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

AN ACT to authorize the actions necessary to manage the loss of
federal revenue and create the Mental Hygiene Stabilization Fund

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

Section 1. Legislative findings and purpose. Recent actions by the
United States Center for Medicare and Medicaid Services impact the
stability of New York state's mental hygiene system. While the state
must embark on a deliberate path to replace the existing, long-standing
financing system for developmental disability services, replacement of
the sudden loss of $1.1 billion in federal revenue is too significant to
be solved solely by actions within the mental hygiene system. A partner-
ship with the entire health care community is needed to manage this loss
over time. Accordingly, this part authorizes the actions necessary and
creates the Mental Hygiene Stabilization Fund that will be supported by
department of health medicaid resources under the Global Cap in annual
amounts not to exceed $730,000,000 in state fiscal year 2013-14,
$445,000,000 in 2014-15, $267,000,000 in 2015-16, and $267,000,000 in
2016-17.

§ 2. Notwithstanding any contrary provision of law, the commissioner
of health may, in consultation with the director of the budget, annul
implementation of the reimbursement reductions authorized by section one
of part A of this act with regard to any period between April 1, 2013
and March 31, 2015 if it is determined by the commissioner of health, in
consultation with the director of the budget, that such annulment may be
accomplished consistent with the implementation of the provisions of section 92 of part H of chapter 59 of the laws of 2011, as amended.

§ 3. Notwithstanding any contrary provision of law, implementation of the provisions of sections twenty-two, twenty-three, and/or twenty-four of part A of this act shall be delayed to the state fiscal year beginning April 1, 2014, provided, however, that the commissioner of health may, in consultation with the director of the budget, implement one or more of such provisions during the 2013-14 state fiscal year if it is determined that such implementation may be accomplished consistent with the implementation of the provisions of section 92 of part H of chapter 59 of the laws of 2011, as amended.

§ 4. Notwithstanding any inconsistent provision of law, rule or regulation, for purposes of implementing the provisions of the public health law and the social services law, references to titles XIX and XXI of the federal social security act in the public health law and the social services law shall be deemed to include and also to mean any successor titles thereto under the federal social security act.

§ 5. Notwithstanding any inconsistent provision of law, rule or regulation, the effectiveness of the provisions of sections 2807 and 3614 of the public health law, section 18 of chapter 2 of the laws of 1988, as amended, and 18 NYCRR 505.14(h), as they relate to time frames for notice, approval or certification of rates of payment, are hereby suspended and without force or effect for purposes of implementing the provisions of this act.

§ 6. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its
1 operation to the clause, sentence, paragraph, subdivision, section or
2 part thereof directly involved in the controversy in which such judgment
3 shall have been rendered. It is hereby declared to be the intent of the
4 legislature that this act would have been enacted even if such invalid
5 provisions had not been included herein.
6 § 7. This act shall take effect immediately and shall be deemed to
7 have been in full force and effect on and after April 1, 2013.