

DRAFT LBDC

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

AN ACT to amend the public health law, in relation to changing the name of the physically handicapped children's program to the children and youth with special health care needs support services program (Part );

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

1 PART \_\_\_\_

2 Section 1. Subdivision 1 of section 356 of the public health law, as  
3 amended by chapter 163 of the laws of 1975, is amended to read as  
4 follows:

5 1. The legislative body of each county having a population of less  
6 than one hundred fifty thousand according to the nineteen hundred seven-  
7 ty federal decennial census or the legislative body of any county whose  
8 population shall be less than one hundred fifty thousand under any  
9 future federal decennial census, except a county in which a county or  
10 part-county health district has been established under this article or a  
11 county having a county charter, optional or alternative form of govern-  
12 ment, shall constitute the board of health of such county and shall have  
13 all the powers and duties of a board of health of a county or part-coun-  
14 ty health district including the power to appoint a full-time or part-  
15 time county health director. The county health director may serve as  
16 director of the [physically handicapped children's] children and youth  
17 with special health care needs support services program and may employ  
18 such persons as shall be necessary to enable [him] the county health

1 director to carry into effect the orders and regulations of the board of  
2 health and the provisions of this chapter and of the sanitary code, and  
3 fix their compensation within the limits of the appropriation therefor.  
4 The members of a [legislative] legislative body shall not receive addi-  
5 tional compensation by reason of serving as members of a board of  
6 health. The county health director, so appointed, shall have all the  
7 powers and duties prescribed in section three hundred fifty-two of this  
8 [article] title.

9 § 2. The section heading and subdivisions 1 and 2 of section 608 of  
10 the public health law, as added by chapter 901 of the laws of 1986, are  
11 amended to read as follows:

12 State aid; [physically handicapped children] children and youth with  
13 special health care needs support services. 1. Whenever the commission-  
14 er of health of any county or part-county health district or, in a coun-  
15 ty lacking a county or part-county health district, the medical director  
16 of the [physically handicapped children's] children and youth with  
17 special health care needs support services program, or the department of  
18 health of the city of New York, issues an authorization for medical  
19 service for a [physically handicapped] child with physical disabilities,  
20 such county or the city of New York shall be granted state aid in an  
21 amount of fifty per centum of the amount expended in accordance with the  
22 rules and regulations established by the commissioner, except that such  
23 state aid reimbursement may be withheld if, on post-audit and review,  
24 the commissioner finds that the medical service rendered and furnished  
25 was not in conformance with a plan submitted by the municipality and  
26 with the rules and regulations established by the commissioner or that  
27 the recipient of the medical service was not a [physically handicapped]

1 child with a physical disability as defined in section two thousand five  
2 hundred eighty-one of this chapter.

3 2. Whenever a court of any county issues an order for medical services  
4 for any [physically handicapped] Indian child with a physical  
5 disability, residing on an Indian reservation, such county shall be  
6 granted state aid in the amount of one hundred percent of the amount  
7 expended in accordance with the standards established by the commission-  
8 er. Such reimbursement shall be made from any funds appropriated to the  
9 department for payment of state aid for [care of physically handicapped]  
10 children with physical disabilities.

11 § 3. Subdivision 10 of section 2511 of the public health law, as  
12 amended by chapter 2 of the laws of 1998, is amended to read as follows:

13 10. Notwithstanding any other law or agreement to the contrary, and  
14 except in the case of a child or children who also becomes eligible for  
15 medical assistance, benefits under this title shall be considered  
16 secondary to any other plan of insurance or benefit program, except the  
17 [physically handicapped children's] children and youth with special  
18 health care needs support services program and the early intervention  
19 program, under which an eligible child may have coverage.

20 § 4. This act shall take effect immediately.