

2006-07 Executive Budget
30-Day Amendments

**Amendments to Senate 6457, Assembly 9557
(Health and Mental Hygiene Article VII)**

Part A, relating to ensuring a seamless transition to the new Federal Medicare prescription drug program (Part D); restructuring the nursing home reimbursement methodology; implementing saving measures to reduce Medicaid costs and establishing the Office of Medicaid Inspector General to combat fraud, waste and abuse, is amended to:

- Add language to allow the Office of Medicaid Inspector General (OMIG) to amend rules and regulations in relation to provider sanctions, monetary penalties and audits.
- Amend language to authorize OASAS licensure of medically supervised withdrawal services (uncomplicated detox) and insert Federal financial participation contingency language.
- Add technical language to clarify that the elimination of the inflationary trend factor applies to nursing homes consistent with the Financial Plan.
- Add language to authorize the Department of Health to charge an application fee of \$50,000 for the prior approval review of mergers and acquisitions of insurance companies.
- Amend language related to the definition of temporary pre-investigative grants to clarify existing Federal and State policy by correcting a potential for misinterpretation.
- Make technical change to revise the effective date for certain provisions relating to mandatory Managed Care enrollment and Family Health Plus co-pays to be consistent with the Financial Plan.

Part B, relating to a variety of public health programs, is amended to:

- Reauthorize and add language modifying Section 276-a of the Public Health Law to establish a Prescription Drug Retail Price List within the purview of the State's Attorney General Office.

Part C, relating to authorizing a Cost of Living Adjustment (COLA) for the office of mental health, office of mental retardation and developmental disabilities, office of alcoholism and substance abuse services, department of health, office of children and family services and the state office for the aging eligible providers, is amended to:

- Make a technical correction to clarify that only the Comprehensive Outpatient Programs (COP), Non-COPs and Community Support Program (CSP) add-on portions (not base rates) of the mental health outpatient rates will receive an adjustment.
- Clarify certain program names to ensure that eligible HIV / AIDS related programs receive the COLA.

- Delete the Infertility Program as a recipient of the COLA.
- Add language that authorizes the agencies to require that local government units (e.g., counties) verify that the COLA funding was used for its intended purposes in situations where the primary funding relationship is between the agency and localities.

PART D, relating to the Health Care Reform Act (HCRA) and all necessary allocations is amended to:

- Modify EPIC program allocation language to increase amounts from \$560.4 million to \$565.8 million in 2006 and from \$316.1 million to \$317.9 million in 2007.
- Modify FHP allocation language to decrease amounts from \$297.1 million to \$294.7 million in 2006 and from \$155 million to \$154.2 million in 2007.
- Modify cigarette tax language to authorize New York City to raise the City cigarette tax from \$0.50, as proposed in the Executive Budget, to \$1.00 per pack pursuant to an amendment of the City Administrative Code and to further allow the City to increase the City tax by an amount equal to a State decrease in tax but not to exceed \$1.00 per pack in the event the State lowers its tax. In addition, the distribution of State cigarette excise tax receipts is modified to provide HCRA with 74.83 percent of cigarette tax.
- Modify HEAL NY transfer language to increase amounts from \$138.8 million to \$139 million in 2006-07, from \$168.5 million to \$170.976 million in 2007-08, and from \$188 million to \$198.408 million in 2008-09.
- Amend Insurance Law to establish the NYS Biomedicine and Biotechnology Research Program.

Part I, relating to authorizing the Commissioner of the Office of Alcoholism and Substance Abuse Services (OASAS) to impose fines, is added to:

- Provide the OASAS Commissioner with the ability to impose a per diem fine of up to \$1,000 instead of a single fine for failure to comply with the terms of an operating certificate or with the provisions of applicable statutes, rules or regulations.
- Enable the OASAS Commissioner to impose a fine of up to \$5,000 against a Certified Alcohol and Substance Abuse Counselor (CASAC) upon finding that the CASAC failed to comply with all applicable statutes, rules or regulations.