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

AN ACT to amend the mental hygiene law, in relation to eliminating the duplication of regulatory efforts between the department of health and the office for people with developmental disabilities associated with rates and fees received by OPWDD providers; and to repeal certain provisions of such law relating thereto.

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

Section 1. Subdivisions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m) and (o) of section 41.36 of the mental hygiene law are REPEALED.

§ 2. Subdivision (n) of section 41.36 of the mental hygiene law, as amended by chapter 525 of the laws of 1985, is amended to read as follows:

[(n)] The commissioner of developmental disabilities shall establish a procedure, subject to the approval of the state comptroller, whereby payments in addition to the [client's] personal allowance of an individual living in a community residential facility may be made to providers of services for one or more of the following needs of [clients] individuals residing in such facilities, limited to two hundred fifty dollars per [client] individual per year and paid semi-annually in the manner specified by such procedures:

[1.] (a) Replacement of necessary clothing;
[2.] (b) Personal requirements and incidental needs of [clients] individuals residing in the facility;
[3.] (c) Recreational and cultural activities of [clients] individuals residing in the facility. Such payments may be made from monies appro-
priated to the office for this purpose. Such payments shall be audited
by the office pursuant to an audit plan approved by the comptroller.

§ 3. Section 43.02 of the mental hygiene law, as amended by chapter
168 of the laws of 2010, is amended to read as follows:

§ 43.02 Rates or methods of payment for services at facilities subject
to licensure or certification by the office of mental health,
the office for people with developmental disabilities or the
office of alcoholism and substance abuse services.

(a) Notwithstanding any inconsistent provision of law, payment made by
government agencies pursuant to title eleven of article five of the
social services law for services provided by any facility licensed by
the office of mental health pursuant to article thirty-one of this chap-
ter [or licensed or operated by the office for people with developmental
disabilities pursuant to article sixteen of this chapter] or certified
by the office of alcoholism and substance abuse services pursuant to
this chapter to provide inpatient chemical dependence services, as
defined in section 1.03 of this chapter, shall be at rates or fees
certified by the commissioner of the respective office and approved by
the director of the division of the budget, provided, however, the
commissioner of mental health shall annually certify such rates or fees
which may vary for distinct geographical areas of the state and,
provided, further, that rates or fees for service for inpatient psychi-
atric services or inpatient chemical dependence services, at hospitals
otherwise licensed pursuant to article twenty-eight of the public health
law shall be established in accordance with section two thousand eight
hundred seven of the public health law and, provided, further, that
rates or fees for services provided by any facility or program licensed,
operated or approved by the office for people with developmental disa-
bilities, shall be certified by the commissioner of health; provided, however, that such methodologies shall be subject to approval by the office for people with developmental disabilities and shall take into account the policies and goals of such office.

(b) Operators of facilities licensed by the office of mental health pursuant to article thirty-one of this chapter, licensed by the office for people with developmental disabilities pursuant to article sixteen of this chapter or certified by the office of alcoholism and substance abuse services pursuant to this chapter to provide inpatient chemical dependence services shall provide to the commissioner of the respective office such financial, statistical and program information as the commissioner may determine to be necessary. The commissioner of the appropriate office shall have the power to conduct on-site audits of books and records of such facilities.

(c) The commissioner of the office of mental health, the commissioner of the office for people with developmental disabilities and the commissioner of the office of alcoholism and substance abuse services shall adopt rules and regulations to effectuate the provisions of this section. Such rules and regulations shall include, but not be limited to, provisions relating to:

(i) the establishment of a uniform statewide system of reports and audits relating to the quality of care provided, facility utilization and costs of providing services; such a uniform statewide system may provide for appropriate variation in the application of the system to different classes or subclasses of facilities licensed by the office of mental health pursuant to article thirty-one of this chapter or licensed or operated by the office for people with developmental disabilities pursuant to article sixteen of this chapter, or certified by the office
of alcoholism and substance abuse services pursuant to this chapter to
provide inpatient chemical dependence services; and
(ii) methodologies used in the establishment of the schedules of rates
or fees pursuant to this section provided, however, that the commissioner of health shall adopt rules and regulations including methodologies developed by him or her for services provided by any facility or program licensed, operated or approved by the office for people with developmental disabilities.

§ 4. This act shall take effect immediately.