or the state comptroller as applicable,</u> "
Page 69,	Line 29,	After "care" insert "efficiency and affordability law for New Yorkers (HEAL NY)"
Page 69	Line 30	Strike "system improvement"
Page 70,	Between lines 24 and 25,	Insert "3. Notwithstanding any law in the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer from the health care reform act (HCRA) resources fund (F04) to the general fund, upon the request of the director of the budget, up to \$6,500,000 on or before March 31, 2006, up to \$16,250,000 for the period April 1, 2006 through March 31, 2007 and up to \$32,500,000 for the period April 1, 2007 through March 31, 2008."
Page 74,	Line 38,	Before "within" insert "["
Page 74,	Line 39,	After "appropriated" insert "]"
Page 74,	Line 42,	After "account," insert " <u>, or any successor fund or account,</u> "
Page 75,	Line 16,	After "account" insert " <u>, or any successor fund or account,</u> "
Page 75,	Line 29,	After "account" insert " <u>, or any successor fund or account,</u> "
Page 75,	Line 53,	After "account" insert " <u>, or any successor fund or account,</u> "
Page 76,	Line 34,	After "account" insert " <u>, or any successor fund or account,</u> "
Page 76,	Line 43,	After "account" insert " <u>, or any successor fund or account,</u> "
Page 77,	Line 1,	After "account" insert " <u>, or any successor fund or account,</u> "
Page 80,	Line 12,	After "also" insert " <u>, for annual reporting periods beginning on and after January first, two thousand five,</u> "

- Page 80, Line 13, After "subdivision."  
insert "The commissioner may terminate a general hospital's prospective participation in the distribution of funds from the pool based on its failure to secure such certification of compliance with the provisions of this subdivision or may condition such prospective participation on the general hospital's submission of and adherence to an acceptable plan of corrective action with regard to the provisions of this subdivision."
- Page 80, Line 31-32, After "hundred of"  
strike out "this chapter."  
and insert "the public health law."
- Page 80, Line 55, After "Notwithstanding"  
insert "the provisions of section one hundred-twelve of the state finance law or any other inconsistent provision of the state finance law or"
- Page 81, Line 1, After "state"  
insert ", without a competitive bid or request for proposal process,"
- Page 88, Line 33, After "hospitalizations"  
insert ", multiply disabling conditions requiring residential treatment"
- Page 88, Line 46, After "of"  
insert "inappropriate or ineffective"
- Page 90, Line 47, After "unit"  
insert "demonstration"
- Page 90, Line 49, After "approve"  
insert "up to five"
- Page 93, Line 30, After "law"  
insert "and required to be credited to the tobacco control and insurance initiatives pool"
- Page 93, Line 43, After "law"  
insert "and required to be credited to the tobacco control and insurance initiatives pool"
- Page 94, Between lines 38 and 39, Insert "\$ 83-a Section 2818 of the public health law, as amended by section 1 of part KK of chapter 59 of the laws of 2004, is amended to read as follows:  
\$ 2818. Health care [system improvement] efficiency and affordability law for New Yorkers (HEAL NY) capital grant program. The commissioner and the director of the dormitory authority of the

state of New York shall enter into an agreement, subject to the approval of the director of the budget, for the purpose of administering the funds available to the health care [system improvement] efficiency and affordability law for New Yorkers (HEAL NY) capital grant program as authorized under section sixteen hundred eighty-j of the public authorities law, in a manner that will encourage improvements in the operation and efficiency of the health care delivery system within the state. A copy of such agreement, and any amendments thereto, shall be provided to the chair of the senate finance committee, the director of the division of budget and the chair of the assembly ways and means committee. Such agreement shall include criteria, to be developed by the commissioner and the director of the authority, to be considered in their evaluation of applications and determination of awards, including,

but not limited to:

(a) determination of eligible applicants, provided that such eligible applicants shall include entities representative of any part of the health care delivery system;

(b) consideration of statewide geographic distribution of funds;

(c) minimum and maximum amounts of funding to be awarded under the program;

(d) the relationship between the project proposed by an applicant and identified community need; and

(e) the extent to which the applicant has access to alternative financing.

Each such contract entered into by an eligible applicant shall be awarded by a competitive process and shall be deemed a state contract for the purposes of article nine of the state finance law, provided, however, that any contract which would not be a state contract except for the application of this paragraph shall not be subject to section one hundred thirty-five of the state finance law.

Each such contract entered into by an eligible applicant shall require that the work covered by such contracts shall be deemed "public work" and subject to and performed in accordance with articles eight, nine, and ten of the labor law and, for the purposes of article fifteen-A of the executive law, the

contracting party under such contracts shall be deemed a state agency as that term is defined in such article and such contracts shall be deemed state contracts within the meaning of that

term as set forth in such article. Such agreement shall be provided to the chair of the senate finance committee, the director of the division of budget and the chair of the assembly ways and means committee no later than thirty days prior to the scheduled approval of the first bond issuance for the program by the public authorities control board. The authority shall also report quarterly to such chairpersons on the awards made through the program, including the name of the applicant, a description of the project and the amount of the award.

Page 94,

Between Lines  
50 and 51,

Insert "§85. Subparagraph (i) of paragraph (a) of subdivision 4-a of section 2807-p of the public health law, as added by section 17 of part A3 of chapter 62 of the laws of 2003, is amended by amending clause (C) and by adding clauses (D) and (E), to read as follows:

(C) For the period January first, two thousand five through [June thirtieth] December thirty-first, two thousand five, up to [seven] fifteen million [five hundred thousand] dollars[.];

(D) For the period January first, two thousand six through December thirty-first, two thousand six, up to fifteen million dollars;

(E) For the period January first, two thousand seven through June thirtieth, two thousand seven, up to seven million five hundred thousand dollars.

§86. Subparagraph (i) of paragraph (b) of subdivision 4-a of section 2807-p of the public health law, as added by section 17 of part A3 of chapter 62 of the laws of 2003, is amended by amending clause (C) and by adding clauses (D) and (E), to read as follows:

(C) For the period January first, two thousand five through [June thirtieth] December thirty-first, two thousand five, up to [nine] eighteen million dollars[.];

(D) For the period January first, two thousand six through December thirty-first, two thousand six, up to eighteen million dollars;

(E) For the period January first, two thousand seven through June thirtieth, two thousand seven, up to nine million dollars.

§87. Subparagraph (i) of paragraph (c) of subdivision 4-a of section 2807-p of the public health law, as added by section 17 of part A3 of chapter 62 of the laws of 2003, is amended by amending clause (C) and by adding clauses (D) and (E), to read as follows:

(C) For the period January first, two thousand five through [June thirtieth] December thirty-first, two thousand five, up to [six] twelve million dollars;

(D) For the period January first, two thousand six through December thirty-first, two thousand six, up to twelve million dollars;

(E) For the period January first, two thousand seven through June thirtieth, two thousand seven, up to six million dollars.

§88. Paragraph (d) of subdivision 4-a of section 2807-p of the public health law, as added by section 17 of part A3 of chapter 62 of the laws of 2003, is amended by amending subparagraph (iii) and by adding subparagraph (iv), to read as follows:

(iii) For the period January first, two thousand five through [June thirtieth] December thirty-first, two thousand [five] six, each such municipality shall receive an annual uncompensated care rate adjustment of not less than twice the amount calculated pursuant to subparagraph (i) of this paragraph[.];

(iv) For the period January first, two thousand seven through June thirtieth, two thousand seven, each such municipality shall receive an uncompensated care rate adjustment of not less than the amount calculated pursuant to subparagraph (i) of this paragraph.

§89. Paragraph (e) of subdivision 4-a of section 2807-p of the public health law, as added by section 17 of part A3 of chapter 62 of the laws of 2003, is amended by amending subparagraph (iii) and by adding subparagraph (iv), to read as follows:

(iii) For the period January first, two thousand five through [June thirtieth] December thirty-first, two thousand [five] six, each such diagnostic and treatment center shall receive an annual uncompensated care rate adjustment of not less than twice the amount calculated pursuant to subparagraph (i) of this paragraph[.];

(iv) For the period January first, two thousand seven through June thirtieth,

two thousand seven, each such diagnostic and treatment center shall receive an uncompensated care rate adjustment of not less than the amount calculated pursuant to subparagraph (i) of this paragraph.

§90. Paragraph (a) of subdivision 4-b of section 2807-p of the public health law, as added by section 17 of part A3 of chapter 62 of the laws of 2003, is amended by amending subparagraph (iii) and by adding subparagraph (iv), to read as follows:

(iii) For the period January first, two thousand five through [June thirtieth] December thirty-first, two thousand [five] six, up to [one] three million [five hundred thousand] dollars for each calendar year rate period[.];

(iv) For the period January first, two thousand seven through June thirtieth, two thousand seven, up to one million five hundred thousand dollars.

§ 91 Paragraph (c) of subdivision 3 and subdivision 5 of section 367-o of the social services law, as amended by sections 30 and 31 of part H of chapter 686 of the laws of 2003, are amended to read as follows:

(c) no benefits are provided under the group health insurance plan or employer based group health plan in excess of the benefits provided to the majority of hospital workers in the community in which the personal care and home health care workers are employed. The commissioner of health is authorized to add up to fifty-eight million dollars per year for the period January first, two thousand through December thirty-first, two thousand two, and up to one hundred sixty-three million dollars per year for the period January first, two thousand three through June thirtieth, two thousand [five] seven to rates of payment for qualifying personal care providers and certified home health agencies who are approved to participate in the demonstration program. The commissioner may modify the amounts made available for any specific annual period so long as the total amount made available for the period of the demonstration is not exceeded.

5. Between January first, two thousand and December thirty-first, two thousand two, the state share amount for all demonstrations pursuant to this section shall be no more than twenty-seven million dollars per twelve month period if averaged



over the term of the demonstration; and between January first, two thousand three and June thirtieth, two thousand [five] seven, the state share amount for all demonstrations pursuant to this section shall be no more than sixty-nine million dollars per twelve month period if averaged over the term of the demonstration.

§92. Subdivision 1 of section 2807-s of the public health law is amended by adding a new paragraph (c) to read as follows:

(c) For discharges on and after April first, two thousand five, the allowance established pursuant to this section shall not be applied to inpatient hospital services provided to any person covered under a blanket student accident, blanket student health, or blanket student accident and health insurance policy.

§ 93. Subparagraphs (v) and (vi) of paragraph (a) of subdivision 1 of section 2807-t of the public health law, are amended to read as follows:

(v) any person for whom the specified third-party payor has agreed to provide reimbursement for inpatient hospital services pursuant to the comprehensive motor vehicle insurance reparations act; [and]

(vi) any person (hereinafter referred to as the "primary insured") otherwise meeting the definition of an "individual" as set forth under this section if the specified third-party payor has agreed to provide reimbursement for such person as part of a "family unit"[.]; and

(vii) effective on and after April first, two thousand five, any person covered under a blanket student accident, blanket student health, or blanket student accident and health insurance policy.

§ 93-a. Notwithstanding the provisions of section 2807-g of the public health law and section 112 of the state finance law, funds received and accumulated pursuant to paragraph (e) of subdivision one of section 2807-1 of the public health law for the period January first, two thousand four through December thirty-first, two thousand four and for the period January first, two thousand five through June thirtieth, two thousand five may be made available to programs that have previously been awarded a grant pursuant to 2807-g of the public health law, for the purpose of training individuals for professional titles in which there is a shortage of

such trained professionals or for programs that the commissioner determines improves the efficiency of the state's health care system or have the potential to save the state money.

Page 94,	Line 51,	Strike out "\$85" and insert "\$94"
Page 95,	Line 11,	Strike out "\$86" and insert "\$95"
Page 95,	Line 17,	Strike out "\$87" and insert "\$96"
Page 95,	Line 26,	Strike out "\$88" and insert "\$97"
Page 95,	Line 35,	Strike out "\$89" and insert "\$98"
Page 103,	Line 56,	Strike out " <u>this</u> " and insert " <u>such</u> "
Page 103,	Line 56,	After " <u>section</u> " and before " <u>1</u> " insert " <u>eleven hundred seven</u> "
Page 104,	Line 14,	After "MA equals" Strike out "{" and insert "("
Page 104,	Line 14,	After "(.03)" strike out "}" and insert ")"
Page 104,	Line 19,	After "seven" insert ", or from taxes imposed pursuant to the authority of subdivision (a) of section twelve hundred ten of this article, excluding revenues from the tax on parking authorized by subdivision (a) of such section twelve hundred ten"
Page 104,	Line 20,	After "from" insert "either"
Page 104,	Line 20,	After "parking" insert " <u>, as the case may be</u> "
Page 104,	Line 27,	After "equals" strike out "{"
Page 104,	Line 27,	After "(Ep/Fp)" strike out "}"
Page 104,	Line 27,	After "by" strike out "{" and insert "("
Page 104,	Line 27,	After "(MB2/.06)"

strike out “}”  
and insert “)”

Page 127,  
Between lines  
9 and 11,

After “dollars;”  
strike out “provided, however, that if the provisions of this paragraph are extended pursuant to a chapter of the laws of two thousand five, this amendment shall be of no force or effect”

Page 137,  
Between lines  
53 and 54

Insert “§61-a. Subparagraph (iii) of paragraph (d) of subdivision 1 of section 367-a of the social services law, as added by section 1 of part J1 of chapter 63 of the laws of 2003, is amended to read as follows: (iii) When payment under part B of title XVIII of the federal social security act for items and services provided to eligible persons who are also beneficiaries under part B of title XVIII of the federal social security act and for items and services provided to qualified medicare beneficiaries under part B of title XVIII of the federal social security act would exceed the amount that otherwise would be made under this title if provided to an eligible person other than a person who is also a beneficiary under part B or is a qualified medicare beneficiary, the amount payable under this title shall be twenty percent of the amount of any co-insurance liability of such eligible persons pursuant to federal law were they not eligible for medical assistance or were they not qualified medicare beneficiaries with respect to such benefits under such part B; provided, however, amounts payable under this title for items and services provided to eligible persons who are also beneficiaries under part B or to qualified medicare beneficiaries by an ambulance service under the authority of an operating certificate issued pursuant to article thirty of the public health law, [a psychologist licensed under article one hundred fifty-three of the education law,] or a facility under the authority of an operating certificate issued pursuant to article sixteen, thirty-one or thirty-two of the mental hygiene law and with respect to outpatient hospital and clinic items and services provided by a facility under the authority of an operating certificate issued pursuant to article twenty-eight of the public health law, and for items and services provided to qualified medicare beneficiaries by a psychologist licensed under article one hundred fifty-three of

the education law, shall not be less than the amount of any co-insurance liability of such eligible persons or such qualified medicare beneficiaries, or for which such eligible persons or such qualified medicare beneficiaries would be liable under federal law were they not eligible for medical assistance or were they not qualified medicare beneficiaries with respect to such benefits under part B."

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|-----------|-----------------------------|---|
| Page 139, | Between lines<br>2 and 3    | Insert "§64-a. Notwithstanding any law to the contrary, the commissioner of health shall deposit and the state comptroller is hereby authorized and directed to receive for deposit to the credit of the state special revenue fund-other, CHCCDP transfer account, any unexpended federal matching funds earned pursuant to the community health care conversion demonstration project authorized in the terms and conditions included in the section 1115 waiver demonstration project, which is entitled the partnership plan, as approved by the secretary of the federal department of health and human services and accepted by the state." |
| Page 147, | Line 25,                    | After "through" and<br>before "78"<br>insert "75 and section"   |
| Page 165, | Between lines<br>27 and 28, | Insert (LBD # 71008-01-5) as new Part G   |
| Page 165, | Line 38,                    | After "through" strike "F" and insert "G"   |