

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the social services law, in relation to providing
contracting flexibility in relation to 1115 medicaid waiv-
ers (Part);

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

1 PART ____

2 Section 1. Subdivision 29 of section 364-j of the social services law,
3 as added by section 49 of part C of chapter 60 of the laws of 2014, is
4 amended to read as follows:

5 29. In the event that the department receives approval from the
6 Centers for Medicare and Medicaid Services to amend its 1115 waiver
7 [known as the Partnership Plan] or receives approval for a new 1115
8 waiver [for the purpose of reinvesting savings resulting from the rede-
9 sign of the medical assistance program] prior to or following the effec-
10 tive date of this subdivision, the commissioner is authorized to enter
11 into contracts[, and/or] and to amend the terms of contracts awarded
12 prior to [the effective date of this subdivision] April first, two thou-
13 sand twenty-four, for the purpose of assisting the department of health
14 with implementing projects authorized under such waiver approval.
15 Notwithstanding the provisions of sections one hundred twelve and one
16 hundred sixty-three of the state finance law, or sections one hundred
17 forty-two and one hundred forty-three of the economic development law,
18 or any contrary provision of law, contracts may be entered or contract

1 amendments may be made pursuant to this subdivision without a compet-
2 itive bid or request for proposal process [if the term of any such
3 contract or contract amendment does not extend beyond March thirty-
4 first, two thousand nineteen]; provided, however, in the case of a
5 contract entered into after the effective date of this subdivision,
6 that:

7 (a) The department of health shall post on its website, for a period
8 of no less than thirty days:

9 (i) A description of the proposed services to be provided pursuant to
10 the contract or contracts;

11 (ii) The criteria for selection of a contractor or contractors;

12 (iii) The period of time during which a prospective contractor may
13 seek selection, which shall be no less than thirty days after such
14 information is first posted on the website; and

15 (iv) The manner by which a prospective contractor may seek such
16 selection, which may include submission by electronic means;

17 (b) All reasonable and responsive submissions that are received from
18 prospective contractors in timely fashion shall be reviewed by the
19 commissioner of health; and

20 (c) The commissioner of health shall select such contractor or
21 contractors that, in [his or her] such commissioner's discretion, are
22 best suited to serve the purposes of this section.

23 § 2. This act shall take effect immediately; provided, however, that
24 the amendments to section 364-j of the social services law made by
25 section one of this act shall not affect the repeal of such section and
26 shall be deemed repealed therewith.