

**Amendments to the  
AID TO LOCALITIES BUDGET BILL  
(Senate 1503 and Assembly 2003)**

**SECTION 1 OF THE BUDGET BILL**

Page 1,                   Between lines  
                          33 and 34,                Insert

"e) Notwithstanding any other provision of law to the contrary, to maintain a balanced budget in the event that the annual estimate for tax receipts for fiscal year 2019-20 is reduced by \$500,000,000 or more compared to estimate in the fiscal year 2019-20 executive budget financial plan, the appropriations and related cash disbursements for all general fund and state special revenue fund aid to localities appropriations made by this chapter shall be uniformly reduced by the percentage set forth in a written allocation plan prepared by the director of the budget, provided, however, that the uniform percentage reduction shall not exceed 3 percent. The following types of appropriations shall be exempt from such uniform reduction: (a) public assistance payments for families and individuals and payments for eligible aged, blind and disabled persons related to supplemental social security; (b) any reductions that would violate federal law; (c) payments of debt service and related expenses for which the state is constitutionally obligated to pay debt service or is contractually obligated to pay debt service, subject to an appropriation, including where the state has a contingent contractual obligation; (d) payments the state is obligated to make pursuant to court orders or judgments; (e) payments for CUNY senior colleges; (f) school aid, (g) medicaid and (h) payments from the community projects fund. Such reductions to the general fund and special revenue fund appropriations made by this chapter and related cash disbursements shall commence within 10 days following the publication of a financial plan required under sections 22 or 23 of the state finance law stating that the annual estimate for tax receipts for fiscal year 2019-20 is reduced by \$500,000,000 or more compared to estimate in the fiscal year 2019-20 executive budget financial plan, and shall be uniformly reduced in accordance with a written allocation plan prepared by the director of the budget, which shall be filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee. Such written allocation plan shall include a summary of the methodology for calculating the percentage reductions to the payments from non-exempt appropriations and cash disbursements and the reasons for any exemptions, and a detailed schedule of the reductions and exemptions. The director of the budget shall prepare appropriately reduced certificates, which shall be filed with the state comptroller, the chair of the senate finance committee and the chair of the assembly ways and means committee. On March 31, 2020, the director of the budget shall calculate the difference, if any, between the annual estimate in tax receipts contained in the fiscal year 2020 executive budget financial plan and actual tax collections for fiscal year 2019-20. If actual tax receipts for fiscal year 2019-20 were not less than \$500,000,000 below the annual estimate in tax receipts contained in the executive budget financial plan for fiscal year 2019-20, then the amounts withheld pursuant to the written allocation plan prepared by the director shall be payable as soon as practicable thereafter in the fiscal year 2021-22. 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, and subdivision (h) of section 505.14 of title 18 of the NYCRR, 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 written allocation plan prepared by the director to reduce the general fund and special revenue fund appropriations made by this chapter and related cash disbursements.

(f) Notwithstanding any other provision of law to the contrary, if at any time during the 2019-20 state fiscal year the budget director determines that the general fund is reasonably calculated to end such state fiscal year out of balance, the budget director is hereby authorized to implement a plan to unilaterally reduce appropriation authority contained herein and concomitant cash disbursements therefore in a manner which the budget director determines would bring the general fund into balance. Provided however, that such reductions shall not be made to (a) appropriations or payments which the budget director determines are public assistance payments for families and individuals, and payments for eligible aged, blind and disabled persons related to supplemental social security; (b) any reductions which the budget director determines would violate federal law; (c) payments of debt service and related expenses for which the budget director determines the state is constitutionally obligated to pay debt service or is contractually obligated to pay debt service, subject to an appropriation, including where the state has a contingent contractual obligation; and (d) payments which the budget director determines the state is obligated to make pursuant to court orders or judgments. To the extent any individual or entity is entitled to any cash disbursement authorized by any appropriation contained herein, such entitlement shall be reduced commensurate with reductions made by the budget director in accordance with this provision. Provided however, that this provision shall have no force and effect in the event the (i) legislature enacts the chapter or chapters of law identical to the legislation amending the state finance law and referred to as the temporary offset of deficit drivers act as submitted by the governor pursuant to article VII of the New York state constitution as legislative bill numbers S.1505 and A.2005, and (ii) the budget director notifies the office of the state comptroller in writing that the legislature enacted the legislation referenced in (i) on or before April 1, 2019."

Page 1,	Line 34,	Strike out and insert	"e)" "g)"
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**OFFICE FOR THE AGING**

Page 3,	Lines 28-29,	Strike out	
		"increased or decreased by interchange or transfer"	
		and insert	
		"interchanged or transferred"	

**DEPARTMENT OF AGRICULTURE AND MARKETS**

Page 14,	Line 35,	Strike out and insert	"All"
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"At the direction of the director of the budget, all"

Page 14,	Line 38,	After "authority", insert	
		"or transferred to state operations"	

Page 20,	Line 19,	Strike out first	"\$"
Page 25,	Line 50,	Strike out	"(10902)"
Page 25,	Line 50	Strike out and insert	"(re.304,000)" "(re. \$304,000)"

**DIVISION OF CRIMINAL JUSTICE SERVICES**

Page 52,	Line 9,	Strike out and insert	"25300 (M)" "25540"
Page 73,	Line 47,	Strike out and insert	"25300 (M)" "25540"
Page 74,	Between lines 23 and 24,	Insert	

"Special Revenue Funds - Federal  
Federal Miscellaneous Operating Grants Fund  
Edward Byrne Memorial Grant Account - 25300 (M)"

**DEPARTMENT OF ECONOMIC DEVELOPMENT**

Page 86,	Line 57,	Strike out and insert	"\$415,000" "\$375,000"
Page 86,	Line 60,	Strike out and insert	"\$550,000" "\$500,000"
Page 87,	Line 5,	Strike out and insert	"\$550,000" "\$450,000"
Page 86,	Line 7,	Strike out	"and"
Page 87,	Line 7,	Strike out and insert	"\$600,000" "\$485,000"
Page 87,	Line 8,	Strike out and insert	". All"

" , up to \$400,000 for the Thousand Islands Bridge Authority, and up to \$190,000 for Cornell Cooperative Extension of Tompkins County. At the direction of the director of the budget, all"

Page 87,	Line 11,	After "authority", insert  "or transferred to state operations"	
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Page 87,	Line 24	Strike out and insert	"9,470,000" "13,470,000"
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**EDUCATION DEPARTMENT**

Page 120,	Line 14,	Strike out and insert	"paragraphs" "paragraph"
Page 120,	Line 15,	Strike out and insert	"one" "1"

Pages 122-123, Lines 61-2, Strike out

"Provided further that nothing in this appropriation shall alter or suspend statutory school district budget and voting requirements."

Page 139, Line 40, Strike out and insert "a"  
" (a) "

Page 148, Line 10, Strike out and insert "i"  
" (i) "

Page 212, Line 58, Strike out and insert "2019"  
" [2019] 2020 "

Page 224, Line 57, Strike out and insert "2019"  
" [2019] 2020 "

**OFFICE OF CHILDREN AND FAMILY SERVICES**

Page 254, Line 47, After "testing", insert "and remediation"

Page 288, Lines 48-49 Strike out

"Program account subtotal ..... 350,000  
-----"

Page 289, Line 45, Strike out and insert "2018-19"  
"2019-20"

Page 352, Line 27, After "(re. \$487,000", insert ")"

**OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**

Page 405, Line 20, Strike out and insert "4,999,261,000"  
"4,999,761,000"

Page 408, Line 37, Strike out and insert "section 17(i)"  
"subdivision (i)  
of section 17"

Page 408, Lines 40-41, Strike out and insert "section 17(i)"  
"subdivision (i)  
of section 17"

Page 408, Line 48, Strike out and insert "section 17(i)"  
"subdivision (i)  
of section 17"

Page 414, Line 33, Strike out and insert "section 17(i)"  
"subdivision (i)  
of section 17"

Page 414, Line 37, Strike out and insert "section 17(i)"  
"subdivision (i)  
of section 17"

Page 414, Line 44, Strike out and insert "section 17(i)"  
"subdivision (i)  
of section 17"

**DEPARTMENT OF FINANCIAL SERVICES**

Page 469,	Line 5,	Strike out and insert	"61,912,000" "58,912,000"
Page 469,	Line 7,	Strike out and insert	"61,912,000" "58,912,000"
Page 469,	Line 36,	Strike out and insert	"61,062,000" "58,062,000"
Page 470,	Line 13,	Strike out and insert	"22,914,000" "19,914,000"

**NEW YORK STATE GAMING COMMISSION**

Page 474,	Lines 37-38,	Strike out and insert	"the Oneida Turning Stone casino" "Oneida Nation casinos"
Page 474,	Lines 49-50,	Strike out and insert	"the Oneida Turning Stone casino" "Oneida Nation casinos"

**DEPARTMENT OF HEALTH**

Page 475	Line 5	Strike out and insert	"44,932,063,100" "43,676,063,100"
Page 475	Line 6	Strike out and insert	"99,304,050,000" "99,304,650,000"
Page 475,	Line 7,	Strike out and insert	"12,146,706,000" "12,246,706,000"
Page 475	Line 9	Strike out and insert	"156,382,819,100" "155,227,419,100"
Page 475,	Line 28,	Strike out and insert	"103,255,700" "103,855,700"
Page 476,	Between lines 27 and 28,	Insert	

"Program account subtotal ..... 103,255,700  
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Special Revenue Funds - Federal  
Federal Health and Human Services Fund  
SAMHSA Account - 25170

For services and expenses, including grants,  
to provide training and resources to first  
responders and members of other key  
community sectors at the state, tribal and  
local governmental levels related to  
emergency treatment of suspected opioid  
overdose ..... 600,000  
-----  
Program account subtotal ..... 600,000  
-----"

Page 476,	Line 60,	Strike out and insert	"one" "1"
Page 477,	Line 11,	Strike out and insert	"one" "1"
Page 479,	Lines 12-13,	Strike out	
		"grants to sudden infant death syndrome centers (29964)"	
		and insert	
		"services and expenses to promote infant safe sleep"	
Page 491,	Line 42,	Strike out and insert	"\$22,251,148,000" "\$21,701,148,000"
Page 491,	Line 46,	Strike out and insert	"\$23,256,018,000" "\$22,650,018,000"
Page 491,	Line 50,	Strike out and insert	"\$45,507,166,000" "\$44,351,166,000"
Page 499,	Line 42,	Strike out and insert	"143,547,439,000" "142,391,439,000"
Page 500,	Line 15,	Strike out and insert	"\$22,251,148,000" "\$21,701,148,000"
Page 500,	Line 19,	Strike out and insert	"\$23,256,018,000" "\$22,650,018,000"
Page 500,	Line 23,	Strike out and insert	"\$45,507,166,000" "\$44,351,166,000"
Page 506,	Line 26,	Strike out and insert	"(35)" "35"
Page 506,	Lines 48-49,	Strike out	
		"public health law section 2807-c(b)(35)(xiv)"	
		and insert	
		"subparagraph (xiv) of paragraph (b) of subdivision 35 of section 2807-c of the public health law"	
Page 506,	Line 61,	Strike out and insert	"1,315,625,000" "712,890,000"
Page 507,	Line 24,	Strike out and insert	"597,863,000" "589,733,000"
Page 507,	Line 36,	Strike out and insert	"1,517,574,000" "1,275,901,000"
Pages 509-514,	Lines 4-18,	Strike out	
		"all eligible individuals receiving home care shall be provided notice of the	

availability of the consumer directed personal assistance program, and no less frequently than annually thereafter, shall have the opportunity to apply for participation in the program. Each social services district shall file an implementation plan with the commissioner of the department of health, which shall be updated annually. Such updates shall be submitted no later than November thirtieth of each year. The plans and updates submitted by districts shall require the approval of the department. Implementation plans shall include district enrollment targets, describe methods for the provision of notice and assistance to interested individuals eligible for enrollment in the program, and shall contain such other information as shall be required by the department. An "eligible individual" is a person who:

- (a) is eligible for long term care and services provided by a certified home health agency, long term home health care program or AIDS home care program authorized pursuant to article thirty-six of the public health law, or is eligible for personal care services provided pursuant to Article 5, Title 11 of the social services law;
- (b) is eligible for medical assistance;
- (c) has been determined by the social services district or an entity certified under article forty-four of the public health law, pursuant to an assessment of the person's appropriateness for the program, conducted with an appropriate long term home health care program, a certified home health agency, or an AIDS home care program or pursuant to the personal care program, as being in need of home care services or private duty nursing and is able and willing or has a designated representative, including a legal guardian able and willing to make informed choices, or a designated relative or other adult who is able and willing to assist in making informed choices, as to the type and quality of services, including but not limited to such services as nursing care, personal care, transportation and respite services; and
- (d) meets such other criteria, as may be established by the commissioner, which are necessary to effectively implement the objectives established herein;

And, further, eligible individuals who elect to participate in the program assume the responsibility for services under such program as mutually agreed to by the eligible individual and provider and as documented in the eligible individual's record, including, but not limited to, recruiting, hiring and supervising their personal assistants. Personal assistant shall mean an adult who provides services

to the eligible individual under the eligible individual's instruction, supervision and direction or under the instruction, supervision and direction of the eligible individual's designated representative, provided that a person legally responsible for an eligible individual's care and support, an eligible individual's spouse or designated representative may not be the personal assistant for the eligible individual; however, a personal assistant may include any other adult relative of the eligible individual, provided, however, that the program determines that the services provided by such relative are consistent with an individual's plan of care and that the aggregate cost for such services does not exceed the aggregate costs for equivalent services provided by a non-relative personal assistant. Such individuals shall be assisted as appropriate with service coverage, supervision, advocacy and management. Providers shall not be liable for fulfillment of responsibilities agreed to be undertaken by the eligible individual. These requirements, however, shall not diminish the participating provider's liability for failure to exercise reasonable care in properly carrying out its responsibilities under this program, which shall include monitoring such individual's continuing ability to fulfill those responsibilities documented in his or her records. Failure of the individual to carry out his or her agreed to responsibilities may be considered in determining such individual's continued appropriateness for the program;

And, further, all agencies or individuals who meet the qualifications to provide home health, personal care or nursing services and who elect to provide such services to persons receiving medical assistance may participate in the program. Any agency or individuals providing services under a patient managed home care program authorized under the former section thirty-six hundred twenty-two of the public health law or the former sections three hundred sixty-five-f of the social services law may continue to provide such services;

And, further, "fiscal intermediary" shall mean:

- (i) an entity that has a contract with the department of health to provide fiscal intermediary services; or
- (ii) an entity authorized by the commissioner upon application with a history of providing fiscal intermediary services that:
  - (A) is a service center for independent living under section one thousand one

hundred and twenty-one of the education law; or

- (B) has experience providing fiscal intermediary services for persons with disabilities, in accordance with such criteria as the department may develop, as demonstrated by having a continuous history of arrangements with local departments of social services beginning no later than January 1, 2012.

An application for authorization as a fiscal intermediary as referenced herein shall be filed with the commissioner, together with such other forms and information as shall be prescribed by, or acceptable to the commissioner.

Fiscal intermediary services shall include the following services, performed on behalf of the consumer to facilitate his or her role as the employer:

- (i) wage and benefit processing for consumer directed personal assistants;
- (ii) processing all income tax and other required wage withholdings;
- (iii) complying with workers' compensation, disability and unemployment requirements;
- (iv) maintaining personnel records for each consumer directed personal assistant, including time sheets and other documentation needed for wages and benefit processing and a copy of the medical documentation required pursuant to regulations established by the commissioner;
- (v) ensuring that the health status of each consumer directed personal assistant is assessed prior to service delivery pursuant to regulations issued by the commissioner;
- (vi) maintaining records of service authorizations or reauthorizations;
- (vii) monitoring the consumer's or, if applicable, the designated representative's continuing ability to fulfill the consumer's responsibilities under the program and promptly notifying the authorizing entity of any circumstance that may affect the consumer's or, if applicable, the designated representative's ability to fulfill such responsibilities;
- (viii) complying with regulations established by the commissioner specifying the responsibilities of fiscal intermediaries providing services under the social services law; and
- (ix) entering into a department approved memorandum of understanding with the consumer that describes the parties' responsibilities under this program.

Fiscal intermediaries are not responsible for, and fiscal intermediary services shall not include, fulfillment of the responsibilities of the consumer or, if applicable, the consumer's designated representative as established by the

commissioner. A fiscal intermediary's responsibilities shall not include, and a fiscal intermediary shall not engage in: managing the plan of care including recruiting and hiring a sufficient number of individuals who meet the definition of consumer directed personal assistant, as such term is defined by the commissioner, to provide authorized services that are included on the consumer's plan of care; training, supervising and scheduling each consumer directed personal assistant; terminating the consumer directed personal assistant's employment; or assuring that each consumer directed personal assistant competently and safely performs the personal care services, home health aide services and skilled nursing tasks that are included on the consumer's plan of care. A fiscal intermediary shall exercise reasonable care in properly carrying out its responsibilities under the program.

Notwithstanding any inconsistent provision of sections one hundred twelve and one hundred sixty-three of the state finance law, or section one hundred forty-two of the economic development law, or any other law, the commissioner is authorized to enter into a contract or with an entity or entities without a competitive bid or request for proposal process, provided, however, that:

- (i) the department shall post on its website, for a period of no less than thirty days:
  - (A) a description of the proposed services to be provided pursuant to the contract or contracts;
  - (B) the criteria for selection of a contractor or contractors;
  - (C) the period of time during which a prospective contractor may seek selection, which shall be no less than thirty days after such information is first posted on the website; and
  - (D) the manner by which a prospective contractor may seek such selection, which may include submission by electronic means;
- (ii) all reasonable and responsive submissions that are received from prospective contractors in timely fashion shall be reviewed by the commissioner; and
- (iii) the commissioner shall select such contractor or contractors that, in his or her discretion, are best suited to serve the purposes established herein;

And, further, a fiscal intermediary's authorization as described above may be revoked, suspended, limited or annulled upon thirty day's written notice to the fiscal intermediary, if the commissioner finds that the fiscal intermediary has failed to comply with the provisions established herein or regulations promulgated hereunder. Notwithstanding the

foregoing, upon determining that the public health or safety would be imminently endangered by the continued authorization of the fiscal intermediary, the commissioner may revoke, suspend, limit or annul the fiscal intermediary's authorization immediately.

All such orders or determinations shall be subject to review as provided in article seventy-eight of the civil practice law and rules;

And, further, the commissioner may, subject to the approval of the director of budget, file for such federal waivers as may be needed for the implementation of the program.

(b) Notwithstanding any other provision of law, the commissioner is authorized to waive any provision of section three hundred sixty-seven-b of the social services law related to payment and may promulgate regulations necessary to carry out the objectives of the program, and which describe the responsibilities of the eligible individuals in arranging and paying for services and the protections assured such individuals if they are unable or no longer desire to continue in the program;

And, further, notwithstanding any inconsistent provision above or any other contrary provision of law, managed care programs established pursuant to section three hundred sixty-four-j of the social services law and managed long term care plans and other care coordination models established pursuant to section four thousand four hundred three-f of the public health law shall offer consumer directed personal assistance programs to enrollees;

And, further, notwithstanding any inconsistent provision above or any other contrary provision of law, the foregoing provisions shall only be available if the commissioner of health determines that there is adequate federal financial participation to fund expenditures for such programs and/or entities incurred under the provisions herein;

And, further, subject to the availability of federal financial participation, the foregoing provisions governing consumer directed personal assistance services shall also apply to such services when offered under the home and community-based attendant services and supports state plan option (Community First Choice) pursuant to 42 U.S.C. § 1396n(k);"

and insert

"for the purposes of section 365-f of the social services law, the term "fiscal intermediary" shall mean an entity that provides fiscal intermediary services and

has a contract for providing such services with the department of health and is selected through a procurement process described below, or by authorization upon application in accordance with such criteria as the department may develop together with such other forms and information prescribed by, or acceptable to, the commissioner. Eligible applicants for such authorization shall be limited to entities that: (A) are a service center for independent living under section 1121 one of the education law; or (B) have a history of providing fiscal intermediary services for persons with disabilities, as demonstrated by having a continuous history of arrangements with local departments of social services beginning no later than January 1, 2012.

And, further, notwithstanding any inconsistent provision of sections one 112 and 163 of the state finance law, or section 142 of the economic development law, or any other law, the commissioner is authorized to enter into a contract or contracts with an entity or entities without a competitive bid or request for proposal process, provided, however, that:

- (i) the department shall post on its website, for a period of no less than thirty days:
  - (A) a description of the proposed services to be provided pursuant to the contract or contracts;
  - (B) the criteria for selection of a contractor or contractors;
  - (C) the period of time during which a prospective contractor may seek selection, which shall be no less than thirty days after such information is first posted on the website; and
  - (D) the manner by which a prospective contractor may seek such selection, which may include submission by electronic means;
- (ii) all reasonable and responsive submissions that are received from prospective contractors in timely fashion shall be reviewed by the commissioner; and
- (iii) the commissioner shall select such contractor or contractors that, in the commissioner's discretion, are best suited to serve the purposes of this section."

Page 514,	Line 36	Strike out and insert	"9,447,761,000" "9,244,044,000"
Page 514,	Line 58,	Strike out and insert	"(35)" "35"
Page 515,	Line 18-19,	Strike out	
		"public health law section 2807-c(b) (35) (xiv)"	

and insert

"subparagraph (xiv) of paragraph (b) of subdivision 35 of section 2807-c of the public health law"

Page 518,	Line 40,	Strike out and insert	"8,701,978,000" "8,441,151,000"
Page 519,	Line 20	Strike out and insert	"(2)" "2"
Page 519,	Line 32,	Strike out and insert	"(2)" "2"
Page 523,	Line 41,	Strike out and insert	"3,258,815,000" "3,231,897,000"
Page 523,	Line 59,	Strike out and insert	"(26819)" "(29572)"
Page 524,	Line 15,	Strike out and insert	"(26819)" "(29573)"
Page 524,	Lines 23-24,	Strike out	
		"paragraphs (i) and (ii) of subdivision (a)"	
		and insert	
		"subparagraphs (i) and (ii) of paragraph (a) of subdivision 34"	
Page 524,	Lines 43-44,	Strike out	
		"paragraphs (iii) and (iv) of subdivision (a)"	
		and insert	
		"subparagraphs (iii) and (iv) of paragraph (a) of subdivision 34"	
Page 525,	Line 57,	Strike out and insert	"98,700,000" "186,700,000"
Page 526,	Line 44,	Strike out and insert	"chapter" "chapters"
Page 529,	Line 14,	Strike out and insert	"42,449,334,000" "41,193,334,000"
Page 530,	Lines 26-27,	Strike out	
		", department of corrections and community supervision"	
Page 531,	Line 38,	Strike out and insert	"(35)" "35"
Page 531,	Lines 60-61,	Strike out	
		"public health law section 2807-c(b)(35)(xiv)"	

and insert

"subparagraph (xiv) of paragraph (b) of subdivision 35 of section 2807-c of the public health law"

Pages 533-539, Lines 52-3, Strike out

"all eligible individuals receiving home care shall be provided notice of the availability of the consumer directed personal assistance program, and no less frequently than annually thereafter, shall have the opportunity to apply for participation in the program. Each social services district shall file an implementation plan with the commissioner of the department of health, which shall be updated annually. Such updates shall be submitted no later than November thirtieth of each year. The plans and updates submitted by districts shall require the approval of the department. Implementation plans shall include district enrollment targets, describe methods for the provision of notice and assistance to interested individuals eligible for enrollment in the program, and shall contain such other information as shall be required by the department. An "eligible individual" is a person who:

- (a) is eligible for long term care and services provided by a certified home health agency, long term home health care program or AIDS home care program authorized pursuant to article thirty-six of the public health law, or is eligible for personal care services provided pursuant to Article 5, Title 11 of the social services law;
- (b) is eligible for medical assistance;
- (c) has been determined by the social services district or an entity certified under article forty-four of the public health law, pursuant to an assessment of the person's appropriateness for the program, conducted with an appropriate long term home health care program, a certified home health agency, or an AIDS home care program or pursuant to the personal care program, as being in need of home care services or private duty nursing and is able and willing or has a designated representative, including a legal guardian able and willing to make informed choices, or a designated relative or other adult who is able and willing to assist in making informed choices, as to the type and quality of services, including but not limited to such services as nursing care, personal care, transportation and respite services; and
- (d) meets such other criteria, as may be established by the commissioner, which are necessary to effectively implement the objectives established herein;

And, further, eligible individuals who elect to participate in the program assume the responsibility for services under such program as mutually agreed to by the eligible individual and provider and as documented in the eligible individual's record, including, but not limited to, recruiting, hiring and supervising their personal assistants. Personal assistant shall mean an adult who provides services to the eligible individual under the eligible individual's instruction, supervision and direction or under the instruction, supervision and direction of the eligible individual's designated representative, provided that a person legally responsible for an eligible individual's care and support, an eligible individual's spouse or designated representative may not be the personal assistant for the eligible individual; however, a personal assistant may include any other adult relative of the eligible individual, provided, however, that the program determines that the services provided by such relative are consistent with an individual's plan of care and that the aggregate cost for such services does not exceed the aggregate costs for equivalent services provided by a non-relative personal assistant. Such individuals shall be assisted as appropriate with service coverage, supervision, advocacy and management. Providers shall not be liable for fulfillment of responsibilities agreed to be undertaken by the eligible individual. These requirements, however, shall not diminish the participating provider's liability for failure to exercise reasonable care in properly carrying out its responsibilities under this program, which shall include monitoring such individual's continuing ability to fulfill those responsibilities documented in his or her records. Failure of the individual to carry out his or her agreed to responsibilities may be considered in determining such individual's continued appropriateness for the program;

And, further, all agencies or individuals who meet the qualifications to provide home health, personal care or nursing services and who elect to provide such services to persons receiving medical assistance may participate in the program. Any agency or individuals providing services under a patient managed home care program authorized under the former section thirty-six hundred twenty-two of the public health law or the former sections three hundred sixty-five-f of the social services law may continue to provide such services;

And, further, "fiscal intermediary" shall mean:

- (i) an entity that has a contract with the department of health to provide fiscal intermediary services; or
- (ii) an entity authorized by the commissioner upon application with a history of providing fiscal intermediary services that:
  - (A) is a service center for independent living under section one thousand one hundred and twenty-one of the education law; or
  - (B) has experience providing fiscal intermediary services for persons with disabilities, in accordance with such criteria as the department may develop, as demonstrated by having a continuous history of arrangements with local departments of social services beginning no later than January 1, 2012.

An application for authorization as a fiscal intermediary as referenced herein shall be filed with the commissioner, together with such other forms and information as shall be prescribed by, or acceptable to the commissioner.

Fiscal intermediary services shall include the following services, performed on behalf of the consumer to facilitate his or her role as the employer:

- (i) wage and benefit processing for consumer directed personal assistants;
- (ii) processing all income tax and other required wage withholdings;
- (iii) complying with workers' compensation, disability and unemployment requirements;
- (iv) maintaining personnel records for each consumer directed personal assistant, including time sheets and other documentation needed for wages and benefit processing and a copy of the medical documentation required pursuant to regulations established by the commissioner;
- (v) ensuring that the health status of each consumer directed personal assistant is assessed prior to service delivery pursuant to regulations issued by the commissioner;
- (vi) maintaining records of service authorizations or reauthorizations;
- (vii) monitoring the consumer's or, if applicable, the designated representative's continuing ability to fulfill the consumer's responsibilities under the program and promptly notifying the authorizing entity of any circumstance that may affect the consumer's or, if applicable, the designated representative's ability to fulfill such responsibilities;
- (viii) complying with regulations established by the commissioner specifying the responsibilities of fiscal intermediaries providing services under the social services law; and

(ix) entering into a department approved memorandum of understanding with the consumer that describes the parties' responsibilities under this program.

Fiscal intermediaries are not responsible for, and fiscal intermediary services shall not include, fulfillment of the responsibilities of the consumer or, if applicable, the consumer's designated representative as established by the commissioner. A fiscal intermediary's responsibilities shall not include, and a fiscal intermediary shall not engage in: managing the plan of care including recruiting and hiring a sufficient number of individuals who meet the definition of consumer directed personal assistant, as such term is defined by the commissioner, to provide authorized services that are included on the consumer's plan of care; training, supervising and scheduling each consumer directed personal assistant; terminating the consumer directed personal assistant's employment; or assuring that each consumer directed personal assistant competently and safely performs the personal care services, home health aide services and skilled nursing tasks that are included on the consumer's plan of care. A fiscal intermediary shall exercise reasonable care in properly carrying out its responsibilities under the program.

Notwithstanding any inconsistent provision of sections one hundred twelve and one hundred sixty-three of the state finance law, or section one hundred forty-two of the economic development law, or any other law, the commissioner is authorized to enter into a contract or with an entity or entities without a competitive bid or request for proposal process, provided, however, that:

- (i) the department shall post on its website, for a period of no less than thirty days:
  - (A) a description of the proposed services to be provided pursuant to the contract or contracts;
  - (B) the criteria for selection of a contractor or contractors;
  - (C) the period of time during which a prospective contractor may seek selection, which shall be no less than thirty days after such information is first posted on the website; and
  - (D) the manner by which a prospective contractor may seek such selection, which may include submission by electronic means;
- (ii) all reasonable and responsive submissions that are received from prospective contractors in timely fashion shall be reviewed by the commissioner; and
- (iii) the commissioner shall select such contractor or contractors that, in his or

her discretion, are best suited to serve the purposes established herein;

And, further, a fiscal intermediary's authorization as described above may be revoked, suspended, limited or annulled upon thirty day's written notice to the fiscal intermediary, if the commissioner finds that the fiscal intermediary has failed to comply with the provisions established herein or regulations promulgated hereunder. Notwithstanding the foregoing, upon determining that the public health or safety would be imminently endangered by the continued authorization of the fiscal intermediary, the commissioner may revoke, suspend, limit or annul the fiscal intermediary's authorization immediately.

All such orders or determinations shall be subject to review as provided in article seventy-eight of the civil practice law and rules;

And, further, the commissioner may, subject to the approval of the director of budget, file for such federal waivers as may be needed for the implementation of the program.

(b) Notwithstanding any other provision of law, the commissioner is authorized to waive any provision of section three hundred sixty-seven-b of the social services law related to payment and may promulgate regulations necessary to carry out the objectives of the program, and which describe the responsibilities of the eligible individuals in arranging and paying for services and the protections assured such individuals if they are unable or no longer desire to continue in the program;

And, further, notwithstanding any inconsistent provision above or any other contrary provision of law, managed care programs established pursuant to section three hundred sixty-four-j of the social services law and managed long term care plans and other care coordination models established pursuant to section four thousand four hundred three-f of the public health law shall offer consumer directed personal assistance programs to enrollees;

And, further, notwithstanding any inconsistent provision above or any other contrary provision of law, the foregoing provisions shall only be available if the commissioner of health determines that there is adequate federal financial participation to fund expenditures for such programs and/or entities incurred under the provisions herein;

And, further, subject to the availability of federal financial participation, the foregoing provisions governing consumer directed personal assistance services shall also apply to such services when

offered under the home and community-based attendant services and supports state plan option (Community First Choice) pursuant to 42 U.S.C. § 1396n(k);"

and insert

"for the purposes of section 365-f of the social services law, the term "fiscal intermediary" shall mean an entity that provides fiscal intermediary services and has a contract for providing such services with the department of health and is selected through a procurement process described below, or by authorization upon application in accordance with such criteria as the department may develop together with such other forms and information prescribed by, or acceptable to, the commissioner. Eligible applicants for such authorization shall be limited to entities that: (A) are a service center for independent living under section 1121 one of the education law; or (B) have a history of providing fiscal intermediary services for persons with disabilities, as demonstrated by having a continuous history of arrangements with local departments of social services beginning no later than January 1, 2012.

And, further, notwithstanding any inconsistent provision of sections one 112 and 163 of the state finance law, or section 142 of the economic development law, or any other law, the commissioner is authorized to enter into a contract or contracts with an entity or entities without a competitive bid or request for proposal process, provided, however, that:

- (i) the department shall post on its website, for a period of no less than thirty days:
  - (A) a description of the proposed services to be provided pursuant to the contract or contracts;
  - (B) the criteria for selection of a contractor or contractors;
  - (C) the period of time during which a prospective contractor may seek selection, which shall be no less than thirty days after such information is first posted on the website; and
  - (D) the manner by which a prospective contractor may seek such selection, which may include submission by electronic means;
- (ii) all reasonable and responsive submissions that are received from prospective contractors in timely fashion shall be reviewed by the commissioner; and
- (iii) the commissioner shall select such contractor or contractors that, in the commissioner's discretion, are best suited to serve the purposes of this section."

Page 540,	Line 6,	Strike out and insert	"(35)" "35"
Page 540,	Lines 28-29,	Strike out  "public health law section 2807-c(b) (35) (xiv)"  and insert  "subparagraph (xiv) of paragraph (b) of subdivision 35 of section 2807-c of the public health law"	
Page 544,	Line 18,	Strike out and insert	"(2)" "2"
Page 544,	Line 30,	Strike out and insert	"(2)" "2"
Page 548,	Lines 24-25,	Strike out  "paragraphs (i) and (ii) of subdivision (a)"  and insert  "subparagraphs (i) and (ii) of paragraph (a) of subdivision 34"	
Page 548,	Lines 44-45,	Strike out  "paragraphs (iii) and (iv) of subdivision (a)"  and insert  "subparagraphs (iii) and (iv) of paragraph (a) of subdivision 34"	
Page 550,	Line 9,	Strike out and insert	"\$22,251,148,000" "\$21,701,148,000"
Page 550,	Line 13,	Strike out and insert	"\$23,256,018,000" "\$22,650,018,000"
Page 550,	Line 17,	Strike out and insert	"\$45,507,166,000" "\$44,351,166,000"
Page 554,	Line 51,	Strike out and insert	"\$22,251,148,000" "\$21,701,148,000"
Page 554,	Line 55,	Strike out and insert	"\$23,256,018,000" "\$22,650,018,000"
Page 554,	Line 59,	Strike out and insert	"\$45,507,166,000" "\$44,351,166,000"
Page 558,	Line 48	Strike out and insert	"7,205,215,000" "7,305,215,000"
Page 559,	Line 39,	Strike out and insert	"7,599,615,000" "7,699,615,000"

Page 560,	Line 8,	Strike out and insert	"\$22,251,148,000" "\$21,701,148,000"
Page 560,	Line 12,	Strike out and insert	"\$23,256,018,000" "\$22,650,018,000"
Page 560,	Line 16,	Strike out and insert	"\$45,507,166,000" "\$44,351,166,000"
Page 575,	Line 28,	Strike out and insert	"\$22,251,148,000" "\$21,701,148,000"
Page 575,	Line 31,	Strike out and insert	"\$23,256,018,000" "\$22,650,018,000"
Page 575,	Line 34,	Strike out and insert	"\$45,507,166,000" "\$44,351,166,000"
Page 582,	Line 37,	Strike out and insert	"\$22,251,148,000" "\$21,701,148,000"
Page 582,	Line 40,	Strike out and insert	"\$23,256,018,000" "\$22,650,018,000"
Page 582,	Line 43,	Strike out and insert	"\$45,507,166,000" "\$44,351,166,000"
Page 600,	Line 10,	Strike out and insert	"\$22,251,148,000" "\$21,701,148,000"
Page 600,	Line 13,	Strike out and insert	"\$23,256,018,000" "\$22,650,018,000"
Page 600,	Line 16,	Strike out and insert	"\$45,507,166,000" "\$44,351,166,000"
Page 603,	Line 10,	Strike out and insert	"\$22,251,148,000" "\$21,701,148,000"
Page 603,	Line 13,	Strike out and insert	"\$23,256,018,000" "\$22,650,018,000"
Page 603,	Line 16,	Strike out and insert	"\$45,507,166,000" "\$44,351,166,000"
Page 606,	Line 38,	Strike out and insert	"\$22,251,148,000" "\$21,701,148,000"
Page 606,	Line 40,	Strike out and insert	"2021" "\$2021"
Page 606,	Line 41,	Strike out and insert	"\$23,256,018,000" "\$22,650,018,000"
Page 606,	Line 44,	Strike out and insert	"\$45,507,166,000" "\$44,351,166,000"

**OFFICE OF INDIGENT LEGAL SERVICES**

Page 648,	Line 5,	Strike out and insert	"county law article 18-B" "article 18-B of the county law"
Page 648,	Lines 14-15,	Strike out and insert	"county law article 18-B" "article 18-B of the county law"
Page 648,	Lines 24-25,	Strike out and insert	"county law article 18-B" "article 18-B of the county law"

**DEPARTMENT OF LABOR**

Page 660,	Line 36,	After "chapter" and before ",", insert	"53"
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**OFFICE OF MENTAL HEALTH**

Page 690,	Line 24,	After "to", insert	"paragraph (c) of"
Page 690	Line 24	After "9", strike out	"(c)"

**DEPARTMENT OF STATE**

Page 732,	Line 27-28,	Strike out	
			"as required by section 159-j of the executive law"

**DIVISION OF VETERANS' AFFAIRS**

Page 789,	Header,	Strike out and insert	"AFFAIRS" "SERVICES"
Page 790,	Header,	Strike out and insert	"AFFAIRS" "SERVICES"
Page 790,	Line 26,	Strike out and insert	"affairs" "services"
Page 791,	Header,	Strike out and insert	"AFFAIRS" "[AFFAIRS] <u>SERVICES</u> "
Page 791,	Lines 42-54,	Strike out	

"For services and expenses of veteran-to-veteran support services. These monies may be used for the following purposes: to support veteran-to-veteran programs maintained by veterans service organizations; to connect veteran defendants to treatment and support services directed by the criminal justice system; to support such treatment and support services; to provide services to support veterans to avoid involvement with the criminal justice system; to support programs providing counseling and advocacy activities for veterans, and to provide assistance in securing linkages at the national, state, and local level. Funds are to be made available pursuant to a plan prepared by the division of veterans' affairs and approved by the director of the budget (54626) ... 1,000,000 ..... (re. \$1,000,000)"

Page 792, Header, Strike out "AFFAIRS"  
and insert "[AFFAIRS] SERVICES"

Page 792, Between lines  
28 and 29, Insert

"For services and expenses of veteran-to-veteran support services. These monies may be used for the following purposes: to support veteran-to-veteran programs maintained by veterans service organizations; to connect veteran defendants to treatment and support services directed by the criminal justice system; to support such treatment and support services; to provide services to support veterans to avoid involvement with the criminal justice system; to support programs providing counseling and advocacy activities for veterans, and to provide assistance in securing linkages at the national, state, and local level.

Funds are to be made available pursuant to a plan prepared by the division of veterans' [affairs] services and approved by the director of the budget (54626) ... 1,000,000 ..... (re. \$1,000,000)"

Page 792, Lines 45-57, Strike out

"For services and expenses of veteran-to-veteran support services. These monies may be used for the following purposes: to support veteran-to-veteran programs maintained by veterans service organizations; to connect veteran defendants to treatment and support services directed by the criminal justice system; to support such treatment and support services; to provide services to support veterans to avoid involvement with the criminal justice system; to support programs providing counseling and advocacy activities for veterans, and to provide assistance in securing linkages at the national, state, and local level.

Funds are to be made available pursuant to a plan prepared by the division of veterans' affairs and approved by the director of the budget (54626) ... 1,000,000 ..... (re. \$1,000,000)"

Page 793, Header, Strike out "AFFAIRS"  
and insert "[AFFAIRS] SERVICES"

Page 793, Between lines  
7 and 8, Insert

"For services and expenses of veteran-to-veteran support services. These monies may be used for the following purposes: to support veteran-to-veteran programs maintained by veterans service organizations; to connect veteran defendants to treatment and support services directed by the criminal justice system; to support such treatment and support services; to provide services to support veterans to avoid involvement with the criminal justice system; to support programs providing counseling and advocacy activities for veterans, and to provide assistance in securing linkages at the national, state, and local level.

Funds are to be made available pursuant to a plan prepared by the division of veterans' [affairs] services and approved by the director of the budget (54626) ... 1,000,000 ..... (re. \$1,000,000)"

**OFFICE OF VICTIM SERVICES**

Page 796, Line 5, Strike out "(19906)"  
and Insert "(19900)"

**MISCELLANEOUS - ALL STATE DEPARTMENTS AND AGENCIES**

**LOCAL GOVERNMENT ASSISTANCE**

Page 806,	Line 56,	Strike out and insert	"511,000" "\$511,000"
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**NATIONAL AND COMMUNITY SERVICE**

Page 810,	Line 5,	Strike out and insert	"350,000" "432,000"
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Page 810,	Line 7,	Strike out and insert	"350,000" "432,000"
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Page 810,	Line 12,	Strike out and insert	"350,000" "432,000"
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Page 810,	Line 33,	Strike out and insert	"350,000" "432,000"
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