

DRAFT LBDC

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 Stabiliza-  
tion Fund

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

1 Section 1. Legislative findings and purpose. Recent actions by the  
2 United States Center for Medicare and Medicaid Services impact the  
3 stability of New York state's mental hygiene system. While the state  
4 must embark on a deliberate path to replace the existing, long-standing  
5 financing system for developmental disability services, replacement of  
6 the sudden loss of \$1.1 billion in federal revenue is too significant to  
7 be solved solely by actions within the mental hygiene system. A partner-  
8 ship with the entire health care community is needed to manage this loss  
9 over time. Accordingly, this part authorizes the actions necessary and  
10 creates the Mental Hygiene Stabilization Fund that will be supported by  
11 department of health medicaid resources under the Global Cap in annual  
12 amounts not to exceed \$730,000,000 in state fiscal year 2013-14,  
13 \$445,000,000 in 2014-15, \$267,000,000 in 2015-16, and \$267,000,000 in  
14 2016-17.

15 § 2. Notwithstanding any contrary provision of law, the commissioner  
16 of health may, in consultation with the director of the budget, annul  
17 implementation of the reimbursement reductions authorized by section one  
18 of part A of this act with regard to any period between April 1, 2013  
19 and March 31, 2015 if it is determined by the commissioner of health, in  
20 consultation with the director of the budget, that such annulment may be

1 accomplished consistent with the implementation of the provisions of  
2 section 92 of part H of chapter 59 of the laws of 2011, as amended.

3 § 3. Notwithstanding any contrary provision of law, implementation of  
4 the provisions of sections twenty-two, twenty-three, and/or twenty-four  
5 of part A of this act shall be delayed to the state fiscal year begin-  
6 ning April 1, 2014, provided, however, that the commissioner of health  
7 may, in consultation with the director of the budget, implement one or  
8 more of such provisions during the 2013-14 state fiscal year if it is  
9 determined that such implementation may be accomplished consistent with  
10 the implementation of the provisions of section 92 of part H of chapter  
11 59 of the laws of 2011, as amended.

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

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

25 § 6. Severability clause. If any clause, sentence, paragraph, subdivi-  
26 sion, section or part of this act shall be adjudged by any court of  
27 competent jurisdiction to be invalid, such judgment shall not affect,  
28 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.