

STATE OF NEW YORK

S. 9007--A

A. 10007--A

SENATE - ASSEMBLY

January 21, 2026

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend part H of chapter 59 of the laws of 2011 amending the public health law and other laws relating to general hospital reimbursement for annual rates, in relation to quarterly assessment of known and projected department of health state fund medicaid expenditures (Part A); to amend chapter 165 of the laws of 1991, amending the public health law and other laws relating to establishing payments for medical assistance, in relation to the effectiveness thereof; to amend chapter 710 of the laws of 1988, amending the social services law and the education law relating to medical assistance eligibility of certain persons and providing for managed medical care demonstration programs, in relation to the effectiveness thereof; to amend chapter 904 of the laws of 1984, amending the public health law and the social services law relating to encouraging comprehensive health services, in relation to the effectiveness thereof; to amend part X2 of chapter 62 of the laws of 2003, amending the public health law relating to allowing for the use of funds of the office of professional medical conduct for activities of the patient health information and quality improvement act of 2000, in relation to the effectiveness thereof; to amend part H of chapter 59 of the laws of 2011, amending the public health law relating to the statewide health information network of New York and the statewide planning and research cooperative system and general powers and duties, in relation to the effectiveness thereof; to amend part A of chapter 58 of the laws of 2008, amending the elder law and other laws relating to reimbursement to participating provider pharmacies and prescription drug coverage, in relation to the effectiveness thereof; to amend chapter 81 of the laws of 1995, amending the public health law and other laws relating

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [] is old law to be omitted.

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to medical reimbursement and welfare reform, in relation to the effectiveness thereof; to amend the social services law, in relation to the effectiveness of certain provisions relating to negotiation of supplemental rebates relating to medication assisted treatment; to amend part B of chapter 57 of the laws of 2015, amending the social services law and other laws relating to supplemental rebates, in relation to the effectiveness thereof; to amend part KK of chapter 56 of the laws of 2020, amending the public health law relating to the designation of statewide general hospital quality and sole community pools and the reduction of capital related inpatient expenses, in relation to the effectiveness thereof; to amend chapter 779 of the laws of 1986, amending the social services law relating to authorizing services for non-residents in adult homes, residences for adults and enriched housing programs, in relation to the effectiveness thereof; to amend part R of chapter 59 of the laws of 2016, amending the public health law and the education law relating to electronic prescriptions, in relation to the effectiveness thereof; to amend the public health law, in relation to amending and extending the voluntary indigent care pool; to amend part H of chapter 57 of the laws of 2019, amending the public health law relating to waiver of certain regulations, in relation to the effectiveness thereof; to amend part C of chapter 57 of the laws of 2022, amending the public health law and the education law relating to allowing pharmacists to direct limited service laboratories and order and administer COVID-19 and influenza tests and modernizing nurse practitioners, in relation to the effectiveness thereof; to amend chapter 21 of the laws of 2011, amending the education law relating to authorizing pharmacists to perform collaborative drug therapy management with physicians in certain settings, in relation to the effectiveness thereof; to amend chapter 520 of the laws of 2024, amending the education law and the public health law relating to amending physician assistant practice standards, in relation to the effectiveness thereof; to amend part V of chapter 57 of the laws of 2022, amending the public health law and the insurance law relating to reimbursement for commercial and Medicaid services provided via telehealth, in relation to the effectiveness thereof; and to amend part II of chapter 54 of the laws of 2016 amending part C of chapter 58 of the laws of 2005 relating to authorizing reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and administration thereof, in relation to the effectiveness thereof; and to amend part C of chapter 57 of the laws of 2018, amending the social services law and the public health law relating to health homes and the penalties for managed care providers, in relation to the effectiveness thereof (Part B); to amend the public health law, in relation to extending certain provisions relating to the distribution of pool allocations; to amend part A3 of chapter 62 of the laws of 2003 amending the public health law and other laws relating to enacting major components necessary to implement the state fiscal plan for the 2003-04 state fiscal year, in relation to extending the effectiveness of provisions thereof; to amend the New York Health Care Reform Act of 1996, in relation to extending certain provisions relating thereto; to amend the New York Health Care Reform Act of 2000, in relation to extending the effectiveness of provisions thereof; to amend the public health law and the state finance law, in relation to making technical corrections; to amend the public health law, in relation to extending certain provisions relating to health care initiative pool distributions; to



amend the social services law, in relation to extending payment provisions for general hospitals; to amend the public health law, in relation to extending certain provisions relating to the assessments on covered lives; and to repeal certain provisions of section 2807-m of the public health law, relating to the distribution of the professional education pools (Part C); to amend chapter 266 of the laws of 1986 amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, in relation to insurance coverage paid for by funds from the hospital excess liability pool and extending the effectiveness of certain provisions thereof; to amend part J of chapter 63 of the laws of 2001 amending chapter 266 of the laws of 1986 amending the civil practice law and rules and other laws relating to malpractice and professional medical conduct, in relation to extending certain provisions concerning the hospital excess liability pool; and to amend part H of chapter 57 of the laws of 2017 amending the New York Health Care Reform Act of 1996 and other laws relating to extending certain provisions relating thereto, in relation to extending provisions relating to excess coverage (Part D); to repeal certain provisions of the social services law relating to adult living programs for adult care facilities and enriched housing in adult care facilities; and to repeal certain provisions of the public health law relating to the tick-borne disease institute; and to repeal certain provisions of such law relating to compliance plans regarding the working conditions and hours for certain employees and trainees in general hospitals (Part E); to amend the state finance law, in relation to approval to spend moneys of the Percy T. Phillips educational foundation of the Dental Society of the state of New York fund; to amend part JJ of chapter 57 of the laws of 2025 amending the public health law relating to reporting pregnancy losses and clarifying which agencies are responsible for such reports, in relation to the effectiveness thereof; to amend part P of chapter 57 of the laws of 2025 amending the public health law relating to requiring hospitals to provide stabilizing care to pregnant individuals, in relation to the effectiveness thereof; to amend the public health law, in relation to making technical corrections thereto; to amend the social services law, in relation to the look-back period for medical assistance; and to amend the insurance law, in relation to referencing the continuing care retirement community council (Part F); to amend the public health law, in relation to modifying definitions related to automated external defibrillators (AEDs), designating the department of health as the entity that may authorize the acquisition of AEDs, modifying requirements for public access defibrillation providers, and establishing requirements that providers of AEDs notify the receivers of their responsibilities (Part G); to amend the public health law, in relation to requirements for notices of material transactions (Part H); to amend the public health law, in relation to Medical Indemnity Fund reimbursement rates (Part I); to amend the public health law, in relation to temporary health care services agencies (Part J); to amend the public health law, in relation to approval to operate a mobile integrated and community paramedicine program; to amend chapter 137 of the laws of 2023 amending the public health law relating to establishing a community-based paramedicine demonstration program, in relation to the effectiveness thereof; to amend the public health law, in relation to the definition of "emergency medical service"; to amend the education law, in relation to authorizing certified nurse practitioners and licensed physicians to prescribe and order a non-patient

specific regimen for administering immunizations to an emergency medical services practitioner; and to amend the public health law, in relation to extending hospital services outside the facility and into patients' residences (Part K); to amend the public health law, in relation to restoring prior enacted nursing home capital rate reductions; and to amend the social services law, in relation to premiums for the Medicaid buy-in for working persons with disabilities (Part L); to amend the social services law, in relation to the amount payable for certain services provided to eligible persons who are also eligible for medical assistance or are also qualified medicare beneficiaries; to amend the public health law, in relation to extending the cooling off period for health maintenance organization plan contracts with hospitals from two months to one hundred twenty days; to amend the social services law, in relation to clarifying Medicaid requirements for biomarker testing; and to repeal certain provisions of such laws relating thereto (Part M); to amend education law and the public health law, in relation to the scope and practice of medical assistants (Subpart A); to amend the education law and the public health law, in relation to the scope of practice of certified nurse aides; and providing for the repeal of such provisions upon the expiration thereof (Subpart B); to amend the education law, the vehicle and traffic law, and the judiciary law, in relation to authorizing qualified health care providers acting in their scope of practice to evaluate certain health issues (Subpart C); to amend the education law and the public health law, in relation to transferring all functions, powers, duties, obligations and appropriations relating to the governance of certain healthcare professions; to amend the business corporation law, the limited liability company law, the partnership law, the social services law, and the administrative code of the city of New York, in relation to making conforming changes; to repeal article 131-A of the education law and certain provisions of such law and the public health law relating thereto (Subpart D); and to amend the education law and the public health law, in relation to the performance of medical services by physician assistants (Subpart E) (Part N); to amend chapter 57 of the laws of 2022 providing a one percent across the board payment increase to all qualifying fee-for-service Medicaid rates, in relation to hospital and nursing home fee-for-service reimbursement rates (Part O); establishing a state fiscal year 2026-2027 targeted inflationary increase to be applied to certain portions of reimbursable costs or contract amounts for certain programs and services (Part P); to amend the mental hygiene law, the social services law and the public health law, in relation to integrated behavioral health services (Part Q); to amend the insurance law and the public health law, in relation to substance-related and addictive disorder services (Part R); to repeal subdivision 10 of section 553 of the executive law, relating to the requirement that the justice center administer an adult home and residence for adults resident advocacy program (Part S); to amend part ZZ of chapter 56 of the laws of 2020 amending the tax law and the social services law relating to certain Medicaid management, in relation to the effectiveness thereof; and to amend the public health law, in relation to minimum amounts of certain state aid for the city of New York (Part T); and to amend chapter 56 of the laws of 2013 amending the public health law and other laws relating to general hospital reimbursement for annual rates, in relation to extending government rates for behavioral services and referencing the office of addiction services and supports; to amend part H of chapter



111 of the laws of 2010 relating to increasing Medicaid payments to providers through managed care organizations and providing equivalent fees through an ambulatory patient group methodology, in relation to extending government rates for behavioral services referencing the office of addiction services and supports and in relation to the effectiveness thereof (Part U)

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

1 Section 1. This act enacts into law major components of legislation
2 necessary to implement the state health and mental hygiene budget for
3 the 2026-2027 state fiscal year. Each component is wholly contained
4 within a Part identified as Parts A through U. The effective date for
5 each particular provision contained within such Part is set forth in the
6 last section of such Part. Any provision in any section contained within
7 a Part, including the effective date of the Part, which makes a refer-
8 ence to a section "of this act", when used in connection with that
9 particular component, shall be deemed to mean and refer to the corre-
10 sponding section of the Part in which it is found. Section three of this
11 act sets forth the general effective date of this act.

12

PART A

13 Section 1. Paragraph (a) of subdivision 1 of section 92 of part H of
14 chapter 59 of the laws of 2011, amending the public health law and other
15 laws relating to general hospital reimbursement for annual rates, as
16 amended by section 1 of part A of chapter 57 of the laws of 2025, is
17 amended to read as follows:

18 (a) For state fiscal years 2011-12 through [2026-27] 2027-28, the
19 director of the budget, in consultation with the commissioner of health
20 referenced as "commissioner" for purposes of this section, shall assess
21 on a quarterly basis, as reflected in quarterly reports pursuant to
22 subdivision five of this section known and projected department of
23 health state funds medicaid expenditures by category of service and by
24 geographic regions, as defined by the commissioner.

25 § 2. This act shall take effect immediately and shall be deemed to
26 have been in full force and effect on and after April 1, 2026.

27

PART B

28 Section 1. Subdivision (c) of section 62 of chapter 165 of the laws of
29 1991, amending the public health law and other laws relating to estab-
30 lishing payments for medical assistance, as amended by section 9 of part
31 GG of chapter 56 of the laws of 2020, is amended to read as follows:

32 (c) section 364-j of the social services law, as amended by section
33 eight of this act and subdivision 6 of section 367-a of the social
34 services law as added by section twelve of this act shall expire and be
35 deemed repealed on March 31, [2026] 2032 and provided further, that the
36 amendments to the provisions of section 364-j of the social services law
37 made by section eight of this act shall only apply to managed care
38 programs approved on or after the effective date of this act;

39 § 2. Section 11 of chapter 710 of the laws of 1988, amending the
40 social services law and the education law relating to medical assistance
41 eligibility of certain persons and providing for managed medical care

1 demonstration programs, as amended by section 10 of part GG of chapter
2 56 of the laws of 2020, is amended to read as follows:

3 § 11. This act shall take effect immediately; except that the
4 provisions of sections one, two, three, four, eight and ten of this act
5 shall take effect on the ninetieth day after it shall have become a law;
6 and except that the provisions of sections five, six and seven of this
7 act shall take effect January 1, 1989; and except that effective imme-
8 diately, the addition, amendment and/or repeal of any rule or regulation
9 necessary for the implementation of this act on its effective date are
10 authorized and directed to be made and completed on or before such
11 effective date; provided, however, that the provisions of section 364-j
12 of the social services law, as added by section one of this act shall
13 expire and be deemed repealed on and after March 31, [2026] 2032, the
14 provisions of section 364-k of the social services law, as added by
15 section two of this act, except subdivision 10 of such section, shall
16 expire and be deemed repealed on and after January 1, 1994, and the
17 provisions of subdivision 10 of section 364-k of the social services
18 law, as added by section two of this act, shall expire and be deemed
19 repealed on January 1, 1995.

20 § 3. Section 18 of chapter 904 of the laws of 1984, amending the
21 public health law and the social services law relating to encouraging
22 comprehensive health services, as amended by section 16 of part B of
23 chapter 57 of the laws of 2023, is amended to read as follows:

24 § 18. This act shall take effect immediately, except that sections
25 six, nine, ten and eleven of this act shall take effect on the sixtieth
26 day after it shall have become a law, sections two, three, four and nine
27 of this act shall expire and be of no further force or effect on or
28 after March 31, [2026] 2029, section two of this act shall take effect
29 on April 1, 1985 or seventy-five days following the submission of the
30 report required by section one of this act, whichever is later, and
31 sections eleven and thirteen of this act shall expire and be of no
32 further force or effect on or after March 31, 1988.

33 § 4. Section 4 of part X2 of chapter 62 of the laws of 2003, amending
34 the public health law relating to allowing for the use of funds of the
35 office of professional medical conduct for activities of the patient
36 health information and quality improvement act of 2000, as amended by
37 section 17 of part B of chapter 57 of the laws of 2023, is amended to
38 read as follows:

39 § 4. This act shall take effect immediately[; provided that the
40 provisions of section one of this act shall be deemed to have been in
41 full force and effect on and after April 1, 2003, and shall expire March
42 31, 2026 when upon such date the provisions of such section shall be
43 deemed repealed].

44 § 5. Subdivision (o) of section 111 of part H of chapter 59 of the
45 laws of 2011, amending the public health law relating to the statewide
46 health information network of New York and the statewide planning and
47 research cooperative system and general powers and duties, as amended by
48 section 18 of part B of chapter 57 of the laws of 2023, is amended to
49 read as follows:

50 (o) sections thirty-eight and thirty-eight-a of this act shall expire
51 and be deemed repealed March 31, [2026] 2029;

52 § 6. Section 32 of part A of chapter 58 of the laws of 2008, amending
53 the elder law and other laws relating to reimbursement to participating
54 provider pharmacies and prescription drug coverage, as amended by
55 section 19 of part B of chapter 57 of the laws of 2023, is amended to
56 read as follows:

1 § 32. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2008; provided
3 however, that sections one, six-a, nineteen, twenty, twenty-four, and
4 twenty-five of this act shall take effect July 1, 2008; provided however
5 that sections sixteen, seventeen and eighteen of this act shall expire
6 April 1, [2026] 2029; provided, however, that the amendments made by
7 section twenty-eight of this act shall take effect on the same date as
8 section 1 of chapter 281 of the laws of 2007 takes effect; provided
9 further, that sections twenty-nine, thirty, and thirty-one of this act
10 shall take effect October 1, 2008; provided further, that section twen-
11 ty-seven of this act shall take effect January 1, 2009; and provided
12 further, that section twenty-seven of this act shall expire and be
13 deemed repealed March 31, [2026] 2029; and provided, further, however,
14 that the amendments to subdivision 1 of section 241 of the education law
15 made by section twenty-nine of this act shall not affect the expiration
16 of such subdivision and shall be deemed to expire therewith and provided
17 that the amendments to section 272 of the public health law made by
18 section thirty of this act shall not affect the repeal of such section
19 and shall be deemed repealed therewith.

20 § 7. Paragraph (f) of subdivision 1 of section 64 of chapter 81 of the
21 laws of 1995, amending the public health law and other laws relating to
22 medical reimbursement and welfare reform, as amended by section 21 of
23 part B of chapter 57 of the laws of 2023, is amended to read as follows:

24 (f) Prior to February 1, 2001, February 1, 2002, February 1, 2003,
25 February 1, 2004, February 1, 2005, February 1, 2006, February 1, 2007,
26 February 1, 2008, February 1, 2009, February 1, 2010, February 1, 2011,
27 February 1, 2012, February 1, 2013, February 1, 2014, February 1, 2015,
28 February 1, 2016, February 1, 2017, February 1, 2018, February 1, 2019,
29 February 1, 2020, February 1, 2021, February 1, 2022 , February 1, 2023,
30 February 1, 2024, February 1, 2025 [and], February 1, 2026, and for each
31 year thereafter, prior to February 1, the commissioner of health shall
32 calculate the result of the statewide total of residential health care
33 facility days of care provided to beneficiaries of title XVIII of the
34 federal social security act (medicare), divided by the sum of such days
35 of care plus days of care provided to residents eligible for payments
36 pursuant to title 11 of article 5 of the social services law minus the
37 number of days provided to residents receiving hospice care, expressed
38 as a percentage, for the period commencing January 1, through November
39 30, of the prior year respectively, based on such data for such period.
40 This value shall be called the 2000, 2001, 2002, 2003, 2004, 2005, 2006,
41 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018,
42 2019, 2020, 2021, 2022, 2023, 2024, 2025 [and], 2026, and for each year
43 thereafter, the corresponding year's statewide target percentage respec-
44 tively.

45 § 8. Subparagraph (ii) of paragraph (b) of subdivision 3 of section 64
46 of chapter 81 of the laws of 1995, amending the public health law and
47 other laws relating to medical reimbursement and welfare reform, as
48 amended by section 22 of part B of chapter 57 of the laws of 2023, is
49 amended to read as follows:

50 (ii) If the 1997, 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006,
51 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018,
52 2019, 2020, 2021, 2022, 2023, 2024, 2025 [and], 2026, and corresponding
53 year statewide target percentages for each year thereafter are not for
54 each year at least three percentage points higher than the statewide
55 base percentage, the commissioner of health shall determine the percent-
56 age by which the statewide target percentage for each year is not at

1 least three percentage points higher than the statewide base percentage.
2 The percentage calculated pursuant to this paragraph shall be called the
3 1997, 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009,
4 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021,
5 2022, 2023, 2024, 2025 [and], 2026, and for each year thereafter, the
6 statewide reduction percentage for the corresponding year, respectively.
7 If the 1997, 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008,
8 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020,
9 2021, 2022, 2023, 2024, 2025 [and], 2026, and for each year thereafter
10 statewide target percentage for the respective year is at least three
11 percentage points higher than the statewide base percentage, the state-
12 wide reduction percentage for the respective year shall be zero.

13 § 9. Subparagraph (iii) of paragraph (b) of subdivision 4 of section
14 64 of chapter 81 of the laws of 1995, amending the public health law and
15 other laws relating to medical reimbursement and welfare reform, as
16 amended by section 23 of part B of chapter 57 of the laws of 2023, is
17 amended to read as follows:

18 (iii) The 1998, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008,
19 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020,
20 2021, 2022, 2023, 2024, 2025 [and], 2026, and for each year thereafter,
21 the annual statewide reduction percentage shall be multiplied by one
22 hundred two million dollars respectively to determine the 1998, 2000,
23 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012,
24 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024,
25 2025 [and], 2026, and for each year thereafter, the annual statewide
26 aggregate reduction amount. If the 1998 and the 2000, 2001, 2002, 2003,
27 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015,
28 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 [and], 2026,
29 and for each year thereafter, the annual statewide reduction percentage
30 shall be zero respectively, there shall be no 1998, 2000, 2001, 2002,
31 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014,
32 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 [and],
33 2026, and any year thereafter reduction amount.

34 § 10. The opening paragraph of paragraph (e) of subdivision 7 of
35 section 367-a of the social services law, as amended by section 5 of
36 part I of chapter 57 of the laws of 2024, is amended to read as follows:

37 During the period from April first, two thousand fifteen through March
38 thirty-first, two thousand [twenty-six] twenty-nine, the commissioner
39 may, in lieu of a managed care provider or pharmacy benefit manager,
40 negotiate directly and enter into an arrangement with a pharmaceutical
41 manufacturer for the provision of supplemental rebates relating to phar-
42 maceutical utilization by enrollees of managed care providers pursuant
43 to section three hundred sixty-four-j of this title and may also negoti-
44 ate directly and enter into such an agreement relating to pharmaceutical
45 utilization by medical assistance recipients not so enrolled. Such
46 rebate arrangements shall be limited to the following: antiretrovirals
47 approved by the FDA for the treatment of HIV/AIDS, accelerated approval
48 drugs established pursuant to this paragraph, opioid dependence agents
49 and opioid antagonists listed in a statewide formulary established
50 pursuant to subparagraph (vii) of this paragraph, hepatitis C agents,
51 high cost drugs as provided for in subparagraph (viii) of this para-
52 graph, gene therapies as provided for in subparagraph (ix) of this para-
53 graph, and any other class or drug designated by the commissioner for
54 which the pharmaceutical manufacturer has in effect a rebate arrangement
55 with the federal secretary of health and human services pursuant to 42
56 U.S.C. § 1396r-8, and for which the state has established standard clin-

1 ical criteria. No agreement entered into pursuant to this paragraph
2 shall have an initial term or be extended beyond the expiration or
3 repeal of this paragraph. For purposes of this paragraph, an "acceler-
4 ated approval" is a drug or labeled indication of a drug authorized by
5 the Federal Food, Drug and Cosmetic Act for drugs approved under Subpart
6 H of 21 CFR Part 314 and Subpart E of 21 CFR Part 601 for serious condi-
7 tions that fill an unmet medical need based on whether the drug has an
8 effect on a surrogate clinical endpoint, and is pending verification of
9 clinical benefit in confirmatory trials.

10 § 11. Subdivision 1 of section 60 of part B of chapter 57 of the laws
11 of 2015, amending the social services law and other laws relating to
12 supplemental rebates, as amended by section 25 of part B of chapter 57
13 of the laws of 2023, is amended to read as follows:

14 1. section one of this act shall expire and be deemed repealed March
15 31, [2029] 2032;

16 § 12. Section 8 of part KK of chapter 56 of the laws of 2020, amending
17 the public health law relating to the designation of statewide general
18 hospital quality and sole community pools and the reduction of capital
19 related inpatient expenses, as amended by section 26 of part B of chap-
20 ter 57 of the laws of 2023, is amended to read as follows:

21 § 8. This act shall take effect immediately and shall be deemed to
22 have been in full force and effect on and after April 1, 2020, provided,
23 further that sections four through seven of this act shall expire and be
24 deemed repealed March 31, [2026] 2029; provided further, however, that
25 the director of the budget may, in consultation with the commissioner of
26 health, delay the effective dates prescribed herein for a period of time
27 which shall not exceed ninety days following the conclusion or termi-
28 nation of an executive order issued pursuant to section 28 of the execu-
29 tive law declaring a state disaster emergency for the entire state of
30 New York, upon such delay the director of budget shall notify the chairs
31 of the assembly ways and means committee and senate finance committee
32 and the chairs of the assembly and senate health committee; provided
33 further, however, that the director of the budget shall notify the
34 legislative bill drafting commission upon the occurrence of a delay in
35 the effective date of this act in order that the commission may maintain
36 an accurate and timely effective data base of the official text of the
37 laws of the state of New York in furtherance of effectuating the
38 provisions of section 44 of the legislative law and section 70-b of the
39 public officers law.

40 § 13. Section 4 of chapter 779 of the laws of 1986, amending the
41 social services law relating to authorizing services for non-residents
42 in adult homes, residences for adults and enriched housing programs, as
43 amended by section 28 of part B of chapter 57 of the laws of 2023, is
44 amended to read as follows:

45 § 4. This act shall take effect on the one hundred twentieth day after
46 it shall have become a law and shall remain in full force and effect
47 until July 1, [2026] 2029, provided however, that effective immediately,
48 the addition, amendment and/or repeal of any rules or regulations neces-
49 sary for the implementation of the foregoing sections of this act on its
50 effective date are authorized and directed to be made and completed on
51 or before such effective date.

52 § 14. Section 9 of part R of chapter 59 of the laws of 2016, amending
53 the public health law and the education law relating to electronic
54 prescriptions, as amended by section 35-b of part B of chapter 57 of the
55 laws of 2023, is amended to read as follows:

1 § 9. This act shall take effect immediately; provided however, that
2 sections one and two of this act shall take effect on the first of June
3 next succeeding the date on which it shall have become a law and shall
4 expire and be deemed repealed June 1, [2026] 2029.

5 § 15. Subdivision 5-d of section 2807-k of the public health law, as
6 amended by section 1 of part E of chapter 57 of the laws of 2023, clause
7 (A) of subparagraph (ii) of paragraph (b) as amended by section 2 of
8 part D of chapter 57 of the laws of 2025, is amended to read as follows:

9 5-d. (a) Notwithstanding any inconsistent provision of this section,
10 section twenty-eight hundred seven-w of this article or any other
11 contrary provision of law, and subject to the availability of federal
12 financial participation, for periods on and after January first, two
13 thousand twenty, through [March] December thirty-first, two thousand
14 [twenty-six] twenty-nine, all funds available for distribution pursuant
15 to this section, except for funds distributed pursuant to paragraph (b)
16 of subdivision five-b of this section, and all funds available for
17 distribution pursuant to section twenty-eight hundred seven-w of this
18 article, shall be reserved and set aside and distributed in accordance
19 with the provisions of this subdivision.

20 (b) The commissioner shall promulgate regulations, and may promulgate
21 emergency regulations, establishing methodologies for the distribution
22 of funds as described in paragraph (a) of this subdivision and such
23 regulations shall include, but not be limited to, the following:

24 (i) Such regulations shall establish methodologies for determining
25 each facility's relative uncompensated care need amount based on unin-
26 sured inpatient and outpatient units of service from the cost reporting
27 year two years prior to the distribution year, multiplied by the appli-
28 cable medicaid rates in effect January first of the distribution year,
29 as summed and adjusted by a statewide cost adjustment factor and reduced
30 by the sum of all payment amounts collected from such uninsured
31 patients, and as further adjusted by application of a nominal need
32 computation that shall take into account each facility's medicaid inpa-
33 tient share.

34 (ii) Annual distributions pursuant to such regulations for the two
35 thousand twenty through two thousand [twenty-five] twenty-nine calendar
36 years shall be in accord with the following:

37 (A) (1) one hundred thirty-nine million four hundred thousand dollars
38 shall be distributed as Medicaid Disproportionate Share Hospital ("DSH")
39 payments to major public general hospitals;

40 (2) for the calendar years two thousand twenty-five and thereafter,
41 the total distributions to major public general hospitals shall be
42 subject to an aggregate reduction of one hundred thirteen million four
43 hundred thousand dollars annually, provided that general hospitals oper-
44 ated by the New York city health and hospitals corporation as estab-
45 lished by chapter one thousand sixteen of the laws of nineteen hundred
46 sixty-nine, as amended, shall not receive distributions pursuant to this
47 subdivision; and

48 (B) nine hundred sixty-nine million nine hundred thousand dollars as
49 Medicaid DSH payments to eligible general hospitals, other than major
50 public general hospitals.

51 For the calendar years two thousand twenty through two thousand twen-
52 ty-two, the total distributions to eligible general hospitals, other
53 than major public general hospitals, shall be subject to an aggregate
54 reduction of one hundred fifty million dollars annually, provided that
55 eligible general hospitals, other than major public general hospitals,
56 that qualify as enhanced safety net hospitals under section two thousand

1 eight hundred seven-c of this article shall not be subject to such
2 reduction.

3 For the calendar years two thousand twenty-three through two thousand
4 [twenty-five] twenty-nine, the total distributions to eligible general
5 hospitals, other than major public general hospitals, shall be subject
6 to an aggregate reduction of two hundred thirty-five million four
7 hundred thousand dollars annually, provided that eligible general hospi-
8 tals, other than major public general hospitals that qualify as enhanced
9 safety net hospitals under section two thousand eight hundred seven-c of
10 this article as of April first, two thousand twenty, shall not be
11 subject to such reduction.

12 Such reductions shall be determined by a methodology to be established
13 by the commissioner. Such methodologies may take into account the payor
14 mix of each non-public general hospital, including the percentage of
15 inpatient days paid by Medicaid.

16 (iii) For calendar years two thousand twenty through two thousand
17 [twenty-five] twenty-nine, sixty-four million six hundred thousand
18 dollars shall be distributed to eligible general hospitals, other than
19 major public general hospitals, that experience a reduction in indigent
20 care pool payments pursuant to this subdivision, and that qualify as
21 enhanced safety net hospitals under section two thousand eight hundred
22 seven-c of this article as of April first, two thousand twenty. Such
23 distribution shall be established pursuant to regulations promulgated by
24 the commissioner and shall be proportional to the reduction experienced
25 by the facility.

26 (iv) Such regulations shall reserve one percent of the funds available
27 for distribution in the two thousand fourteen and two thousand fifteen
28 calendar years, and for calendar years thereafter, pursuant to this
29 subdivision, subdivision fourteen-f of section twenty-eight hundred
30 seven-c of this article, and sections two hundred eleven and two hundred
31 twelve of chapter four hundred seventy-four of the laws of nineteen
32 hundred ninety-six, in a "financial assistance compliance pool" and
33 shall establish methodologies for the distribution of such pool funds to
34 facilities based on their level of compliance, as determined by the
35 commissioner, with the provisions of subdivision nine-a of this section.

36 (c) The commissioner shall annually report to the governor and the
37 legislature on the distribution of funds under this subdivision includ-
38 ing, but not limited to:

39 (i) the impact on safety net providers, including community providers,
40 rural general hospitals and major public general hospitals;

41 (ii) the provision of indigent care by units of services and funds
42 distributed by general hospitals; and

43 (iii) the extent to which access to care has been enhanced.

44 § 16. Section 7 of part H of chapter 57 of the laws of 2019, amending
45 the public health law relating to waiver of certain regulations, as
46 amended by section 10 of part B of chapter 57 of the laws of 2024, is
47 amended to read as follows:

48 § 7. This act shall take effect immediately and shall be deemed to
49 have been in full force and effect on and after April 1, 2019, provided,
50 however, that section two of this act shall expire on April 1, [2026]
51 2028.

52 § 17. Section 8 of part C of chapter 57 of the laws of 2022, amending
53 the public health law and the education law relating to allowing pharma-
54 cists to direct limited service laboratories and order and administer
55 COVID-19 and influenza tests and modernizing nurse practitioners, as

1 amended by section 1 of part P of chapter 57 of the laws of 2024, is
2 amended to read as follows:

3 § 8. This act shall take effect immediately and shall be deemed to
4 have been in full force and effect on and after April 1, 2022[;
5 provided, however, that sections one, two, three, four, six and seven of
6 this act shall expire and be deemed repealed July 1, 2026].

7 § 18. Section 5 of chapter 21 of the laws of 2011, amending the educa-
8 tion law relating to authorizing pharmacists to perform collaborative
9 drug therapy management with physicians in certain settings, as amended
10 by section 2 of part P of chapter 57 of the laws of 2024, is amended to
11 read as follows:

12 § 5. This act shall take effect on the one hundred twentieth day after
13 it shall have become a law[, provided, however, that the provisions of
14 sections two, three, and four of this act shall expire and be deemed
15 repealed July 1, 2026]; provided, however, that the amendments to subdi-
16 vision 1 of section 6801 of the education law made by section one of
17 this act shall be subject to the expiration and reversion of such subdi-
18 vision pursuant to section 8 of chapter 563 of the laws of 2008, when
19 upon such date the provisions of section one-a of this act shall take
20 effect; provided, further, that effective immediately, the addition,
21 amendment and/or repeal of any rule or regulation necessary for the
22 implementation of this act on its effective date are authorized and
23 directed to be made and completed on or before such effective date.

24 § 19. Section 4 of chapter 520 of the laws of 2024, amending the
25 education law and the public health law relating to amending physician
26 assistant practice standards, is amended to read as follows:

27 § 4. This act shall take effect three months after it shall have
28 become a law[; provided, however, that paragraph (1) of subdivision 7 of
29 section 6542 of the education law, as added by section one of this act,
30 shall expire and be deemed repealed July 1, 2026]. Effective immediate-
31 ly, the state education department and the department of health are
32 authorized to promulgate, amend and/or repeal any rule or regulation
33 necessary for the implementation of section one of this act on or before
34 such effective date.

35 § 20. Section 7 of part V of chapter 57 of the laws of 2022, amending
36 the public health law and the insurance law relating to reimbursement
37 for commercial and Medicaid services provided via telehealth, as amended
38 by section 5 of part B of chapter 57 of the laws of 2024, is amended to
39 read as follows:

40 § 7. This act shall take effect immediately and shall be deemed to
41 have been in full force and effect on and after April 1, 2022; provided,
42 however, this act shall expire and be deemed repealed on and after April
43 1, [2026] 2028.

44 § 21. Section 2 of part II of chapter 54 of the laws of 2016 amending
45 part C of chapter 58 of the laws of 2005 relating to authorizing
46 reimbursements for expenditures made by or on behalf of social services
47 districts for medical assistance for needy persons and administration
48 thereof, as amended by section 8 of part B of chapter 57 of the laws of
49 2024, is amended to read as follows:

50 § 2. This act shall take effect immediately and shall expire and be
51 deemed repealed March 31, [2026] 2028.

52 § 22. Section 8 of part C of chapter 57 of the laws of 2018, amending
53 the social services law and the public health law relating to health
54 homes and penalties for managed care providers, as amended by section 2
55 of part QQ of chapter 57 of the laws of 2022, is amended to read as
56 follows:

1 § 8. Notwithstanding any inconsistent provision of sections 112 and
2 163 of the state finance law, or sections 142 and 143 of the economic
3 development law, or any other contrary provision of law, excepting the
4 13 responsible vendor requirements of the state finance law, including,
5 but not limited to, sections 163 and 139-k of the state finance law, the
6 commissioner of health is authorized to amend or otherwise extend the
7 terms of a contract awarded prior to the effective date and entered into
8 pursuant to subdivision 24 of section 206 of the public health law, as
9 added by section 39 of part C of chapter 58 of the laws of 2008, without
10 a competitive bid or request for proposal process, upon determination
11 that the existing contractor is qualified to continue to provide such
12 services, and provided that efficiency savings are achieved during the
13 period of extension; and provided, further, that the department of
14 health shall submit a request for applications for such contract during
15 the time period specified in this section and may terminate the contract
16 identified herein prior to expiration of the extension authorized by
17 this section. Contracts entered into, amended, or extended pursuant to
18 this section shall not remain in force beyond August 19, [2026] 2027.

19 § 23. This act shall take effect immediately and shall be deemed to
20 have been in full force and effect on and after April 1, 2026; provided,
21 however, that the amendments to the opening paragraph of paragraph (e)
22 of subdivision 7 of section 367-a of the social services law made by
23 section ten of this act shall not affect the repeal of such paragraph
24 and shall be deemed repealed therewith.

25

PART C

26 Section 1. Section 34 of part A3 of chapter 62 of the laws of 2003
27 amending the public health law and other laws relating to enacting major
28 components necessary to implement the state fiscal plan for the 2003-04
29 state fiscal year, as amended by section 1 of part C of chapter 57 of
30 the laws of 2023, is amended to read as follows:

31 § 34. (1) Notwithstanding any inconsistent provision of law, rule or
32 regulation and effective April 1, 2008 through March 31, [2026] 2029,
33 the commissioner of health is authorized to transfer and the state comp-
34 troller is authorized and directed to receive for deposit to the credit
35 of the department of health's special revenue fund - other, health care
36 reform act (HCRA) resources fund - 061, provider collection monitoring
37 account, within amounts appropriated each year, those funds collected
38 and accumulated pursuant to section 2807-v of the public health law,
39 including income from invested funds, for the purpose of payment for
40 administrative costs of the department of health related to adminis-
41 tration of statutory duties for the collections and distributions
42 authorized by section 2807-v of the public health law.

43 (2) Notwithstanding any inconsistent provision of law, rule or regu-
44 lation and effective April 1, 2008 through March 31, [2026] 2029, the
45 commissioner of health is authorized to transfer and the state comp-
46 troller is authorized and directed to receive for deposit to the credit
47 of the department of health's special revenue fund - other, health care
48 reform act (HCRA) resources fund - 061, provider collection monitoring
49 account, within amounts appropriated each year, those funds collected
50 and accumulated and interest earned through surcharges on payments for
51 health care services pursuant to section 2807-s of the public health law
52 and from assessments pursuant to section 2807-t of the public health law
53 for the purpose of payment for administrative costs of the department of
54 health related to administration of statutory duties for the collections



1 and distributions authorized by sections 2807-s, 2807-t, and 2807-m of
2 the public health law.

3 (3) Notwithstanding any inconsistent provision of law, rule or regu-
4 lation and effective April 1, 2008 through March 31, [2026] 2029, the
5 commissioner of health is authorized to transfer and the comptroller is
6 authorized to deposit, within amounts appropriated each year, those
7 funds authorized for distribution in accordance with the provisions of
8 paragraph (a) of subdivision 1 of section 2807-1 of the public health
9 law for the purposes of payment for administrative costs of the depart-
10 ment of health related to the child health insurance plan program
11 authorized pursuant to title 1-A of article 25 of the public health law
12 into the special revenue funds - other, health care reform act (HCRA)
13 resources fund - 061, child health insurance account, established within
14 the department of health.

15 (5) Notwithstanding any inconsistent provision of law, rule or regu-
16 lation and effective April 1, 2008 through March 31, [2026] 2029, the
17 commissioner of health is authorized to transfer and the comptroller is
18 authorized to deposit, within amounts appropriated each year, those
19 funds allocated pursuant to paragraph (j) of subdivision 1 of section
20 2807-v of the public health law for the purpose of payment for adminis-
21 trative costs of the department of health related to administration of
22 the state's tobacco control programs and cancer services provided pursu-
23 ant to sections 2807-r and 1399-ii of the public health law into such
24 accounts established within the department of health for such purposes.

25 (6) Notwithstanding any inconsistent provision of law, rule or regu-
26 lation and effective April 1, 2008 through March 31, [2026] 2029, the
27 commissioner of health is authorized to transfer and the comptroller is
28 authorized to deposit, within amounts appropriated each year, the funds
29 authorized for distribution in accordance with the provisions of section
30 2807-1 of the public health law for the purposes of payment for adminis-
31 trative costs of the department of health related to the programs funded
32 pursuant to section 2807-1 of the public health law into the special
33 revenue funds - other, health care reform act (HCRA) resources fund -
34 061, pilot health insurance account, established within the department
35 of health.

36 (7) Notwithstanding any inconsistent provision of law, rule or regu-
37 lation and effective April 1, 2008 through March 31, [2026] 2029, the
38 commissioner of health is authorized to transfer and the comptroller is
39 authorized to deposit, within amounts appropriated each year, those
40 funds authorized for distribution in accordance with the provisions of
41 subparagraph (ii) of paragraph (f) of subdivision 19 of section 2807-c
42 of the public health law from monies accumulated and interest earned in
43 the bad debt and charity care and capital statewide pools through an
44 assessment charged to general hospitals pursuant to the provisions of
45 subdivision 18 of section 2807-c of the public health law and those
46 funds authorized for distribution in accordance with the provisions of
47 section 2807-1 of the public health law for the purposes of payment for
48 administrative costs of the department of health related to programs
49 funded under section 2807-1 of the public health law into the special
50 revenue funds - other, health care reform act (HCRA) resources fund -
51 061, primary care initiatives account, established within the department
52 of health.

53 (8) Notwithstanding any inconsistent provision of law, rule or regu-
54 lation and effective April 1, 2008 through March 31, [2026] 2029, the
55 commissioner of health is authorized to transfer and the comptroller is
56 authorized to deposit, within amounts appropriated each year, those

1 funds authorized for distribution in accordance with section 2807-1 of
2 the public health law for the purposes of payment for administrative
3 costs of the department of health related to programs funded under
4 section 2807-1 of the public health law into the special revenue funds -
5 other, health care reform act (HCRA) resources fund - 061, health care
6 delivery administration account, established within the department of
7 health.

8 (9) Notwithstanding any inconsistent provision of law, rule or regu-
9 lation and effective April 1, 2008 through March 31, [2026] 2029, the
10 commissioner of health is authorized to transfer and the comptroller is
11 authorized to deposit, within amounts appropriated each year, those
12 funds authorized pursuant to sections 2807-d, 3614-a and 3614-b of the
13 public health law and section 367-i of the social services law and for
14 distribution in accordance with the provisions of subdivision 9 of
15 section 2807-j of the public health law for the purpose of payment for
16 administration of statutory duties for the collections and distributions
17 authorized by sections 2807-c, 2807-d, 2807-j, 2807-k, 2807-l, 3614-a
18 and 3614-b of the public health law and section 367-i of the social
19 services law into the special revenue funds - other, health care reform
20 act (HCRA) resources fund - 061, provider collection monitoring account,
21 established within the department of health.

22 § 2. Subparagraphs (iv) and (v) of paragraph (a) of subdivision 9 of
23 section 2807-j of the public health law, as amended by section 2 of part
24 C of chapter 57 of the laws of 2023, are amended to read as follows:

25 (iv) seven hundred sixty-five million dollars annually of the funds
26 accumulated for the periods January first, two thousand through December
27 thirty-first, two thousand [twenty five] ~~twenty-eight~~, and

28 (v) one hundred ninety-one million two hundred fifty thousand dollars
29 of the funds accumulated for the period January first, two thousand
30 [twenty-six] ~~twenty-nine~~ through March thirty-first, two thousand [twen-
31 ty-six] ~~twenty-nine~~.

32 § 3. Subdivision 5 of section 168 of chapter 639 of the laws of 1996,
33 constituting the New York Health Care Reform Act of 1996, as amended by
34 section 3 of part C of chapter 57 of the laws of 2023, is amended to
35 read as follows:

36 5. sections 2807-c, 2807-j, 2807-s and 2807-t of the public health
37 law, as amended or as added by this act, shall expire on December 31,
38 [2026] 2029, and shall be thereafter effective only in respect to any
39 act done on or before such date or action or proceeding arising out of
40 such act including continued collections of funds from assessments and
41 allowances and surcharges established pursuant to sections 2807-c,
42 2807-j, 2807-s and 2807-t of the public health law, and administration
43 and distributions of funds from pools established pursuant to sections
44 2807-c, 2807-j, 2807-k, 2807-l, 2807-m, 2807-s and 2807-t of the public
45 health law related to patient services provided before December 31,
46 [2026] 2029, and continued expenditure of funds authorized for programs
47 and grants until the exhaustion of funds therefor;

48 § 4. Subdivision 1 of section 138 of chapter 1 of the laws of 1999,
49 constituting the New York Health Care Reform Act of 2000, as amended by
50 section 4 of part C of chapter 57 of the laws of 2023, is amended to
51 read as follows:

52 1. sections 2807-c, 2807-j, 2807-s, and 2807-t of the public health
53 law, as amended by this act, shall expire on December 31, [2026] 2029,
54 and shall be thereafter effective only in respect to any act done before
55 such date or action or proceeding arising out of such act including
56 continued collections of funds from assessments and allowances and

1 surcharges established pursuant to sections 2807-c, 2807-j, 2807-s and
2 2807-t of the public health law, and administration and distributions of
3 funds from pools established pursuant to sections 2807-c, 2807-j,
4 2807-k, 2807-l, 2807-m, 2807-s, 2807-t, 2807-v and 2807-w of the public
5 health law, as amended or added by this act, related to patient services
6 provided before December 31, [2026] 2029, and continued expenditure of
7 funds authorized for programs and grants until the exhaustion of funds
8 therefor;

9 § 5. Section 2807-1 of the public health law, as amended by section 5
10 of part C of chapter 57 of the laws of 2023, is amended to read as
11 follows:

12 § 2807-1. Health care initiatives pool distributions. 1. Funds accumu-
13 lated in the health care initiatives pools pursuant to paragraph (b) of
14 subdivision nine of section twenty-eight hundred seven-j of this arti-
15 cle, or the health care reform act (HCRA) resources fund established
16 pursuant to section ninety-two-dd of the state finance law, whichever is
17 applicable, including income from invested funds, shall be distributed
18 or retained by the commissioner or by the state comptroller, as applica-
19 ble, in accordance with the following.

20 (a) Funds shall be reserved and accumulated from year to year and
21 shall be available, including income from invested funds, for purposes
22 of distributions to programs to provide health care coverage for unin-
23 sured or underinsured children pursuant to sections twenty-five hundred
24 ten and twenty-five hundred eleven of this chapter from the respective
25 health care initiatives pools established for the following periods in
26 the following amounts:

27 (i) from the pool for the period January first, nineteen hundred nine-
28 ty-seven through December thirty-first, nineteen hundred ninety-seven,
29 up to one hundred twenty million six hundred thousand dollars;

30 (ii) from the pool for the period January first, nineteen hundred
31 ninety-eight through December thirty-first, nineteen hundred ninety-
32 eight, up to one hundred sixty-four million five hundred thousand
33 dollars;

34 (iii) from the pool for the period January first, nineteen hundred
35 ninety-nine through December thirty-first, nineteen hundred ninety-nine,
36 up to one hundred eighty-one million dollars;

37 (iv) from the pool for the period January first, two thousand through
38 December thirty-first, two thousand, two hundred seven million dollars;

39 (v) from the pool for the period January first, two thousand one
40 through December thirty-first, two thousand one, two hundred thirty-five
41 million dollars;

42 (vi) from the pool for the period January first, two thousand two
43 through December thirty-first, two thousand two, three hundred twenty-
44 four million dollars;

45 (vii) from the pool for the period January first, two thousand three
46 through December thirty-first, two thousand three, up to four hundred
47 fifty million three hundred thousand dollars;

48 (viii) from the pool for the period January first, two thousand four
49 through December thirty-first, two thousand four, up to four hundred
50 sixty million nine hundred thousand dollars;

51 (ix) from the pool or the health care reform act (HCRA) resources
52 fund, whichever is applicable, for the period January first, two thou-
53 sand five through December thirty-first, two thousand five, up to one
54 hundred fifty-three million eight hundred thousand dollars;

55 (x) from the health care reform act (HCRA) resources fund for the
56 period January first, two thousand six through December thirty-first,

1 two thousand six, up to three hundred twenty-five million four hundred
2 thousand dollars;

3 (xi) from the health care reform act (HCRA) resources fund for the
4 period January first, two thousand seven through December thirty-first,
5 two thousand seven, up to four hundred twenty-eight million fifty-nine
6 thousand dollars;

7 (xii) from the health care reform act (HCRA) resources fund for the
8 period January first, two thousand eight through December thirty-first,
9 two thousand ten, up to four hundred fifty-three million six hundred
10 seventy-four thousand dollars annually;

11 (xiii) from the health care reform act (HCRA) resources fund for the
12 period January first, two thousand eleven, through March thirty-first,
13 two thousand eleven, up to one hundred thirteen million four hundred
14 eighteen thousand dollars;

15 (xiv) from the health care reform act (HCRA) resources fund for the
16 period April first, two thousand eleven, through March thirty-first, two
17 thousand twelve, up to three hundred twenty-four million seven hundred
18 forty-four thousand dollars;

19 (xv) from the health care reform act (HCRA) resources fund for the
20 period April first, two thousand twelve, through March thirty-first, two
21 thousand thirteen, up to three hundred forty-six million four hundred
22 forty-four thousand dollars;

23 (xvi) from the health care reform act (HCRA) resources fund for the
24 period April first, two thousand thirteen, through March thirty-first,
25 two thousand fourteen, up to three hundred seventy million six hundred
26 ninety-five thousand dollars; and

27 (xvii) from the health care reform act (HCRA) resources fund for each
28 state fiscal year for periods on and after April first, two thousand
29 fourteen, within amounts appropriated.

30 (b) Funds shall be reserved and accumulated from year to year and
31 shall be available, including income from invested funds, for purposes
32 of distributions for health insurance programs under the individual
33 subsidy programs established pursuant to the expanded health care cover-
34 age act of nineteen hundred eighty-eight as amended, and for evaluation
35 of such programs from the respective health care initiatives pools or
36 the health care reform act (HCRA) resources fund, whichever is applica-
37 ble, established for the following periods in the following amounts:

38 (i) (A) an amount not to exceed six million dollars on an annualized
39 basis for the periods January first, nineteen hundred ninety-seven
40 through December thirty-first, nineteen hundred ninety-nine; up to six
41 million dollars for the period January first, two thousand through
42 December thirty-first, two thousand; up to five million dollars for the
43 period January first, two thousand one through December thirty-first,
44 two thousand one; up to four million dollars for the period January
45 first, two thousand two through December thirty-first, two thousand two;
46 up to two million six hundred thousand dollars for the period January
47 first, two thousand three through December thirty-first, two thousand
48 three; up to one million three hundred thousand dollars for the period
49 January first, two thousand four through December thirty-first, two
50 thousand four; up to six hundred seventy thousand dollars for the period
51 January first, two thousand five through June thirtieth, two thousand
52 five; up to one million three hundred thousand dollars for the period
53 April first, two thousand six through March thirty-first, two thousand
54 seven; and up to one million three hundred thousand dollars annually for
55 the period April first, two thousand seven through March thirty-first,

1 two thousand nine, shall be allocated to individual subsidy programs;
2 and

3 (B) an amount not to exceed seven million dollars on an annualized
4 basis for the periods during the period January first, nineteen hundred
5 ninety-seven through December thirty-first, nineteen hundred ninety-nine
6 and four million dollars annually for the periods January first, two
7 thousand through December thirty-first, two thousand two, and three
8 million dollars for the period January first, two thousand three through
9 December thirty-first, two thousand three, and two million dollars for
10 the period January first, two thousand four through December thirty-
11 first, two thousand four, and two million dollars for the period January
12 first, two thousand five through June thirtieth, two thousand five shall
13 be allocated to the catastrophic health care expense program.

14 (ii) Notwithstanding any law to the contrary, the characterizations of
15 the New York state small business health insurance partnership program
16 as in effect prior to June thirtieth, two thousand three, voucher
17 program as in effect prior to December thirty-first, two thousand one,
18 individual subsidy program as in effect prior to June thirtieth, two
19 thousand five, and catastrophic health care expense program, as in
20 effect prior to June thirtieth, two thousand five, may, for the purposes
21 of identifying matching funds for the community health care conversion
22 demonstration project described in a waiver of the provisions of title
23 XIX of the federal social security act granted to the state of New York
24 and dated July fifteenth, nineteen hundred ninety-seven, may continue to
25 be used to characterize the insurance programs in sections four thousand
26 three hundred twenty-one-a, four thousand three hundred twenty-two-a,
27 four thousand three hundred twenty-six and four thousand three hundred
28 twenty-seven of the insurance law, which are successor programs to these
29 programs.

30 (c) Up to seventy-eight million dollars shall be reserved and accumu-
31 lated from year to year from the pool for the period January first,
32 nineteen hundred ninety-seven through December thirty-first, nineteen
33 hundred ninety-seven, for purposes of public health programs, up to
34 seventy-six million dollars shall be reserved and accumulated from year
35 to year from the pools for the periods January first, nineteen hundred
36 ninety-eight through December thirty-first, nineteen hundred ninety-
37 eight and January first, nineteen hundred ninety-nine through December
38 thirty-first, nineteen hundred ninety-nine, up to eighty-four million
39 dollars shall be reserved and accumulated from year to year from the
40 pools for the period January first, two thousand through December thir-
41 ty-first, two thousand, up to eighty-five million dollars shall be
42 reserved and accumulated from year to year from the pools for the period
43 January first, two thousand one through December thirty-first, two thou-
44 sand one, up to eighty-six million dollars shall be reserved and accumu-
45 lated from year to year from the pools for the period January first, two
46 thousand two through December thirty-first, two thousand two, up to
47 eighty-six million one hundred fifty thousand dollars shall be reserved
48 and accumulated from year to year from the pools for the period January
49 first, two thousand three through December thirty-first, two thousand
50 three, up to fifty-eight million seven hundred eighty thousand dollars
51 shall be reserved and accumulated from year to year from the pools for
52 the period January first, two thousand four through December thirty-
53 first, two thousand four, up to sixty-eight million seven hundred thirty
54 thousand dollars shall be reserved and accumulated from year to year
55 from the pools or the health care reform act (HCRA) resources fund,
56 whichever is applicable, for the period January first, two thousand five



1 through December thirty-first, two thousand five, up to ninety-four
2 million three hundred fifty thousand dollars shall be reserved and accu-
3 mulated from year to year from the health care reform act (HCRA)
4 resources fund for the period January first, two thousand six through
5 December thirty-first, two thousand six, up to seventy million nine
6 hundred thirty-nine thousand dollars shall be reserved and accumulated
7 from year to year from the health care reform act (HCRA) resources fund
8 for the period January first, two thousand seven through December thir-
9 ty-first, two thousand seven, up to fifty-five million six hundred
10 eighty-nine thousand dollars annually shall be reserved and accumulated
11 from year to year from the health care reform act (HCRA) resources fund
12 for the period January first, two thousand eight through December thir-
13 ty-first, two thousand ten, up to thirteen million nine hundred twenty-
14 two thousand dollars shall be reserved and accumulated from year to year
15 from the health care reform act (HCRA) resources fund for the period
16 January first, two thousand eleven through March thirty-first, two thou-
17 sand eleven, and for periods on and after April first, two thousand
18 eleven, up to funding amounts specified below and shall be available,
19 including income from invested funds, for:

20 (i) deposit by the commissioner, within amounts appropriated, and the
21 state comptroller is hereby authorized and directed to receive for
22 deposit to, to the credit of the department of health's special revenue
23 fund - other, hospital based grants program account or the health care
24 reform act (HCRA) resources fund, whichever is applicable, for purposes
25 of services and expenses related to general hospital based grant
26 programs, up to twenty-two million dollars annually from the nineteen
27 hundred ninety-seven pool, nineteen hundred ninety-eight pool, nineteen
28 hundred ninety-nine pool, two thousand pool, two thousand one pool and
29 two thousand two pool, respectively, up to twenty-two million dollars
30 from the two thousand three pool, up to ten million dollars for the
31 period January first, two thousand four through December thirty-first,
32 two thousand four, up to eleven million dollars for the period January
33 first, two thousand five through December thirty-first, two thousand
34 five, up to twenty-two million dollars for the period January first, two
35 thousand six through December thirty-first, two thousand six, up to
36 twenty-two million ninety-seven thousand dollars annually for the period
37 January first, two thousand seven through December thirty-first, two
38 thousand ten, up to five million five hundred twenty-four thousand
39 dollars for the period January first, two thousand eleven through March
40 thirty-first, two thousand eleven, up to thirteen million four hundred
41 forty-five thousand dollars for the period April first, two thousand
42 eleven through March thirty-first, two thousand twelve, and up to thir-
43 teen million three hundred seventy-five thousand dollars each state
44 fiscal year for the period April first, two thousand twelve through
45 March thirty-first, two thousand fourteen;

46 (ii) deposit by the commissioner, within amounts appropriated, and the
47 state comptroller is hereby authorized and directed to receive for
48 deposit to, to the credit of the emergency medical services training
49 account established in section ninety-seven-q of the state finance law
50 or the health care reform act (HCRA) resources fund, whichever is appli-
51 cable, up to sixteen million dollars on an annualized basis for the
52 periods January first, nineteen hundred ninety-seven through December
53 thirty-first, nineteen hundred ninety-nine, up to twenty million dollars
54 for the period January first, two thousand through December thirty-
55 first, two thousand, up to twenty-one million dollars for the period
56 January first, two thousand one through December thirty-first, two thou-

1 sand one, up to twenty-two million dollars for the period January first,
2 two thousand two through December thirty-first, two thousand two, up to
3 twenty-two million five hundred fifty thousand dollars for the period
4 January first, two thousand three through December thirty-first, two
5 thousand three, up to nine million six hundred eighty thousand dollars
6 for the period January first, two thousand four through December thir-
7 ty-first, two thousand four, up to twelve million one hundred thirty
8 thousand dollars for the period January first, two thousand five through
9 December thirty-first, two thousand five, up to twenty-four million two
10 hundred fifty thousand dollars for the period January first, two thou-
11 sand six through December thirty-first, two thousand six, up to twenty
12 million four hundred ninety-two thousand dollars annually for the period
13 January first, two thousand seven through December thirty-first, two
14 thousand ten, up to five million one hundred twenty-three thousand
15 dollars for the period January first, two thousand eleven through March
16 thirty-first, two thousand eleven, up to eighteen million three hundred
17 fifty thousand dollars for the period April first, two thousand eleven
18 through March thirty-first, two thousand twelve, up to eighteen million
19 nine hundred fifty thousand dollars for the period April first, two
20 thousand twelve through March thirty-first, two thousand thirteen, up to
21 nineteen million four hundred nineteen thousand dollars for the period
22 April first, two thousand thirteen through March thirty-first, two thou-
23 sand fourteen, and up to nineteen million six hundred fifty-nine thou-
24 sand seven hundred dollars each state fiscal year for the period of
25 April first, two thousand fourteen through March thirty-first, two thou-
26 sand [twenty-six] twenty-nine;

27 (iii) priority distributions by the commissioner up to thirty-two
28 million dollars on an annualized basis for the period January first, two
29 thousand through December thirty-first, two thousand four, up to thir-
30 ty-eight million dollars on an annualized basis for the period January
31 first, two thousand five through December thirty-first, two thousand
32 six, up to eighteen million two hundred fifty thousand dollars for the
33 period January first, two thousand seven through December thirty-first,
34 two thousand seven, up to three million dollars annually for the period
35 January first, two thousand eight through December thirty-first, two
36 thousand ten, up to seven hundred fifty thousand dollars for the period
37 January first, two thousand eleven through March thirty-first, two thou-
38 sand eleven, up to two million nine hundred thousand dollars each state
39 fiscal year for the period April first, two thousand eleven through
40 March thirty-first, two thousand fourteen, and up to two million nine
41 hundred thousand dollars each state fiscal year for the period April
42 first, two thousand fourteen through March thirty-first, two thousand
43 [twenty-six] twenty-nine to be allocated (A) for the purposes estab-
44 lished pursuant to subparagraph (ii) of paragraph (f) of subdivision
45 nineteen of section twenty-eight hundred seven-c of this article as in
46 effect on December thirty-first, nineteen hundred ninety-six and as may
47 thereafter be amended, up to fifteen million dollars annually for the
48 periods January first, two thousand through December thirty-first, two
49 thousand four, up to twenty-one million dollars annually for the period
50 January first, two thousand five through December thirty-first, two
51 thousand six, and up to seven million five hundred thousand dollars for
52 the period January first, two thousand seven through March thirty-first,
53 two thousand seven;

54 (B) pursuant to a memorandum of understanding entered into by the
55 commissioner, the majority leader of the senate and the speaker of the
56 assembly, for the purposes outlined in such memorandum upon the recom-

1 mendation of the majority leader of the senate, up to eight million
2 five hundred thousand dollars annually for the period January first, two
3 thousand through December thirty-first, two thousand six, and up to four
4 million two hundred fifty thousand dollars for the period January first,
5 two thousand seven through June thirtieth, two thousand seven, and for
6 the purposes outlined in such memorandum upon the recommendation of the
7 speaker of the assembly, up to eight million five hundred thousand
8 dollars annually for the periods January first, two thousand through
9 December thirty-first, two thousand six, and up to four million two
10 hundred fifty thousand dollars for the period January first, two thou-
11 sand seven through June thirtieth, two thousand seven; and

12 (C) for services and expenses, including grants, related to emergency
13 assistance distributions as designated by the commissioner. Notwith-
14 standing section one hundred twelve or one hundred sixty-three of the
15 state finance law or any other contrary provision of law, such distrib-
16 utions shall be limited to providers or programs where, as determined by
17 the commissioner, emergency assistance is vital to protect the life or
18 safety of patients, to ensure the retention of facility caregivers or
19 other staff, or in instances where health facility operations are jeop-
20 arized, or where the public health is jeopardized or other emergency
21 situations exist, up to three million dollars annually for the period
22 April first, two thousand seven through March thirty-first, two thousand
23 eleven, up to two million nine hundred thousand dollars each state
24 fiscal year for the period April first, two thousand eleven through
25 March thirty-first, two thousand fourteen, up to two million nine
26 hundred thousand dollars each state fiscal year for the period April
27 first, two thousand fourteen through March thirty-first, two thousand
28 seventeen, up to two million nine hundred thousand dollars each state
29 fiscal year for the period April first, two thousand seventeen through
30 March thirty-first, two thousand twenty, up to two million nine hundred
31 thousand dollars each state fiscal year for the period April first, two
32 thousand twenty through March thirty-first, two thousand twenty-three,
33 [and] up to two million nine hundred thousand dollars each state fiscal
34 year for the period April first, two thousand twenty-three through March
35 thirty-first, two thousand twenty-six, and up to two million nine
36 hundred thousand dollars each state fiscal year for the period April
37 first, two thousand twenty-six through March thirty-first, two thousand
38 twenty-nine. Upon any distribution of such funds, the commissioner shall
39 immediately notify the chair and ranking minority member of the senate
40 finance committee, the assembly ways and means committee, the senate
41 committee on health, and the assembly committee on health;

42 (iv) distributions by the commissioner related to poison control
43 centers pursuant to subdivision seven of section twenty-five hundred-d
44 of this chapter, up to five million dollars for the period January
45 first, nineteen hundred ninety-seven through December thirty-first,
46 nineteen hundred ninety-seven, up to three million dollars on an annual-
47 ized basis for the periods during the period January first, nineteen
48 hundred ninety-eight through December thirty-first, nineteen hundred
49 ninety-nine, up to five million dollars annually for the periods January
50 first, two thousand through December thirty-first, two thousand two, up
51 to four million six hundred thousand dollars annually for the periods
52 January first, two thousand three through December thirty-first, two
53 thousand four, up to five million one hundred thousand dollars for the
54 period January first, two thousand five through December thirty-first,
55 two thousand six annually, up to five million one hundred thousand
56 dollars annually for the period January first, two thousand seven

1 through December thirty-first, two thousand nine, up to three million
2 six hundred thousand dollars for the period January first, two thousand
3 ten through December thirty-first, two thousand ten, up to seven hundred
4 seventy-five thousand dollars for the period January first, two thousand
5 eleven through March thirty-first, two thousand eleven, up to two
6 million five hundred thousand dollars each state fiscal year for the
7 period April first, two thousand eleven through March thirty-first, two
8 thousand fourteen, up to three million dollars each state fiscal year
9 for the period April first, two thousand fourteen through March thirty-
10 first, two thousand seventeen, up to three million dollars each state
11 fiscal year for the period April first, two thousand seventeen through
12 March thirty-first, two thousand twenty, up to three million dollars
13 each state fiscal year for the period April first, two thousand twenty
14 through March thirty-first, two thousand twenty-three, [and] up to three
15 million dollars each state fiscal year for the period April first, two
16 thousand twenty-three through March thirty-first, two thousand twenty-
17 six, and up to three million dollars each state fiscal year for the
18 period April first, two thousand twenty-six through March thirty-first,
19 two thousand twenty-nine; and

20 (v) deposit by the commissioner, within amounts appropriated, and the
21 state comptroller is hereby authorized and directed to receive for
22 deposit to, to the credit of the department of health's special revenue
23 fund - other, miscellaneous special revenue fund - 339 maternal and
24 child HIV services account or the health care reform act (HCRA)
25 resources fund, whichever is applicable, for purposes of a special
26 program for HIV services for women and children, including adolescents
27 pursuant to section twenty-five hundred-f-one of this chapter, up to
28 five million dollars annually for the periods January first, two thou-
29 sand through December thirty-first, two thousand two, up to five million
30 dollars for the period January first, two thousand three through Decem-
31 ber thirty-first, two thousand three, up to two million five hundred
32 thousand dollars for the period January first, two thousand four through
33 December thirty-first, two thousand four, up to two million five hundred
34 thousand dollars for the period January first, two thousand five through
35 December thirty-first, two thousand five, up to five million dollars for
36 the period January first, two thousand six through December thirty-
37 first, two thousand six, up to five million dollars annually for the
38 period January first, two thousand seven through December thirty-first,
39 two thousand ten, up to one million two hundred fifty thousand dollars
40 for the period January first, two thousand eleven through March thirty-
41 first, two thousand eleven, and up to five million dollars each state
42 fiscal year for the period April first, two thousand eleven through
43 March thirty-first, two thousand fourteen;

44 (d) (i) An amount of up to twenty million dollars annually for the
45 period January first, two thousand through December thirty-first, two
46 thousand six, up to ten million dollars for the period January first,
47 two thousand seven through June thirtieth, two thousand seven, up to
48 twenty million dollars annually for the period January first, two thou-
49 sand eight through December thirty-first, two thousand ten, up to five
50 million dollars for the period January first, two thousand eleven
51 through March thirty-first, two thousand eleven, up to nineteen million
52 six hundred thousand dollars each state fiscal year for the period April
53 first, two thousand eleven through March thirty-first, two thousand
54 fourteen, up to nineteen million six hundred thousand dollars each state
55 fiscal year for the period April first, two thousand fourteen through
56 March thirty-first, two thousand seventeen, up to nineteen million six

1 hundred thousand dollars each state fiscal year for the period of April
2 first, two thousand seventeen through March thirty-first, two thousand
3 twenty, up to nineteen million six hundred thousand dollars each state
4 fiscal year for the period of April first, two thousand twenty through
5 March thirty-first, two thousand twenty-three, [and] up to nineteen
6 million six hundred thousand dollars each state fiscal year for the
7 period of April first, two thousand twenty-three through March thirty-
8 first, two thousand twenty-six, and up to nineteen million six hundred
9 thousand dollars each state fiscal year for the period of April first,
10 two thousand twenty-six through March thirty-first, two thousand twen-
11 ty-nine, shall be transferred to the health facility restructuring pool
12 established pursuant to section twenty-eight hundred fifteen of this
13 article;

14 (ii) provided, however, amounts transferred pursuant to subparagraph
15 (i) of this paragraph may be reduced in an amount to be approved by the
16 director of the budget to reflect the amount received from the federal
17 government under the state's 1115 waiver which is directed under its
18 terms and conditions to the health facility restructuring program.

19 (f) Funds shall be accumulated and transferred from as follows:

20 (i) from the pool for the period January first, nineteen hundred nine-
21 ty-seven through December thirty-first, nineteen hundred ninety-seven,
22 (A) thirty-four million six hundred thousand dollars shall be trans-
23 ferred to funds reserved and accumulated pursuant to paragraph (b) of
24 subdivision nineteen of section twenty-eight hundred seven-c of this
25 article, and (B) eighty-two million dollars shall be transferred and
26 deposited and credited to the credit of the state general fund medical
27 assistance local assistance account;

28 (ii) from the pool for the period January first, nineteen hundred
29 ninety-eight through December thirty-first, nineteen hundred ninety-
30 eight, eighty-two million dollars shall be transferred and deposited and
31 credited to the credit of the state general fund medical assistance
32 local assistance account;

33 (iii) from the pool for the period January first, nineteen hundred
34 ninety-nine through December thirty-first, nineteen hundred ninety-nine,
35 eighty-two million dollars shall be transferred and deposited and cred-
36 ited to the credit of the state general fund medical assistance local
37 assistance account;

38 (iv) from the pool or the health care reform act (HCRA) resources
39 fund, whichever is applicable, for the period January first, two thou-
40 sand through December thirty-first, two thousand four, eighty-two
41 million dollars annually, and for the period January first, two thousand
42 five through December thirty-first, two thousand five, eighty-two
43 million dollars, and for the period January first, two thousand six
44 through December thirty-first, two thousand six, eighty-two million
45 dollars, and for the period January first, two thousand seven through
46 December thirty-first, two thousand seven, eighty-two million dollars,
47 and for the period January first, two thousand eight through December
48 thirty-first, two thousand eight, ninety million seven hundred thousand
49 dollars shall be deposited by the commissioner, and the state comp-
50 troller is hereby authorized and directed to receive for deposit to the
51 credit of the state special revenue fund - other, HCRA transfer fund,
52 medical assistance account;

53 (v) from the health care reform act (HCRA) resources fund for the
54 period January first, two thousand nine through December thirty-first,
55 two thousand nine, one hundred eight million nine hundred seventy-five
56 thousand dollars, and for the period January first, two thousand ten

1 through December thirty-first, two thousand ten, one hundred twenty-six
2 million one hundred thousand dollars, for the period January first, two
3 thousand eleven through March thirty-first, two thousand eleven, twenty
4 million five hundred thousand dollars, and for each state fiscal year
5 for the period April first, two thousand eleven through March thirty-
6 first, two thousand fourteen, one hundred forty-six million four hundred
7 thousand dollars, shall be deposited by the commissioner, and the state
8 comptroller is hereby authorized and directed to receive for deposit, to
9 the credit of the state special revenue fund - other, HCRA transfer
10 fund, medical assistance account.

11 (g) Funds shall be transferred to primary health care services pools
12 created by the commissioner, and shall be available, including income
13 from invested funds, for distributions in accordance with former section
14 twenty-eight hundred seven-bb of this article from the respective health
15 care initiatives pools for the following periods in the following
16 percentage amounts of funds remaining after allocations in accordance
17 with paragraphs (a) through (f) of this subdivision:

18 (i) from the pool for the period January first, nineteen hundred nine-
19 ty-seven through December thirty-first, nineteen hundred ninety-seven,
20 fifteen and eighty-seven-hundredths percent;

21 (ii) from the pool for the period January first, nineteen hundred
22 ninety-eight through December thirty-first, nineteen hundred ninety-
23 eight, fifteen and eighty-seven-hundredths percent; and

24 (iii) from the pool for the period January first, nineteen hundred
25 ninety-nine through December thirty-first, nineteen hundred ninety-nine,
26 sixteen and thirteen-hundredths percent.

27 (h) Funds shall be reserved and accumulated from year to year by the
28 commissioner and shall be available, including income from invested
29 funds, for purposes of primary care education and training pursuant to
30 article nine of this chapter from the respective health care initiatives
31 pools established for the following periods in the following percentage
32 amounts of funds remaining after allocations in accordance with para-
33 graphs (a) through (f) of this subdivision and shall be available for
34 distributions as follows:

35 (i) funds shall be reserved and accumulated:

36 (A) from the pool for the period January first, nineteen hundred nine-
37 ty-seven through December thirty-first, nineteen hundred ninety-seven,
38 six and thirty-five-hundredths percent;

39 (B) from the pool for the period January first, nineteen hundred nine-
40 ty-eight through December thirty-first, nineteen hundred ninety-eight,
41 six and thirty-five-hundredths percent; and

42 (C) from the pool for the period January first, nineteen hundred nine-
43 ty-nine through December thirty-first, nineteen hundred ninety-nine, six
44 and forty-five-hundredths percent;

45 (ii) funds shall be available for distributions including income from
46 invested funds as follows:

47 (A) for purposes of the primary care physician loan repayment program
48 in accordance with section nine hundred three of this chapter, up to
49 five million dollars on an annualized basis;

50 (B) for purposes of the primary care practitioner scholarship program
51 in accordance with section nine hundred four of this chapter, up to two
52 million dollars on an annualized basis;

53 (C) for purposes of minority participation in medical education grants
54 in accordance with section nine hundred six of this chapter, up to one
55 million dollars on an annualized basis; and

1 (D) provided, however, that the commissioner may reallocate any funds
2 remaining or unallocated for distributions for the primary care practi-
3 tioner scholarship program in accordance with section nine hundred four
4 of this chapter.

5 (i) Funds shall be reserved and accumulated from year to year and
6 shall be available, including income from invested funds, for distrib-
7 utions in accordance with section twenty-nine hundred fifty-two and
8 section twenty-nine hundred fifty-eight of this chapter for rural health
9 care delivery development and rural health care access development,
10 respectively, from the respective health care initiatives pools or the
11 health care reform act (HCRA) resources fund, whichever is applicable,
12 for the following periods in the following percentage amounts of funds
13 remaining after allocations in accordance with paragraphs (a) through
14 (f) of this subdivision, and for periods on and after January first, two
15 thousand, in the following amounts:

16 (i) from the pool for the period January first, nineteen hundred nine-
17 ty-seven through December thirty-first, nineteen hundred ninety-seven,
18 thirteen and forty-nine-hundredths percent;

19 (ii) from the pool for the period January first, nineteen hundred
20 ninety-eight through December thirty-first, nineteen hundred ninety-
21 eight, thirteen and forty-nine-hundredths percent;

22 (iii) from the pool for the period January first, nineteen hundred
23 ninety-nine through December thirty-first, nineteen hundred ninety-nine,
24 thirteen and seventy-one-hundredths percent;

25 (iv) from the pool for the periods January first, two thousand through
26 December thirty-first, two thousand two, seventeen million dollars annu-
27 ally, and for the period January first, two thousand three through
28 December thirty-first, two thousand three, up to fifteen million eight
29 hundred fifty thousand dollars;

30 (v) from the pool or the health care reform act (HCRA) resources fund,
31 whichever is applicable, for the period January first, two thousand four
32 through December thirty-first, two thousand four, up to fifteen million
33 eight hundred fifty thousand dollars, for the period January first, two
34 thousand five through December thirty-first, two thousand five, up to
35 nineteen million two hundred thousand dollars, for the period January
36 first, two thousand six through December thirty-first, two thousand six,
37 up to nineteen million two hundred thousand dollars, for the period
38 January first, two thousand seven through December thirty-first, two
39 thousand ten, up to eighteen million one hundred fifty thousand dollars
40 annually, for the period January first, two thousand eleven through
41 March thirty-first, two thousand eleven, up to four million five hundred
42 thirty-eight thousand dollars, for each state fiscal year for the period
43 April first, two thousand eleven through March thirty-first, two thou-
44 sand fourteen, up to sixteen million two hundred thousand dollars, up to
45 sixteen million two hundred thousand dollars each state fiscal year for
46 the period April first, two thousand fourteen through March thirty-
47 first, two thousand seventeen, up to sixteen million two hundred thou-
48 sand dollars each state fiscal year for the period April first, two
49 thousand seventeen through March thirty-first, two thousand twenty, up
50 to sixteen million two hundred thousand dollars each state fiscal year
51 for the period April first, two thousand twenty through March thirty-
52 first, two thousand twenty-three, [and] up to sixteen million two
53 hundred thousand dollars each state fiscal year for the period April
54 first, two thousand twenty-three through March thirty-first, two thou-
55 sand twenty-six, and up to sixteen million two hundred thousand dollars



1 each state fiscal year for the period April first, two thousand twenty-
2 six through March thirty-first, two thousand twenty-nine.

3 (j) Funds shall be reserved and accumulated from year to year and
4 shall be available, including income from invested funds, for purposes
5 of distributions related to health information and health care quality
6 improvement pursuant to former section twenty-eight hundred seven-n of
7 this article from the respective health care initiatives pools estab-
8 lished for the following periods in the following percentage amounts of
9 funds remaining after allocations in accordance with paragraphs (a)
10 through (f) of this subdivision:

11 (i) from the pool for the period January first, nineteen hundred nine-
12 ty-seven through December thirty-first, nineteen hundred ninety-seven,
13 six and thirty-five-hundredths percent;

14 (ii) from the pool for the period January first, nineteen hundred
15 ninety-eight through December thirty-first, nineteen hundred ninety-
16 eight, six and thirty-five-hundredths percent; and

17 (iii) from the pool for the period January first, nineteen hundred
18 ninety-nine through December thirty-first, nineteen hundred ninety-nine,
19 six and forty-five-hundredths percent.

20 (k) Funds shall be reserved and accumulated from year to year and
21 shall be available, including income from invested funds, for allo-
22 cations and distributions in accordance with section twenty-eight
23 hundred seven-p of this article for diagnostic and treatment center
24 uncompensated care from the respective health care initiatives pools or
25 the health care reform act (HCRA) resources fund, whichever is applica-
26 ble, for the following periods in the following percentage amounts of
27 funds remaining after allocations in accordance with paragraphs (a)
28 through (f) of this subdivision, and for periods on and after January
29 first, two thousand, in the following amounts:

30 (i) from the pool for the period January first, nineteen hundred nine-
31 ty-seven through December thirty-first, nineteen hundred ninety-seven,
32 thirty-eight and one-tenth percent;

33 (ii) from the pool for the period January first, nineteen hundred
34 ninety-eight through December thirty-first, nineteen hundred ninety-
35 eight, thirty-eight and one-tenth percent;

36 (iii) from the pool for the period January first, nineteen hundred
37 ninety-nine through December thirty-first, nineteen hundred ninety-nine,
38 thirty-eight and seventy-one-hundredths percent;

39 (iv) from the pool for the periods January first, two thousand through
40 December thirty-first, two thousand two, forty-eight million dollars
41 annually, and for the period January first, two thousand three through
42 June thirtieth, two thousand three, twenty-four million dollars;

43 (v) (A) from the pool or the health care reform act (HCRA) resources
44 fund, whichever is applicable, for the period July first, two thousand
45 three through December thirty-first, two thousand three, up to six
46 million dollars, for the period January first, two thousand four through
47 December thirty-first, two thousand six, up to twelve million dollars
48 annually, for the period January first, two thousand seven through
49 December thirty-first, two thousand thirteen, up to forty-eight million
50 dollars annually, for the period January first, two thousand fourteen
51 through March thirty-first, two thousand fourteen, up to twelve million
52 dollars for the period April first, two thousand fourteen through March
53 thirty-first, two thousand seventeen, up to forty-eight million dollars
54 annually, for the period April first, two thousand seventeen through
55 March thirty-first, two thousand twenty, up to forty-eight million
56 dollars annually, for the period April first, two thousand twenty

1 through March thirty-first, two thousand twenty-three, up to forty-eight
2 million dollars annually, [and] for the period April first, two thousand
3 twenty-three through March thirty-first, two thousand twenty-six, up to
4 forty-eight million dollars annually, and for the period April first,
5 two thousand twenty-six through March thirty-first, two thousand twen-
6 ty-nine, up to forty-eight million dollars annually;

7 (B) from the health care reform act (HCRA) resources fund for the
8 period January first, two thousand six through December thirty-first,
9 two thousand six, an additional seven million five hundred thousand
10 dollars, for the period January first, two thousand seven through Decem-
11 ber thirty-first, two thousand thirteen, an additional seven million
12 five hundred thousand dollars annually, for the period January first,
13 two thousand fourteen through March thirty-first, two thousand fourteen,
14 an additional one million eight hundred seventy-five thousand dollars,
15 for the period April first, two thousand fourteen through March thirty-
16 first, two thousand seventeen, an additional seven million five hundred
17 thousand dollars annually, for the period April first, two thousand
18 seventeen through March thirty-first, two thousand twenty, an additional
19 seven million five hundred thousand dollars annually, for the period
20 April first, two thousand twenty through March thirty-first, two thou-
21 sand twenty-three, an additional seven million five hundred thousand
22 dollars annually, [and] for the period April first, two thousand twen-
23 ty-three through March thirty-first, two thousand twenty-six, an addi-
24 tional seven million five hundred thousand dollars annually, and for the
25 period April first, two thousand twenty-six through March thirty-first,
26 two thousand twenty-nine, an additional seven million five hundred thou-
27 sand dollars annually for voluntary non-profit diagnostic and treatment
28 center uncompensated care in accordance with subdivision four-c of
29 section twenty-eight hundred seven-p of this article; and

30 (vi) funds reserved and accumulated pursuant to this paragraph for
31 periods on and after July first, two thousand three, shall be deposited
32 by the commissioner, within amounts appropriated, and the state comp-
33 troller is hereby authorized and directed to receive for deposit to the
34 credit of the state special revenue funds - other, HCRA transfer fund,
35 medical assistance account, for purposes of funding the state share of
36 rate adjustments made pursuant to section twenty-eight hundred seven-p
37 of this article, provided, however, that in the event federal financial
38 participation is not available for rate adjustments made pursuant to
39 paragraph (b) of subdivision one of section twenty-eight hundred seven-p
40 of this article, funds shall be distributed pursuant to paragraph (a) of
41 subdivision one of section twenty-eight hundred seven-p of this article
42 from the respective health care initiatives pools or the health care
43 reform act (HCRA) resources fund, whichever is applicable.

44 (1) Funds shall be reserved and accumulated from year to year by the
45 commissioner and shall be available, including income from invested
46 funds, for transfer to and allocation for services and expenses for the
47 payment of benefits to recipients of drugs under the AIDS drug assist-
48 ance program (ADAP) - HIV uninsured care program as administered by
49 Health Research Incorporated from the respective health care initi-
50 atives pools or the health care reform act (HCRA) resources fund, which-
51 ever is applicable, established for the following periods in the follow-
52 ing percentage amounts of funds remaining after allocations in
53 accordance with paragraphs (a) through (f) of this subdivision, and for
54 periods on and after January first, two thousand, in the following
55 amounts:

- 1 (i) from the pool for the period January first, nineteen hundred nine-
2 ty-seven through December thirty-first, nineteen hundred ninety-seven,
3 nine and fifty-two-hundredths percent;
- 4 (ii) from the pool for the period January first, nineteen hundred
5 ninety-eight through December thirty-first, nineteen hundred ninety-
6 eight, nine and fifty-two-hundredths percent;
- 7 (iii) from the pool for the period January first, nineteen hundred
8 ninety-nine and December thirty-first, nineteen hundred ninety-nine,
9 nine and sixty-eight-hundredths percent;
- 10 (iv) from the pool for the periods January first, two thousand through
11 December thirty-first, two thousand two, up to twelve million dollars
12 annually, and for the period January first, two thousand three through
13 December thirty-first, two thousand three, up to forty million dollars;
14 and
- 15 (v) from the pool or the health care reform act (HCRA) resources fund,
16 whichever is applicable, for the periods January first, two thousand
17 four through December thirty-first, two thousand four, up to fifty-six
18 million dollars, for the period January first, two thousand five through
19 December thirty-first, two thousand six, up to sixty million dollars
20 annually, for the period January first, two thousand seven through
21 December thirty-first, two thousand ten, up to sixty million dollars
22 annually, for the period January first, two thousand eleven through
23 March thirty-first, two thousand eleven, up to fifteen million dollars,
24 each state fiscal year for the period April first, two thousand eleven
25 through March thirty-first, two thousand fourteen, up to forty-two
26 million three hundred thousand dollars and up to forty-one million fifty
27 thousand dollars each state fiscal year for the period April first, two
28 thousand fourteen through March thirty-first, two thousand [twenty-six]
29 twenty-nine.
- 30 (m) Funds shall be reserved and accumulated from year to year and
31 shall be available, including income from invested funds, for purposes
32 of distributions pursuant to section twenty-eight hundred seven-r of
33 this article for cancer related services from the respective health care
34 initiatives pools or the health care reform act (HCRA) resources fund,
35 whichever is applicable, established for the following periods in the
36 following percentage amounts of funds remaining after allocations in
37 accordance with paragraphs (a) through (f) of this subdivision, and for
38 periods on and after January first, two thousand, in the following
39 amounts:
- 40 (i) from the pool for the period January first, nineteen hundred nine-
41 ty-seven through December thirty-first, nineteen hundred ninety-seven,
42 seven and ninety-four-hundredths percent;
- 43 (ii) from the pool for the period January first, nineteen hundred
44 ninety-eight through December thirty-first, nineteen hundred ninety-
45 eight, seven and ninety-four-hundredths percent;
- 46 (iii) from the pool for the period January first, nineteen hundred
47 ninety-nine and December thirty-first, nineteen hundred ninety-nine, six
48 and forty-five-hundredths percent;
- 49 (iv) from the pool for the period January first, two thousand through
50 December thirty-first, two thousand two, up to ten million dollars on an
51 annual basis;
- 52 (v) from the pool for the period January first, two thousand three
53 through December thirty-first, two thousand four, up to eight million
54 nine hundred fifty thousand dollars on an annual basis;
- 55 (vi) from the pool or the health care reform act (HCRA) resources
56 fund, whichever is applicable, for the period January first, two thou-

1 sand five through December thirty-first, two thousand six, up to ten
2 million fifty thousand dollars on an annual basis, for the period Janu-
3 ary first, two thousand seven through December thirty-first, two thou-
4 sand ten, up to nineteen million dollars annually, and for the period
5 January first, two thousand eleven through March thirty-first, two thou-
6 sand eleven, up to four million seven hundred fifty thousand dollars.

7 (n) Funds shall be accumulated and transferred from the health care
8 reform act (HCRA) resources fund as follows: for the period April first,
9 two thousand seven through March thirty-first, two thousand eight, and
10 on an annual basis for the periods April first, two thousand eight
11 through November thirtieth, two thousand nine, funds within amounts
12 appropriated shall be transferred and deposited and credited to the
13 credit of the state special revenue funds - other, HCRA transfer fund,
14 medical assistance account, for purposes of funding the state share of
15 rate adjustments made to public and voluntary hospitals in accordance
16 with paragraphs (i) and (j) of subdivision one of section twenty-eight
17 hundred seven-c of this article.

18 2. Notwithstanding any inconsistent provision of law, rule or regu-
19 lation, any funds accumulated in the health care initiatives pools
20 pursuant to paragraph (b) of subdivision nine of section twenty-eight
21 hundred seven-j of this article, as a result of surcharges, assessments
22 or other obligations during the periods January first, nineteen hundred
23 ninety-seven through December thirty-first, nineteen hundred ninety-
24 nine, which are unused or uncommitted for distributions pursuant to this
25 section shall be reserved and accumulated from year to year by the
26 commissioner and, within amounts appropriated, transferred and deposited
27 into the special revenue funds - other, miscellaneous special revenue
28 fund - 339, child health insurance account or any successor fund or
29 account, for purposes of distributions to implement the child health
30 insurance program established pursuant to sections twenty-five hundred
31 ten and twenty-five hundred eleven of this chapter for periods on and
32 after January first, two thousand one; provided, however, funds reserved
33 and accumulated for priority distributions pursuant to subparagraph
34 (iii) of paragraph (c) of subdivision one of this section shall not be
35 transferred and deposited into such account pursuant to this subdivi-
36 sion; and provided further, however, that any unused or uncommitted pool
37 funds accumulated and allocated pursuant to paragraph (j) of subdivision
38 one of this section shall be distributed for purposes of the health
39 information and quality improvement act of 2000.

40 3. Revenue from distributions pursuant to this section shall not be
41 included in gross revenue received for purposes of the assessments
42 pursuant to subdivision eighteen of section twenty-eight hundred seven-c
43 of this article, subject to the provisions of paragraph (e) of subdivi-
44 sion eighteen of section twenty-eight hundred seven-c of this article,
45 and shall not be included in gross revenue received for purposes of the
46 assessments pursuant to section twenty-eight hundred seven-d of this
47 article, subject to the provisions of subdivision twelve of section
48 twenty-eight hundred seven-d of this article.

49 § 6. Paragraphs (a), (b), (c) and (p) of subdivision 1 of section
50 2807-m of the public health law are REPEALED and paragraphs (d), (e),
51 (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (q), (r), (s), (t) and
52 (u) are relettered paragraphs (a), (b), (c), (d), (e), (f), (g), (h),
53 (i), (j), (k), (l), (m), (n), (o), (p) and (q).

54 § 7. Subparagraph (iv) of paragraph (o) and paragraphs (p) and (q) of
55 subdivision 1 of section 2807-m of the public health law, as amended by
56 section 6 of part Y of chapter 56 of the laws of 2020 and such para-

1 graphs as relettered by section six of this act, are amended to read as
2 follows:

3 (iv) further reducing each of the amounts determined in subparagraph
4 (iii) of this paragraph by the amounts specified in paragraph [(t)] (p)
5 of this subdivision; and

6 (p) "Extra reduction amount" shall mean an amount determined for a
7 teaching hospital for which an adjustment amount is calculated pursuant
8 to paragraph [(s)] (o) of this subdivision that is the hospital's
9 proportionate share of the sum of the amounts specified in paragraph
10 [(u)] (q) of this subdivision determined based upon a comparison of the
11 hospital's remaining liability calculated pursuant to paragraph [(s)]
12 (o) of this subdivision to the sum of all such hospital's remaining
13 liabilities.

14 (q) "Allotment amount" shall mean an amount determined for teaching
15 hospitals as follows:

16 (i) for a hospital for which an adjustment amount pursuant to para-
17 graph [(s)] (o) of this subdivision does not apply, the amount received
18 by the hospital pursuant to paragraph (a) of subdivision five of this
19 section attributable to the period January first, two thousand three
20 through December thirty-first, two thousand three, or

21 (ii) for a hospital for which an adjustment amount pursuant to para-
22 graph [(s)] (o) of this subdivision applies and which received a
23 distribution pursuant to paragraph (a) of subdivision five of this
24 section attributable to the period January first, two thousand three
25 through December thirty-first, two thousand three that is greater than
26 the hospital's adjustment amount, the difference between the distrib-
27 ution amount and the adjustment amount.

28 § 8. Paragraph (f) of subdivision 3, paragraphs (a) and (d) of subdivi-
29 sion 5 and the opening paragraph of subdivision 12 of section 2807-m
30 of the public health law, paragraph (f) of subdivision 3, paragraph (a)
31 of subdivision 5 and the opening paragraph of subdivision 12 as amended
32 and paragraph (d) of subdivision 5 as added by section 6 of part Y of
33 chapter 56 of the laws of 2020, are amended to read as follows:

34 (f) Effective January first, two thousand five through December thir-
35 ty-first, two thousand eight, each teaching general hospital shall
36 receive a distribution from the applicable regional pool based on its
37 distribution amount determined under paragraphs (c), (d) and (e) of this
38 subdivision and reduced by its adjustment amount calculated pursuant to
39 paragraph [(s)] (o) of subdivision one of this section and, for distrib-
40 utions for the period January first, two thousand five through December
41 thirty-first, two thousand five, further reduced by its extra reduction
42 amount calculated pursuant to paragraph [(t)] (p) of subdivision one of
43 this section.

44 (a) Up to thirty-one million dollars annually for the periods January
45 first, two thousand through December thirty-first, two thousand three,
46 and up to twenty-five million dollars plus the sum of the amounts speci-
47 fied in paragraph [(n)] (k) of subdivision one of this section for the
48 period January first, two thousand five through December thirty-first,
49 two thousand five, and up to thirty-one million dollars annually for the
50 period January first, two thousand six through December thirty-first,
51 two thousand seven, shall be set aside and reserved by the commissioner
52 from the regional pools established pursuant to subdivision two of this
53 section for supplemental distributions in each such region to be made by
54 the commissioner to consortia and teaching general hospitals in accord-
55 ance with a distribution methodology developed in consultation with the

1 council and specified in rules and regulations adopted by the commis-
2 sioner.

3 (d) Notwithstanding any other provision of law or regulation, for the
4 period January first, two thousand five through December thirty-first,
5 two thousand five, the commissioner shall distribute as supplemental
6 payments the allotment specified in paragraph [(n)] (k) of subdivision
7 one of this section.

8 Notwithstanding any provision of law to the contrary, applications
9 submitted on or after April first, two thousand sixteen, for the physi-
10 cian loan repayment program pursuant to paragraph [(c)] (b) of subdivi-
11 sion five-a of this section and subdivision ten of this section or the
12 physician practice support program pursuant to paragraph [(d)] (c) of
13 subdivision five-a of this section, shall be subject to the following
14 changes:

15 § 9. Paragraph (b) of subdivision 5-a of section 2807-m of the public
16 health law is REPEALED and paragraphs (c), (d), (e), (f), (g) and (h)
17 are relettered paragraphs (b), (c), (d), (e), (f) and (g).

18 § 10. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 5-a of
19 section 2807-m of the public health law, as amended by section 6 of part
20 C of chapter 57 of the laws of 2023 and paragraphs (b), (c), (d), (e)
21 and (f) as relettered by section nine of this act, are amended to read
22 as follows:

23 (a) Supplemental distributions. (i) Thirty-one million dollars for the
24 period January first, two thousand eight through December thirty-first,
25 two thousand eight, shall be set aside and reserved by the commissioner
26 from the regional pools established pursuant to subdivision two of this
27 section and shall be available for distributions pursuant to subdivision
28 five of this section and in accordance with section 86-1.89 of title 10
29 of the codes, rules and regulations of the state of New York as in
30 effect on January first, two thousand eight[; provided, however, for
31 purposes of funding the empire clinical research investigation program
32 (ECRIP) in accordance with paragraph eight of subdivision (e) and para-
33 graph two of subdivision (f) of section 86-1.89 of title 10 of the
34 codes, rules and regulations of the state of New York, distributions
35 shall be made using two regions defined as New York city and the rest of
36 the state and the dollar amount set forth in subparagraph (i) of para-
37 graph two of subdivision (f) of section 86-1.89 of title 10 of the
38 codes, rules and regulations of the state of New York shall be increased
39 from sixty thousand dollars to seventy-five thousand dollars].

40 (ii) For periods on and after January first, two thousand nine,
41 supplemental distributions pursuant to subdivision five of this section
42 and in accordance with section 86-1.89 of title 10 of the codes, rules
43 and regulations of the state of New York shall no longer be made and the
44 provisions of section 86-1.89 of title 10 of the codes, rules and regu-
45 lations of the state of New York shall be null and void.

46 (b) Physician loan repayment program. One million nine hundred sixty
47 thousand dollars for the period January first, two thousand eight
48 through December thirty-first, two thousand eight, one million nine
49 hundred sixty thousand dollars for the period January first, two thou-
50 sand nine through December thirty-first, two thousand nine, one million
51 nine hundred sixty thousand dollars for the period January first, two
52 thousand ten through December thirty-first, two thousand ten, four
53 hundred ninety thousand dollars for the period January first, two thou-
54 sand eleven through March thirty-first, two thousand eleven, one million
55 seven hundred thousand dollars each state fiscal year for the period
56 April first, two thousand eleven through March thirty-first, two thou-

1 sand fourteen, up to one million seven hundred five thousand dollars
2 each state fiscal year for the period April first, two thousand fourteen
3 through March thirty-first, two thousand seventeen, up to one million
4 seven hundred five thousand dollars each state fiscal year for the peri-
5 od April first, two thousand seventeen through March thirty-first, two
6 thousand twenty, up to one million seven hundred five thousand dollars
7 each state fiscal year for the period April first, two thousand twenty
8 through March thirty-first, two thousand twenty-three, [and] up to one
9 million seven hundred five thousand dollars each state fiscal year for
10 the period April first, two thousand twenty-three through March thirty-
11 first, two thousand twenty-six, and up to one million seven hundred five
12 thousand dollars each state fiscal year for the period April first, two
13 thousand twenty-six through March thirty-first, two thousand twenty-
14 nine, shall be set aside and reserved by the commissioner from the
15 regional pools established pursuant to subdivision two of this section
16 and shall be available for purposes of physician loan repayment in
17 accordance with subdivision ten of this section. Notwithstanding any
18 contrary provision of this section, sections one hundred twelve and one
19 hundred sixty-three of the state finance law, or any other contrary
20 provision of law, such funding shall be allocated regionally with one-
21 third of available funds going to New York city and two-thirds of avail-
22 able funds going to the rest of the state and shall be distributed in a
23 manner to be determined by the commissioner without a competitive bid or
24 request for proposal process as follows:

25 (i) Funding shall first be awarded to repay loans of up to twenty-five
26 physicians who train in primary care or specialty tracks in teaching
27 general hospitals, and who enter and remain in primary care or specialty
28 practices in underserved communities, as determined by the commissioner.

29 (ii) After distributions in accordance with subparagraph (i) of this
30 paragraph, all remaining funds shall be awarded to repay loans of physi-
31 cians who enter and remain in primary care or specialty practices in
32 underserved communities, as determined by the commissioner, including
33 but not limited to physicians working in general hospitals, or other
34 health care facilities.

35 (iii) In no case shall less than fifty percent of the funds available
36 pursuant to this paragraph be distributed in accordance with subpara-
37 graphs (i) and (ii) of this paragraph to physicians identified by gener-
38 al hospitals.

39 (iv) In addition to the funds allocated under this paragraph, for the
40 period April first, two thousand fifteen through March thirty-first, two
41 thousand sixteen, two million dollars shall be available for the
42 purposes described in subdivision ten of this section;

43 (v) In addition to the funds allocated under this paragraph, for the
44 period April first, two thousand sixteen through March thirty-first, two
45 thousand seventeen, two million dollars shall be available for the
46 purposes described in subdivision ten of this section;

47 (vi) Notwithstanding any provision of law to the contrary, and subject
48 to the extension of the Health Care Reform Act of 1996, sufficient funds
49 shall be available for the purposes described in subdivision ten of this
50 section in amounts necessary to fund the remaining year commitments for
51 awards made pursuant to subparagraphs (iv) and (v) of this paragraph.

52 (c) Physician practice support. Four million nine hundred thousand
53 dollars for the period January first, two thousand eight through Decem-
54 ber thirty-first, two thousand eight, four million nine hundred thousand
55 dollars annually for the period January first, two thousand nine through
56 December thirty-first, two thousand ten, one million two hundred twen-



1 ty-five thousand dollars for the period January first, two thousand
2 eleven through March thirty-first, two thousand eleven, four million
3 three hundred thousand dollars each state fiscal year for the period
4 April first, two thousand eleven through March thirty-first, two thou-
5 sand fourteen, up to four million three hundred sixty thousand dollars
6 each state fiscal year for the period April first, two thousand fourteen
7 through March thirty-first, two thousand seventeen, up to four million
8 three hundred sixty thousand dollars for each state fiscal year for the
9 period April first, two thousand seventeen through March thirty-first,
10 two thousand twenty, up to four million three hundred sixty thousand
11 dollars for each fiscal year for the period April first, two thousand
12 twenty through March thirty-first, two thousand twenty-three, [and] up
13 to four million three hundred sixty thousand dollars for each fiscal
14 year for the period April first, two thousand twenty-three through March
15 thirty-first, two thousand twenty-six, and up to four million three
16 hundred sixty thousand dollars for each fiscal year for the period April
17 first, two thousand twenty-six through March thirty-first, two thousand
18 twenty-nine, shall be set aside and reserved by the commissioner from
19 the regional pools established pursuant to subdivision two of this
20 section and shall be available for purposes of physician practice
21 support. Notwithstanding any contrary provision of this section,
22 sections one hundred twelve and one hundred sixty-three of the state
23 finance law, or any other contrary provision of law, such funding shall
24 be allocated regionally with one-third of available funds going to New
25 York city and two-thirds of available funds going to the rest of the
26 state and shall be distributed in a manner to be determined by the
27 commissioner without a competitive bid or request for proposal process
28 as follows:

29 (i) Preference in funding shall first be accorded to teaching general
30 hospitals for up to twenty-five awards, to support costs incurred by
31 physicians trained in primary or specialty tracks who thereafter estab-
32 lish or join practices in underserved communities, as determined by the
33 commissioner.

34 (ii) After distributions in accordance with subparagraph (i) of this
35 paragraph, all remaining funds shall be awarded to physicians to support
36 the cost of establishing or joining practices in underserved communi-
37 ties, as determined by the commissioner, and to hospitals and other
38 health care providers to recruit new physicians to provide services in
39 underserved communities, as determined by the commissioner.

40 (iii) In no case shall less than fifty percent of the funds available
41 pursuant to this paragraph be distributed to general hospitals in
42 accordance with subparagraphs (i) and (ii) of this paragraph.

43 (d) Work group. For funding available pursuant to paragraphs (b) and
44 (c) [, (d) and (e)] of this subdivision:

45 (i) The department shall appoint a work group from recommendations
46 made by associations representing physicians, general hospitals and
47 other health care facilities to develop a streamlined application proc-
48 ess by June first, two thousand twelve.

49 (ii) Subject to available funding, applications shall be accepted on a
50 continuous basis. The department shall provide technical assistance to
51 applicants to facilitate their completion of applications. An applicant
52 shall be notified in writing by the department within ten days of
53 receipt of an application as to whether the application is complete and
54 if the application is incomplete, what information is outstanding. The
55 department shall act on an application within thirty days of receipt of
56 a complete application.

1 (e) Study on physician workforce. Five hundred ninety thousand dollars
2 annually for the period January first, two thousand eight through Decem-
3 ber thirty-first, two thousand ten, one hundred forty-eight thousand
4 dollars for the period January first, two thousand eleven through March
5 thirty-first, two thousand eleven, five hundred sixteen thousand dollars
6 each state fiscal year for the period April first, two thousand eleven
7 through March thirty-first, two thousand fourteen, up to four hundred
8 eighty-seven thousand dollars each state fiscal year for the period
9 April first, two thousand fourteen through March thirty-first, two thou-
10 sand seventeen, up to four hundred eighty-seven thousand dollars for
11 each state fiscal year for the period April first, two thousand seven-
12 teen through March thirty-first, two thousand twenty, up to four hundred
13 eighty-seven thousand dollars each state fiscal year for the period
14 April first, two thousand twenty through March thirty-first, two thou-
15 sand twenty-three, [and] up to four hundred eighty-seven thousand
16 dollars each state fiscal year for the period April first, two thousand
17 twenty-three through March thirty-first, two thousand twenty-six, and up
18 to four hundred eighty-seven thousand dollars each state fiscal year for
19 the period April first, two thousand twenty-six through March thirty-
20 first, two thousand twenty-nine, shall be set aside and reserved by the
21 commissioner from the regional pools established pursuant to subdivision
22 two of this section and shall be available to fund a study of physician
23 workforce needs and solutions including, but not limited to, an analysis
24 of residency programs and projected physician workforce and community
25 needs. The commissioner shall enter into agreements with one or more
26 organizations to conduct such study based on a request for proposal
27 process.

28 (f) [Diversity in medicine/post-baccalaureate program] Scholars in
29 medicine and science and scholarships in medicine programs. Notwith-
30 standing any inconsistent provision of section one hundred twelve or one
31 hundred sixty-three of the state finance law or any other law, one
32 million nine hundred sixty thousand dollars annually for the period
33 January first, two thousand eight through December thirty-first, two
34 thousand ten, four hundred ninety thousand dollars for the period Janu-
35 ary first, two thousand eleven through March thirty-first, two thousand
36 eleven, one million seven hundred thousand dollars each state fiscal
37 year for the period April first, two thousand eleven through March thir-
38 ty-first, two thousand fourteen, up to one million six hundred five
39 thousand dollars each state fiscal year for the period April first, two
40 thousand fourteen through March thirty-first, two thousand seventeen, up
41 to one million six hundred five thousand dollars each state fiscal year
42 for the period April first, two thousand seventeen through March thir-
43 ty-first, two thousand twenty, up to one million six hundred five thou-
44 sand dollars each state fiscal year for the period April first, two
45 thousand twenty through March thirty-first, two thousand twenty-three,
46 [and] up to one million six hundred five thousand dollars each state
47 fiscal year for the period April first, two thousand twenty-three
48 through March thirty-first, two thousand twenty-six, and up to one
49 million six hundred five thousand dollars each state fiscal year for the
50 period April first, two thousand twenty-six through March thirty-first,
51 two thousand twenty-nine, shall be set aside and reserved by the commis-
52 sioner from the regional pools established pursuant to subdivision two
53 of this section and shall be available for distributions to the Associ-
54 ated Medical Schools of New York to fund its [diversity program] schol-
55 ars in medicine and science and scholarships in medicine programs
56 including existing and new post-baccalaureate programs for minority and



1 economically disadvantaged students and encourage participation from all
2 medical schools in New York. The associated medical schools of New York
3 shall report to the commissioner on an annual basis regarding the use of
4 funds for such purpose in such form and manner as specified by the
5 commissioner.

6 § 11. Subparagraph (xvi) of paragraph (a) of subdivision 7 of section
7 2807-s of the public health law, as amended by section 8 of part Y of
8 chapter 56 of the laws of 2020, is amended to read as follows:

9 (xvi) provided further, however, for periods prior to July first, two
10 thousand nine, amounts set forth in this paragraph shall be reduced by
11 an amount equal to the actual distribution reductions for all facilities
12 pursuant to paragraph [(s)] (o) of subdivision one of section twenty-
13 eight hundred seven-m of this article.

14 § 12. Subdivision (c) of section 92-dd of the state finance law, as
15 amended by section 9 of part Y of chapter 56 of the laws of 2020, is
16 amended to read as follows:

17 (c) The pool administrator shall, from appropriated funds transferred
18 to the pool administrator from the comptroller, continue to make
19 payments as required pursuant to sections twenty-eight hundred seven-k,
20 twenty-eight hundred seven-m (not including payments made pursuant to
21 subdivision five-b and paragraphs (b), (c), [(d),,] (e) and (f) [and
22 (g)] of subdivision five-a of section twenty-eight hundred seven-m), and
23 twenty-eight hundred seven-w of the public health law, paragraph (e) of
24 subdivision twenty-five of section twenty-eight hundred seven-c of the
25 public health law, paragraphs (b) and (c) of subdivision thirty of
26 section twenty-eight hundred seven-c of the public health law, paragraph
27 (b) of subdivision eighteen of section twenty-eight hundred eight of the
28 public health law, subdivision seven of section twenty-five hundred-d of
29 the public health law and section eighty-eight of chapter one of the
30 laws of nineteen hundred ninety-nine.

31 § 13. Subdivision 4-c of section 2807-p of the public health law, as
32 amended by section 7 of part C of chapter 57 of the laws of 2023, is
33 amended to read as follows:

34 4-c. Notwithstanding any provision of law to the contrary, the commis-
35 sioner shall make additional payments for uncompensated care to volun-
36 tary non-profit diagnostic and treatment centers that are eligible for
37 distributions under subdivision four of this section in the following
38 amounts: for the period June first, two thousand six through December
39 thirty-first, two thousand six, in the amount of seven million five
40 hundred thousand dollars, for the period January first, two thousand
41 seven through December thirty-first, two thousand seven, seven million
42 five hundred thousand dollars, for the period January first, two thou-
43 sand eight through December thirty-first, two thousand eight, seven
44 million five hundred thousand dollars, for the period January first, two
45 thousand nine through December thirty-first, two thousand nine, fifteen
46 million five hundred thousand dollars, for the period January first, two
47 thousand ten through December thirty-first, two thousand ten, seven
48 million five hundred thousand dollars, for the period January first, two
49 thousand eleven through December thirty-first, two thousand eleven, seven
50 million five hundred thousand dollars, for the period January first, two
51 thousand twelve through December thirty-first, two thousand twelve,
52 seven million five hundred thousand dollars, for the period January
53 first, two thousand thirteen through December thirty-first, two thousand
54 thirteen, seven million five hundred thousand dollars, for the period
55 January first, two thousand fourteen through December thirty-first, two
56 thousand fourteen, seven million five hundred thousand dollars, for the

1 period January first, two thousand fifteen through December thirty-
2 first, two thousand fifteen, seven million five hundred thousand
3 dollars, for the period January first two thousand sixteen through
4 December thirty-first, two thousand sixteen, seven million five hundred
5 thousand dollars, for the period January first, two thousand seventeen
6 through December thirty-first, two thousand seventeen, seven million
7 five hundred thousand dollars, for the period January first, two thou-
8 sand eighteen through December thirty-first, two thousand eighteen,
9 seven million five hundred thousand dollars, for the period January
10 first, two thousand nineteen through December thirty-first, two thousand
11 nineteen, seven million five hundred thousand dollars, for the period
12 January first, two thousand twenty through December thirty-first, two
13 thousand twenty, seven million five hundred thousand dollars, for the
14 period January first, two thousand twenty-one through December thirty-
15 first, two thousand twenty-one, seven million five hundred thousand
16 dollars, for the period January first, two thousand twenty-two through
17 December thirty-first, two thousand twenty-two, seven million five
18 hundred thousand dollars, for the period January first, two thousand
19 twenty-three through December thirty-first, two thousand twenty-three,
20 seven million five hundred thousand dollars, for the period January
21 first, two thousand twenty-four through December thirty-first, two thou-
22 sand twenty-four, seven million five hundred thousand dollars, for the
23 period January first, two thousand twenty-five through December thirty-
24 first, two thousand twenty-five, seven million five hundred thousand
25 dollars, for the period January first, two thousand twenty-six through
26 December thirty-first, two thousand twenty-six, seven million five
27 hundred thousand dollars, for the period January first, two thousand
28 twenty-seven through December thirty-first, two thousand twenty-seven,
29 seven million five hundred thousand dollars, for the period January
30 first, two thousand twenty-eight through December thirty-first, two
31 thousand twenty-eight, seven million five hundred thousand dollars, and
32 for the period January first, two thousand [twenty-six] twenty-nine
33 through March thirty-first, two thousand [twenty-six] twenty-nine, in
34 the amount of one million six hundred thousand dollars, provided, howev-
35 er, that for periods on and after January first, two thousand eight,
36 such additional payments shall be distributed to voluntary, non-profit
37 diagnostic and treatment centers and to public diagnostic and treatment
38 centers in accordance with paragraph (g) of subdivision four of this
39 section. In the event that federal financial participation is available
40 for rate adjustments pursuant to this section, the commissioner shall
41 make such payments as additional adjustments to rates of payment for
42 voluntary non-profit diagnostic and treatment centers that are eligible
43 for distributions under subdivision four-a of this section in the
44 following amounts: for the period June first, two thousand six through
45 December thirty-first, two thousand six, fifteen million dollars in the
46 aggregate, and for the period January first, two thousand seven through
47 June thirtieth, two thousand seven, seven million five hundred thousand
48 dollars in the aggregate. The amounts allocated pursuant to this para-
49 graph shall be aggregated with and distributed pursuant to the same
50 methodology applicable to the amounts allocated to such diagnostic and
51 treatment centers for such periods pursuant to subdivision four of this
52 section if federal financial participation is not available, or pursuant
53 to subdivision four-a of this section if federal financial participation
54 is available. Notwithstanding section three hundred sixty-eight-a of the
55 social services law, there shall be no local share in a medical assist-
56 ance payment adjustment under this subdivision.



1 § 14. Paragraph (a) of subdivision 6 of section 2807-s of the public
2 health law is amended by adding a new subparagraph (xvii) to read as
3 follows:

4 (xvii) A gross annual statewide amount for the period January first,
5 two thousand twenty-seven to December thirty-first, two thousand twen-
6 ty-nine shall be one billion eighty-five million dollars, forty million
7 dollars annually of which shall be allocated under section twenty-eight
8 hundred seven-o of this article among the municipalities of and the
9 state of New York based on each municipality's share and the state's
10 share of early intervention program expenditures not reimbursable by the
11 medical assistance program for the latest twelve month period for which
12 such data is available.

13 § 15. Subparagraph (xiii) of paragraph (a) of subdivision 7 of section
14 2807-s of the public health law, as amended by section 10 of part C of
15 chapter 57 of the laws of 2023, is amended to read as follows:

16 (xiii) twenty-three million eight hundred thirty-six thousand dollars
17 each state fiscal year for the period April first, two thousand twelve
18 through March thirty-first, two thousand [twenty-six] twenty-nine;

19 § 16. Paragraph (b) of subdivision 6 of section 2807-t of the public
20 health law, as amended by section 11 of part C of chapter 57 of the laws
21 of 2023, is amended to read as follows:

22 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
23 sion, for covered lives assessment rate periods on and after January
24 first, two thousand fifteen through December thirty-first, two thousand
25 twenty-one, for amounts collected in the aggregate in excess of one
26 billion forty-five million dollars on an annual basis, and for the peri-
27 od January first, two thousand twenty-two to December thirty-first, two
28 thousand [twenty-six] twenty-nine for amounts collected in the aggregate
29 in excess of one billion eighty-five million dollars on an annual basis,
30 prospective adjustments shall be suspended if the annual reconciliation
31 calculation from the prior year would otherwise result in a decrease to
32 the regional allocation of the specified gross annual payment amount for
33 that region, provided, however, that such suspension shall be lifted
34 upon a determination by the commissioner, in consultation with the
35 director of the budget, that sixty-five million dollars in aggregate
36 collections on an annual basis over and above one billion forty-five
37 million dollars on an annual basis for the period on and after January
38 first, two thousand fifteen through December thirty-first, two thousand
39 twenty-one and for the period January first, two thousand twenty-two to
40 December thirty-first, two thousand [twenty-six] twenty-nine for amounts
41 collected in the aggregate in excess of one billion eighty-five million
42 dollars on an annual basis have been reserved and set aside for deposit
43 in the HCRA resources fund. Any amounts collected in the aggregate at or
44 below one billion forty-five million dollars on an annual basis for the
45 period on and after January first, two thousand fifteen through December
46 thirty-first, two thousand twenty-two, and for the period January first,
47 two thousand twenty-three to December thirty-first, two thousand [twen-
48 ty-six] twenty-nine for amounts collected in the aggregate in excess of
49 one billion eighty-five million dollars on an annual basis, shall be
50 subject to regional adjustments reconciling any decreases or increases
51 to the regional allocation in accordance with paragraph (a) of this
52 subdivision.

53 § 17. Section 2807-v of the public health law, as amended by section
54 12 of part C of chapter 57 of the laws of 2023, is amended to read as
55 follows:

1 § 2807-v. Tobacco control and insurance initiatives pool distrib-
2 utions. 1. Funds accumulated in the tobacco control and insurance
3 initiatives pool or in the health care reform act (HCRA) resources fund
4 established pursuant to section ninety-two-dd of the state finance law,
5 whichever is applicable, including income from invested funds, shall be
6 distributed or retained by the commissioner or by the state comptroller,
7 as applicable, in accordance with the following:

8 (a) Funds shall be deposited by the commissioner, within amounts
9 appropriated, and the state comptroller is hereby authorized and
10 directed to receive for deposit to the credit of the state special
11 revenue funds - other, HCRA transfer fund, medicaid fraud hotline and
12 medicaid administration account, or any successor fund or account, for
13 purposes of services and expenses related to the toll-free medicaid
14 fraud hotline established pursuant to section one hundred eight of chap-
15 ter one of the laws of nineteen hundred ninety-nine from the tobacco
16 control and insurance initiatives pool established for the following
17 periods in the following amounts: four hundred thousand dollars annually
18 for the periods January first, two thousand through December thirty-
19 first, two thousand two, up to four hundred thousand dollars for the
20 period January first, two thousand three through December thirty-first,
21 two thousand three, up to four hundred thousand dollars for the period
22 January first, two thousand four through December thirty-first, two
23 thousand four, up to four hundred thousand dollars for the period Janu-
24 ary first, two thousand five through December thirty-first, two thousand
25 five, up to four hundred thousand dollars for the period January first,
26 two thousand six through December thirty-first, two thousand six, up to
27 four hundred thousand dollars for the period January first, two thousand
28 seven through December thirty-first, two thousand seven, up to four
29 hundred thousand dollars for the period January first, two thousand
30 eight through December thirty-first, two thousand eight, up to four
31 hundred thousand dollars for the period January first, two thousand nine
32 through December thirty-first, two thousand nine, up to four hundred
33 thousand dollars for the period January first, two thousand ten through
34 December thirty-first, two thousand ten, up to one hundred thousand
35 dollars for the period January first, two thousand eleven through March
36 thirty-first, two thousand eleven and within amounts appropriated on and
37 after April first, two thousand eleven.

38 (b) Funds shall be reserved and accumulated from year to year and
39 shall be available, including income from invested funds, for purposes
40 of payment of audits or audit contracts necessary to determine payor and
41 provider compliance with requirements set forth in sections twenty-eight
42 hundred seven-j, twenty-eight hundred seven-s and twenty-eight hundred
43 seven-t of this article from the tobacco control and insurance initi-
44 atives pool established for the following periods in the following
45 amounts: five million six hundred thousand dollars annually for the
46 periods January first, two thousand through December thirty-first, two
47 thousand two, up to five million dollars for the period January first,
48 two thousand three through December thirty-first, two thousand three, up
49 to five million dollars for the period January first, two thousand four
50 through December thirty-first, two thousand four, up to five million
51 dollars for the period January first, two thousand five through December
52 thirty-first, two thousand five, up to five million dollars for the
53 period January first, two thousand six through December thirty-first,
54 two thousand six, up to seven million eight hundred thousand dollars for
55 the period January first, two thousand seven through December thirty-
56 first, two thousand seven, and up to eight million three hundred twen-

1 ty-five thousand dollars for the period January first, two thousand
2 eight through December thirty-first, two thousand eight, up to eight
3 million five hundred thousand dollars for the period January first, two
4 thousand nine through December thirty-first, two thousand nine, up to
5 eight million five hundred thousand dollars for the period January
6 first, two thousand ten through December thirty-first, two thousand ten,
7 up to two million one hundred twenty-five thousand dollars for the peri-
8 od January first, two thousand eleven through March thirty-first, two
9 thousand eleven, up to fourteen million seven hundred thousand dollars
10 each state fiscal year for the period April first, two thousand eleven
11 through March thirty-first, two thousand fourteen, up to eleven million
12 one hundred thousand dollars each state fiscal year for the period April
13 first, two thousand fourteen through March thirty-first, two thousand
14 seventeen, up to eleven million one hundred thousand dollars each state
15 fiscal year for the period April first, two thousand seventeen through
16 March thirty-first, two thousand twenty, up to eleven million one
17 hundred thousand dollars each state fiscal year for the period April
18 first, two thousand twenty through March thirty-first, two thousand
19 twenty-three, [and] up to eleven million one hundred thousand dollars
20 each state fiscal year for the period April first, two thousand twenty-
21 three through March thirty-first, two thousand twenty-six, and up to
22 eleven million one hundred thousand dollars each state fiscal year for
23 the period April first, two thousand twenty-six through March thirty-
24 first, two thousand twenty-nine.

25 (c) Funds shall be deposited by the commissioner, within amounts
26 appropriated, and the state comptroller is hereby authorized and
27 directed to receive for deposit to the credit of the state special
28 revenue funds - other, HCRA transfer fund, enhanced community services
29 account, or any successor fund or account, for mental health services
30 programs for case management services for adults and children; supported
31 housing; home and community based waiver services; family based treat-
32 ment; family support services; mobile mental health teams; transitional
33 housing; and community oversight, established pursuant to articles seven
34 and forty-one of the mental hygiene law and subdivision nine of section
35 three hundred sixty-six of the social services law; and for comprehen-
36 sive care centers for eating disorders pursuant to the former section
37 twenty-seven hundred ninety-nine-1 of this chapter, provided however
38 that, for such centers, funds in the amount of five hundred thousand
39 dollars on an annualized basis shall be transferred from the enhanced
40 community services account, or any successor fund or account, and depos-
41 ited into the fund established by section ninety-five-e of the state
42 finance law; from the tobacco control and insurance initiatives pool
43 established for the following periods in the following amounts:

44 (i) forty-eight million dollars to be reserved, to be retained or for
45 distribution pursuant to a chapter of the laws of two thousand, for the
46 period January first, two thousand through December thirty-first, two
47 thousand;

48 (ii) eighty-seven million dollars to be reserved, to be retained or
49 for distribution pursuant to a chapter of the laws of two thousand one,
50 for the period January first, two thousand one through December thirty-
51 first, two thousand one;

52 (iii) eighty-seven million dollars to be reserved, to be retained or
53 for distribution pursuant to a chapter of the laws of two thousand two,
54 for the period January first, two thousand two through December thirty-
55 first, two thousand two;



1 (iv) eighty-eight million dollars to be reserved, to be retained or
2 for distribution pursuant to a chapter of the laws of two thousand
3 three, for the period January first, two thousand three through December
4 thirty-first, two thousand three;

5 (v) eighty-eight million dollars, plus five hundred thousand dollars,
6 to be reserved, to be retained or for distribution pursuant to a chapter
7 of the laws of two thousand four, and pursuant to the former section
8 twenty-seven hundred ninety-nine-1 of this chapter, for the period Janu-
9 ary first, two thousand four through December thirty-first, two thousand
10 four;

11 (vi) eighty-eight million dollars, plus five hundred thousand dollars,
12 to be reserved, to be retained or for distribution pursuant to a chapter
13 of the laws of two thousand five, and pursuant to the former section
14 twenty-seven hundred ninety-nine-1 of this chapter, for the period Janu-
15 ary first, two thousand five through December thirty-first, two thousand
16 five;

17 (vii) eighty-eight million dollars, plus five hundred thousand
18 dollars, to be reserved, to be retained or for distribution pursuant to
19 a chapter of the laws of two thousand six, and pursuant to former
20 section twenty-seven hundred ninety-nine-1 of this chapter, for the
21 period January first, two thousand six through December thirty-first,
22 two thousand six;

23 (viii) eighty-six million four hundred thousand dollars, plus five
24 hundred thousand dollars, to be reserved, to be retained or for distrib-
25 ution pursuant to a chapter of the laws of two thousand seven and pursu-
26 ant to the former section twenty-seven hundred ninety-nine-1 of this
27 chapter, for the period January first, two thousand seven through Decem-
28 ber thirty-first, two thousand seven; and

29 (ix) twenty-two million nine hundred thirteen thousand dollars, plus
30 one hundred twenty-five thousand dollars, to be reserved, to be retained
31 or for distribution pursuant to a chapter of the laws of two thousand
32 eight and pursuant to the former section twenty-seven hundred ninety-
33 nine-1 of this chapter, for the period January first, two thousand eight
34 through March thirty-first, two thousand eight.

35 (d) Funds shall be deposited by the commissioner, within amounts
36 appropriated, and the state comptroller is hereby authorized and
37 directed to receive for deposit to the credit of the state special
38 revenue funds - other, HCRA transfer fund, medical assistance account,
39 or any successor fund or account, for purposes of funding the state
40 share of services and expenses related to the family health plus program
41 including up to two and one-half million dollars annually for the period
42 January first, two thousand through December thirty-first, two thousand
43 two, for administration and marketing costs associated with such program
44 established pursuant to clause (A) of subparagraph (v) of paragraph (a)
45 of subdivision two of former section three hundred sixty-nine-ee of the
46 social services law from the tobacco control and insurance initiatives
47 pool established for the following periods in the following amounts:

48 (i) three million five hundred thousand dollars for the period January
49 first, two thousand through December thirty-first, two thousand;

50 (ii) twenty-seven million dollars for the period January first, two
51 thousand one through December thirty-first, two thousand one; and

52 (iii) fifty-seven million dollars for the period January first, two
53 thousand two through December thirty-first, two thousand two.

54 (e) Funds shall be deposited by the commissioner, within amounts
55 appropriated, and the state comptroller is hereby authorized and
56 directed to receive for deposit to the credit of the state special

1 revenue funds - other, HCRA transfer fund, medical assistance account,
2 or any successor fund or account, for purposes of funding the state
3 share of services and expenses related to the family health plus program
4 including up to two and one-half million dollars annually for the period
5 January first, two thousand through December thirty-first, two thousand
6 two for administration and marketing costs associated with such program
7 established pursuant to clause (B) of subparagraph (v) of paragraph (a)
8 of subdivision two of former section three hundred sixty-nine-ee of the
9 social services law from the tobacco control and insurance initiatives
10 pool established for the following periods in the following amounts:

11 (i) two million five hundred thousand dollars for the period January
12 first, two thousand through December thirty-first, two thousand;

13 (ii) thirty million five hundred thousand dollars for the period Janu-
14 ary first, two thousand one through December thirty-first, two thousand
15 one; and

16 (iii) sixty-six million dollars for the period January first, two
17 thousand two through December thirty-first, two thousand two.

18 (f) Funds shall be deposited by the commissioner, within amounts
19 appropriated, and the state comptroller is hereby authorized and
20 directed to receive for deposit to the credit of the state special
21 revenue funds - other, HCRA transfer fund, medicaid fraud hotline and
22 medicaid administration account, or any successor fund or account, for
23 purposes of payment of administrative expenses of the department related
24 to the family health plus program established pursuant to former section
25 three hundred sixty-nine-ee of the social services law from the tobacco
26 control and insurance initiatives pool established for the following
27 periods in the following amounts: five hundred thousand dollars on an
28 annual basis for the periods January first, two thousand through Decem-
29 ber thirty-first, two thousand six, five hundred thousand dollars for
30 the period January first, two thousand seven through December thirty-
31 first, two thousand seven, and five hundred thousand dollars for the
32 period January first, two thousand eight through December thirty-first,
33 two thousand eight, five hundred thousand dollars for the period January
34 first, two thousand nine through December thirty-first, two thousand
35 nine, five hundred thousand dollars for the period January first, two
36 thousand ten through December thirty-first, two thousand ten, one
37 hundred twenty-five thousand dollars for the period January first, two
38 thousand eleven through March thirty-first, two thousand eleven and
39 within amounts appropriated on and after April first, two thousand elev-
40 en.

41 (g) Funds shall be reserved and accumulated from year to year and
42 shall be available, including income from invested funds, for purposes
43 of services and expenses related to the health maintenance organization
44 direct pay market program established pursuant to sections [forty-three]
45 four thousand three hundred twenty-one-a and [forty-three] four thousand
46 three hundred twenty-two-a of the insurance law from the tobacco control
47 and insurance initiatives pool established for the following periods in
48 the following amounts:

49 (i) up to thirty-five million dollars for the period January first,
50 two thousand through December thirty-first, two thousand of which fifty
51 percentum shall be allocated to the program pursuant to section four
52 thousand three hundred twenty-one-a of the insurance law and fifty
53 percentum to the program pursuant to section four thousand three hundred
54 twenty-two-a of the insurance law;

55 (ii) up to thirty-six million dollars for the period January first,
56 two thousand one through December thirty-first, two thousand one of

1 which fifty percentum shall be allocated to the program pursuant to
2 section four thousand three hundred twenty-one-a of the insurance law
3 and fifty percentum to the program pursuant to section four thousand
4 three hundred twenty-two-a of the insurance law;

5 (iii) up to thirty-nine million dollars for the period January first,
6 two thousand two through December thirty-first, two thousand two of
7 which fifty percentum shall be allocated to the program pursuant to
8 section four thousand three hundred twenty-one-a of the insurance law
9 and fifty percentum to the program pursuant to section four thousand
10 three hundred twenty-two-a of the insurance law;

11 (iv) up to forty million dollars for the period January first, two
12 thousand three through December thirty-first, two thousand three of
13 which fifty percentum shall be allocated to the program pursuant to
14 section four thousand three hundred twenty-one-a of the insurance law
15 and fifty percentum to the program pursuant to section four thousand
16 three hundred twenty-two-a of the insurance law;

17 (v) up to forty million dollars for the period January first, two
18 thousand four through December thirty-first, two thousand four of which
19 fifty percentum shall be allocated to the program pursuant to section
20 four thousand three hundred twenty-one-a of the insurance law and fifty
21 percentum to the program pursuant to section four thousand three hundred
22 twenty-two-a of the insurance law;

23 (vi) up to forty million dollars for the period January first, two
24 thousand five through December thirty-first, two thousand five of which
25 fifty percentum shall be allocated to the program pursuant to section
26 four thousand three hundred twenty-one-a of the insurance law and fifty
27 percentum to the program pursuant to section four thousand three hundred
28 twenty-two-a of the insurance law;

29 (vii) up to forty million dollars for the period January first, two
30 thousand six through December thirty-first, two thousand six of which
31 fifty percentum shall be allocated to the program pursuant to section
32 four thousand three hundred twenty-one-a of the insurance law and fifty
33 percentum shall be allocated to the program pursuant to section four
34 thousand three hundred twenty-two-a of the insurance law;

35 (viii) up to forty million dollars for the period January first, two
36 thousand seven through December thirty-first, two thousand seven of
37 which fifty percentum shall be allocated to the program pursuant to
38 section four thousand three hundred twenty-one-a of the insurance law
39 and fifty percentum shall be allocated to the program pursuant to
40 section four thousand three hundred twenty-two-a of the insurance law;
41 and

42 (ix) up to forty million dollars for the period January first, two
43 thousand eight through December thirty-first, two thousand eight of
44 which fifty per centum shall be allocated to the program pursuant to
45 section four thousand three hundred twenty-one-a of the insurance law
46 and fifty per centum shall be allocated to the program pursuant to
47 section four thousand three hundred twenty-two-a of the insurance law.

48 (h) Funds shall be reserved and accumulated from year to year and
49 shall be available, including income from invested funds, for purposes
50 of services and expenses related to the healthy New York individual
51 program established pursuant to sections four thousand three hundred
52 twenty-six and four thousand three hundred twenty-seven of the insurance
53 law from the tobacco control and insurance initiatives pool established
54 for the following periods in the following amounts:

55 (i) up to six million dollars for the period January first, two thou-
56 sand one through December thirty-first, two thousand one;

1 (ii) up to twenty-nine million dollars for the period January first,
2 two thousand two through December thirty-first, two thousand two;
3 (iii) up to five million one hundred thousand dollars for the period
4 January first, two thousand three through December thirty-first, two
5 thousand three;
6 (iv) up to twenty-four million six hundred thousand dollars for the
7 period January first, two thousand four through December thirty-first,
8 two thousand four;
9 (v) up to thirty-four million six hundred thousand dollars for the
10 period January first, two thousand five through December thirty-first,
11 two thousand five;
12 (vi) up to fifty-four million eight hundred thousand dollars for the
13 period January first, two thousand six through December thirty-first,
14 two thousand six;
15 (vii) up to sixty-one million seven hundred thousand dollars for the
16 period January first, two thousand seven through December thirty-first,
17 two thousand seven; and
18 (viii) up to one hundred three million seven hundred fifty thousand
19 dollars for the period January first, two thousand eight through Decem-
20 ber thirty-first, two thousand eight.
21 (i) Funds shall be reserved and accumulated from year to year and
22 shall be available, including income from invested funds, for purposes
23 of services and expenses related to the healthy New York group program
24 established pursuant to sections four thousand three hundred twenty-six
25 and four thousand three hundred twenty-seven of the insurance law from
26 the tobacco control and insurance initiatives pool established for the
27 following periods in the following amounts:
28 (i) up to thirty-four million dollars for the period January first,
29 two thousand one through December thirty-first, two thousand one;
30 (ii) up to seventy-seven million dollars for the period January first,
31 two thousand two through December thirty-first, two thousand two;
32 (iii) up to ten million five hundred thousand dollars for the period
33 January first, two thousand three through December thirty-first, two
34 thousand three;
35 (iv) up to twenty-four million six hundred thousand dollars for the
36 period January first, two thousand four through December thirty-first,
37 two thousand four;
38 (v) up to thirty-four million six hundred thousand dollars for the
39 period January first, two thousand five through December thirty-first,
40 two thousand five;
41 (vi) up to fifty-four million eight hundred thousand dollars for the
42 period January first, two thousand six through December thirty-first,
43 two thousand six;
44 (vii) up to sixty-one million seven hundred thousand dollars for the
45 period January first, two thousand seven through December thirty-first,
46 two thousand seven; and
47 (viii) up to one hundred three million seven hundred fifty thousand
48 dollars for the period January first, two thousand eight through Decem-
49 ber thirty-first, two thousand eight.
50 (i-1) Notwithstanding the provisions of paragraphs (h) and (i) of this
51 subdivision, the commissioner shall reserve and accumulate up to two
52 million five hundred thousand dollars annually for the periods January
53 first, two thousand four through December thirty-first, two thousand
54 six, one million four hundred thousand dollars for the period January
55 first, two thousand seven through December thirty-first, two thousand
56 seven, two million dollars for the period January first, two thousand

1 eight through December thirty-first, two thousand eight, from funds
2 otherwise available for distribution under such paragraphs for the
3 services and expenses related to the pilot program for entertainment
4 industry employees included in subsection (b) of section one thousand
5 one hundred twenty-two of the insurance law, and an additional seven
6 hundred thousand dollars annually for the periods January first, two
7 thousand four through December thirty-first, two thousand six, an addi-
8 tional three hundred thousand dollars for the period January first, two
9 thousand seven through June thirtieth, two thousand seven for services
10 and expenses related to the pilot program for displaced workers included
11 in subsection (c) of section one thousand one hundred twenty-two of the
12 insurance law.

13 (j) Funds shall be reserved and accumulated from year to year and
14 shall be available, including income from invested funds, for purposes
15 of services and expenses related to the tobacco use prevention and
16 control program established pursuant to sections thirteen hundred nine-
17 ty-nine-ii and thirteen hundred ninety-nine-jj of this chapter, from the
18 tobacco control and insurance initiatives pool established for the
19 following periods in the following amounts:

20 (i) up to thirty million dollars for the period January first, two
21 thousand through December thirty-first, two thousand;

22 (ii) up to forty million dollars for the period January first, two
23 thousand one through December thirty-first, two thousand one;

24 (iii) up to forty million dollars for the period January first, two
25 thousand two through December thirty-first, two thousand two;

26 (iv) up to thirty-six million nine hundred fifty thousand dollars for
27 the period January first, two thousand three through December thirty-
28 first, two thousand three;

29 (v) up to thirty-six million nine hundred fifty thousand dollars for
30 the period January first, two thousand four through December thirty-
31 first, two thousand four;

32 (vi) up to forty million six hundred thousand dollars for the period
33 January first, two thousand five through December thirty-first, two
34 thousand five;

35 (vii) up to eighty-one million nine hundred thousand dollars for the
36 period January first, two thousand six through December thirty-first,
37 two thousand six, provided, however, that within amounts appropriated, a
38 portion of such funds may be transferred to the Roswell Park Cancer
39 Institute Corporation to support costs associated with cancer research;

40 (viii) up to ninety-four million one hundred fifty thousand dollars
41 for the period January first, two thousand seven through December thir-
42 ty-first, two thousand seven, provided, however, that within amounts
43 appropriated, a portion of such funds may be transferred to the Roswell
44 Park Cancer Institute Corporation to support costs associated with
45 cancer research;

46 (ix) up to ninety-four million one hundred fifty thousand dollars for
47 the period January first, two thousand eight through December thirty-
48 first, two thousand eight;

49 (x) up to ninety-four million one hundred fifty thousand dollars for
50 the period January first, two thousand nine through December thirty-
51 first, two thousand nine;

52 (xi) up to eighty-seven million seven hundred seventy-five thousand
53 dollars for the period January first, two thousand ten through December
54 thirty-first, two thousand ten;



1 (xii) up to twenty-one million four hundred twelve thousand dollars
2 for the period January first, two thousand eleven through March thirty-
3 first, two thousand eleven;

4 (xiii) up to fifty-two million one hundred thousand dollars each state
5 fiscal year for the period April first, two thousand eleven through
6 March thirty-first, two thousand fourteen;

7 (xiv) up to six million dollars each state fiscal year for the period
8 April first, two thousand fourteen through March thirty-first, two thou-
9 sand seventeen;

10 (xv) up to six million dollars each state fiscal year for the period
11 April first, two thousand seventeen through March thirty-first, two
12 thousand twenty;

13 (xvi) up to six million dollars each state fiscal year for the period
14 April first, two thousand twenty through March thirty-first, two thou-
15 sand twenty-three; [and]

16 (xvii) up to six million dollars each state fiscal year for the period
17 April first, two thousand twenty-three through March thirty-first, two
18 thousand twenty-six[.]; and

19 (xviii) up to six million dollars each state fiscal year for the peri-
20 od April first, two thousand twenty-six through March thirty-first, two
21 thousand twenty-nine.

22 (k) Funds shall be deposited by the commissioner, within amounts
23 appropriated, and the state comptroller is hereby authorized and
24 directed to receive for deposit to the credit of the state special
25 revenue fund - other, HCRA transfer fund, health care services account,
26 or any successor fund or account, for purposes of services and expenses
27 related to public health programs, including comprehensive care centers
28 for eating disorders pursuant to the former section twenty-seven hundred
29 ninety-nine-1 of this chapter, provided however that, for such centers,
30 funds in the amount of five hundred thousand dollars on an annualized
31 basis shall be transferred from the health care services account, or any
32 successor fund or account, and deposited into the fund established by
33 section ninety-five-e of the state finance law for periods prior to
34 March thirty-first, two thousand eleven, from the tobacco control and
35 insurance initiatives pool established for the following periods in the
36 following amounts:

37 (i) up to thirty-one million dollars for the period January first, two
38 thousand through December thirty-first, two thousand;

39 (ii) up to forty-one million dollars for the period January first, two
40 thousand one through December thirty-first, two thousand one;

41 (iii) up to eighty-one million dollars for the period January first,
42 two thousand two through December thirty-first, two thousand two;

43 (iv) one hundred twenty-two million five hundred thousand dollars for
44 the period January first, two thousand three through December thirty-
45 first, two thousand three;

46 (v) one hundred eight million five hundred seventy-five thousand
47 dollars, plus an additional five hundred thousand dollars, for the peri-
48 od January first, two thousand four through December thirty-first, two
49 thousand four;

50 (vi) ninety-one million eight hundred thousand dollars, plus an addi-
51 tional five hundred thousand dollars, for the period January first, two
52 thousand five through December thirty-first, two thousand five;

53 (vii) one hundred fifty-six million six hundred thousand dollars, plus
54 an additional five hundred thousand dollars, for the period January
55 first, two thousand six through December thirty-first, two thousand six;

1 (viii) one hundred fifty-one million four hundred thousand dollars,
2 plus an additional five hundred thousand dollars, for the period January
3 first, two thousand seven through December thirty-first, two thousand
4 seven;

5 (ix) one hundred sixteen million nine hundred forty-nine thousand
6 dollars, plus an additional five hundred thousand dollars, for the peri-
7 od January first, two thousand eight through December thirty-first, two
8 thousand eight;

9 (x) one hundred sixteen million nine hundred forty-nine thousand
10 dollars, plus an additional five hundred thousand dollars, for the peri-
11 od January first, two thousand nine through December thirty-first, two
12 thousand nine;

13 (xi) one hundred sixteen million nine hundred forty-nine thousand
14 dollars, plus an additional five hundred thousand dollars, for the peri-
15 od January first, two thousand ten through December thirty-first, two
16 thousand ten;

17 (xii) twenty-nine million two hundred thirty-seven thousand two
18 hundred fifty dollars, plus an additional one hundred twenty-five thou-
19 sand dollars, for the period January first, two thousand eleven through
20 March thirty-first, two thousand eleven;

21 (xiii) one hundred twenty million thirty-eight thousand dollars for
22 the period April first, two thousand eleven through March thirty-first,
23 two thousand twelve; and

24 (xiv) one hundred nineteen million four hundred seven thousand dollars
25 each state fiscal year for the period April first, two thousand twelve
26 through March thirty-first, two thousand fourteen.

27 (1) Funds shall be deposited by the commissioner, within amounts
28 appropriated, and the state comptroller is hereby authorized and
29 directed to receive for deposit to the credit of the state special
30 revenue funds - other, HCRA transfer fund, medical assistance account,
31 or any successor fund or account, for purposes of funding the state
32 share of the personal care and certified home health agency rate or fee
33 increases established pursuant to subdivision three of section three
34 hundred sixty-seven-o of the social services law from the tobacco
35 control and insurance initiatives pool established for the following
36 periods in the following amounts:

37 (i) twenty-three million two hundred thousand dollars for the period
38 January first, two thousand through December thirty-first, two thousand;

39 (ii) twenty-three million two hundred thousand dollars for the period
40 January first, two thousand one through December thirty-first, two thou-
41 sand one;

42 (iii) twenty-three million two hundred thousand dollars for the period
43 January first, two thousand two through December thirty-first, two thou-
44 sand two;

45 (iv) up to sixty-five million two hundred thousand dollars for the
46 period January first, two thousand three through December thirty-first,
47 two thousand three;

48 (v) up to sixty-five million two hundred thousand dollars for the
49 period January first, two thousand four through December thirty-first,
50 two thousand four;

51 (vi) up to sixty-five million two hundred thousand dollars for the
52 period January first, two thousand five through December thirty-first,
53 two thousand five;

54 (vii) up to sixty-five million two hundred thousand dollars for the
55 period January first, two thousand six through December thirty-first,
56 two thousand six;

1 (viii) up to sixty-five million two hundred thousand dollars for the
2 period January first, two thousand seven through December thirty-first,
3 two thousand seven; and

4 (ix) up to sixteen million three hundred thousand dollars for the
5 period January first, two thousand eight through March thirty-first, two
6 thousand eight.

7 (m) Funds shall be deposited by the commissioner, within amounts
8 appropriated, and the state comptroller is hereby authorized and
9 directed to receive for deposit to the credit of the state special
10 revenue funds - other, HCRA transfer fund, medical assistance account,
11 or any successor fund or account, for purposes of funding the state
12 share of services and expenses related to home care workers insurance
13 pilot demonstration programs established pursuant to subdivision two of
14 section three hundred sixty-seven-o of the social services law from the
15 tobacco control and insurance initiatives pool established for the
16 following periods in the following amounts:

17 (i) three million eight hundred thousand dollars for the period Janu-
18 ary first, two thousand through December thirty-first, two thousand;

19 (ii) three million eight hundred thousand dollars for the period Janu-
20 ary first, two thousand one through December thirty-first, two thousand
21 one;

22 (iii) three million eight hundred thousand dollars for the period
23 January first, two thousand two through December thirty-first, two thou-
24 sand two;

25 (iv) up to three million eight hundred thousand dollars for the period
26 January first, two thousand three through December thirty-first, two
27 thousand three;

28 (v) up to three million eight hundred thousand dollars for the period
29 January first, two thousand four through December thirty-first, two
30 thousand four;

31 (vi) up to three million eight hundred thousand dollars for the period
32 January first, two thousand five through December thirty-first, two
33 thousand five;

34 (vii) up to three million eight hundred thousand dollars for the peri-
35 od January first, two thousand six through December thirty-first, two
36 thousand six;

37 (viii) up to three million eight hundred thousand dollars for the
38 period January first, two thousand seven through December thirty-first,
39 two thousand seven; and

40 (ix) up to nine hundred fifty thousand dollars for the period January
41 first, two thousand eight through March thirty-first, two thousand
42 eight.

43 (n) Funds shall be transferred by the commissioner and shall be depos-
44 ited to the credit of the special revenue funds - other, miscellaneous
45 special revenue fund - 339, elderly pharmaceutical insurance coverage
46 program premium account authorized pursuant to the provisions of title
47 three of article two of the elder law, or any successor fund or account,
48 for funding state expenses relating to the program from the tobacco
49 control and insurance initiatives pool established for the following
50 periods in the following amounts:

51 (i) one hundred seven million dollars for the period January first,
52 two thousand through December thirty-first, two thousand;

53 (ii) one hundred sixty-four million dollars for the period January
54 first, two thousand one through December thirty-first, two thousand one;

- 1 (iii) three hundred twenty-two million seven hundred thousand dollars
2 for the period January first, two thousand two through December thirty-
3 first, two thousand two;
- 4 (iv) four hundred thirty-three million three hundred thousand dollars
5 for the period January first, two thousand three through December thir-
6 ty-first, two thousand three;
- 7 (v) five hundred four million one hundred fifty thousand dollars for
8 the period January first, two thousand four through December thirty-
9 first, two thousand four;
- 10 (vi) five hundred sixty-six million eight hundred thousand dollars for
11 the period January first, two thousand five through December thirty-
12 first, two thousand five;
- 13 (vii) six hundred three million one hundred fifty thousand dollars for
14 the period January first, two thousand six through December thirty-
15 first, two thousand six;
- 16 (viii) six hundred sixty million eight hundred thousand dollars for
17 the period January first, two thousand seven through December thirty-
18 first, two thousand seven;
- 19 (ix) three hundred sixty-seven million four hundred sixty-three thou-
20 sand dollars for the period January first, two thousand eight through
21 December thirty-first, two thousand eight;
- 22 (x) three hundred thirty-four million eight hundred twenty-five thou-
23 sand dollars for the period January first, two thousand nine through
24 December thirty-first, two thousand nine;
- 25 (xi) three hundred forty-four million nine hundred thousand dollars
26 for the period January first, two thousand ten through December thirty-
27 first, two thousand ten;
- 28 (xii) eighty-seven million seven hundred eighty-eight thousand dollars
29 for the period January first, two thousand eleven through March thirty-
30 first, two thousand eleven;
- 31 (xiii) one hundred forty-three million one hundred fifty thousand
32 dollars for the period April first, two thousand eleven through March
33 thirty-first, two thousand twelve;
- 34 (xiv) one hundred twenty million nine hundred fifty thousand dollars
35 for the period April first, two thousand twelve through March thirty-
36 first, two thousand thirteen;
- 37 (xv) one hundred twenty-eight million eight hundred fifty thousand
38 dollars for the period April first, two thousand thirteen through March
39 thirty-first, two thousand fourteen;
- 40 (xvi) one hundred twenty-seven million four hundred sixteen thousand
41 dollars each state fiscal year for the period April first, two thousand
42 fourteen through March thirty-first, two thousand seventeen;
- 43 (xvii) one hundred twenty-seven million four hundred sixteen thousand
44 dollars each state fiscal year for the period April first, two thousand
45 seventeen through March thirty-first, two thousand twenty;
- 46 (xviii) one hundred twenty-seven million four hundred sixteen thousand
47 dollars each state fiscal year for the period April first, two thousand
48 twenty through March thirty-first, two thousand twenty-three; [and]
- 49 (xix) one hundred twenty-seven million four hundred sixteen thousand
50 dollars each state fiscal year for the period April first, two thousand
51 twenty-three through March thirty-first, two thousand twenty-six[.]; and
- 52 (xx) one hundred twenty-seven million four hundred sixteen thousand
53 dollars each state fiscal year for the period April first, two thousand
54 twenty-six through March thirty-first, two thousand twenty-nine.
- 55 (o) Funds shall be reserved and accumulated and shall be transferred
56 to the Roswell Park Cancer Institute Corporation, from the tobacco



1 control and insurance initiatives pool established for the following
2 periods in the following amounts:

3 (i) up to ninety million dollars for the period January first, two
4 thousand through December thirty-first, two thousand;

5 (ii) up to sixty million dollars for the period January first, two
6 thousand one through December thirty-first, two thousand one;

7 (iii) up to eighty-five million dollars for the period January first,
8 two thousand two through December thirty-first, two thousand two;

9 (iv) eighty-five million two hundred fifty thousand dollars for the
10 period January first, two thousand three through December thirty-first,
11 two thousand three;

12 (v) seventy-eight million dollars for the period January first, two
13 thousand four through December thirty-first, two thousand four;

14 (vi) seventy-eight million dollars for the period January first, two
15 thousand five through December thirty-first, two thousand five;

16 (vii) ninety-one million dollars for the period January first, two
17 thousand six through December thirty-first, two thousand six;

18 (viii) seventy-eight million dollars for the period January first, two
19 thousand seven through December thirty-first, two thousand seven;

20 (ix) seventy-eight million dollars for the period January first, two
21 thousand eight through December thirty-first, two thousand eight;

22 (x) seventy-eight million dollars for the period January first, two
23 thousand nine through December thirty-first, two thousand nine;

24 (xi) seventy-eight million dollars for the period January first, two
25 thousand ten through December thirty-first, two thousand ten;

26 (xii) nineteen million five hundred thousand dollars for the period
27 January first, two thousand eleven through March thirty-first, two thou-
28 sand eleven;

29 (xiii) sixty-nine million eight hundred forty thousand dollars each
30 state fiscal year for the period April first, two thousand eleven
31 through March thirty-first, two thousand fourteen;

32 (xiv) up to ninety-six million six hundred thousand dollars each state
33 fiscal year for the period April first, two thousand fourteen through
34 March thirty-first, two thousand seventeen;

35 (xv) up to ninety-six million six hundred thousand dollars each state
36 fiscal year for the period April first, two thousand seventeen through
37 March thirty-first, two thousand twenty;

38 (xvi) up to ninety-six million six hundred thousand dollars each state
39 fiscal year for the period April first, two thousand twenty through
40 March thirty-first, two thousand twenty-three; [and]

41 (xvii) up to ninety-six million six hundred thousand dollars each
42 state fiscal year for the period April first, two thousand twenty-three
43 through March thirty-first, two thousand twenty-six[.]; and

44 (xviii) up to ninety-six million six hundred thousand dollars each
45 state fiscal year for the period April first, two thousand twenty-six
46 through March thirty-first, two thousand twenty-nine.

47 (p) Funds shall be deposited by the commissioner, within amounts
48 appropriated, and the state comptroller is hereby authorized and
49 directed to receive for deposit to the credit of the state special
50 revenue funds - other, indigent care fund - 068, indigent care account,
51 or any successor fund or account, for purposes of providing a medicaid
52 disproportionate share payment from the high need indigent care adjust-
53 ment pool established pursuant to section twenty-eight hundred seven-w
54 of this article, from the tobacco control and insurance initiatives pool
55 established for the following periods in the following amounts:

- 1 (i) eighty-two million dollars annually for the periods January first,
2 two thousand through December thirty-first, two thousand two;
- 3 (ii) up to eighty-two million dollars for the period January first,
4 two thousand three through December thirty-first, two thousand three;
- 5 (iii) up to eighty-two million dollars for the period January first,
6 two thousand four through December thirty-first, two thousand four;
- 7 (iv) up to eighty-two million dollars for the period January first,
8 two thousand five through December thirty-first, two thousand five;
- 9 (v) up to eighty-two million dollars for the period January first, two
10 thousand six through December thirty-first, two thousand six;
- 11 (vi) up to eighty-two million dollars for the period January first,
12 two thousand seven through December thirty-first, two thousand seven;
- 13 (vii) up to eighty-two million dollars for the period January first,
14 two thousand eight through December thirty-first, two thousand eight;
- 15 (viii) up to eighty-two million dollars for the period January first,
16 two thousand nine through December thirty-first, two thousand nine;
- 17 (ix) up to eighty-two million dollars for the period January first,
18 two thousand ten through December thirty-first, two thousand ten;
- 19 (x) up to twenty million five hundred thousand dollars for the period
20 January first, two thousand eleven through March thirty-first, two thou-
21 sand eleven; and
- 22 (xi) up to eighty-two million dollars each state fiscal year for the
23 period April first, two thousand eleven through March thirty-first, two
24 thousand fourteen.
- 25 (q) Funds shall be reserved and accumulated from year to year and
26 shall be available, including income from invested funds, for purposes
27 of providing distributions to eligible school based health centers
28 established pursuant to section eighty-eight of chapter one of the laws
29 of nineteen hundred ninety-nine, from the tobacco control and insurance
30 initiatives pool established for the following periods in the following
31 amounts:
- 32 (i) seven million dollars annually for the period January first, two
33 thousand through December thirty-first, two thousand two;
- 34 (ii) up to seven million dollars for the period January first, two
35 thousand three through December thirty-first, two thousand three;
- 36 (iii) up to seven million dollars for the period January first, two
37 thousand four through December thirty-first, two thousand four;
- 38 (iv) up to seven million dollars for the period January first, two
39 thousand five through December thirty-first, two thousand five;
- 40 (v) up to seven million dollars for the period January first, two
41 thousand six through December thirty-first, two thousand six;
- 42 (vi) up to seven million dollars for the period January first, two
43 thousand seven through December thirty-first, two thousand seven;
- 44 (vii) up to seven million dollars for the period January first, two
45 thousand eight through December thirty-first, two thousand eight;
- 46 (viii) up to seven million dollars for the period January first, two
47 thousand nine through December thirty-first, two thousand nine;
- 48 (ix) up to seven million dollars for the period January first, two
49 thousand ten through December thirty-first, two thousand ten;
- 50 (x) up to one million seven hundred fifty thousand dollars for the
51 period January first, two thousand eleven through March thirty-first,
52 two thousand eleven;
- 53 (xi) up to five million six hundred thousand dollars each state fiscal
54 year for the period April first, two thousand eleven through March thir-
55 ty-first, two thousand fourteen;



1 (xii) up to five million two hundred eighty-eight thousand dollars
2 each state fiscal year for the period April first, two thousand fourteen
3 through March thirty-first, two thousand seventeen;

4 (xiii) up to five million two hundred eighty-eight thousand dollars
5 each state fiscal year for the period April first, two thousand seven-
6 teen through March thirty-first, two thousand twenty;

7 (xiv) up to five million two hundred eighty-eight thousand dollars
8 each state fiscal year for the period April first, two thousand twenty
9 through March thirty-first, two thousand twenty-three; [and]

10 (xv) up to five million two hundred eighty-eight thousand dollars each
11 state fiscal year for the period April first, two thousand twenty-three
12 through March thirty-first, two thousand twenty-six[.]; and

13 (xvi) up to five million two hundred eighty-eight thousand dollars
14 each state fiscal year for the period April first, two thousand twenty-
15 six through March thirty-first, two thousand twenty-nine.

16 (r) Funds shall be deposited by the commissioner within amounts appro-
17 priated, and the state comptroller is hereby authorized and directed to
18 receive for deposit to the credit of the state special revenue funds -
19 other, HCRA transfer fund, medical assistance account, or any successor
20 fund or account, for purposes of providing distributions for supplemen-
21 tary medical insurance for Medicare part B premiums, physicians
22 services, outpatient services, medical equipment, supplies and other
23 health services, from the tobacco control and insurance initiatives pool
24 established for the following periods in the following amounts:

25 (i) forty-three million dollars for the period January first, two
26 thousand through December thirty-first, two thousand;

27 (ii) sixty-one million dollars for the period January first, two thou-
28 sand one through December thirty-first, two thousand one;

29 (iii) sixty-five million dollars for the period January first, two
30 thousand two through December thirty-first, two thousand two;

31 (iv) sixty-seven million five hundred thousand dollars for the period
32 January first, two thousand three through December thirty-first, two
33 thousand three;

34 (v) sixty-eight million dollars for the period January first, two
35 thousand four through December thirty-first, two thousand four;

36 (vi) sixty-eight million dollars for the period January first, two
37 thousand five through December thirty-first, two thousand five;

38 (vii) sixty-eight million dollars for the period January first, two
39 thousand six through December thirty-first, two thousand six;

40 (viii) seventeen million five hundred thousand dollars for the period
41 January first, two thousand seven through December thirty-first, two
42 thousand seven;

43 (ix) sixty-eight million dollars for the period January first, two
44 thousand eight through December thirty-first, two thousand eight;

45 (x) sixty-eight million dollars for the period January first, two
46 thousand nine through December thirty-first, two thousand nine;

47 (xi) sixty-eight million dollars for the period January first, two
48 thousand ten through December thirty-first, two thousand ten;

49 (xii) seventeen million dollars for the period January first, two
50 thousand eleven through March thirty-first, two thousand eleven; and

51 (xiii) sixty-eight million dollars each state fiscal year for the
52 period April first, two thousand eleven through March thirty-first, two
53 thousand fourteen.

54 (s) Funds shall be deposited by the commissioner within amounts appro-
55 priated, and the state comptroller is hereby authorized and directed to
56 receive for deposit to the credit of the state special revenue funds -

1 other, HCRA transfer fund, medical assistance account, or any successor
2 fund or account, for purposes of providing distributions pursuant to
3 paragraphs (s-5), (s-6), (s-7) and (s-8) of subdivision eleven of
4 section twenty-eight hundred seven-c of this article from the tobacco
5 control and insurance initiatives pool established for the following
6 periods in the following amounts:

7 (i) eighteen million dollars for the period January first, two thou-
8 sand through December thirty-first, two thousand;

9 (ii) twenty-four million dollars annually for the periods January
10 first, two thousand one through December thirty-first, two thousand two;

11 (iii) up to twenty-four million dollars for the period January first,
12 two thousand three through December thirty-first, two thousand three;

13 (iv) up to twenty-four million dollars for the period January first,
14 two thousand four through December thirty-first, two thousand four;

15 (v) up to twenty-four million dollars for the period January first,
16 two thousand five through December thirty-first, two thousand five;

17 (vi) up to twenty-four million dollars for the period January first,
18 two thousand six through December thirty-first, two thousand six;

19 (vii) up to twenty-four million dollars for the period January first,
20 two thousand seven through December thirty-first, two thousand seven;

21 (viii) up to twenty-four million dollars for the period January first,
22 two thousand eight through December thirty-first, two thousand eight;
23 and

24 (ix) up to twenty-two million dollars for the period January first,
25 two thousand nine through November thirtieth, two thousand nine.

26 (t) Funds shall be reserved and accumulated from year to year by the
27 commissioner and shall be made available, including income from invested
28 funds:

29 (i) For the purpose of making grants to a state owned and operated
30 medical school which does not have a state owned and operated hospital
31 on site and available for teaching purposes. Notwithstanding sections
32 one hundred twelve and one hundred sixty-three of the state finance law,
33 such grants shall be made in the amount of up to five hundred thousand
34 dollars for the period January first, two thousand through December
35 thirty-first, two thousand;

36 (ii) For the purpose of making grants to medical schools pursuant to
37 section eighty-six-a of chapter one of the laws of nineteen hundred
38 ninety-nine in the sum of up to four million dollars for the period
39 January first, two thousand through December thirty-first, two thousand;
40 and

41 (iii) The funds disbursed pursuant to subparagraphs (i) and (ii) of
42 this paragraph from the tobacco control and insurance initiatives pool
43 are contingent upon meeting all funding amounts established pursuant to
44 paragraphs (a), (b), (c), (d), (e), (f), (l), (m), (n), (p), (q), (r)
45 and (s) of this subdivision, paragraph (a) of subdivision nine of
46 section twenty-eight hundred seven-j of this article, and paragraphs
47 (a), (i) and (k) of subdivision one of section twenty-eight hundred
48 seven-l of this article.

49 (u) Funds shall be deposited by the commissioner, within amounts
50 appropriated, and the state comptroller is hereby authorized and
51 directed to receive for deposit to the credit of the state special
52 revenue funds - other, HCRA transfer fund, medical assistance account,
53 or any successor fund or account, for purposes of funding the state
54 share of services and expenses related to the nursing home quality
55 improvement demonstration program established pursuant to section twen-
56 ty-eight hundred eight-d of this article from the tobacco control and

1 insurance initiatives pool established for the following periods in the
2 following amounts:

3 (i) up to twenty-five million dollars for the period beginning April
4 first, two thousand two and ending December thirty-first, two thousand
5 two, and on an annualized basis, for each annual period thereafter
6 beginning January first, two thousand three and ending December thirty-
7 first, two thousand four;

8 (ii) up to eighteen million seven hundred fifty thousand dollars for
9 the period January first, two thousand five through December thirty-
10 first, two thousand five; and

11 (iii) up to fifty-six million five hundred thousand dollars for the
12 period January first, two thousand six through December thirty-first,
13 two thousand six.

14 (v) Funds shall be transferred by the commissioner and shall be depos-
15 ited to the credit of the hospital excess liability pool created pursu-
16 ant to section eighteen of chapter two hundred sixty-six of the laws of
17 nineteen hundred eighty-six, or any successor fund or account, for
18 purposes of expenses related to the purchase of excess medical malprac-
19 tice insurance and the cost of administrating the pool, including costs
20 associated with the risk management program established pursuant to
21 section forty-two of part A of chapter one of the laws of two thousand
22 two required by paragraph (a) of subdivision one of section eighteen of
23 chapter two hundred sixty-six of the laws of nineteen hundred eighty-six
24 as may be amended from time to time, from the tobacco control and insur-
25 ance initiatives pool established for the following periods in the
26 following amounts:

27 (i) up to fifty million dollars or so much as is needed for the period
28 January first, two thousand two through December thirty-first, two thou-
29 sand two;

30 (ii) up to seventy-six million seven hundred thousand dollars for the
31 period January first, two thousand three through December thirty-first,
32 two thousand three;

33 (iii) up to sixty-five million dollars for the period January first,
34 two thousand four through December thirty-first, two thousand four;

35 (iv) up to sixty-five million dollars for the period January first,
36 two thousand five through December thirty-first, two thousand five;

37 (v) up to one hundred thirteen million eight hundred thousand dollars
38 for the period January first, two thousand six through December thirty-
39 first, two thousand six;

40 (vi) up to one hundred thirty million dollars for the period January
41 first, two thousand seven through December thirty-first, two thousand
42 seven;

43 (vii) up to one hundred thirty million dollars for the period January
44 first, two thousand eight through December thirty-first, two thousand
45 eight;

46 (viii) up to one hundred thirty million dollars for the period January
47 first, two thousand nine through December thirty-first, two thousand
48 nine;

49 (ix) up to one hundred thirty million dollars for the period January
50 first, two thousand ten through December thirty-first, two thousand ten;

51 (x) up to thirty-two million five hundred thousand dollars for the
52 period January first, two thousand eleven through March thirty-first,
53 two thousand eleven;

54 (xi) up to one hundred twenty-seven million four hundred thousand
55 dollars each state fiscal year for the period April first, two thousand
56 eleven through March thirty-first, two thousand fourteen;

1 (xii) up to one hundred twenty-seven million four hundred thousand
2 dollars each state fiscal year for the period April first, two thousand
3 fourteen through March thirty-first, two thousand seventeen;

4 (xiii) up to one hundred twenty-seven million four hundred thousand
5 dollars each state fiscal year for the period April first, two thousand
6 seventeen through March thirty-first, two thousand twenty;

7 (xiv) up to one hundred twenty-seven million four hundred thousand
8 dollars each state fiscal year for the period April first, two thousand
9 twenty through March thirty-first, two thousand twenty-three; [and]

10 (xv) up to one hundred twenty-seven million four hundred thousand
11 dollars each state fiscal year for the period April first, two thousand
12 twenty-three through March thirty-first, two thousand twenty-six[.]; and

13 (xvi) up to one hundred twenty-seven million four hundred thousand
14 dollars each state fiscal year for the period April first, two thousand
15 twenty-six through March thirty-first, two thousand twenty-nine.

16 (w) Funds shall be deposited by the commissioner, within amounts
17 appropriated, and the state comptroller is hereby authorized and
18 directed to receive for deposit to the credit of the state special
19 revenue funds - other, HCRA transfer fund, medical assistance account,
20 or any successor fund or account, for purposes of funding the state
21 share of the treatment of breast and cervical cancer pursuant to para-
22 graph (d) of subdivision four of section three hundred sixty-six of the
23 social services law, from the tobacco control and insurance initiatives
24 pool established for the following periods in the following amounts:

25 (i) up to four hundred fifty thousand dollars for the period January
26 first, two thousand two through December thirty-first, two thousand two;

27 (ii) up to two million one hundred thousand dollars for the period
28 January first, two thousand three through December thirty-first, two
29 thousand three;

30 (iii) up to two million one hundred thousand dollars for the period
31 January first, two thousand four through December thirty-first, two
32 thousand four;

33 (iv) up to two million one hundred thousand dollars for the period
34 January first, two thousand five through December thirty-first, two
35 thousand five;

36 (v) up to two million one hundred thousand dollars for the period
37 January first, two thousand six through December thirty-first, two thou-
38 sand six;

39 (vi) up to two million one hundred thousand dollars for the period
40 January first, two thousand seven through December thirty-first, two
41 thousand seven;

42 (vii) up to two million one hundred thousand dollars for the period
43 January first, two thousand eight through December thirty-first, two
44 thousand eight;

45 (viii) up to two million one hundred thousand dollars for the period
46 January first, two thousand nine through December thirty-first, two
47 thousand nine;

48 (ix) up to two million one hundred thousand dollars for the period
49 January first, two thousand ten through December thirty-first, two thou-
50 sand ten;

51 (x) up to five hundred twenty-five thousand dollars for the period
52 January first, two thousand eleven through March thirty-first, two thou-
53 sand eleven;

54 (xi) up to two million one hundred thousand dollars each state fiscal
55 year for the period April first, two thousand eleven through March thir-
56 ty-first, two thousand fourteen;

1 (xii) up to two million one hundred thousand dollars each state fiscal
2 year for the period April first, two thousand fourteen through March
3 thirty-first, two thousand seventeen;

4 (xiii) up to two million one hundred thousand dollars each state
5 fiscal year for the period April first, two thousand seventeen through
6 March thirty-first, two thousand twenty;

7 (xiv) up to two million one hundred thousand dollars each state fiscal
8 year for the period April first, two thousand twenty through March thir-
9 ty-first, two thousand twenty-three; [and]

10 (xv) up to two million one hundred thousand dollars each state fiscal
11 year for the period April first, two thousand twenty-three through March
12 thirty-first, two thousand twenty-six[.]; and

13 (xvi) up to two million one hundred thousand dollars each state fiscal
14 year for the period April first, two thousand twenty-six through March
15 thirty-first, two thousand twenty-nine.

16 (x) Funds shall be deposited by the commissioner, within amounts
17 appropriated, and the state comptroller is hereby authorized and
18 directed to receive for deposit to the credit of the state special
19 revenue funds - other, HCRA transfer fund, medical assistance account,
20 or any successor fund or account, for purposes of funding the state
21 share of the non-public general hospital rates increases for recruitment
22 and retention of health care workers from the tobacco control and insur-
23 ance initiatives pool established for the following periods in the
24 following amounts:

25 (i) twenty-seven million one hundred thousand dollars on an annualized
26 basis for the period January first, two thousand two through December
27 thirty-first, two thousand two;

28 (ii) fifty million eight hundred thousand dollars on an annualized
29 basis for the period January first, two thousand three through December
30 thirty-first, two thousand three;

31 (iii) sixty-nine million three hundred thousand dollars on an annual-
32 ized basis for the period January first, two thousand four through
33 December thirty-first, two thousand four;

34 (iv) sixty-nine million three hundred thousand dollars for the period
35 January first, two thousand five through December thirty-first, two
36 thousand five;

37 (v) sixty-nine million three hundred thousand dollars for the period
38 January first, two thousand six through December thirty-first, two thou-
39 sand six;

40 (vi) sixty-five million three hundred thousand dollars for the period
41 January first, two thousand seven through December thirty-first, two
42 thousand seven;

43 (vii) sixty-one million one hundred fifty thousand dollars for the
44 period January first, two thousand eight through December thirty-first,
45 two thousand eight; and

46 (viii) forty-eight million seven hundred twenty-one thousand dollars
47 for the period January first, two thousand nine through November thirti-
48 eth, two thousand nine.

49 (y) Funds shall be reserved and accumulated from year to year and
50 shall be available, including income from invested funds, for purposes
51 of grants to public general hospitals for recruitment and retention of
52 health care workers pursuant to paragraph (b) of subdivision thirty of
53 section twenty-eight hundred seven-c of this article from the tobacco
54 control and insurance initiatives pool established for the following
55 periods in the following amounts:

1 (i) eighteen million five hundred thousand dollars on an annualized
2 basis for the period January first, two thousand two through December
3 thirty-first, two thousand two;

4 (ii) thirty-seven million four hundred thousand dollars on an annual-
5 ized basis for the period January first, two thousand three through
6 December thirty-first, two thousand three;

7 (iii) fifty-two million two hundred thousand dollars on an annualized
8 basis for the period January first, two thousand four through December
9 thirty-first, two thousand four;

10 (iv) fifty-two million two hundred thousand dollars for the period
11 January first, two thousand five through December thirty-first, two
12 thousand five;

13 (v) fifty-two million two hundred thousand dollars for the period
14 January first, two thousand six through December thirty-first, two thou-
15 sand six;

16 (vi) forty-nine million dollars for the period January first, two
17 thousand seven through December thirty-first, two thousand seven;

18 (vii) forty-nine million dollars for the period January first, two
19 thousand eight through December thirty-first, two thousand eight; and

20 (viii) twelve million two hundred fifty thousand dollars for the peri-
21 od January first, two thousand nine through March thirty-first, two
22 thousand nine.

23 Provided, however, amounts pursuant to this paragraph may be reduced
24 in an amount to be approved by the director of the budget to reflect
25 amounts received from the federal government under the state's 1115
26 waiver which are directed under its terms and conditions to the health
27 workforce recruitment and retention program.

28 (z) Funds shall be deposited by the commissioner, within amounts
29 appropriated, and the state comptroller is hereby authorized and
30 directed to receive for deposit to the credit of the state special
31 revenue funds - other, HCRA transfer fund, medical assistance account,
32 or any successor fund or account, for purposes of funding the state
33 share of the non-public residential health care facility rate increases
34 for recruitment and retention of health care workers pursuant to para-
35 graph (a) of subdivision eighteen of section twenty-eight hundred eight
36 of this article from the tobacco control and insurance initiatives pool
37 established for the following periods in the following amounts:

38 (i) twenty-one million five hundred thousand dollars on an annualized
39 basis for the period January first, two thousand two through December
40 thirty-first, two thousand two;

41 (ii) thirty-three million three hundred thousand dollars on an annual-
42 ized basis for the period January first, two thousand three through
43 December thirty-first, two thousand three;

44 (iii) forty-six million three hundred thousand dollars on an annual-
45 ized basis for the period January first, two thousand four through
46 December thirty-first, two thousand four;

47 (iv) forty-six million three hundred thousand dollars for the period
48 January first, two thousand five through December thirty-first, two
49 thousand five;

50 (v) forty-six million three hundred thousand dollars for the period
51 January first, two thousand six through December thirty-first, two thou-
52 sand six;

53 (vi) thirty million nine hundred thousand dollars for the period Janu-
54 ary first, two thousand seven through December thirty-first, two thou-
55 sand seven;

1 (vii) twenty-four million seven hundred thousand dollars for the peri-
2 od January first, two thousand eight through December thirty-first, two
3 thousand eight;

4 (viii) twelve million three hundred seventy-five thousand dollars for
5 the period January first, two thousand nine through December thirty-
6 first, two thousand nine;

7 (ix) nine million three hundred thousand dollars for the period Janu-
8 ary first, two thousand ten through December thirty-first, two thousand
9 ten; and

10 (x) two million three hundred twenty-five thousand dollars for the
11 period January first, two thousand eleven through March thirty-first,
12 two thousand eleven.

13 (aa) Funds shall be reserved and accumulated from year to year and
14 shall be available, including income from invested funds, for purposes
15 of grants to public residential health care facilities for recruitment
16 and retention of health care workers pursuant to paragraph (b) of subdivi-
17 sion eighteen of section twenty-eight hundred eight of this article
18 from the tobacco control and insurance initiatives pool established for
19 the following periods in the following amounts:

20 (i) seven million five hundred thousand dollars on an annualized basis
21 for the period January first, two thousand two through December thirty-
22 first, two thousand two;

23 (ii) eleven million seven hundred thousand dollars on an annualized
24 basis for the period January first, two thousand three through December
25 thirty-first, two thousand three;

26 (iii) sixteen million two hundred thousand dollars on an annualized
27 basis for the period January first, two thousand four through December
28 thirty-first, two thousand four;

29 (iv) sixteen million two hundred thousand dollars for the period Janu-
30 ary first, two thousand five through December thirty-first, two thousand
31 five;

32 (v) sixteen million two hundred thousand dollars for the period Janu-
33 ary first, two thousand six through December thirty-first, two thousand
34 six;

35 (vi) ten million eight hundred thousand dollars for the period January
36 first, two thousand seven through December thirty-first, two thousand
37 seven;

38 (vii) six million seven hundred fifty thousand dollars for the period
39 January first, two thousand eight through December thirty-first, two
40 thousand eight; and

41 (viii) one million three hundred fifty thousand dollars for the period
42 January first, two thousand nine through December thirty-first, two
43 thousand nine.

44 (bb) (i) Funds shall be deposited by the commissioner, within amounts
45 appropriated, and subject to the availability of federal financial
46 participation, and the state comptroller is hereby authorized and
47 directed to receive for deposit to the credit of the state special
48 revenue funds - other, HCRA transfer fund, medical assistance account,
49 or any successor fund or account, for the purpose of supporting the
50 state share of adjustments to Medicaid rates of payment for personal
51 care services provided pursuant to paragraph (e) of subdivision two of
52 section three hundred sixty-five-a of the social services law, for local
53 social service districts which include a city with a population of over
54 one million persons and computed and distributed in accordance with
55 memorandums of understanding to be entered into between the state of New
56 York and such local social service districts for the purpose of support-

1 ing the recruitment and retention of personal care service workers or
2 any worker with direct patient care responsibility, from the tobacco
3 control and insurance initiatives pool established for the following
4 periods and the following amounts:

5 (A) forty-four million dollars, on an annualized basis, for the period
6 April first, two thousand two through December thirty-first, two thou-
7 sand two;

8 (B) seventy-four million dollars, on an annualized basis, for the
9 period January first, two thousand three through December thirty-first,
10 two thousand three;

11 (C) one hundred four million dollars, on an annualized basis, for the
12 period January first, two thousand four through December thirty-first,
13 two thousand four;

14 (D) one hundred thirty-six million dollars, on an annualized basis,
15 for the period January first, two thousand five through December thir-
16 ty-first, two thousand five;

17 (E) one hundred thirty-six million dollars, on an annualized basis,
18 for the period January first, two thousand six through December thirty-
19 first, two thousand six;

20 (F) one hundred thirty-six million dollars for the period January
21 first, two thousand seven through December thirty-first, two thousand
22 seven;

23 (G) one hundred thirty-six million dollars for the period January
24 first, two thousand eight through December thirty-first, two thousand
25 eight;

26 (H) one hundred thirty-six million dollars for the period January
27 first, two thousand nine through December thirty-first, two thousand
28 nine;

29 (I) one hundred thirty-six million dollars for the period January
30 first, two thousand ten through December thirty-first, two thousand ten;

31 (J) thirty-four million dollars for the period January first, two
32 thousand eleven through March thirty-first, two thousand eleven;

33 (K) up to one hundred thirty-six million dollars each state fiscal
34 year for the period April first, two thousand eleven through March thir-
35 ty-first, two thousand fourteen;

36 (L) up to one hundred thirty-six million dollars each state fiscal
37 year for the period March thirty-first, two thousand fourteen through
38 April first, two thousand seventeen;

39 (M) up to one hundred thirty-six million dollars each state fiscal
40 year for the period April first, two thousand seventeen through March
41 thirty-first, two thousand twenty;

42 (N) up to one hundred thirty-six million dollars each state fiscal
43 year for the period April first, two thousand twenty through March thir-
44 ty-first, two thousand twenty-three; [and]

45 (O) up to one hundred thirty-six million dollars each state fiscal
46 year for the period April first, two thousand twenty-three through March
47 thirty-first, two thousand twenty-six[.]; and

48 (P) up to one hundred thirty-six million dollars each state fiscal
49 year for the period April first, two thousand twenty-six through March
50 thirty-first, two thousand twenty-nine.

51 (ii) Adjustments to Medicaid rates made pursuant to this paragraph
52 shall not, in aggregate, exceed the following amounts for the following
53 periods:

54 (A) for the period April first, two thousand two through December
55 thirty-first, two thousand two, one hundred ten million dollars;

1 (B) for the period January first, two thousand three through December
2 thirty-first, two thousand three, one hundred eighty-five million
3 dollars;

4 (C) for the period January first, two thousand four through December
5 thirty-first, two thousand four, two hundred sixty million dollars;

6 (D) for the period January first, two thousand five through December
7 thirty-first, two thousand five, three hundred forty million dollars;

8 (E) for the period January first, two thousand six through December
9 thirty-first, two thousand six, three hundred forty million dollars;

10 (F) for the period January first, two thousand seven through December
11 thirty-first, two thousand seven, three hundred forty million dollars;

12 (G) for the period January first, two thousand eight through December
13 thirty-first, two thousand eight, three hundred forty million dollars;

14 (H) for the period January first, two thousand nine through December
15 thirty-first, two thousand nine, three hundred forty million dollars;

16 (I) for the period January first, two thousand ten through December
17 thirty-first, two thousand ten, three hundred forty million dollars;

18 (J) for the period January first, two thousand eleven through March
19 thirty-first, two thousand eleven, eighty-five million dollars;

20 (K) for each state fiscal year within the period April first, two
21 thousand eleven through March thirty-first, two thousand fourteen, three
22 hundred forty million dollars;

23 (L) for each state fiscal year within the period April first, two
24 thousand fourteen through March thirty-first, two thousand seventeen,
25 three hundred forty million dollars;

26 (M) for each state fiscal year within the period April first, two
27 thousand seventeen through March thirty-first, two thousand twenty,
28 three hundred forty million dollars;

29 (N) for each state fiscal year within the period April first, two
30 thousand twenty through March thirty-first, two thousand twenty-three,
31 three hundred forty million dollars; [and]

32 (O) for each state fiscal year within the period April first, two
33 thousand twenty-three through March thirty-first, two thousand twenty-
34 six, three hundred forty million dollars[.]; and

35 (P) for each state fiscal year within the period April first, two
36 thousand twenty-six through March thirty-first, two thousand twenty-
37 nine, three hundred forty million dollars.

38 (iii) Personal care service providers which have their rates adjusted
39 pursuant to this paragraph shall use such funds for the purpose of
40 recruitment and retention of non-supervisory personal care services
41 workers or any worker with direct patient care responsibility only and
42 are prohibited from using such funds for any other purpose. Each such
43 personal care services provider shall submit, at a time and in a manner
44 to be determined by the commissioner, a written certification attesting
45 that such funds will be used solely for the purpose of recruitment and
46 retention of non-supervisory personal care services workers or any work-
47 er with direct patient care responsibility. The commissioner is author-
48 ized to audit each such provider to ensure compliance with the written
49 certification required by this subdivision and shall recoup any funds
50 determined to have been used for purposes other than recruitment and
51 retention of non-supervisory personal care services workers or any work-
52 er with direct patient care responsibility. Such recoupment shall be in
53 addition to any other penalties provided by law.

54 (cc) Funds shall be deposited by the commissioner, within amounts
55 appropriated, and the state comptroller is hereby authorized and
56 directed to receive for deposit to the credit of the state special

1 revenue funds - other, HCRA transfer fund, medical assistance account,
2 or any successor fund or account, for the purpose of supporting the
3 state share of adjustments to Medicaid rates of payment for personal
4 care services provided pursuant to paragraph (e) of subdivision two of
5 section three hundred sixty-five-a of the social services law, for local
6 social service districts which shall not include a city with a popu-
7 lation of over one million persons for the purpose of supporting the
8 personal care services worker recruitment and retention program as
9 established pursuant to section three hundred sixty-seven-q of the
10 social services law, from the tobacco control and insurance initiatives
11 pool established for the following periods and the following amounts:

12 (i) two million eight hundred thousand dollars for the period April
13 first, two thousand two through December thirty-first, two thousand two;

14 (ii) five million six hundred thousand dollars, on an annualized
15 basis, for the period January first, two thousand three through December
16 thirty-first, two thousand three;

17 (iii) eight million four hundred thousand dollars, on an annualized
18 basis, for the period January first, two thousand four through December
19 thirty-first, two thousand four;

20 (iv) ten million eight hundred thousand dollars, on an annualized
21 basis, for the period January first, two thousand five through December
22 thirty-first, two thousand five;

23 (v) ten million eight hundred thousand dollars, on an annualized
24 basis, for the period January first, two thousand six through December
25 thirty-first, two thousand six;

26 (vi) eleven million two hundred thousand dollars for the period Janu-
27 ary first, two thousand seven through December thirty-first, two thou-
28 sand seven;

29 (vii) eleven million two hundred thousand dollars for the period Janu-
30 ary first, two thousand eight through December thirty-first, two thou-
31 sand eight;

32 (viii) eleven million two hundred thousand dollars for the period
33 January first, two thousand nine through December thirty-first, two
34 thousand nine;

35 (ix) eleven million two hundred thousand dollars for the period Janu-
36 ary first, two thousand ten through December thirty-first, two thousand
37 ten;

38 (x) two million eight hundred thousand dollars for the period January
39 first, two thousand eleven through March thirty-first, two thousand
40 eleven;

41 (xi) up to eleven million two hundred thousand dollars each state
42 fiscal year for the period April first, two thousand eleven through
43 March thirty-first, two thousand fourteen;

44 (xii) up to eleven million two hundred thousand dollars each state
45 fiscal year for the period April first, two thousand fourteen through
46 March thirty-first, two thousand seventeen;

47 (xiii) up to eleven million two hundred thousand dollars each state
48 fiscal year for the period April first, two thousand seventeen through
49 March thirty-first, two thousand twenty;

50 (xiv) up to eleven million two hundred thousand dollars each state
51 fiscal year for the period April first, two thousand twenty through
52 March thirty-first, two thousand twenty-three; [and]

53 (xv) up to eleven million two hundred thousand dollars each state
54 fiscal year for the period April first, two thousand twenty-three
55 through March thirty-first, two thousand twenty-six[.]; and

1 (xvi) up to eleven million two hundred thousand dollars each state
2 fiscal year for the period April first, two thousand twenty-six through
3 March thirty-first, two thousand twenty-nine.

4 (dd) Funds shall be deposited by the commissioner, within amounts
5 appropriated, and the state comptroller is hereby authorized and
6 directed to receive for deposit to the credit of the state special
7 revenue fund - other, HCRA transfer fund, medical assistance account, or
8 any successor fund or account, for purposes of funding the state share
9 of Medicaid expenditures for physician services from the tobacco control
10 and insurance initiatives pool established for the following periods in
11 the following amounts:

12 (i) up to fifty-two million dollars for the period January first, two
13 thousand two through December thirty-first, two thousand two;

14 (ii) eighty-one million two hundred thousand dollars for the period
15 January first, two thousand three through December thirty-first, two
16 thousand three;

17 (iii) eighty-five million two hundred thousand dollars for the period
18 January first, two thousand four through December thirty-first, two
19 thousand four;

20 (iv) eighty-five million two hundred thousand dollars for the period
21 January first, two thousand five through December thirty-first, two
22 thousand five;

23 (v) eighty-five million two hundred thousand dollars for the period
24 January first, two thousand six through December thirty-first, two thou-
25 sand six;

26 (vi) eighty-five million two hundred thousand dollars for the period
27 January first, two thousand seven through December thirty-first, two
28 thousand seven;

29 (vii) eighty-five million two hundred thousand dollars for the period
30 January first, two thousand eight through December thirty-first, two
31 thousand eight;

32 (viii) eighty-five million two hundred thousand dollars for the period
33 January first, two thousand nine through December thirty-first, two
34 thousand nine;

35 (ix) eighty-five million two hundred thousand dollars for the period
36 January first, two thousand ten through December thirty-first, two thou-
37 sand ten;

38 (x) twenty-one million three hundred thousand dollars for the period
39 January first, two thousand eleven through March thirty-first, two thou-
40 sand eleven; and

41 (xi) eighty-five million two hundred thousand dollars each state
42 fiscal year for the period April first, two thousand eleven through
43 March thirty-first, two thousand fourteen.

44 (ee) Funds shall be deposited by the commissioner, within amounts
45 appropriated, and the state comptroller is hereby authorized and
46 directed to receive for deposit to the credit of the state special
47 revenue fund - other, HCRA transfer fund, medical assistance account, or
48 any successor fund or account, for purposes of funding the state share
49 of the free-standing diagnostic and treatment center rate increases for
50 recruitment and retention of health care workers pursuant to subdivision
51 seventeen of section twenty-eight hundred seven of this article from the
52 tobacco control and insurance initiatives pool established for the
53 following periods in the following amounts:

54 (i) three million two hundred fifty thousand dollars for the period
55 April first, two thousand two through December thirty-first, two thou-
56 sand two;

- 1 (ii) three million two hundred fifty thousand dollars on an annualized
2 basis for the period January first, two thousand three through December
3 thirty-first, two thousand three;
- 4 (iii) three million two hundred fifty thousand dollars on an annual-
5 ized basis for the period January first, two thousand four through
6 December thirty-first, two thousand four;
- 7 (iv) three million two hundred fifty thousand dollars for the period
8 January first, two thousand five through December thirty-first, two
9 thousand five;
- 10 (v) three million two hundred fifty thousand dollars for the period
11 January first, two thousand six through December thirty-first, two thou-
12 sand six;
- 13 (vi) three million two hundred fifty thousand dollars for the period
14 January first, two thousand seven through December thirty-first, two
15 thousand seven;
- 16 (vii) three million four hundred thirty-eight thousand dollars for the
17 period January first, two thousand eight through December thirty-first,
18 two thousand eight;
- 19 (viii) two million four hundred fifty thousand dollars for the period
20 January first, two thousand nine through December thirty-first, two
21 thousand nine;
- 22 (ix) one million five hundred thousand dollars for the period January
23 first, two thousand ten through December thirty-first, two thousand ten;
24 and
- 25 (x) three hundred twenty-five thousand dollars for the period January
26 first, two thousand eleven through March thirty-first, two thousand
27 eleven.
- 28 (ff) Funds shall be deposited by the commissioner, within amounts
29 appropriated, and the state comptroller is hereby authorized and
30 directed to receive for deposit to the credit of the state special
31 revenue fund - other, HCRA transfer fund, medical assistance account, or
32 any successor fund or account, for purposes of funding the state share
33 of Medicaid expenditures for disabled persons as authorized pursuant to
34 former subparagraphs twelve and thirteen of paragraph (a) of subdivision
35 one of section three hundred sixty-six of the social services law from
36 the tobacco control and insurance initiatives pool established for the
37 following periods in the following amounts:
- 38 (i) one million eight hundred thousand dollars for the period April
39 first, two thousand two through December thirty-first, two thousand two;
- 40 (ii) sixteen million four hundred thousand dollars on an annualized
41 basis for the period January first, two thousand three through December
42 thirty-first, two thousand three;
- 43 (iii) eighteen million seven hundred thousand dollars on an annualized
44 basis for the period January first, two thousand four through December
45 thirty-first, two thousand four;
- 46 (iv) thirty million six hundred thousand dollars for the period Janu-
47 ary first, two thousand five through December thirty-first, two thousand
48 five;
- 49 (v) thirty million six hundred thousand dollars for the period January
50 first, two thousand six through December thirty-first, two thousand six;
- 51 (vi) thirty million six hundred thousand dollars for the period Janu-
52 ary first, two thousand seven through December thirty-first, two thou-
53 sand seven;
- 54 (vii) fifteen million dollars for the period January first, two thou-
55 sand eight through December thirty-first, two thousand eight;

1 (viii) fifteen million dollars for the period January first, two thou-
2 sand nine through December thirty-first, two thousand nine;
3 (ix) fifteen million dollars for the period January first, two thou-
4 sand ten through December thirty-first, two thousand ten;
5 (x) three million seven hundred fifty thousand dollars for the period
6 January first, two thousand eleven through March thirty-first, two thou-
7 sand eleven;
8 (xi) fifteen million dollars each state fiscal year for the period
9 April first, two thousand eleven through March thirty-first, two thou-
10 sand fourteen;
11 (xii) fifteen million dollars each state fiscal year for the period
12 April first, two thousand fourteen through March thirty-first, two thou-
13 sand seventeen;
14 (xiii) fifteen million dollars each state fiscal year for the period
15 April first, two thousand seventeen through March thirty-first, two
16 thousand twenty;
17 (xiv) fifteen million dollars each state fiscal year for the period
18 April first, two thousand twenty through March thirty-first, two thou-
19 sand twenty-three; [and]
20 (xv) fifteen million dollars each state fiscal year for the period
21 April first, two thousand twenty-three through March thirty-first, two
22 thousand twenty-six[.]; and
23 (xvi) fifteen million dollars each state fiscal year for the period
24 April first, two thousand twenty-six through March thirty-first, two
25 thousand twenty-nine.
26 (gg) Funds shall be reserved and accumulated from year to year and
27 shall be available, including income from invested funds, for purposes
28 of grants to non-public general hospitals pursuant to paragraph (c) of
29 subdivision thirty of section twenty-eight hundred seven-c of this arti-
30 cle from the tobacco control and insurance initiatives pool established
31 for the following periods in the following amounts:
32 (i) up to one million three hundred thousand dollars on an annualized
33 basis for the period January first, two thousand two through December
34 thirty-first, two thousand two;
35 (ii) up to three million two hundred thousand dollars on an annualized
36 basis for the period January first, two thousand three through December
37 thirty-first, two thousand three;
38 (iii) up to five million six hundred thousand dollars on an annualized
39 basis for the period January first, two thousand four through December
40 thirty-first, two thousand four;
41 (iv) up to eight million six hundred thousand dollars for the period
42 January first, two thousand five through December thirty-first, two
43 thousand five;
44 (v) up to eight million six hundred thousand dollars on an annualized
45 basis for the period January first, two thousand six through December
46 thirty-first, two thousand six;
47 (vi) up to two million six hundred thousand dollars for the period
48 January first, two thousand seven through December thirty-first, two
49 thousand seven;
50 (vii) up to two million six hundred thousand dollars for the period
51 January first, two thousand eight through December thirty-first, two
52 thousand eight;
53 (viii) up to two million six hundred thousand dollars for the period
54 January first, two thousand nine through December thirty-first, two
55 thousand nine;

1 (ix) up to two million six hundred thousand dollars for the period
2 January first, two thousand ten through December thirty-first, two thou-
3 sand ten; and

4 (x) up to six hundred fifty thousand dollars for the period January
5 first, two thousand eleven through March thirty-first, two thousand
6 eleven.

7 (hh) Funds shall be deposited by the commissioner, within amounts
8 appropriated, and the state comptroller is hereby authorized and
9 directed to receive for deposit to the credit of the special revenue
10 fund - other, HCRA transfer fund, medical assistance account for
11 purposes of providing financial assistance to residential health care
12 facilities pursuant to subdivisions nineteen and twenty-one of section
13 twenty-eight hundred eight of this article, from the tobacco control and
14 insurance initiatives pool established for the following periods in the
15 following amounts:

16 (i) for the period April first, two thousand two through December
17 thirty-first, two thousand two, ten million dollars;

18 (ii) for the period January first, two thousand three through December
19 thirty-first, two thousand three, nine million four hundred fifty thou-
20 sand dollars;

21 (iii) for the period January first, two thousand four through December
22 thirty-first, two thousand four, nine million three hundred fifty thou-
23 sand dollars;

24 (iv) up to fifteen million dollars for the period January first, two
25 thousand five through December thirty-first, two thousand five;

26 (v) up to fifteen million dollars for the period January first, two
27 thousand six through December thirty-first, two thousand six;

28 (vi) up to fifteen million dollars for the period January first, two
29 thousand seven through December thirty-first, two thousand seven;

30 (vii) up to fifteen million dollars for the period January first, two
31 thousand eight through December thirty-first, two thousand eight;

32 (viii) up to fifteen million dollars for the period January first, two
33 thousand nine through December thirty-first, two thousand nine;

34 (ix) up to fifteen million dollars for the period January first, two
35 thousand ten through December thirty-first, two thousand ten;

36 (x) up to three million seven hundred fifty thousand dollars for the
37 period January first, two thousand eleven through March thirty-first,
38 two thousand eleven; and

39 (xi) fifteen million dollars each state fiscal year for the period
40 April first, two thousand eleven through March thirty-first, two thou-
41 sand fourteen.

42 (ii) Funds shall be deposited by the commissioner, within amounts
43 appropriated, and the state comptroller is hereby authorized and
44 directed to receive for deposit to the credit of the state special
45 revenue funds - other, HCRA transfer fund, medical assistance account,
46 or any successor fund or account, for the purpose of supporting the
47 state share of Medicaid expenditures for disabled persons as authorized
48 by sections 1619 (a) and (b) of the federal social security act pursuant
49 to the tobacco control and insurance initiatives pool established for
50 the following periods in the following amounts:

51 (i) six million four hundred thousand dollars for the period April
52 first, two thousand two through December thirty-first, two thousand two;

53 (ii) eight million five hundred thousand dollars, for the period Janu-
54 ary first, two thousand three through December thirty-first, two thou-
55 sand three;

1 (iii) eight million five hundred thousand dollars for the period Janu-
2 ary first, two thousand four through December thirty-first, two thousand
3 four;

4 (iv) eight million five hundred thousand dollars for the period Janu-
5 ary first, two thousand five through December thirty-first, two thousand
6 five;

7 (v) eight million five hundred thousand dollars for the period January
8 first, two thousand six through December thirty-first, two thousand six;

9 (vi) eight million six hundred thousand dollars for the period January
10 first, two thousand seven through December thirty-first, two thousand
11 seven;

12 (vii) eight million five hundred thousand dollars for the period Janu-
13 ary first, two thousand eight through December thirty-first, two thou-
14 sand eight;

15 (viii) eight million five hundred thousand dollars for the period
16 January first, two thousand nine through December thirty-first, two
17 thousand nine;

18 (ix) eight million five hundred thousand dollars for the period Janu-
19 ary first, two thousand ten through December thirty-first, two thousand
20 ten;

21 (x) two million one hundred twenty-five thousand dollars for the peri-
22 od January first, two thousand eleven through March thirty-first, two
23 thousand eleven;

24 (xi) eight million five hundred thousand dollars each state fiscal
25 year for the period April first, two thousand eleven through March thir-
26 ty-first, two thousand fourteen;

27 (xii) eight million five hundred thousand dollars each state fiscal
28 year for the period April first, two thousand fourteen through March
29 thirty-first, two thousand seventeen;

30 (xiii) eight million five hundred thousand dollars each state fiscal
31 year for the period April first, two thousand seventeen through March
32 thirty-first, two thousand twenty;

33 (xiv) eight million five hundred thousand dollars each state fiscal
34 year for the period April first, two thousand twenty through March thir-
35 ty-first, two thousand twenty-three; [and]

36 (xv) eight million five hundred thousand dollars each state fiscal
37 year for the period April first, two thousand twenty-three through March
38 thirty-first, two thousand twenty-six[.]; and

39 (xvi) eight million five hundred thousand dollars each state fiscal
40 year for the period April first, two thousand twenty-six through March
41 thirty-first, two thousand twenty-nine.

42 (jj) Funds shall be reserved and accumulated from year to year and
43 shall be available, including income from invested funds, for the
44 purposes of a grant program to improve access to infertility services,
45 treatments and procedures, from the tobacco control and insurance initi-
46 atives pool established for the period January first, two thousand two
47 through December thirty-first, two thousand two in the amount of nine
48 million one hundred seventy-five thousand dollars, for the period April
49 first, two thousand six through March thirty-first, two thousand seven
50 in the amount of five million dollars, for the period April first, two
51 thousand seven through March thirty-first, two thousand eight in the
52 amount of five million dollars, for the period April first, two thousand
53 eight through March thirty-first, two thousand nine in the amount of
54 five million dollars, and for the period April first, two thousand nine
55 through March thirty-first, two thousand ten in the amount of five
56 million dollars, for the period April first, two thousand ten through

1 March thirty-first, two thousand eleven in the amount of two million two
2 hundred thousand dollars, and for the period April first, two thousand
3 eleven through March thirty-first, two thousand twelve up to one million
4 one hundred thousand dollars.

5 (kk) Funds shall be deposited by the commissioner, within amounts
6 appropriated, and the state comptroller is hereby authorized and
7 directed to receive for deposit to the credit of the state special
8 revenue funds -- other, HCRA transfer fund, medical assistance account,
9 or any successor fund or account, for purposes of funding the state
10 share of Medical Assistance Program expenditures from the tobacco
11 control and insurance initiatives pool established for the following
12 periods in the following amounts:

13 (i) thirty-eight million eight hundred thousand dollars for the period
14 January first, two thousand two through December thirty-first, two thou-
15 sand two;

16 (ii) up to two hundred ninety-five million dollars for the period
17 January first, two thousand three through December thirty-first, two
18 thousand three;

19 (iii) up to four hundred seventy-two million dollars for the period
20 January first, two thousand four through December thirty-first, two
21 thousand four;

22 (iv) up to nine hundred million dollars for the period January first,
23 two thousand five through December thirty-first, two thousand five;

24 (v) up to eight hundred sixty-six million three hundred thousand
25 dollars for the period January first, two thousand six through December
26 thirty-first, two thousand six;

27 (vi) up to six hundred sixteen million seven hundred thousand dollars
28 for the period January first, two thousand seven through December thir-
29 ty-first, two thousand seven;

30 (vii) up to five hundred seventy-eight million nine hundred twenty-
31 five thousand dollars for the period January first, two thousand eight
32 through December thirty-first, two thousand eight; and

33 (viii) within amounts appropriated on and after January first, two
34 thousand nine.

35 (ll) Funds shall be deposited by the commissioner, within amounts
36 appropriated, and the state comptroller is hereby authorized and
37 directed to receive for deposit to the credit of the state special
38 revenue funds -- other, HCRA transfer fund, medical assistance account,
39 or any successor fund or account, for purposes of funding the state
40 share of Medicaid expenditures related to the city of New York from the
41 tobacco control and insurance initiatives pool established for the
42 following periods in the following amounts:

43 (i) eighty-two million seven hundred thousand dollars for the period
44 January first, two thousand two through December thirty-first, two thou-
45 sand two;

46 (ii) one hundred twenty-four million six hundred thousand dollars for
47 the period January first, two thousand three through December thirty-
48 first, two thousand three;

49 (iii) one hundred twenty-four million seven hundred thousand dollars
50 for the period January first, two thousand four through December thir-
51 ty-first, two thousand four;

52 (iv) one hundred twenty-four million seven hundred thousand dollars
53 for the period January first, two thousand five through December thir-
54 ty-first, two thousand five;



1 (v) one hundred twenty-four million seven hundred thousand dollars for
2 the period January first, two thousand six through December thirty-
3 first, two thousand six;

4 (vi) one hundred twenty-four million seven hundred thousand dollars
5 for the period January first, two thousand seven through December thir-
6 ty-first, two thousand seven;

7 (vii) one hundred twenty-four million seven hundred thousand dollars
8 for the period January first, two thousand eight through December thir-
9 ty-first, two thousand eight;

10 (viii) one hundred twenty-four million seven hundred thousand dollars
11 for the period January first, two thousand nine through December thir-
12 ty-first, two thousand nine;

13 (ix) one hundred twenty-four million seven hundred thousand dollars
14 for the period January first, two thousand ten through December thirty-
15 first, two thousand ten;

16 (x) thirty-one million one hundred seventy-five thousand dollars for
17 the period January first, two thousand eleven through March thirty-
18 first, two thousand eleven; and

19 (xi) one hundred twenty-four million seven hundred thousand dollars
20 each state fiscal year for the period April first, two thousand eleven
21 through March thirty-first, two thousand fourteen.

22 (mm) Funds shall be deposited by the commissioner, within amounts
23 appropriated, and the state comptroller is hereby authorized and
24 directed to receive for deposit to the credit of the state special
25 revenue funds - other, HCRA transfer fund, medical assistance account,
26 or any successor fund or account, for purposes of funding specified
27 percentages of the state share of services and expenses related to the
28 family health plus program in accordance with the following schedule:

29 (i) (A) for the period January first, two thousand three through
30 December thirty-first, two thousand four, one hundred percent of the
31 state share;

32 (B) for the period January first, two thousand five through December
33 thirty-first, two thousand five, seventy-five percent of the state
34 share; and

35 (C) for periods beginning on and after January first, two thousand
36 six, fifty percent of the state share.

37 (ii) Funding for the family health plus program will include up to
38 five million dollars annually for the period January first, two thousand
39 three through December thirty-first, two thousand six, up to five
40 million dollars for the period January first, two thousand seven through
41 December thirty-first, two thousand seven, up to seven million two
42 hundred thousand dollars for the period January first, two thousand
43 eight through December thirty-first, two thousand eight, up to seven
44 million two hundred thousand dollars for the period January first, two
45 thousand nine through December thirty-first, two thousand nine, up to
46 seven million two hundred thousand dollars for the period January first,
47 two thousand ten through December thirty-first, two thousand ten, up to
48 one million eight hundred thousand dollars for the period January first,
49 two thousand eleven through March thirty-first, two thousand eleven, up
50 to six million forty-nine thousand dollars for the period April first,
51 two thousand eleven through March thirty-first, two thousand twelve, up
52 to six million two hundred eighty-nine thousand dollars for the period
53 April first, two thousand twelve through March thirty-first, two thou-
54 sand thirteen, and up to six million four hundred sixty-one thousand
55 dollars for the period April first, two thousand thirteen through March
56 thirty-first, two thousand fourteen, for administration and marketing



1 costs associated with such program established pursuant to clauses (A)
2 and (B) of subparagraph (v) of paragraph (a) of subdivision two of the
3 former section three hundred sixty-nine-ee of the social services law
4 from the tobacco control and insurance initiatives pool established for
5 the following periods in the following amounts:

6 (A) one hundred ninety million six hundred thousand dollars for the
7 period January first, two thousand three through December thirty-first,
8 two thousand three;

9 (B) three hundred seventy-four million dollars for the period January
10 first, two thousand four through December thirty-first, two thousand
11 four;

12 (C) five hundred thirty-eight million four hundred thousand dollars
13 for the period January first, two thousand five through December thir-
14 ty-first, two thousand five;

15 (D) three hundred eighteen million seven hundred seventy-five thousand
16 dollars for the period January first, two thousand six through December
17 thirty-first, two thousand six;

18 (E) four hundred eighty-two million eight hundred thousand dollars for
19 the period January first, two thousand seven through December thirty-
20 first, two thousand seven;

21 (F) five hundred seventy million twenty-five thousand dollars for the
22 period January first, two thousand eight through December thirty-first,
23 two thousand eight;

24 (G) six hundred ten million seven hundred twenty-five thousand dollars
25 for the period January first, two thousand nine through December thir-
26 ty-first, two thousand nine;

27 (H) six hundred twenty-seven million two hundred seventy-five thousand
28 dollars for the period January first, two thousand ten through December
29 thirty-first, two thousand ten;

30 (I) one hundred fifty-seven million eight hundred seventy-five thou-
31 sand dollars for the period January first, two thousand eleven through
32 March thirty-first, two thousand eleven;

33 (J) six hundred twenty-eight million four hundred thousand dollars for
34 the period April first, two thousand eleven through March thirty-first,
35 two thousand twelve;

36 (K) six hundred fifty million four hundred thousand dollars for the
37 period April first, two thousand twelve through March thirty-first, two
38 thousand thirteen;

39 (L) six hundred fifty million four hundred thousand dollars for the
40 period April first, two thousand thirteen through March thirty-first,
41 two thousand fourteen; and

42 (M) up to three hundred ten million five hundred ninety-five thousand
43 dollars for the period April first, two thousand fourteen through March
44 thirty-first, two thousand fifteen.

45 (nn) Funds shall be deposited by the commissioner, within amounts
46 appropriated, and the state comptroller is hereby authorized and
47 directed to receive for deposit to the credit of the state special
48 revenue fund - other, HCRA transfer fund, health care services account,
49 or any successor fund or account, for purposes related to adult home
50 initiatives for medicaid eligible residents of residential facilities
51 licensed pursuant to section four hundred sixty-b of the social services
52 law from the tobacco control and insurance initiatives pool established
53 for the following periods in the following amounts:

54 (i) up to four million dollars for the period January first, two thou-
55 sand three through December thirty-first, two thousand three;

- 1 (ii) up to six million dollars for the period January first, two thou-
2 sand four through December thirty-first, two thousand four;
- 3 (iii) up to eight million dollars for the period January first, two
4 thousand five through December thirty-first, two thousand five,
5 provided, however, that up to five million two hundred fifty thousand
6 dollars of such funds shall be received by the comptroller and deposited
7 to the credit of the special revenue fund - other / aid to localities,
8 HCRA transfer fund - 061, enhanced community services account - 05, or
9 any successor fund or account, for the purposes set forth in this para-
10 graph;
- 11 (iv) up to eight million dollars for the period January first, two
12 thousand six through December thirty-first, two thousand six, provided,
13 however, that up to five million two hundred fifty thousand dollars of
14 such funds shall be received by the comptroller and deposited to the
15 credit of the special revenue fund - other / aid to localities, HCRA
16 transfer fund - 061, enhanced community services account - 05, or any
17 successor fund or account, for the purposes set forth in this paragraph;
- 18 (v) up to eight million dollars for the period January first, two
19 thousand seven through December thirty-first, two thousand seven,
20 provided, however, that up to five million two hundred fifty thousand
21 dollars of such funds shall be received by the comptroller and deposited
22 to the credit of the special revenue fund - other / aid to localities,
23 HCRA transfer fund - 061, enhanced community services account - 05, or
24 any successor fund or account, for the purposes set forth in this para-
25 graph;
- 26 (vi) up to two million seven hundred fifty thousand dollars for the
27 period January first, two thousand eight through December thirty-first,
28 two thousand eight;
- 29 (vii) up to two million seven hundred fifty thousand dollars for the
30 period January first, two thousand nine through December thirty-first,
31 two thousand nine;
- 32 (viii) up to two million seven hundred fifty thousand dollars for the
33 period January first, two thousand ten through December thirty-first,
34 two thousand ten; and
- 35 (ix) up to six hundred eighty-eight thousand dollars for the period
36 January first, two thousand eleven through March thirty-first, two thou-
37 sand eleven.
- 38 (oo) Funds shall be reserved and accumulated from year to year and
39 shall be available, including income from invested funds, for purposes
40 of grants to non-public general hospitals pursuant to paragraph (e) of
41 subdivision twenty-five of section twenty-eight hundred seven-c of this
42 article from the tobacco control and insurance initiatives pool estab-
43 lished for the following periods in the following amounts:
- 44 (i) up to five million dollars on an annualized basis for the period
45 January first, two thousand four through December thirty-first, two
46 thousand four;
- 47 (ii) up to five million dollars for the period January first, two
48 thousand five through December thirty-first, two thousand five;
- 49 (iii) up to five million dollars for the period January first, two
50 thousand six through December thirty-first, two thousand six;
- 51 (iv) up to five million dollars for the period January first, two
52 thousand seven through December thirty-first, two thousand seven;
- 53 (v) up to five million dollars for the period January first, two thou-
54 sand eight through December thirty-first, two thousand eight;
- 55 (vi) up to five million dollars for the period January first, two
56 thousand nine through December thirty-first, two thousand nine;

1 (vii) up to five million dollars for the period January first, two
2 thousand ten through December thirty-first, two thousand ten; and

3 (viii) up to one million two hundred fifty thousand dollars for the
4 period January first, two thousand eleven through March thirty-first,
5 two thousand eleven.

6 (pp) Funds shall be reserved and accumulated from year to year and
7 shall be available, including income from invested funds, for the
8 purpose of supporting the provision of tax credits for long term care
9 insurance pursuant to subdivision one of section one hundred ninety of
10 the tax law, paragraph (a) of subdivision fourteen of section two
11 hundred ten-B of such law, subsection (aa) of section six hundred six of
12 such law and paragraph one of subdivision (m) of section fifteen hundred
13 eleven of such law, in the following amounts:

14 (i) ten million dollars for the period January first, two thousand
15 four through December thirty-first, two thousand four;

16 (ii) ten million dollars for the period January first, two thousand
17 five through December thirty-first, two thousand five;

18 (iii) ten million dollars for the period January first, two thousand
19 six through December thirty-first, two thousand six; and

20 (iv) five million dollars for the period January first, two thousand
21 seven through June thirtieth, two thousand seven.

22 (qq) Funds shall be reserved and accumulated from year to year and
23 shall be available, including income from invested funds, for the
24 purpose of supporting the long-term care insurance education and
25 outreach program established pursuant to section two hundred seventeen-a
26 of the elder law for the following periods in the following amounts:

27 (i) up to five million dollars for the period January first, two thou-
28 sand four through December thirty-first, two thousand four; of such
29 funds one million nine hundred fifty thousand dollars shall be made
30 available to the department for the purpose of developing, implementing
31 and administering the long-term care insurance education and outreach
32 program and three million fifty thousand dollars shall be deposited by
33 the commissioner, within amounts appropriated, and the comptroller is
34 hereby authorized and directed to receive for deposit to the credit of
35 the special revenue funds - other, HCRA transfer fund, long term care
36 insurance resource center account of the state office for the aging or
37 any future account designated for the purpose of implementing the long
38 term care insurance education and outreach program and providing the
39 long term care insurance resource centers with the necessary resources
40 to carry out their operations;

41 (ii) up to five million dollars for the period January first, two
42 thousand five through December thirty-first, two thousand five; of such
43 funds one million nine hundred fifty thousand dollars shall be made
44 available to the department for the purpose of developing, implementing
45 and administering the long-term care insurance education and outreach
46 program and three million fifty thousand dollars shall be deposited by
47 the commissioner, within amounts appropriated, and the comptroller is
48 hereby authorized and directed to receive for deposit to the credit of
49 the special revenue funds - other, HCRA transfer fund, long term care
50 insurance resource center account of the state office for the aging or
51 any future account designated for the purpose of implementing the long
52 term care insurance education and outreach program and providing the
53 long term care insurance resource centers with the necessary resources
54 to carry out their operations;

55 (iii) up to five million dollars for the period January first, two
56 thousand six through December thirty-first, two thousand six; of such

1 funds one million nine hundred fifty thousand dollars shall be made
2 available to the department for the purpose of developing, implementing
3 and administering the long-term care insurance education and outreach
4 program and three million fifty thousand dollars shall be made available
5 to the office for the aging for the purpose of providing the long term
6 care insurance resource centers with the necessary resources to carry
7 out their operations;

8 (iv) up to five million dollars for the period January first, two
9 thousand seven through December thirty-first, two thousand seven; of
10 such funds one million nine hundred fifty thousand dollars shall be made
11 available to the department for the purpose of developing, implementing
12 and administering the long-term care insurance education and outreach
13 program and three million fifty thousand dollars shall be made available
14 to the office for the aging for the purpose of providing the long term
15 care insurance resource centers with the necessary resources to carry
16 out their operations;

17 (v) up to five million dollars for the period January first, two thou-
18 sand eight through December thirty-first, two thousand eight; of such
19 funds one million nine hundred fifty thousand dollars shall be made
20 available to the department for the purpose of developing, implementing
21 and administering the long term care insurance education and outreach
22 program and three million fifty thousand dollars shall be made available
23 to the office for the aging for the purpose of providing the long term
24 care insurance resource centers with the necessary resources to carry
25 out their operations;

26 (vi) up to five million dollars for the period January first, two
27 thousand nine through December thirty-first, two thousand nine; of such
28 funds one million nine hundred fifty thousand dollars shall be made
29 available to the department for the purpose of developing, implementing
30 and administering the long-term care insurance education and outreach
31 program and three million fifty thousand dollars shall be made available
32 to the office for the aging for the purpose of providing the long-term
33 care insurance resource centers with the necessary resources to carry
34 out their operations;

35 (vii) up to four hundred eighty-eight thousand dollars for the period
36 January first, two thousand ten through March thirty-first, two thousand
37 ten; of such funds four hundred eighty-eight thousand dollars shall be
38 made available to the department for the purpose of developing, imple-
39 menting and administering the long-term care insurance education and
40 outreach program.

41 (rr) Funds shall be reserved and accumulated from the tobacco control
42 and insurance initiatives pool and shall be available, including income
43 from invested funds, for the purpose of supporting expenses related to
44 implementation of the provisions of title three of article twenty-nine-D
45 of this chapter, for the following periods and in the following amounts:

46 (i) up to ten million dollars for the period January first, two thou-
47 sand six through December thirty-first, two thousand six;

48 (ii) up to ten million dollars for the period January first, two thou-
49 sand seven through December thirty-first, two thousand seven;

50 (iii) up to ten million dollars for the period January first, two
51 thousand eight through December thirty-first, two thousand eight;

52 (iv) up to ten million dollars for the period January first, two thou-
53 sand nine through December thirty-first, two thousand nine;

54 (v) up to ten million dollars for the period January first, two thou-
55 sand ten through December thirty-first, two thousand ten; and

1 (vi) up to two million five hundred thousand dollars for the period
2 January first, two thousand eleven through March thirty-first, two thou-
3 sand eleven.

4 (ss) Funds shall be reserved and accumulated from the tobacco control
5 and insurance initiatives pool and used for a health care stabilization
6 program established by the commissioner for the purposes of stabilizing
7 critical health care providers and health care programs whose ability to
8 continue to provide appropriate services are threatened by financial or
9 other challenges, in the amount of up to twenty-eight million dollars
10 for the period July first, two thousand four through June thirtieth, two
11 thousand five. Notwithstanding the provisions of section one hundred
12 twelve of the state finance law or any other inconsistent provision of
13 the state finance law or any other law, funds available for distribution
14 pursuant to this paragraph may be allocated and distributed by the
15 commissioner, or the state comptroller as applicable without a compet-
16 itive bid or request for proposal process. Considerations relied upon by
17 the commissioner in determining the allocation and distribution of these
18 funds shall include, but not be limited to, the following: (i) the
19 importance of the provider or program in meeting critical health care
20 needs in the community in which it operates; (ii) the provider or
21 program provision of care to under-served populations; (iii) the quality
22 of the care or services the provider or program delivers; (iv) the abil-
23 ity of the provider or program to continue to deliver an appropriate
24 level of care or services if additional funding is made available; (v)
25 the ability of the provider or program to access, in a timely manner,
26 alternative sources of funding, including other sources of government
27 funding; (vi) the ability of other providers or programs in the communi-
28 ty to meet the community health care needs; (vii) whether the provider
29 or program has an appropriate plan to improve its financial condition;
30 and (viii) whether additional funding would permit the provider or
31 program to consolidate, relocate, or close programs or services where
32 such actions would result in greater stability and efficiency in the
33 delivery of needed health care services or programs.

34 (tt) Funds shall be reserved and accumulated from year to year and
35 shall be available, including income from invested funds, for purposes
36 of providing grants for two long term care demonstration projects
37 designed to test new models for the delivery of long term care services
38 established pursuant to section twenty-eight hundred seven-x of this
39 [chapter] article, for the following periods and in the following
40 amounts:

41 (i) up to five hundred thousand dollars for the period January first,
42 two thousand four through December thirty-first, two thousand four;

43 (ii) up to five hundred thousand dollars for the period January first,
44 two thousand five through December thirty-first, two thousand five;

45 (iii) up to five hundred thousand dollars for the period January
46 first, two thousand six through December thirty-first, two thousand six;

47 (iv) up to one million dollars for the period January first, two thou-
48 sand seven through December thirty-first, two thousand seven; and

49 (v) up to two hundred fifty thousand dollars for the period January
50 first, two thousand eight through March thirty-first, two thousand
51 eight.

52 (uu) Funds shall be reserved and accumulated from year to year and
53 shall be available, including income from invested funds, for the
54 purpose of supporting disease management and telemedicine demonstration
55 programs authorized pursuant to section twenty-one hundred eleven of
56 this chapter for the following periods in the following amounts:

1 (i) five million dollars for the period January first, two thousand
2 four through December thirty-first, two thousand four, of which three
3 million dollars shall be available for disease management demonstration
4 programs and two million dollars shall be available for telemedicine
5 demonstration programs;

6 (ii) five million dollars for the period January first, two thousand
7 five through December thirty-first, two thousand five, of which three
8 million dollars shall be available for disease management demonstration
9 programs and two million dollars shall be available for telemedicine
10 demonstration programs;

11 (iii) nine million five hundred thousand dollars for the period Janu-
12 ary first, two thousand six through December thirty-first, two thousand
13 six, of which seven million five hundred thousand dollars shall be
14 available for disease management demonstration programs and two million
15 dollars shall be available for telemedicine demonstration programs;

16 (iv) nine million five hundred thousand dollars for the period January
17 first, two thousand seven through December thirty-first, two thousand
18 seven, of which seven million five hundred thousand dollars shall be
19 available for disease management demonstration programs and one million
20 dollars shall be available for telemedicine demonstration programs;

21 (v) nine million five hundred thousand dollars for the period January
22 first, two thousand eight through December thirty-first, two thousand
23 eight, of which seven million five hundred thousand dollars shall be
24 available for disease management demonstration programs and two million
25 dollars shall be available for telemedicine demonstration programs;

26 (vi) seven million eight hundred thirty-three thousand three hundred
27 thirty-three dollars for the period January first, two thousand nine
28 through December thirty-first, two thousand nine, of which seven million
29 five hundred thousand dollars shall be available for disease management
30 demonstration programs and three hundred thirty-three thousand three
31 hundred thirty-three dollars shall be available for telemedicine demon-
32 stration programs for the period January first, two thousand nine
33 through March first, two thousand nine;

34 (vii) one million eight hundred seventy-five thousand dollars for the
35 period January first, two thousand ten through March thirty-first, two
36 thousand ten shall be available for disease management demonstration
37 programs.

38 (ww) Funds shall be deposited by the commissioner, within amounts
39 appropriated, and the state comptroller is hereby authorized and
40 directed to receive for the deposit to the credit of the state special
41 revenue funds - other, HCRA transfer fund, medical assistance account,
42 or any successor fund or account, for purposes of funding the state
43 share of the general hospital rates increases for recruitment and
44 retention of health care workers pursuant to paragraph (e) of subdivi-
45 sion thirty of section twenty-eight hundred seven-c of this article from
46 the tobacco control and insurance initiatives pool established for the
47 following periods in the following amounts:

48 (i) sixty million five hundred thousand dollars for the period January
49 first, two thousand five through December thirty-first, two thousand
50 five; and

51 (ii) sixty million five hundred thousand dollars for the period Janu-
52 ary first, two thousand six through December thirty-first, two thousand
53 six.

54 (xx) Funds shall be deposited by the commissioner, within amounts
55 appropriated, and the state comptroller is hereby authorized and
56 directed to receive for the deposit to the credit of the state special

1 revenue funds - other, HCRA transfer fund, medical assistance account,
2 or any successor fund or account, for purposes of funding the state
3 share of the general hospital rates increases for rural hospitals pursu-
4 ant to subdivision thirty-two of section twenty-eight hundred seven-c of
5 this article from the tobacco control and insurance initiatives pool
6 established for the following periods in the following amounts:

7 (i) three million five hundred thousand dollars for the period January
8 first, two thousand five through December thirty-first, two thousand
9 five;

10 (ii) three million five hundred thousand dollars for the period Janu-
11 ary first, two thousand six through December thirty-first, two thousand
12 six;

13 (iii) three million five hundred thousand dollars for the period Janu-
14 ary first, two thousand seven through December thirty-first, two thou-
15 sand seven;

16 (iv) three million five hundred thousand dollars for the period Janu-
17 ary first, two thousand eight through December thirty-first, two thou-
18 sand eight; and

19 (v) three million two hundred eight thousand dollars for the period
20 January first, two thousand nine through November thirtieth, two thou-
21 sand nine.

22 (yy) Funds shall be reserved and accumulated from year to year and
23 shall be available, within amounts appropriated and notwithstanding
24 section one hundred twelve of the state finance law and any other
25 contrary provision of law, for the purpose of supporting grants not to
26 exceed five million dollars to be made by the commissioner without a
27 competitive bid or request for proposal process, in support of the
28 delivery of critically needed health care services, to health care
29 providers located in the counties of Erie and Niagara which executed a
30 memorandum of closing and conducted a merger closing in escrow on Novem-
31 ber twenty-fourth, nineteen hundred ninety-seven and which entered into
32 a settlement dated December thirtieth, two thousand four for a loss on
33 disposal of assets under the provisions of title XVIII of the federal
34 social security act applicable to mergers occurring prior to December
35 first, nineteen hundred ninety-seven.

36 (zz) Funds shall be reserved and accumulated from year to year and
37 shall be available, within amounts appropriated, for the purpose of
38 supporting expenditures authorized pursuant to section twenty-eight
39 hundred eighteen of this article from the tobacco control and insurance
40 initiatives pool established for the following periods in the following
41 amounts:

42 (i) six million five hundred thousand dollars for the period January
43 first, two thousand five through December thirty-first, two thousand
44 five;

45 (ii) one hundred eight million three hundred thousand dollars for the
46 period January first, two thousand six through December thirty-first,
47 two thousand six, provided, however, that within amounts appropriated in
48 the two thousand six through two thousand seven state fiscal year, a
49 portion of such funds may be transferred to the Roswell Park Cancer
50 Institute Corporation to fund capital costs;

51 (iii) one hundred seventy-one million dollars for the period January
52 first, two thousand seven through December thirty-first, two thousand
53 seven, provided, however, that within amounts appropriated in the two
54 thousand six through two thousand seven state fiscal year, a portion of
55 such funds may be transferred to the Roswell Park Cancer Institute
56 Corporation to fund capital costs;

1 (iv) one hundred seventy-one million five hundred thousand dollars for
2 the period January first, two thousand eight through December thirty-
3 first, two thousand eight;

4 (v) one hundred twenty-eight million seven hundred fifty thousand
5 dollars for the period January first, two thousand nine through December
6 thirty-first, two thousand nine;

7 (vi) one hundred thirty-one million three hundred seventy-five thou-
8 sand dollars for the period January first, two thousand ten through
9 December thirty-first, two thousand ten;

10 (vii) thirty-four million two hundred fifty thousand dollars for the
11 period January first, two thousand eleven through March thirty-first,
12 two thousand eleven;

13 (viii) four hundred thirty-three million three hundred sixty-six thou-
14 sand dollars for the period April first, two thousand eleven through
15 March thirty-first, two thousand twelve;

16 (ix) one hundred fifty million eight hundred six thousand dollars for
17 the period April first, two thousand twelve through March thirty-first,
18 two thousand thirteen;

19 (x) seventy-eight million seventy-one thousand dollars for the period
20 April first, two thousand thirteen through March thirty-first, two thou-
21 sand fourteen.

22 (aaa) Funds shall be reserved and accumulated from year to year and
23 shall be available, including income from invested funds, for services
24 and expenses related to school based health centers, in an amount up to
25 three million five hundred thousand dollars for the period April first,
26 two thousand six through March thirty-first, two thousand seven, up to
27 three million five hundred thousand dollars for the period April first,
28 two thousand seven through March thirty-first, two thousand eight, up to
29 three million five hundred thousand dollars for the period April first,
30 two thousand eight through March thirty-first, two thousand nine, up to
31 three million five hundred thousand dollars for the period April first,
32 two thousand nine through March thirty-first, two thousand ten, up to
33 three million five hundred thousand dollars for the period April first,
34 two thousand ten through March thirty-first, two thousand eleven, up to
35 two million eight hundred thousand dollars each state fiscal year for
36 the period April first, two thousand eleven through March thirty-first,
37 two thousand fourteen, up to two million six hundred forty-four thousand
38 dollars each state fiscal year for the period April first, two thousand
39 fourteen through March thirty-first, two thousand seventeen, up to two
40 million six hundred forty-four thousand dollars each state fiscal year
41 for the period April first, two thousand seventeen through March thir-
42 ty-first, two thousand twenty, up to two million six hundred forty-four
43 thousand dollars each state fiscal year for the period April first, two
44 thousand twenty through March thirty-first, two thousand twenty-three,
45 [and] up to two million six hundred forty-four thousand dollars each
46 state fiscal year for the period April first, two thousand twenty-three
47 through March thirty-first, two thousand twenty-six, and up to two
48 million six hundred forty-four thousand dollars each state fiscal year
49 for the period April first, two thousand twenty-six through March thir-
50 ty-first, two thousand twenty-nine. The total amount of funds provided
51 herein shall be distributed as grants based on the ratio of each provid-
52 er's total enrollment for all sites to the total enrollment of all
53 providers. This formula shall be applied to the total amount provided
54 herein.

55 (bbb) Funds shall be reserved and accumulated from year to year and
56 shall be available, including income from invested funds, for purposes

1 of awarding grants to operators of adult homes, enriched housing
2 programs and residences through the enhancing abilities and life experi-
3 ence (EnAbLe) program to provide for the installation, operation and
4 maintenance of air conditioning in resident rooms, consistent with this
5 paragraph, in an amount up to two million dollars for the period April
6 first, two thousand six through March thirty-first, two thousand seven,
7 up to three million eight hundred thousand dollars for the period April
8 first, two thousand seven through March thirty-first, two thousand
9 eight, up to three million eight hundred thousand dollars for the period
10 April first, two thousand eight through March thirty-first, two thousand
11 nine, up to three million eight hundred thousand dollars for the period
12 April first, two thousand nine through March thirty-first, two thousand
13 ten, and up to three million eight hundred thousand dollars for the
14 period April first, two thousand ten through March thirty-first, two
15 thousand eleven. Residents shall not be charged utility cost for the use
16 of air conditioners supplied under the EnAbLe program. All such air
17 conditioners must be operated in occupied resident rooms consistent with
18 requirements applicable to common areas.

19 (ccc) Funds shall be deposited by the commissioner, within amounts
20 appropriated, and the state comptroller is hereby authorized and
21 directed to receive for the deposit to the credit of the state special
22 revenue funds - other, HCRA transfer fund, medical assistance account,
23 or any successor fund or account, for purposes of funding the state
24 share of increases in the rates for certified home health agencies, long
25 term home health care programs, AIDS home care programs, hospice
26 programs and managed long term care plans and approved managed long term
27 care operating demonstrations as defined in section forty-four hundred
28 three-f of this chapter for recruitment and retention of health care
29 workers pursuant to subdivisions nine and ten of section thirty-six
30 hundred fourteen of this chapter from the tobacco control and insurance
31 initiatives pool established for the following periods in the following
32 amounts:

33 (i) twenty-five million dollars for the period June first, two thou-
34 sand six through December thirty-first, two thousand six;

35 (ii) fifty million dollars for the period January first, two thousand
36 seven through December thirty-first, two thousand seven;

37 (iii) fifty million dollars for the period January first, two thousand
38 eight through December thirty-first, two thousand eight;

39 (iv) fifty million dollars for the period January first, two thousand
40 nine through December thirty-first, two thousand nine;

41 (v) fifty million dollars for the period January first, two thousand
42 ten through December thirty-first, two thousand ten;

43 (vi) twelve million five hundred thousand dollars for the period Janu-
44 ary first, two thousand eleven through March thirty-first, two thousand
45 eleven;

46 (vii) up to fifty million dollars each state fiscal year for the peri-
47 od April first, two thousand eleven through March thirty-first, two
48 thousand fourteen;

49 (viii) up to fifty million dollars each state fiscal year for the
50 period April first, two thousand fourteen through March thirty-first,
51 two thousand seventeen;

52 (ix) up to fifty million dollars each state fiscal year for the period
53 April first, two thousand seventeen through March thirty-first, two
54 thousand twenty;



1 (x) up to fifty million dollars each state fiscal year for the period
2 April first, two thousand twenty through March thirty-first, two thou-
3 sand twenty-three; [and]

4 (xi) up to fifty million dollars each state fiscal year for the period
5 April first, two thousand twenty-three through March thirty-first, two
6 thousand twenty-six[.]; and

7 (xii) up to fifty million dollars each state fiscal year for the peri-
8 od April first, two thousand twenty-six through March thirty-first, two
9 thousand twenty-nine.

10 (ddd) Funds shall be deposited by the commissioner, within amounts
11 appropriated, and the state comptroller is hereby authorized and
12 directed to receive for the deposit to the credit of the state special
13 revenue funds - other, HCRA transfer fund, medical assistance account,
14 or any successor fund or account, for purposes of funding the state
15 share of increases in the medical assistance rates for providers for
16 purposes of enhancing the provision, quality and/or efficiency of home
17 care services pursuant to subdivision eleven of section thirty-six
18 hundred fourteen of this chapter from the tobacco control and insurance
19 initiatives pool established for the following period in the amount of
20 eight million dollars for the period April first, two thousand six
21 through December thirty-first, two thousand six.

22 (eee) Funds shall be reserved and accumulated from year to year and
23 shall be available, including income from invested funds, to the Center
24 for Functional Genomics at the State University of New York at Albany,
25 for the purposes of the Adirondack network for cancer education and
26 research in rural communities grant program to improve access to health
27 care and shall be made available from the tobacco control and insurance
28 initiatives pool established for the following period in the amount of
29 up to five million dollars for the period January first, two thousand
30 six through December thirty-first, two thousand six.

31 (fff) Funds shall be made available to the empire state stem cell
32 trust fund established by section ninety-nine-p of the state finance law
33 within amounts appropriated up to fifty million dollars annually and
34 shall not exceed five hundred million dollars in total.

35 (ggg) Funds shall be deposited by the commissioner, within amounts
36 appropriated, and the state comptroller is hereby authorized and
37 directed to receive for deposit to the credit of the state special
38 revenue fund - other, HCRA transfer fund, medical assistance account, or
39 any successor fund or account, for the purpose of supporting the state
40 share of Medicaid expenditures for hospital translation services as
41 authorized pursuant to paragraph (k) of subdivision one of section twen-
42 ty-eight hundred seven-c of this article from the tobacco control and
43 initiatives pool established for the following periods in the following
44 amounts:

45 (i) sixteen million dollars for the period July first, two thousand
46 eight through December thirty-first, two thousand eight; and

47 (ii) fourteen million seven hundred thousand dollars for the period
48 January first, two thousand nine through November thirtieth, two thou-
49 sand nine.

50 (hhh) Funds shall be deposited by the commissioner, within amounts
51 appropriated, and the state comptroller is hereby authorized and
52 directed to receive for deposit to the credit of the state special
53 revenue fund - other, HCRA transfer fund, medical assistance account, or
54 any successor fund or account, for the purpose of supporting the state
55 share of Medicaid expenditures for adjustments to inpatient rates of
56 payment for general hospitals located in the counties of Nassau and

1 Suffolk as authorized pursuant to paragraph (l) of subdivision one of
2 section twenty-eight hundred seven-c of this article from the tobacco
3 control and initiatives pool established for the following periods in
4 the following amounts:

5 (i) two million five hundred thousand dollars for the period April
6 first, two thousand eight through December thirty-first, two thousand
7 eight; and

8 (ii) two million two hundred ninety-two thousand dollars for the peri-
9 od January first, two thousand nine through November thirtieth, two
10 thousand nine.

11 (iii) Funds shall be reserved and set aside and accumulated from year
12 to year and shall be made available, including income from investment
13 funds, for the purpose of supporting the New York state medical indem-
14 nity fund as authorized pursuant to title four of article twenty-nine-D
15 of this chapter, for the following periods and in the following amounts,
16 provided, however, that the commissioner is authorized to seek waiver
17 authority from the federal centers for medicare and Medicaid for the
18 purpose of securing Medicaid federal financial participation for such
19 program, in which case the funding authorized pursuant to this paragraph
20 shall be utilized as the non-federal share for such payments:

21 Thirty million dollars for the period April first, two thousand eleven
22 through March thirty-first, two thousand twelve.

23 2. (a) For periods prior to January first, two thousand five, the
24 commissioner is authorized to contract with the article forty-three
25 insurance law plans, or such other contractors as the commissioner shall
26 designate, to receive and distribute funds from the tobacco control and
27 insurance initiatives pool established pursuant to this section. In the
28 event contracts with the article forty-three insurance law plans or
29 other commissioner's designees are effectuated, the commissioner shall
30 conduct annual audits of the receipt and distribution of such funds. The
31 reasonable costs and expenses of an administrator as approved by the
32 commissioner, not to exceed for personnel services on an annual basis
33 five hundred thousand dollars, for collection and distribution of funds
34 pursuant to this section shall be paid from such funds.

35 (b) Notwithstanding any inconsistent provision of section one hundred
36 twelve or one hundred sixty-three of the state finance law or any other
37 law, at the discretion of the commissioner without a competitive bid or
38 request for proposal process, contracts in effect for administration of
39 pools established pursuant to sections twenty-eight hundred seven-k,
40 twenty-eight hundred seven-l and twenty-eight hundred seven-m of this
41 article for the period January first, nineteen hundred ninety-nine
42 through December thirty-first, nineteen hundred ninety-nine may be
43 extended to provide for administration pursuant to this section and may
44 be amended as may be necessary.

45 § 18. Paragraph (a) of subdivision 12 of section 367-b of the social
46 services law, as amended by section 13 of part C of chapter 57 of the
47 laws of 2023, is amended to read as follows:

48 (a) For the purpose of regulating cash flow for general hospitals, the
49 department shall develop and implement a payment methodology to provide
50 for timely payments for inpatient hospital services eligible for case
51 based payments per discharge based on diagnosis-related groups provided
52 during the period January first, nineteen hundred eighty-eight through
53 March thirty-first two thousand [twenty-six] twenty-nine, by such hospi-
54 tals which elect to participate in the system.

55 § 19. Paragraph (u) of subdivision 9 of section 3614 of the public
56 health law, as added by section 14 of part C of chapter 57 of the laws

1 of 2023, is amended and three new paragraphs (v), (w) and (x) are added
2 to read as follows:

3 (u) for the period April first, two thousand twenty-five through March
4 thirty-first, two thousand twenty-six, up to one hundred million
5 dollars[.];

6 (v) for the period April first, two thousand twenty-six through March
7 thirty-first, two thousand twenty-seven, up to one hundred million
8 dollars;

9 (w) for the period April first, two thousand twenty-seven through
10 March thirty-first, two thousand twenty-eight, up to one hundred million
11 dollars;

12 (x) for the period April first, two thousand twenty-eight through
13 March thirty-first, two thousand twenty-nine, up to one hundred million
14 dollars.

15 § 20. Paragraph (y) of subdivision 1 of section 367-q of the social
16 services law, as added by section 15 of part C of chapter 57 of the laws
17 of 2023, is amended and three new paragraphs (z), (aa) and (bb) are
18 added to read as follows:

19 (y) for the period April first, two thousand twenty-five through March
20 thirty-first, two thousand twenty-six, up to twenty-eight million five
21 hundred thousand dollars[.];

22 (z) for the period April first, two thousand twenty-six through March
23 thirty-first, two thousand twenty-seven, up to twenty-eight million five
24 hundred thousand dollars;

25 (aa) for the period April first, two thousand twenty-seven through
26 March thirty-first, two thousand twenty-eight, up to twenty-eight
27 million five hundred thousand dollars;

28 (bb) for the period April first, two thousand twenty-eight through
29 March thirty-first, two thousand twenty-nine, up to twenty-eight million
30 five hundred thousand dollars.

31 § 21. This act shall take effect April 1, 2026; provided, however, if
32 this act shall become a law after such date it shall take effect imme-
33 diately and shall be deemed to have been in full force and effect on and
34 after April 1, 2026; and further provided, that:

35 (a) the amendments to sections 2807-j and 2807-s of the public health
36 law made by sections two, eleven, fourteen and fifteen of this act shall
37 not affect the expiration of such sections and shall expire therewith;

38 (b) the amendments to subdivision 6 of section 2807-t of the public
39 health law made by section sixteen of this act shall not affect the
40 expiration of such section and shall be deemed to expire therewith; and

41 (c) the amendments to paragraph (i-1) of subdivision 1 of section
42 2807-v of the public health law made by section seventeen of this act
43 shall not affect the repeal of such paragraph and shall be deemed
44 repealed therewith.

45

PART D

46 Section 1. Paragraph (a) of subdivision 1 of section 18 of chapter 266
47 of the laws of 1986, amending the civil practice law and rules and other
48 laws relating to malpractice and professional medical conduct, as
49 amended by section 1 of part G of chapter 57 of the laws of 2025, is
50 amended and a new subdivision 9 is added to read as follows:

51 (a) The superintendent of financial services and the commissioner of
52 health or their designee shall, from funds available in the hospital
53 excess liability pool created pursuant to subdivision 5 of this section,
54 purchase a policy or policies for excess insurance coverage, as author-

1 ized by paragraph 1 of subsection (e) of section 5502 of the insurance
2 law; or from an insurer, other than an insurer described in section 5502
3 of the insurance law, duly authorized to write such coverage and actual-
4 ly writing medical malpractice insurance in this state; or shall
5 purchase equivalent excess coverage in a form previously approved by the
6 superintendent of financial services for purposes of providing equiv-
7 alent excess coverage in accordance with section 19 of chapter 294 of
8 the laws of 1985, for medical or dental malpractice occurrences between
9 July 1, 1986 and June 30, 1987, between July 1, 1987 and June 30, 1988,
10 between July 1, 1988 and June 30, 1989, between July 1, 1989 and June
11 30, 1990, between July 1, 1990 and June 30, 1991, between July 1, 1991
12 and June 30, 1992, between July 1, 1992 and June 30, 1993, between July
13 1, 1993 and June 30, 1994, between July 1, 1994 and June 30, 1995,
14 between July 1, 1995 and June 30, 1996, between July 1, 1996 and June
15 30, 1997, between July 1, 1997 and June 30, 1998, between July 1, 1998
16 and June 30, 1999, between July 1, 1999 and June 30, 2000, between July
17 1, 2000 and June 30, 2001, between July 1, 2001 and June 30, 2002,
18 between July 1, 2002 and June 30, 2003, between July 1, 2003 and June
19 30, 2004, between July 1, 2004 and June 30, 2005, between July 1, 2005
20 and June 30, 2006, between July 1, 2006 and June 30, 2007, between July
21 1, 2007 and June 30, 2008, between July 1, 2008 and June 30, 2009,
22 between July 1, 2009 and June 30, 2010, between July 1, 2010 and June
23 30, 2011, between July 1, 2011 and June 30, 2012, between July 1, 2012
24 and June 30, 2013, between July 1, 2013 and June 30, 2014, between July
25 1, 2014 and June 30, 2015, between July 1, 2015 and June 30, 2016,
26 between July 1, 2016 and June 30, 2017, between July 1, 2017 and June
27 30, 2018, between July 1, 2018 and June 30, 2019, between July 1, 2019
28 and June 30, 2020, between July 1, 2020 and June 30, 2021, between July
29 1, 2021 and June 30, 2022, between July 1, 2022 and June 30, 2023,
30 between July 1, 2023 and June 30, 2024, between July 1, 2024 and June
31 30, 2025, [and] between July 1, 2025 and June 30, 2026, and between July
32 1, 2026 and June 30, 2027 or reimburse the hospital where the hospital
33 purchases equivalent excess coverage as defined in subparagraph (i) of
34 paragraph (a) of subdivision 1-a of this section for medical or dental
35 malpractice occurrences between July 1, 1987 and June 30, 1988, between
36 July 1, 1988 and June 30, 1989, between July 1, 1989 and June 30, 1990,
37 between July 1, 1990 and June 30, 1991, between July 1, 1991 and June
38 30, 1992, between July 1, 1992 and June 30, 1993, between July 1, 1993
39 and June 30, 1994, between July 1, 1994 and June 30, 1995, between July
40 1, 1995 and June 30, 1996, between July 1, 1996 and June 30, 1997,
41 between July 1, 1997 and June 30, 1998, between July 1, 1998 and June
42 30, 1999, between July 1, 1999 and June 30, 2000, between July 1, 2000
43 and June 30, 2001, between July 1, 2001 and June 30, 2002, between July
44 1, 2002 and June 30, 2003, between July 1, 2003 and June 30, 2004,
45 between July 1, 2004 and June 30, 2005, between July 1, 2005 and June
46 30, 2006, between July 1, 2006 and June 30, 2007, between July 1, 2007
47 and June 30, 2008, between July 1, 2008 and June 30, 2009, between July
48 1, 2009 and June 30, 2010, between July 1, 2010 and June 30, 2011,
49 between July 1, 2011 and June 30, 2012, between July 1, 2012 and June
50 30, 2013, between July 1, 2013 and June 30, 2014, between July 1, 2014
51 and June 30, 2015, between July 1, 2015 and June 30, 2016, between July
52 1, 2016 and June 30, 2017, between July 1, 2017 and June 30, 2018,
53 between July 1, 2018 and June 30, 2019, between July 1, 2019 and June
54 30, 2020, between July 1, 2020 and June 30, 2021, between July 1, 2021
55 and June 30, 2022, between July 1, 2022 and June 30, 2023, between July
56 1, 2023 and June 30, 2024, between July 1, 2024 and June 30, 2025, [and]



1 between July 1, 2025 and June 30, 2026, and between July 1, 2026 and
2 June 30, 2027 for physicians or dentists certified as eligible for each
3 such period or periods pursuant to subdivision 2 of this section by a
4 general hospital licensed pursuant to article 28 of the public health
5 law; provided that no single insurer shall write more than fifty percent
6 of the total excess premium for a given policy year; and provided,
7 however, that such eligible physicians or dentists must have in force an
8 individual policy, from an insurer licensed in this state of primary
9 malpractice insurance coverage in amounts of no less than one million
10 three hundred thousand dollars for each claimant and three million nine
11 hundred thousand dollars for all claimants under that policy during the
12 period of such excess coverage for such occurrences or be endorsed as
13 additional insureds under a hospital professional liability policy which
14 is offered through a voluntary attending physician ("channeling")
15 program previously permitted by the superintendent of financial services
16 during the period of such excess coverage for such occurrences. During
17 such period, such policy for excess coverage or such equivalent excess
18 coverage shall, when combined with the physician's or dentist's primary
19 malpractice insurance coverage or coverage provided through a voluntary
20 attending physician ("channeling") program, total an aggregate level of
21 two million three hundred thousand dollars for each claimant and six
22 million nine hundred thousand dollars for all claimants from all such
23 policies with respect to occurrences in each of such years provided,
24 however, if the cost of primary malpractice insurance coverage in excess
25 of one million dollars, but below the excess medical malpractice insur-
26 ance coverage provided pursuant to this act, exceeds the rate of nine
27 percent per annum, then the required level of primary malpractice insur-
28 ance coverage in excess of one million dollars for each claimant shall
29 be in an amount of not less than the dollar amount of such coverage
30 available at nine percent per annum; the required level of such coverage
31 for all claimants under that policy shall be in an amount not less than
32 three times the dollar amount of coverage for each claimant; and excess
33 coverage, when combined with such primary malpractice insurance cover-
34 age, shall increase the aggregate level for each claimant by one million
35 dollars and three million dollars for all claimants; and provided
36 further, that, with respect to policies of primary medical malpractice
37 coverage that include occurrences between April 1, 2002 and June 30,
38 2002, such requirement that coverage be in amounts no less than one
39 million three hundred thousand dollars for each claimant and three
40 million nine hundred thousand dollars for all claimants for such occur-
41 rences shall be effective April 1, 2002.

42 (9) This subdivision shall apply only to excess insurance coverage or
43 equivalent excess coverage for physicians or dentists that is eligible
44 to be paid for from funds available in the hospital excess liability
45 pool.

46 (a) Notwithstanding any law to the contrary, for any policy period
47 beginning on or after July 1, 2025, excess coverage shall be purchased
48 by a physician or dentist directly from a provider of excess insurance
49 coverage or equivalent excess coverage. At the conclusion of the policy
50 period the superintendent of financial services and the commissioner of
51 health or their designee shall, from funds available in the hospital
52 excess liability pool created pursuant to subdivision 5 of this section,
53 pay fifty percent of the premium to the provider of excess insurance
54 coverage or equivalent excess coverage, and the remaining fifty percent
55 shall be paid one year thereafter.

1 (b) Notwithstanding any law to the contrary, for any policy period
2 beginning on or after July 1, 2026, excess coverage shall be purchased
3 by a physician or dentist directly from a provider of excess insurance
4 coverage or equivalent excess coverage. Such provider of excess insur-
5 ance coverage or equivalent excess coverage shall bill, in a manner
6 consistent with paragraph (f) of this subdivision, the physician or
7 dentist for an amount equal to fifty percent of the premium for such
8 coverage, as established pursuant to paragraph (d) of this subdivision,
9 during the policy period. At the conclusion of the policy period the
10 superintendent of financial services and the commissioner of health or
11 their designee shall, from funds available in the hospital excess
12 liability pool created pursuant to subdivision 5 of this section, pay
13 half of the remaining fifty percent of the premium to the provider of
14 excess insurance coverage or equivalent excess coverage, and the remain-
15 ing twenty-five percent shall be paid one year thereafter. If the funds
16 available in the hospital excess liability pool are insufficient to meet
17 the percent of the costs of the excess coverage, the provisions of
18 subdivision 8 of this section shall apply.

19 (c) If at the conclusion of the policy period, a physician or dentist,
20 eligible for excess coverage paid for from funds available in the hospi-
21 tal excess liability pool, has failed to pay an amount equal to fifty
22 percent of the premium as established pursuant to paragraph (d) of this
23 subdivision, such excess coverage shall be cancelled and shall be null
24 and void as of the first day on or after the commencement of a policy
25 period where the liability for payment pursuant to this subdivision has
26 not been met. The provider of excess coverage shall remit any portion of
27 premium paid by the eligible physician or dentist for such a policy
28 period.

29 (d) The superintendent of financial services shall establish a rate
30 consistent with subdivision 3 of this section that providers of excess
31 insurance coverage or equivalent excess coverage will charge for such
32 coverage for each policy period. For the policy period beginning July 1,
33 2025, the superintendent of financial services may direct that the
34 premium for that policy period be the same as it was for the policy
35 period that concluded June 30, 2025.

36 (e) No provider of excess insurance coverage or equivalent excess
37 coverage shall issue excess coverage to which this subdivision applies
38 to any physician or dentist unless that physician or dentist meets the
39 eligibility requirements for such coverage set forth in this section.
40 The superintendent of financial services and the commissioner of health
41 or their designee shall not make any payment under this subdivision to a
42 provider of excess insurance coverage or equivalent excess coverage for
43 excess coverage issued to a physician or dentist who does not meet the
44 eligibility requirements for participation in the hospital excess
45 liability pool program set forth in this section.

46 (f) A provider of excess insurance coverage or equivalent coverage
47 that issues excess coverage under this subdivision shall bill the physi-
48 cian or dentist for the portion of the premium required under paragraph
49 (a) of this subdivision in twelve equal monthly installments or in such
50 other manner as the physician or dentist may agree.

51 (g) The superintendent of financial services in consultation with the
52 commissioner of health may promulgate regulations giving effect to the
53 provisions of this subdivision.

54 § 2. Subdivision 3 of section 18 of chapter 266 of the laws of 1986,
55 amending the civil practice law and rules and other laws relating to

1 malpractice and professional medical conduct, as amended by section 2 of
2 part G of chapter 57 of the laws of 2025, is amended to read as follows:

3 (3)(a) The superintendent of financial services shall determine and
4 certify to each general hospital and to the commissioner of health the
5 cost of excess malpractice insurance for medical or dental malpractice
6 occurrences between July 1, 1986 and June 30, 1987, between July 1, 1988
7 and June 30, 1989, between July 1, 1989 and June 30, 1990, between July
8 1, 1990 and June 30, 1991, between July 1, 1991 and June 30, 1992,
9 between July 1, 1992 and June 30, 1993, between July 1, 1993 and June
10 30, 1994, between July 1, 1994 and June 30, 1995, between July 1, 1995
11 and June 30, 1996, between July 1, 1996 and June 30, 1997, between July
12 1, 1997 and June 30, 1998, between July 1, 1998 and June 30, 1999,
13 between July 1, 1999 and June 30, 2000, between July 1, 2000 and June
14 30, 2001, between July 1, 2001 and June 30, 2002, between July 1, 2002
15 and June 30, 2003, between July 1, 2003 and June 30, 2004, between July
16 1, 2004 and June 30, 2005, between July 1, 2005 and June 30, 2006,
17 between July 1, 2006 and June 30, 2007, between July 1, 2007 and June
18 30, 2008, between July 1, 2008 and June 30, 2009, between July 1, 2009
19 and June 30, 2010, between July 1, 2010 and June 30, 2011, between July
20 1, 2011 and June 30, 2012, between July 1, 2012 and June 30, 2013,
21 between July 1, 2013 and June 30, 2014, between July 1, 2014 and June
22 30, 2015, between July 1, 2015 and June 30, 2016, between July 1, 2016
23 and June 30, 2017, between July 1, 2017 and June 30, 2018, between July
24 1, 2018 and June 30, 2019, between July 1, 2019 and June 30, 2020,
25 between July 1, 2020 and June 30, 2021, between July 1, 2021 and June
26 30, 2022, between July 1, 2022 and June 30, 2023, between July 1, 2023
27 and June 30, 2024, between July 1, 2024 and June 30, 2025, [and] between
28 July 1, 2025 and June 30, 2026, and between July 1, 2026 and June 30,
29 2027 allocable to each general hospital for physicians or dentists
30 certified as eligible for purchase of a policy for excess insurance
31 coverage by such general hospital in accordance with subdivision 2 of
32 this section, and may amend such determination and certification as
33 necessary.

34 (b) The superintendent of financial services shall determine and
35 certify to each general hospital and to the commissioner of health the
36 cost of excess malpractice insurance or equivalent excess coverage for
37 medical or dental malpractice occurrences between July 1, 1987 and June
38 30, 1988, between July 1, 1988 and June 30, 1989, between July 1, 1989
39 and June 30, 1990, between July 1, 1990 and June 30, 1991, between July
40 1, 1991 and June 30, 1992, between July 1, 1992 and June 30, 1993,
41 between July 1, 1993 and June 30, 1994, between July 1, 1994 and June
42 30, 1995, between July 1, 1995 and June 30, 1996, between July 1, 1996
43 and June 30, 1997, between July 1, 1997 and June 30, 1998, between July
44 1, 1998 and June 30, 1999, between July 1, 1999 and June 30, 2000,
45 between July 1, 2000 and June 30, 2001, between July 1, 2001 and June
46 30, 2002, between July 1, 2002 and June 30, 2003, between July 1, 2003
47 and June 30, 2004, between July 1, 2004 and June 30, 2005, between July
48 1, 2005 and June 30, 2006, between July 1, 2006 and June 30, 2007,
49 between July 1, 2007 and June 30, 2008, between July 1, 2008 and June
50 30, 2009, between July 1, 2009 and June 30, 2010, between July 1, 2010
51 and June 30, 2011, between July 1, 2011 and June 30, 2012, between July
52 1, 2012 and June 30, 2013, between July 1, 2013 and June 30, 2014,
53 between July 1, 2014 and June 30, 2015, between July 1, 2015 and June
54 30, 2016, between July 1, 2016 and June 30, 2017, between July 1, 2017
55 and June 30, 2018, between July 1, 2018 and June 30, 2019, between July
56 1, 2019 and June 30, 2020, between July 1, 2020 and June 30, 2021,



1 between July 1, 2021 and June 30, 2022, between July 1, 2022 and June
2 30, 2023, between July 1, 2023 and June 30, 2024, between July 1, 2024
3 and June 30, 2025, [and] between July 1, 2025 and June 30, 2026, and
4 between July 1, 2026 and June 30, 2027 allocable to each general hospi-
5 tal for physicians or dentists certified as eligible for purchase of a
6 policy for excess insurance coverage or equivalent excess coverage by
7 such general hospital in accordance with subdivision 2 of this section,
8 and may amend such determination and certification as necessary. The
9 superintendent of financial services shall determine and certify to each
10 general hospital and to the commissioner of health the ratable share of
11 such cost allocable to the period July 1, 1987 to December 31, 1987, to
12 the period January 1, 1988 to June 30, 1988, to the period July 1, 1988
13 to December 31, 1988, to the period January 1, 1989 to June 30, 1989, to
14 the period July 1, 1989 to December 31, 1989, to the period January 1,
15 1990 to June 30, 1990, to the period July 1, 1990 to December 31, 1990,
16 to the period January 1, 1991 to June 30, 1991, to the period July 1,
17 1991 to December 31, 1991, to the period January 1, 1992 to June 30,
18 1992, to the period July 1, 1992 to December 31, 1992, to the period
19 January 1, 1993 to June 30, 1993, to the period July 1, 1993 to December
20 31, 1993, to the period January 1, 1994 to June 30, 1994, to the period
21 July 1, 1994 to December 31, 1994, to the period January 1, 1995 to June
22 30, 1995, to the period July 1, 1995 to December 31, 1995, to the period
23 January 1, 1996 to June 30, 1996, to the period July 1, 1996 to December
24 31, 1996, to the period January 1, 1997 to June 30, 1997, to the period
25 July 1, 1997 to December 31, 1997, to the period January 1, 1998 to June
26 30, 1998, to the period July 1, 1998 to December 31, 1998, to the period
27 January 1, 1999 to June 30, 1999, to the period July 1, 1999 to December
28 31, 1999, to the period January 1, 2000 to June 30, 2000, to the period
29 July 1, 2000 to December 31, 2000, to the period January 1, 2001 to June
30 30, 2001, to the period July 1, 2001 to June 30, 2002, to the period
31 July 1, 2002 to June 30, 2003, to the period July 1, 2003 to June 30,
32 2004, to the period July 1, 2004 to June 30, 2005, to the period July 1,
33 2005 and June 30, 2006, to the period July 1, 2006 and June 30, 2007, to
34 the period July 1, 2007 and June 30, 2008, to the period July 1, 2008
35 and June 30, 2009, to the period July 1, 2009 and June 30, 2010, to the
36 period July 1, 2010 and June 30, 2011, to the period July 1, 2011 and
37 June 30, 2012, to the period July 1, 2012 and June 30, 2013, to the
38 period July 1, 2013 and June 30, 2014, to the period July 1, 2014 and
39 June 30, 2015, to the period July 1, 2015 and June 30, 2016, to the
40 period July 1, 2016 and June 30, 2017, to the period July 1, 2017 to
41 June 30, 2018, to the period July 1, 2018 to June 30, 2019, to the peri-
42 od July 1, 2019 to June 30, 2020, to the period July 1, 2020 to June 30,
43 2021, to the period July 1, 2021 to June 30, 2022, to the period July 1,
44 2022 to June 30, 2023, to the period July 1, 2023 to June 30, 2024, to
45 the period July 1, 2024 to June 30, 2025, [and] to the period July 1,
46 2025 to June 30, 2026, and to the period July 1, 2026 to June 30, 2027.

47 § 3. Paragraphs (a), (b), (c), (d) and (e) of subdivision 8 of section
48 18 of chapter 266 of the laws of 1986, amending the civil practice law
49 and rules and other laws relating to malpractice and professional
50 medical conduct, as amended by section 3 of part G of chapter 57 of the
51 laws of 2025, are amended to read as follows:

52 (a) To the extent funds available to the hospital excess liability
53 pool pursuant to subdivision 5 of this section as amended, and pursuant
54 to section 6 of part J of chapter 63 of the laws of 2001, as may from
55 time to time be amended, which amended this subdivision, are insuffi-
56 cient to meet the costs of excess insurance coverage or equivalent



1 excess coverage for coverage periods during the period July 1, 1992 to
2 June 30, 1993, during the period July 1, 1993 to June 30, 1994, during
3 the period July 1, 1994 to June 30, 1995, during the period July 1, 1995
4 to June 30, 1996, during the period July 1, 1996 to June 30, 1997,
5 during the period July 1, 1997 to June 30, 1998, during the period July
6 1, 1998 to June 30, 1999, during the period July 1, 1999 to June 30,
7 2000, during the period July 1, 2000 to June 30, 2001, during the period
8 July 1, 2001 to October 29, 2001, during the period April 1, 2002 to
9 June 30, 2002, during the period July 1, 2002 to June 30, 2003, during
10 the period July 1, 2003 to June 30, 2004, during the period July 1, 2004
11 to June 30, 2005, during the period July 1, 2005 to June 30, 2006,
12 during the period July 1, 2006 to June 30, 2007, during the period July
13 1, 2007 to June 30, 2008, during the period July 1, 2008 to June 30,
14 2009, during the period July 1, 2009 to June 30, 2010, during the period
15 July 1, 2010 to June 30, 2011, during the period July 1, 2011 to June
16 30, 2012, during the period July 1, 2012 to June 30, 2013, during the
17 period July 1, 2013 to June 30, 2014, during the period July 1, 2014 to
18 June 30, 2015, during the period July 1, 2015 to June 30, 2016, during
19 the period July 1, 2016 to June 30, 2017, during the period July 1, 2017
20 to June 30, 2018, during the period July 1, 2018 to June 30, 2019,
21 during the period July 1, 2019 to June 30, 2020, during the period July
22 1, 2020 to June 30, 2021, during the period July 1, 2021 to June 30,
23 2022, during the period July 1, 2022 to June 30, 2023, during the period
24 July 1, 2023 to June 30, 2024, during the period July 1, 2024 to June
25 30, 2025, [and] during the period July 1, 2025 to June 30, 2026, and
26 during the period July 1, 2026 to June 30, 2027 allocated or reallocated
27 in accordance with paragraph (a) of subdivision 4-a of this section to
28 rates of payment applicable to state governmental agencies, each physi-
29 cian or dentist for whom a policy for excess insurance coverage or
30 equivalent excess coverage is purchased for such period shall be respon-
31 sible for payment to the provider of excess insurance coverage or equiv-
32 alent excess coverage of an allocable share of such insufficiency, based
33 on the ratio of the total cost of such coverage for such physician to
34 the sum of the total cost of such coverage for all physicians applied to
35 such insufficiency.

36 (b) Each provider of excess insurance coverage or equivalent excess
37 coverage covering the period July 1, 1992 to June 30, 1993, or covering
38 the period July 1, 1993 to June 30, 1994, or covering the period July 1,
39 1994 to June 30, 1995, or covering the period July 1, 1995 to June 30,
40 1996, or covering the period July 1, 1996 to June 30, 1997, or covering
41 the period July 1, 1997 to June 30, 1998, or covering the period July 1,
42 1998 to June 30, 1999, or covering the period July 1, 1999 to June 30,
43 2000, or covering the period July 1, 2000 to June 30, 2001, or covering
44 the period July 1, 2001 to October 29, 2001, or covering the period
45 April 1, 2002 to June 30, 2002, or covering the period July 1, 2002 to
46 June 30, 2003, or covering the period July 1, 2003 to June 30, 2004, or
47 covering the period July 1, 2004 to June 30, 2005, or covering the peri-
48 od July 1, 2005 to June 30, 2006, or covering the period July 1, 2006 to
49 June 30, 2007, or covering the period July 1, 2007 to June 30, 2008, or
50 covering the period July 1, 2008 to June 30, 2009, or covering the peri-
51 od July 1, 2009 to June 30, 2010, or covering the period July 1, 2010 to
52 June 30, 2011, or covering the period July 1, 2011 to June 30, 2012, or
53 covering the period July 1, 2012 to June 30, 2013, or covering the peri-
54 od July 1, 2013 to June 30, 2014, or covering the period July 1, 2014 to
55 June 30, 2015, or covering the period July 1, 2015 to June 30, 2016, or
56 covering the period July 1, 2016 to June 30, 2017, or covering the peri-

1 od July 1, 2017 to June 30, 2018, or covering the period July 1, 2018 to
2 June 30, 2019, or covering the period July 1, 2019 to June 30, 2020, or
3 covering the period July 1, 2020 to June 30, 2021, or covering the peri-
4 od July 1, 2021 to June 30, 2022, or covering the period July 1, 2022 to
5 June 30, 2023, or covering the period July 1, 2023 to June 30, 2024, or
6 covering the period July 1, 2024 to June 30, 2025, or covering the peri-
7 od July 1, 2025 to June 30, 2026, or covering the period July 1, 2026 to
8 June 30, 2027 shall notify a covered physician or dentist by mail,
9 mailed to the address shown on the last application for excess insurance
10 coverage or equivalent excess coverage, of the amount due to such
11 provider from such physician or dentist for such coverage period deter-
12 mined in accordance with paragraph (a) of this subdivision. Such amount
13 shall be due from such physician or dentist to such provider of excess
14 insurance coverage or equivalent excess coverage in a time and manner
15 determined by the superintendent of financial services.

16 (c) If a physician or dentist liable for payment of a portion of the
17 costs of excess insurance coverage or equivalent excess coverage cover-
18 ing the period July 1, 1992 to June 30, 1993, or covering the period
19 July 1, 1993 to June 30, 1994, or covering the period July 1, 1994 to
20 June 30, 1995, or covering the period July 1, 1995 to June 30, 1996, or
21 covering the period July 1, 1996 to June 30, 1997, or covering the peri-
22 od July 1, 1997 to June 30, 1998, or covering the period July 1, 1998 to
23 June 30, 1999, or covering the period July 1, 1999 to June 30, 2000, or
24 covering the period July 1, 2000 to June 30, 2001, or covering the peri-
25 od July 1, 2001 to October 29, 2001, or covering the period April 1,
26 2002 to June 30, 2002, or covering the period July 1, 2002 to June 30,
27 2003, or covering the period July 1, 2003 to June 30, 2004, or covering
28 the period July 1, 2004 to June 30, 2005, or covering the period July 1,
29 2005 to June 30, 2006, or covering the period July 1, 2006 to June 30,
30 2007, or covering the period July 1, 2007 to June 30, 2008, or covering
31 the period July 1, 2008 to June 30, 2009, or covering the period July 1,
32 2009 to June 30, 2010, or covering the period July 1, 2010 to June 30,
33 2011, or covering the period July 1, 2011 to June 30, 2012, or covering
34 the period July 1, 2012 to June 30, 2013, or covering the period July 1,
35 2013 to June 30, 2014, or covering the period July 1, 2014 to June 30,
36 2015, or covering the period July 1, 2015 to June 30, 2016, or covering
37 the period July 1, 2016 to June 30, 2017, or covering the period July 1,
38 2017 to June 30, 2018, or covering the period July 1, 2018 to June 30,
39 2019, or covering the period July 1, 2019 to June 30, 2020, or covering
40 the period July 1, 2020 to June 30, 2021, or covering the period July 1,
41 2021 to June 30, 2022, or covering the period July 1, 2022 to June 30,
42 2023, or covering the period July 1, 2023 to June 30, 2024, or covering
43 the period July 1, 2024 to June 30, 2025, or covering the period July 1,
44 2025 to June 30, 2026, or covering the period July 1, 2026 to June 30,
45 2027 determined in accordance with paragraph (a) of this subdivision
46 fails, refuses or neglects to make payment to the provider of excess
47 insurance coverage or equivalent excess coverage in such time and manner
48 as determined by the superintendent of financial services pursuant to
49 paragraph (b) of this subdivision, excess insurance coverage or equiv-
50 alent excess coverage purchased for such physician or dentist in accord-
51 ance with this section for such coverage period shall be cancelled and
52 shall be null and void as of the first day on or after the commencement
53 of a policy period where the liability for payment pursuant to this
54 subdivision has not been met.

55 (d) Each provider of excess insurance coverage or equivalent excess
56 coverage shall notify the superintendent of financial services and the

1 commissioner of health or their designee of each physician and dentist
2 eligible for purchase of a policy for excess insurance coverage or
3 equivalent excess coverage covering the period July 1, 1992 to June 30,
4 1993, or covering the period July 1, 1993 to June 30, 1994, or covering
5 the period July 1, 1994 to June 30, 1995, or covering the period July 1,
6 1995 to June 30, 1996, or covering the period July 1, 1996 to June 30,
7 1997, or covering the period July 1, 1997 to June 30, 1998, or covering
8 the period July 1, 1998 to June 30, 1999, or covering the period July 1,
9 1999 to June 30, 2000, or covering the period July 1, 2000 to June 30,
10 2001, or covering the period July 1, 2001 to October 29, 2001, or cover-
11 ing the period April 1, 2002 to June 30, 2002, or covering the period
12 July 1, 2002 to June 30, 2003, or covering the period July 1, 2003 to
13 June 30, 2004, or covering the period July 1, 2004 to June 30, 2005, or
14 covering the period July 1, 2005 to June 30, 2006, or covering the peri-
15 od July 1, 2006 to June 30, 2007, or covering the period July 1, 2007 to
16 June 30, 2008, or covering the period July 1, 2008 to June 30, 2009, or
17 covering the period July 1, 2009 to June 30, 2010, or covering the peri-
18 od July 1, 2010 to June 30, 2011, or covering the period July 1, 2011 to
19 June 30, 2012, or covering the period July 1, 2012 to June 30, 2013, or
20 covering the period July 1, 2013 to June 30, 2014, or covering the peri-
21 od July 1, 2014 to June 30, 2015, or covering the period July 1, 2015 to
22 June 30, 2016, or covering the period July 1, 2016 to June 30, 2017, or
23 covering the period July 1, 2017 to June 30, 2018, or covering the peri-
24 od July 1, 2018 to June 30, 2019, or covering the period July 1, 2019 to
25 June 30, 2020, or covering the period July 1, 2020 to June 30, 2021, or
26 covering the period July 1, 2021 to June 30, 2022, or covering the peri-
27 od July 1, 2022 to June 30, 2023, or covering the period July 1, 2023 to
28 June 30, 2024, or covering the period July 1, 2024 to June 30, 2025, or
29 covering the period July 1, 2025 to June 30, 2026, or covering the peri-
30 od July 1, 2026 to June 30, 2027 that has made payment to such provider
31 of excess insurance coverage or equivalent excess coverage in accordance
32 with paragraph (b) of this subdivision and of each physician and dentist
33 who has failed, refused or neglected to make such payment.

34 (e) A provider of excess insurance coverage or equivalent excess
35 coverage shall refund to the hospital excess liability pool any amount
36 allocable to the period July 1, 1992 to June 30, 1993, and to the period
37 July 1, 1993 to June 30, 1994, and to the period July 1, 1994 to June
38 30, 1995, and to the period July 1, 1995 to June 30, 1996, and to the
39 period July 1, 1996 to June 30, 1997, and to the period July 1, 1997 to
40 June 30, 1998, and to the period July 1, 1998 to June 30, 1999, and to
41 the period July 1, 1999 to June 30, 2000, and to the period July 1, 2000
42 to June 30, 2001, and to the period July 1, 2001 to October 29, 2001,
43 and to the period April 1, 2002 to June 30, 2002, and to the period July
44 1, 2002 to June 30, 2003, and to the period July 1, 2003 to June 30,
45 2004, and to the period July 1, 2004 to June 30, 2005, and to the period
46 July 1, 2005 to June 30, 2006, and to the period July 1, 2006 to June
47 30, 2007, and to the period July 1, 2007 to June 30, 2008, and to the
48 period July 1, 2008 to June 30, 2009, and to the period July 1, 2009 to
49 June 30, 2010, and to the period July 1, 2010 to June 30, 2011, and to
50 the period July 1, 2011 to June 30, 2012, and to the period July 1, 2012
51 to June 30, 2013, and to the period July 1, 2013 to June 30, 2014, and
52 to the period July 1, 2014 to June 30, 2015, and to the period July 1,
53 2015 to June 30, 2016, to the period July 1, 2016 to June 30, 2017, and
54 to the period July 1, 2017 to June 30, 2018, and to the period July 1,
55 2018 to June 30, 2019, and to the period July 1, 2019 to June 30, 2020,
56 and to the period July 1, 2020 to June 30, 2021, and to the period July

1 1, 2021 to June 30, 2022, and to the period July 1, 2022 to June 30,
2 2023, and to the period July 1, 2023 to June 30, 2024, and to the period
3 July 1, 2024 to June 30, 2025, and to the period July 1, 2025 to June
4 30, 2026, and to the period July 1, 2026 to June 30, 2027 received from
5 the hospital excess liability pool for purchase of excess insurance
6 coverage or equivalent excess coverage covering the period July 1, 1992
7 to June 30, 1993, and covering the period July 1, 1993 to June 30, 1994,
8 and covering the period July 1, 1994 to June 30, 1995, and covering the
9 period July 1, 1995 to June 30, 1996, and covering the period July 1,
10 1996 to June 30, 1997, and covering the period July 1, 1997 to June 30,
11 1998, and covering the period July 1, 1998 to June 30, 1999, and cover-
12 ing the period July 1, 1999 to June 30, 2000, and covering the period
13 July 1, 2000 to June 30, 2001, and covering the period July 1, 2001 to
14 October 29, 2001, and covering the period April 1, 2002 to June 30,
15 2002, and covering the period July 1, 2002 to June 30, 2003, and cover-
16 ing the period July 1, 2003 to June 30, 2004, and covering the period
17 July 1, 2004 to June 30, 2005, and covering the period July 1, 2005 to
18 June 30, 2006, and covering the period July 1, 2006 to June 30, 2007,
19 and covering the period July 1, 2007 to June 30, 2008, and covering the
20 period July 1, 2008 to June 30, 2009, and covering the period July 1,
21 2009 to June 30, 2010, and covering the period July 1, 2010 to June 30,
22 2011, and covering the period July 1, 2011 to June 30, 2012, and cover-
23 ing the period July 1, 2012 to June 30, 2013, and covering the period
24 July 1, 2013 to June 30, 2014, and covering the period July 1, 2014 to
25 June 30, 2015, and covering the period July 1, 2015 to June 30, 2016,
26 and covering the period July 1, 2016 to June 30, 2017, and covering the
27 period July 1, 2017 to June 30, 2018, and covering the period July 1,
28 2018 to June 30, 2019, and covering the period July 1, 2019 to June 30,
29 2020, and covering the period July 1, 2020 to June 30, 2021, and cover-
30 ing the period July 1, 2021 to June 30, 2022, and covering the period
31 July 1, 2022 to June 30, 2023 for, and covering the period July 1, 2023
32 to June 30, 2024, and covering the period July 1, 2024 to June 30, 2025,
33 and covering the period July 1, 2025 to June 30, 2026, and covering the
34 period July 1, 2026 to June 30, 2027 a physician or dentist where such
35 excess insurance coverage or equivalent excess coverage is cancelled in
36 accordance with paragraph (c) of this subdivision.

37 § 4. Section 40 of chapter 266 of the laws of 1986, amending the civil
38 practice law and rules and other laws relating to malpractice and
39 professional medical conduct, as amended by section 4 of part G of chap-
40 ter 57 of the laws of 2025, is amended to read as follows:

41 § 40. The superintendent of financial services shall establish rates
42 for policies providing coverage for physicians and surgeons medical
43 malpractice for the periods commencing July 1, 1985 and ending June 30,
44 [2026] 2027; provided, however, that notwithstanding any other provision
45 of law, the superintendent shall not establish or approve any increase
46 in rates for the period commencing July 1, 2009 and ending June 30,
47 2010. The superintendent shall direct insurers to establish segregated
48 accounts for premiums, payments, reserves and investment income attrib-
49 utable to such premium periods and shall require periodic reports by the
50 insurers regarding claims and expenses attributable to such periods to
51 monitor whether such accounts will be sufficient to meet incurred claims
52 and expenses. On or after July 1, 1989, the superintendent shall impose
53 a surcharge on premiums to satisfy a projected deficiency that is
54 attributable to the premium levels established pursuant to this section
55 for such periods; provided, however, that such annual surcharge shall
56 not exceed eight percent of the established rate until July 1, [2026]

1 2027, at which time and thereafter such surcharge shall not exceed twen-
2 ty-five percent of the approved adequate rate, and that such annual
3 surcharges shall continue for such period of time as shall be sufficient
4 to satisfy such deficiency. The superintendent shall not impose such
5 surcharge during the period commencing July 1, 2009 and ending June 30,
6 2010. On and after July 1, 1989, the surcharge prescribed by this
7 section shall be retained by insurers to the extent that they insured
8 physicians and surgeons during the July 1, 1985 through June 30, [2026]
9 2027 policy periods; in the event and to the extent physicians and
10 surgeons were insured by another insurer during such periods, all or a
11 pro rata share of the surcharge, as the case may be, shall be remitted
12 to such other insurer in accordance with rules and regulations to be
13 promulgated by the superintendent. Surcharges collected from physicians
14 and surgeons who were not insured during such policy periods shall be
15 apportioned among all insurers in proportion to the premium written by
16 each insurer during such policy periods; if a physician or surgeon was
17 insured by an insurer subject to rates established by the superintendent
18 during such policy periods, and at any time thereafter a hospital,
19 health maintenance organization, employer or institution is responsible
20 for responding in damages for liability arising out of such physician's
21 or surgeon's practice of medicine, such responsible entity shall also
22 remit to such prior insurer the equivalent amount that would then be
23 collected as a surcharge if the physician or surgeon had continued to
24 remain insured by such prior insurer. In the event any insurer that
25 provided coverage during such policy periods is in liquidation, the
26 property/casualty insurance security fund shall receive the portion of
27 surcharges to which the insurer in liquidation would have been entitled.
28 The surcharges authorized herein shall be deemed to be income earned for
29 the purposes of section 2303 of the insurance law. The superintendent,
30 in establishing adequate rates and in determining any projected defi-
31 ciency pursuant to the requirements of this section and the insurance
32 law, shall give substantial weight, determined in [his] their discretion
33 and judgment, to the prospective anticipated effect of any regulations
34 promulgated and laws enacted and the public benefit of stabilizing
35 malpractice rates and minimizing rate level fluctuation during the peri-
36 od of time necessary for the development of more reliable statistical
37 experience as to the efficacy of such laws and regulations affecting
38 medical, dental or podiatric malpractice enacted or promulgated in 1985,
39 1986, by this act and at any other time. Notwithstanding any provision
40 of the insurance law, rates already established and to be established by
41 the superintendent pursuant to this section are deemed adequate if such
42 rates would be adequate when taken together with the maximum authorized
43 annual surcharges to be imposed for a reasonable period of time whether
44 or not any such annual surcharge has been actually imposed as of the
45 establishment of such rates.

46 § 5. Section 5 and subdivisions (a) and (e) of section 6 of part J of
47 chapter 63 of the laws of 2001, amending chapter 266 of the laws of
48 1986, amending the civil practice law and rules and other laws relating
49 to malpractice and professional medical conduct, as amended by section 5
50 of part G of chapter 57 of the laws of 2025, are amended to read as
51 follows:

52 § 5. The superintendent of financial services and the commissioner of
53 health shall determine, no later than June 15, 2002, June 15, 2003, June
54 15, 2004, June 15, 2005, June 15, 2006, June 15, 2007, June 15, 2008,
55 June 15, 2009, June 15, 2010, June 15, 2011, June 15, 2012, June 15,
56 2013, June 15, 2014, June 15, 2015, June 15, 2016, June 15, 2017, June

1 15, 2018, June 15, 2019, June 15, 2020, June 15, 2021, June 15, 2022,
2 June 15, 2023, June 15, 2024, June 15, 2025, [and] June 15, 2026, and
3 June 15, 2027 the amount of funds available in the hospital excess
4 liability pool, created pursuant to section 18 of chapter 266 of the
5 laws of 1986, and whether such funds are sufficient for purposes of
6 purchasing excess insurance coverage for eligible participating physi-
7 cians and dentists during the period July 1, 2001 to June 30, 2002, or
8 July 1, 2002 to June 30, 2003, or July 1, 2003 to June 30, 2004, or July
9 1, 2004 to June 30, 2005, or July 1, 2005 to June 30, 2006, or July 1,
10 2006 to June 30, 2007, or July 1, 2007 to June 30, 2008, or July 1, 2008
11 to June 30, 2009, or July 1, 2009 to June 30, 2010, or July 1, 2010 to
12 June 30, 2011, or July 1, 2011 to June 30, 2012, or July 1, 2012 to June
13 30, 2013, or July 1, 2013 to June 30, 2014, or July 1, 2014 to June 30,
14 2015, or July 1, 2015 to June 30, 2016, or July 1, 2016 to June 30,
15 2017, or July 1, 2017 to June 30, 2018, or July 1, 2018 to June 30,
16 2019, or July 1, 2019 to June 30, 2020, or July 1, 2020 to June 30,
17 2021, or July 1, 2021 to June 30, 2022, or July 1, 2022 to June 30,
18 2023, or July 1, 2023 to June 30, 2024, or July 1, 2024 to June 30,
19 2025, or July 1, 2025 to June 30, 2026, or July 1, 2026 to June 30, 2027
20 as applicable.

21 (a) This section shall be effective only upon a determination, pursu-
22 ant to section five of this act, by the superintendent of financial
23 services and the commissioner of health, and a certification of such
24 determination to the state director of the budget, the chair of the
25 senate committee on finance and the chair of the assembly committee on
26 ways and means, that the amount of funds in the hospital excess liabil-
27 ity pool, created pursuant to section 18 of chapter 266 of the laws of
28 1986, is insufficient for purposes of purchasing excess insurance cover-
29 age for eligible participating physicians and dentists during the period
30 July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30, 2003, or July
31 1, 2003 to June 30, 2004, or July 1, 2004 to June 30, 2005, or July 1,
32 2005 to June 30, 2006, or July 1, 2006 to June 30, 2007, or July 1, 2007
33 to June 30, 2008, or July 1, 2008 to June 30, 2009, or July 1, 2009 to
34 June 30, 2010, or July 1, 2010 to June 30, 2011, or July 1, 2011 to June
35 30, 2012, or July 1, 2012 to June 30, 2013, or July 1, 2013 to June 30,
36 2014, or July 1, 2014 to June 30, 2015, or July 1, 2015 to June 30,
37 2016, or July 1, 2016 to June 30, 2017, or July 1, 2017 to June 30,
38 2018, or July 1, 2018 to June 30, 2019, or July 1, 2019 to June 30,
39 2020, or July 1, 2020 to June 30, 2021, or July 1, 2021 to June 30,
40 2022, or July 1, 2022 to June 30, 2023, or July 1, 2023 to June 30,
41 2024, or July 1, 2024 to June 30, 2025, or July 1, 2025 to June 30,
42 2026, or July 1, 2026 to June 30, 2027 as applicable.

43 (e) The commissioner of health shall transfer for deposit to the
44 hospital excess liability pool created pursuant to section 18 of chapter
45 266 of the laws of 1986 such amounts as directed by the superintendent
46 of financial services for the purchase of excess liability insurance
47 coverage for eligible participating physicians and dentists for the
48 policy year July 1, 2001 to June 30, 2002, or July 1, 2002 to June 30,
49 2003, or July 1, 2003 to June 30, 2004, or July 1, 2004 to June 30,
50 2005, or July 1, 2005 to June 30, 2006, or July 1, 2006 to June 30,
51 2007, as applicable, and the cost of administering the hospital excess
52 liability pool for such applicable policy year, pursuant to the program
53 established in chapter 266 of the laws of 1986, as amended, no later
54 than June 15, 2002, June 15, 2003, June 15, 2004, June 15, 2005, June
55 15, 2006, June 15, 2007, June 15, 2008, June 15, 2009, June 15, 2010,
56 June 15, 2011, June 15, 2012, June 15, 2013, June 15, 2014, June 15,

1 2015, June 15, 2016, June 15, 2017, June 15, 2018, June 15, 2019, June
2 15, 2020, June 15, 2021, June 15, 2022, June 15, 2023, June 15, 2024,
3 June 15, 2025, [and] June 15, 2026, and June 15, 2027 as applicable.

4 § 6. Section 20 of part H of chapter 57 of the laws of 2017, amending
5 the New York Health Care Reform Act of 1996 and other laws relating to
6 extending certain provisions thereto, as amended by section 6 of part G
7 of chapter 57 of the laws of 2025, is amended to read as follows:

8 § 20. Notwithstanding any law, rule or regulation to the contrary,
9 only physicians or dentists who were eligible, and for whom the super-
10 intendent of financial services and the commissioner of health, or their
11 designee, purchased, with funds available in the hospital excess liabil-
12 ity pool, a full or partial policy for excess coverage or equivalent
13 excess coverage for the coverage period ending the thirtieth of June,
14 two thousand [twenty-five] twenty-six, shall be eligible to apply for
15 such coverage for the coverage period beginning the first of July, two
16 thousand [twenty-five] twenty-six; provided, however, if the total
17 number of physicians or dentists for whom such excess coverage or equiv-
18 alent excess coverage was purchased for the policy year ending the thir-
19 tieth of June, two thousand [twenty-five] twenty-six exceeds the total
20 number of physicians or dentists certified as eligible for the coverage
21 period beginning the first of July, two thousand [twenty-five] twenty-
22 six, then the general hospitals may certify additional eligible physi-
23 cians or dentists in a number equal to such general hospital's propor-
24 tional share of the total number of physicians or dentists for whom
25 excess coverage or equivalent excess coverage was purchased with funds
26 available in the hospital excess liability pool as of the thirtieth of
27 June, two thousand [twenty-five] twenty-six, as applied to the differ-
28 ence between the number of eligible physicians or dentists for whom a
29 policy for excess coverage or equivalent excess coverage was purchased
30 for the coverage period ending the thirtieth of June, two thousand
31 [twenty-five] twenty-six and the number of such eligible physicians or
32 dentists who have applied for excess coverage or equivalent excess
33 coverage for the coverage period beginning the first of July, two thou-
34 sand [twenty-five] twenty-six.

35 § 7. This act shall take effect immediately and shall be deemed to
36 have been in full force and effect on and after April 1, 2026.

37

PART E

38 Section 1. Section 461-s of the social services law is REPEALED.

39 § 2. Paragraph (c) of subdivision 1 of section 461-b of the social
40 services law is REPEALED.

41 § 3. Article 27-H of the public health law, as added by chapter 550 of
42 the laws of 1988, is REPEALED.

43 § 4. Subdivision 9 of section 2803 of the public health law is
44 REPEALED.

45 § 5. This act shall take effect immediately and shall be deemed to
46 have been in full force and effect on and after April 1, 2026.

47

PART F

48 Section 1. The section heading, subdivision 1 and subdivision 3 of
49 section 97-www of the state finance law, as added by chapter 586 of the
50 laws of 2000, are amended to read as follows:

51 § 97-www. [Percy T. Phillips educational foundation of the Dental
52 Society of the state of] New York State Dental Foundation fund. 1. There

1 is hereby established in the joint custody of the state comptroller and
2 the commissioner of taxation and finance a fund to be known as the
3 "[Percy T. Phillips Educational Foundation of The Dental Society of the
4 State of] New York State Dental Foundation Fund".

5 3. Moneys of the fund shall be expended for the benefit of the dental
6 education and public access programs of the [Percy T. Phillips educa-
7 tional foundation of the Dental Society of the state of] New York State
8 Dental Foundation. Moneys shall be paid out of the fund on the audit
9 and warrant of the state comptroller on vouchers [approved by the chair-
10 man of the board of trustees of the Percy T. Phillips educational foun-
11 dation of the Dental Society of the state of New York or by the treasur-
12 er or the executive director of the Percy T. Phillips educational
13 foundation of the Dental Society of the state of New York] approved and
14 certified by the commissioner of health. Any interest received by the
15 comptroller on moneys on deposit in the [Percy T. Phillips educational
16 foundation of the Dental Society of the state of] New York State Dental
17 Foundation fund shall be retained in and become part of such fund. No
18 money from such fund may be withdrawn, transferred, or used by any
19 person for any purpose other than as permitted in this section.

20 § 1-a. Subdivision 3 of section 404-r of the vehicle and traffic law,
21 as added by chapter 586 of the laws of 2000, is amended to read as
22 follows:

23 3. A distinctive plate issued pursuant to this section shall be issued
24 in the same manner as other number plates upon payment of the regular
25 registration fee prescribed by section four hundred one of this article
26 and an additional annual service charge of thirty dollars. Twenty
27 dollars from each thirty dollars received as annual service charges
28 under this section shall be deposited to a fund for the credit of the
29 [Percy T. Phillips Educational Foundation of The Dental Society of the
30 State of] New York State Dental Foundation, said fund established as a
31 revolving fund pursuant to section ninety-seven-www of the state finance
32 law; provided, however, that one year after the effective date of this
33 section, funds in the amount of five thousand dollars, or so much there-
34 of as may be available shall be allocated from such fund to the depart-
35 ment to offset costs associated with the production of such license
36 plates.

37 § 2. Section 9 of part JJ of chapter 57 of the laws of 2025 amending
38 the public health law relating to reporting pregnancy losses and clari-
39 fying which agencies are responsible for such reports, is amended to
40 read as follows:

41 § 9. This act shall take effect immediately and shall be deemed to
42 have been in full force and effect on and after April 1, 2025; provided,
43 however that [the amendments to subdivision 2 of section 4160 of the
44 public health law made by] section [two] three of this act shall [expire
45 and be deemed repealed] take effect March 30, 2027[, when upon such date
46 the provisions of section three of this act shall take effect].

47 § 3. Section 5 of part P of chapter 57 of the laws of 2025 amending
48 the public health law relating to requiring hospitals to provide stabi-
49 lizing care to pregnant individuals, is amended to read as follows:

50 § 5. This act shall take effect immediately; provided, however, that
51 the amendments to subdivision 3 of section 2805-b of the public health
52 law [made by] as designated subdivision 5 in section one of this act
53 shall be subject to the expiration and reversion of such subdivision
54 pursuant to section 21 of chapter 723 of the laws of 1989, as amended,
55 when upon such date the provisions of section two of this act shall take
56 effect.

1 § 4. Subparagraph (iv) of paragraph (a) of subdivision 3 of section
2 273 of the public health law, as added by section 10 of part C of chap-
3 ter 58 of the laws of 2005, is amended to read as follows:

4 (iv) other clinical indications identified by the [committee for the
5 patient's use of the non-preferred drug] drug utilization review board
6 established pursuant to section three hundred sixty-nine-bb of the
7 social services law, which shall include consideration of the medical
8 needs of special populations, including children, elderly, chronically
9 ill, persons with mental health conditions, and persons affected by
10 HIV/AIDS, pregnant persons, and persons with an opioid use disorder.

11 § 5. Subdivision 6 of section 3331 of the public health law, as
12 amended by chapter 178 of the laws of 2010, is amended to read as
13 follows:

14 6. A practitioner dispensing a controlled substance shall file infor-
15 mation pursuant to such dispensing with the department by electronic
16 means in such manner and detail as the commissioner shall, by regu-
17 lation, require. This requirement shall not apply to the dispensing by a
18 practitioner pursuant to subdivision [five] six of section thirty-three
19 hundred fifty-one of this article.

20 § 6. Subparagraph (ii) of paragraph (a) of subdivision 2 of section
21 3343-a of the public health law, as added by section 2 of part A of
22 chapter 447 of the laws of 2012, is amended to read as follows:

23 (ii) a practitioner dispensing pursuant to subdivision [three] four of
24 section thirty-three hundred fifty-one of this article;

25 § 7. Clause (vi) of subparagraph 1 of paragraph (e) of subdivision 5
26 of section 366 of the social services law, as amended by section 13 of
27 part MM of chapter 56 of the laws of 2020, is amended to read as
28 follows:

29 (vi) "look-back period" means the sixty-month period immediately
30 preceding the date that an institutionalized individual is both institu-
31 tionalized and has applied for medical assistance, or in the case of a
32 non-institutionalized individual, subject to federal approval, the thir-
33 ty-month period immediately preceding the date that such non-institu-
34 tionalized individual applies for medical assistance coverage of long
35 term care services. Nothing herein precludes a review of eligibility for
36 retroactive authorization for medical expenses incurred during the
37 [three months prior to the month of application for medical assistance]
38 retroactive eligibility period.

39 § 8. Subdivision (c) of section 1119 of the insurance law, as amended
40 by a chapter of the laws of 2026 amending the public health law and the
41 insurance law relating to oversight of continuing care retirement commu-
42 nities, as proposed in legislative bills numbers S. 8802 and A. 9486, is
43 amended to read as follows:

44 (c) Such organization shall be subject to the provisions of article
45 seventy-four of this chapter. Prior to commencing action under such
46 article seventy-four, the superintendent shall consult with the continu-
47 ing care retirement community council established pursuant to section
48 [forty-six hundred two] forty-six hundred three of the public health
49 law.

50 § 9. This act shall take effect immediately; provided, however:

51 a. the amendments to subparagraph (iv) of paragraph (a) of subdivision
52 3 of section 273 of the public health law made by section four of this
53 act shall take effect on the same date as the reversion of paragraph (a)
54 of subdivision 3 of section 273 of the public health law as provided in
55 section 11 of part GG of chapter 56 of the laws of 2020, as amended;

1 b. sections five and six of this act shall take effect on the same
2 date and in the same manner as chapter 546 of the laws of 2025 took
3 effect;

4 c. section seven of this act shall take effect January 1, 2027; and

5 d. section eight of this act shall take effect on the same date and in
6 the same manner as a chapter of the laws of 2026 amending the public
7 health law and the insurance law relating to oversight of continuing
8 care retirement communities, as proposed in legislative bills numbers S.
9 8802 and A. 9486, takes effect.

10

PART G

11 Section 1. Section 3000-b of the public health law, as added by chap-
12 ter 552 of the laws of 1998, paragraph (b) of subdivision 1 as amended
13 by chapter 119 of the laws of 2017, subdivision 2 as amended by chapter
14 583 of the laws of 1999, paragraph (a) of subdivision 3 as amended by
15 chapter 243 of the laws of 2010, and paragraph (f) of subdivision 3 as
16 added by chapter 236 of the laws of 2007, is amended to read as follows:

17 § 3000-b. Automated external defibrillators: Public access providers.

18 1. [Definitions.] As used in this section, unless the context clearly
19 requires otherwise, the following terms shall have the following mean-
20 ings:

21 (a) "Automated external defibrillator" means a medical device,
22 approved by the United States food and drug administration, that[: (i)]
23 is capable with or without intervention by an operator of: recognizing
24 the presence or absence, in a patient, of ventricular fibrillation and
25 rapid ventricular tachycardia; [(ii) is capable of] determining[, with-
26 out intervention by an operator,] whether defibrillation should be
27 performed on the patient; [(iii)] upon determining that defibrillation
28 should be performed, automatically [charges] charging [and requests
29 delivery of an electrical impulse to the patient's heart]; and [(iv)
30 then; upon action by an operator, delivers] delivering an appropriate
31 electrical impulse to the patient's heart to perform defibrillation.

32 (b) ["Emergency health care provider" means (i) a physician with know-
33 ledge and experience in the delivery of emergency cardiac care; (ii) a
34 physician assistant or nurse practitioner with knowledge and experience
35 in the delivery of emergency cardiac care, and who is acting within his
36 or her scope of practice; or (iii) a hospital licensed under article
37 twenty-eight of this chapter that provides emergency cardiac care.

38 (c) "Public access defibrillation provider" means a person, firm,
39 organization or other entity possessing or operating an automated
40 external defibrillator pursuant to [a collaborative agreement under]
41 this section.

42 [(d) "Nationally-recognized organization" means a national organiza-
43 tion approved by the department for the purpose of training people in
44 use of an automated external defibrillator.]

45 2. [Collaborative agreement.] A person, firm, organization or other
46 entity may purchase, acquire, possess and operate an automated external
47 defibrillator pursuant to [a collaborative agreement with an emergency
48 health care provider] this section. [The collaborative agreement shall
49 include a written agreement and written practice protocols, and policies
50 and procedures that shall assure compliance with this section. The
51 public access defibrillation provider shall file a copy of the collabo-
52 rative agreement with the department and with the appropriate regional
53 council prior to operating the] Operation of an automated external defi-



1 brillator under this section shall be authorized in accordance with
2 regulations promulgated by the department.

3 3. [Possession and operation of automated external defibrillator.
4 Possession and operation of an automated external defibrillator by a] A
5 public access defibrillation provider in possession of an automated
6 external defibrillator shall comply with the following requirements, in
7 a manner prescribed by the department:

8 (a) [No person may operate an automated external defibrillator unless
9 the person has successfully completed a training course in the operation
10 of an automated external defibrillator approved by a nationally-recog-
11 nized organization or the state emergency medical services council.
12 However, this section shall not prohibit operation of an automated
13 external defibrillator, (i) by a health care practitioner licensed or
14 certified under title VIII of the education law or a person certified
15 under this article acting within his or her lawful scope of practice;
16 (ii) by a person acting pursuant to a lawful prescription; or (iii) by a
17 person who operates the automated external defibrillator other than as
18 part of or incidental to his or her employment or regular duties, who is
19 acting in good faith, with reasonable care, and without expectation of
20 monetary compensation, to provide first aid that includes operation of
21 an automated external defibrillator; nor shall this section limit any
22 good samaritan protections provided in section three thousand-a of this
23 article] The public access defibrillation provider shall provide train-
24 ing in the use of an automated external defibrillator and cardiopulmo-
25 nary resuscitation consistent with standards approved by the department,
26 including but not limited to programs developed or authorized by the
27 department or determined by the department to be consistent with
28 accepted standards of practice. At least one individual associated with
29 the public access defibrillation provider shall be designated to receive
30 such training and to be familiar with the operation and routine mainte-
31 nance of the automated external defibrillator.

32 (b) The public access defibrillation provider shall cause the auto-
33 mated external defibrillator to be maintained and tested according to
34 applicable standards of the manufacturer and any appropriate government
35 agency.

36 (c) The public access defibrillation provider shall [notify the
37 regional council of] register the existence, location and type of any
38 automated external defibrillator it possesses with the department.

39 (d) Every use of an automated external defibrillator on a patient
40 shall be immediately reported to the appropriate local emergency medical
41 services system[, emergency communications center or emergency vehicle
42 dispatch center as appropriate and promptly reported to the emergency
43 health care provider] or public safety answering point.

44 (e) The [emergency health care] public access defibrillator provider
45 shall [participate in the regional quality improvement program pursuant
46 to subdivision one of section three thousand four-a of this article]
47 report data related to the use of automated external defibrillators to
48 the department. Such data may be incorporated into statewide or regional
49 quality improvement and cardiac arrest surveillance programs, including
50 participation in nationally recognized registries, as determined by the
51 department.

52 § 1-a. Section 3000-f of the public health law, as added by chapter
53 681 of the laws of 2023, paragraph (d) of subdivision 1, subdivision 2,
54 and paragraph (e) of subdivision 2 as amended by chapter 9 of the laws
55 of 2024, is amended to read as follows:

1 § 3000-f. Automated external defibrillator; camps and youth sports
2 programs. 1. [Definitions.] As used in this section, unless the context
3 clearly requires otherwise, the following terms have the following mean-
4 ings:

5 (a) "Automated external defibrillator" [means a medical device,
6 approved by the United States food and drug administration, that: (i) is
7 capable of recognizing the presence or absence in a patient of ventricu-
8 lar fibrillation and rapid ventricular tachycardia; (ii) is capable of
9 determining, without intervention by an operator, whether defibrillation
10 should be performed on a patient; (iii) upon determining that defibril-
11 lation should be performed, automatically charges and requests delivery
12 of an electrical impulse to a patient's heart; and (iv) then, upon
13 action by an operator, delivers an appropriate electrical impulse to a
14 patient's heart to perform defibrillation] shall have the meaning set
15 forth in section three-thousand-b of this article.

16 (b) ["Training course" means a course approved by a nationally-recog-
17 nized organization or the state emergency medical services council in
18 the operation of automated external defibrillators.

19 (c) "Nationally-recognized organization" means a national organization
20 approved by the department for the purpose of training people in use of
21 an automated external defibrillator.

22 (d) "Camp" means a children's overnight camp, summer day camp, or
23 traveling summer day camp, as such terms are defined in section thirteen
24 hundred ninety-two of this chapter, that is subject to regulation by the
25 department.

26 [(e)] (c) "Youth sports program" means any league or recreation
27 program organized to provide group athletic activity to individuals
28 under seventeen years old or programs providing athletic activity for
29 high school students regardless of the age of the participants of such
30 programs. Public school athletic programs subject to the requirements of
31 section nine hundred seventeen of the education law shall not be subject
32 to the requirements of this section.

33 2. Within one hundred eighty days of the effective date of this
34 section, each camp, and each youth sports program that either hosts or
35 participates in games, matches, tournaments, leagues, or similar activ-
36 ities in which at least five teams are participating, shall establish an
37 automated external defibrillator implementation plan describing how the
38 camp or program will:

39 (a) make available an automated external defibrillator or describe
40 reasonable access to an automated external defibrillator at every camp,
41 game and practice; and

42 (b) use best efforts to ensure that there is at least one employee,
43 volunteer, coach, umpire or other qualified adult who is present at each
44 such camp, game and practice who has successfully completed a training
45 course consistent with the standards approved by the department under
46 the authority of section 3000-b of this article, within the preceding
47 twenty-four months of each such camp session, game and practice, and is
48 familiar with the operation and routine maintenance of the automated
49 external defibrillator.

50 (c) Each camp and youth sports program shall maintain records that
51 such camp or youth sports program possesses at least one automated
52 external defibrillator.

53 (d) Implementation plans shall include an equipment checklist and
54 cardiac emergency protocol for when cardiac emergency incidents occur.

55 (e) Implementation plans can include automated external defibrillator
56 access provided by athletic facilities, playing fields or site for games

1 or practices where the operator of the facility provides automated
2 external defibrillator access at their location.

3 3. Implementation of automated external defibrillator plans shall be
4 done in accordance with the requirements and protections of section
5 3000-b of this article, including requirements as to maintenance, test-
6 ing, and reporting usage and use-related data.

7 § 1-b. Subdivision 3 of section 917 of the education law is amended to
8 read as follows:

9 3. Public school facilities and staff pursuant to subdivisions one and
10 two of this section shall be deemed a "public access defibrillation
11 provider" as defined in paragraph [(c)] (b) of subdivision one of
12 section three thousand-b of the public health law and shall be subject
13 to the requirements and limitations of such section.

14 § 1-c. Subdivisions 3, 4 and 5 of section 917-a of the education law
15 is amended to read as follows:

16 3. No person may operate an AED in a nonpublic school facility unless
17 the person has successfully completed a training course in the operation
18 of an AED [approved by a nationally-recognized organization as defined
19 in paragraph (d) of subdivision one of] consistent with the standards
20 approved by the department of health under section three thousand-b of
21 the public health law or the state emergency medical services council.
22 However, this section shall not prohibit operation of an AED:

23 (a) by a health care practitioner licensed or certified under title
24 eight of this chapter or a person certified under article thirty of the
25 public health law acting within their lawful scope of practice;

26 (b) by a person acting pursuant to a lawful prescription; or

27 (c) by a person who operates the AED other than as part of or inci-
28 dental to their employment or regular duties, who is acting in good
29 faith, with reasonable care, and without expectation of monetary compen-
30 sation, to provide first aid that includes operation of an AED; nor
31 shall this section limit any good samaritan protections provided in
32 section three thousand-a of the public health law.

33 4. Every use of an AED on a patient in a nonpublic school shall be
34 immediately reported to the appropriate local emergency medical services
35 system[, emergency communications center or emergency vehicle dispatch
36 center, as appropriate] or public safety answering point.

37 5. Nonpublic schools shall [notify the appropriate regional emergency
38 services council of] register the existence, location and type of any
39 AED they possess with the department of health.

40 (f) The public access defibrillation provider shall post a sign or
41 notice at the main entrance to the facility or building in which the
42 automated external defibrillator is stored, indicating the location
43 where any such automated external defibrillator is stored or maintained
44 in such building or facility on a regular basis.

45 4. [Application of other laws. (a)] Operation of an automated external
46 defibrillator pursuant to this section shall be considered first aid or
47 emergency treatment for the purpose of any statute relating to liabil-
48 ity[.

49 (b) Operation of an automated external defibrillator pursuant to this
50 section] and shall not constitute the unlawful practice of a profession
51 under title VIII of the education law.

52 5. Any manufacturer, distributor, retailer, or reseller that sells or
53 otherwise transfers an automated external defibrillator for use in this
54 state shall, at the time of sale or transfer, provide the purchaser with
55 written or electronic notice of applicable requirements under this

1 section, including registration, maintenance, and reporting obligations,
2 in a form prescribed by the department.

3 § 2. This act shall take effect June 1, 2026. Effective immediately,
4 the addition, amendment, and/or repeal of any rule or regulation neces-
5 sary for the implementation of this act on its effective date are
6 authorized to be made and completed on or before such effective date.

7 PART H

8 Section 1. Section 4552 of the public health law, as added by section
9 1 of part M of chapter 57 of the laws of 2023, is amended to read as
10 follows:

11 § 4552. Notice of material transactions; requirements. 1. A health
12 care entity shall submit to the department written notice, with support-
13 ing documentation as described below and further defined in regulation
14 developed by the department, which the department shall be in receipt of
15 at least thirty days before the closing date of the transaction, in the
16 form and manner prescribed by the department. Immediately upon the
17 submission to the department, the department shall submit electronic
18 copies of such notice with supporting documentation to the antitrust,
19 health care and charities bureaus of the office of the New York attorney
20 general. Such written notice shall include, but not be limited to:

21 (a) The names of the parties to the material transaction and their
22 current addresses;

23 (b) Copies of any definitive agreements governing the terms of the
24 material transaction, including pre- and post-closing conditions;

25 (c) Identification of all locations where health care services are
26 currently provided by each party and the revenue generated in the state
27 from such locations;

28 (d) Any plans to reduce or eliminate services and/or participation in
29 specific plan networks;

30 (e) The closing date of the proposed material transaction;

31 (f) A brief description of the nature and purpose of the proposed
32 material transaction including:

33 (i) the anticipated impact of the material transaction on cost, quali-
34 ty, access, health equity, and competition in the impacted markets,
35 which may be supported by data and a formal market impact analysis; and

36 (ii) any commitments by the health care entity to address anticipated
37 impacts[.];

38 (g) A statement as to whether any party to the transaction, or a
39 person with control of such party, owns any other health care entity
40 which, in the past three years has closed operations, is in the process
41 of closing operations, or has experienced a substantial reduction in
42 services provided. The parties shall specifically identify the health
43 care entity or entities subject to such closure or substantial service
44 reduction and detail the circumstances of such; and

45 (h) A statement as to whether a sale-leaseback agreement or mortgage
46 or lease payments or other payments associated with real estate are a
47 component of the proposed transaction and if so, the parties shall
48 provide the proposed sale-leaseback agreement or mortgage, lease, or
49 real estate documents with the notice.

50 2. [(a) Except as provided in paragraph (b) of this subdivision,
51 supporting documentation as described in subdivision one of this section
52 shall not be subject to disclosure under article six of the public offi-
53 cers law.

1 (b)] During such thirty-day period prior to the closing date, the
2 department shall post on its website:

3 [(i)] (a) a summary of the proposed transaction;

4 [(ii)] (b) an explanation of the groups or individuals likely to be
5 impacted by the transaction;

6 [(iii)] (c) information about services currently provided by the
7 health care entity, commitments by the health care entity to continue
8 such services and any services that will be reduced or eliminated; and

9 [(iv)] (d) details about how to submit comments, in a format that is
10 easy to find and easy to read.

11 3. (a) A health care entity that is a party to a material transaction
12 shall notify the department upon closing of the transaction in the form
13 and manner prescribed by the department.

14 (b) Annually, for a five-year period following closing of the trans-
15 action and on the date of such anniversary, parties to a material trans-
16 action shall notify the department, in the form and manner prescribed by
17 the department, of factors and metrics to assess the impacts of the
18 transaction on cost, quality, access, health equity, and competition.
19 The department may require that any party to a transaction, or any
20 person with control over a transaction party, submit additional docu-
21 ments and information in connection with the annual report required
22 under this paragraph, to the extent such additional information is
23 necessary to assess the impacts of the transaction on cost, quality,
24 access, health equity, and competition or to verify or clarify informa-
25 tion submitted in support or as part of the annual report required under
26 this paragraph. Parties shall submit such information within seven days
27 of request. This paragraph shall apply to all material transactions
28 reported to the department beginning on August first, two thousand twen-
29 ty-three.

30 4. (a) The department shall conduct a preliminary review of all
31 proposed transactions. Review of a material transaction notice in which
32 the transaction is valued at one hundred million dollars or more may
33 also, at the discretion of the department, consist of a full cost and
34 market impact review. Transactions valued at less than one hundred
35 million dollars may be subject to a full cost and market impact review
36 at the discretion of the department if the department reasonably
37 believes that they may negatively impact cost, quality, access, health
38 equity, or competition in the impacted markets. The department shall
39 notify the parties if and when it determines that a full cost and market
40 impact review is required and, if so, the date that the preliminary
41 review is completed; provided, however, that the preliminary review
42 shall not exceed thirty days from the date a complete notice is received
43 by the department.

44 (b) In the event the department determines that a full cost and market
45 impact review is required, the department shall have discretion to
46 require parties to delay the proposed transaction closing until such
47 cost and market impact review is completed, but in no event shall the
48 closing be delayed more than one hundred eighty days from the date the
49 department completes its preliminary review of the proposed transaction.

50 (c) The department may assess on parties to a material transaction all
51 actual, reasonable, and direct costs incurred in reviewing and evaluat-
52 ing the notice. Any such fees shall be payable to the department within
53 fourteen days of notice of such assessment.

54 5. (a) The department may require that any party to a transaction,
55 including any person with control over a transaction party, submit addi-
56 tional documents and information in connection with a material trans-

1 action notice or a full cost and market impact review required under
2 this section, to the extent such additional information is necessary to
3 conduct a preliminary review or full cost and market impact review of
4 the transaction; to assess the impacts of the transaction on cost, qual-
5 ity, access, health equity, and competition; or to verify or clarify
6 information submitted pursuant to subdivision one of this section.
7 Parties shall submit such information within seven days of request.

8 (b) The department shall keep confidential all nonpublic information
9 and documents obtained under this subdivision and shall not disclose the
10 information or documents to any person without the consent of the
11 parties to the proposed transaction, except as set forth in paragraph
12 (c) of this subdivision.

13 (c) Any data reported to the department pursuant to subdivision three
14 of this section, any information obtained pursuant to paragraph (a) of
15 this subdivision, and any cost and market impact review findings made
16 pursuant to subdivision four of this section may be used as evidence in
17 investigations, reviews, or other actions by the department or the
18 office of the attorney general, including but not limited to use by the
19 department in assessing certificate of need applications submitted by
20 the same health care entities involved in the reported material trans-
21 action or unrelated parties which are located in the same market area
22 identified in the cost and market impact review.

23 6. Except as provided in subdivision two of this section, documenta-
24 tion, data, and information submitted to the department as described in
25 subdivisions one, three, and five of this section shall not be subject
26 to disclosure under article six of the public officers law.

27 7. The commissioner shall promulgate regulations to effectuate this
28 section.

29 [4.] 8. Failure to [notify the department of a material transaction
30 under] comply with any requirement of this section shall be subject to
31 civil penalties under section twelve of this chapter. Each day in which
32 the violation continues shall constitute a separate violation.

33 § 2. This act shall take effect one year after it shall have become a
34 law. Effective immediately, the addition, amendment and/or repeal of any
35 rule or regulation necessary for the implementation of this act on its
36 effective date are authorized to be made and completed on or before such
37 effective date.

38

PART I

39 Section 1. Subdivision 4 of section 2999-j of the public health law,
40 as added by section 52 of part H of chapter 59 of the laws of 2011, is
41 amended to read as follows:

42 4. The amount of qualifying health care costs to be paid from the fund
43 shall be calculated as follows: [(a)] with respect to all services
44 [provided in private physician practices] for which a Medicare rate of
45 reimbursement exists, on the basis of one hundred percent of [the usual
46 and customary rates, as defined by the commissioner in regulation; or
47 (b) with respect to all other services,] such Medicare rates, or for any
48 service for which a Medicare rate does not exist, on the basis of one
49 hundred percent of Medicaid rates of reimbursement or, where no such
50 rates are available, as defined by the commissioner in regulation;
51 except that reimbursement rates for private duty nursing services shall
52 be based on the New York State Medicaid fee schedule for private duty
53 nursing as authorized in the Medicaid State Plan Amendment.



1 The requirements of this subdivision shall not apply to qualifying
2 home modifications or vehicle modifications, which shall be reimbursed
3 pursuant to contracts for such work approved by the department in
4 accordance with requirements defined by the commissioner in regulation.

5 § 2. This act shall take effect on the same date as the reversion of
6 subdivision 4 of section 2999-j of the public health law as provided in
7 section 5 of chapter 517 of the laws of 2016, as amended.

8

PART J

9 Section 1. Subdivisions 2 and 8 of section 2999-ii of the public
10 health law, subdivision 2 as added by section 1 of part X of chapter 57
11 of the laws of 2023 and subdivision 8 as amended by chapter 598 of the
12 laws of 2025, are amended to read as follows:

13 2. "Controlling person" means a person or business entity, officer,
14 program administrator, or director whose responsibilities include the
15 direction of the management or policies of a temporary health care
16 services agency. "Controlling person" also means [an individual] a
17 person or business entity who[,] directly owns at least ten percent
18 voting interest in a corporation, partnership, or other business entity
19 that is a controlling person.

20 8. "Temporary health care services agency" or "agency" means a person,
21 firm, corporation, partnership, association or other entity in the busi-
22 ness of providing or procuring temporary employment or engaging individ-
23 uals to provide health care services for health care entities, or of
24 enabling health care entities, directly or indirectly, to engage indi-
25 viduals to perform health care services. Temporary health care services
26 agency shall include a nurses' registry licensed under article eleven of
27 the general business law and entities that utilize apps or other tech-
28 nology-based solutions to provide, procure or enable health care enti-
29 ties to engage individuals to perform health care services, including
30 vendor management systems and subcontracting arrangements with other
31 agencies that result in the engagement of individuals. Temporary health
32 care services agency shall not include: (a) an individual who only
33 engages in providing the individual's own services on a temporary basis
34 to health care entities; or (b) a home care agency licensed under arti-
35 cle thirty-six of this chapter.

36 § 2. Subdivision 3 of section 2999-jj of the public health law, as
37 added by section 1 of part X of chapter 57 of the laws of 2023 and para-
38 graph (a) as amended by chapter 598 of the laws of 2025, is amended to
39 read as follows:

40 3. As a condition of registration, a temporary health care services
41 agency:

42 (a) Shall document that each individual engaged to provide health care
43 services to health care entities currently meets the minimum licensing,
44 training, and continuing education standards for the position in which
45 the [health care personnel] individual will be working.

46 (b) Shall comply with all pertinent requirements and qualifications
47 for personnel employed in health care entities.

48 (c) Shall not restrict in any manner the employment opportunities of
49 [its health care personnel] individuals it connects with health care
50 entities to provide health care services.

51 (d) Shall not require the payment of liquidated damages, employment
52 fees, or other compensation should the [health care personnel] individ-
53 uals it connects with health care entities to provide health care
54 services be hired as a permanent employee, contractor, or contingent

1 worker of a health care entity in any contract with any [health care
2 personnell] individual engaged to provide health care services or health
3 care entity or otherwise.

4 (e) Shall not require the payment of fees or other compensation from
5 the individual engaged to provide health care services for placement or
6 connection with a health care entity other than reimbursement for actual
7 costs expended on required expenses, such as background checks, drug
8 tests, and equipment.

9 [(e)] (f) Shall retain all records related to [health care personnell]
10 individuals engaged to provide health care services for six [calendar]
11 years and make them available to the department upon request.

12 [(f)] (g) Shall comply with any requests made by the department to
13 examine the books and records of the agency, subpoena witnesses and
14 documents and make such other investigation as is necessary in the event
15 that the department has reason to believe that the books or records do
16 not accurately reflect the financial condition or financial transactions
17 of the agency.

18 [(g)] (h) Shall comply with any additional requirements the department
19 may deem necessary.

20 § 3. Subdivisions 2 and 3 of section 2999-kk of the public health law,
21 subdivision 2 as added by section 1 of part X of chapter 57 of the laws
22 of 2023, paragraphs (a), (b), (f) and (h) of subdivision 2 and subdivi-
23 sion 3 as amended by chapter 598 of the laws of 2025, are amended to
24 read as follows:

25 2. A temporary health care services agency shall maintain, and require
26 subcontracting arrangements with other agencies to maintain, a written
27 agreement or contract with each health care entity, which shall include,
28 at a minimum:

29 (a) The required minimum licensing, training, and continuing education
30 requirements for each individual engaged in a health care position.

31 (b) Any requirement for minimum advance notice in order to ensure
32 prompt arrival of individuals engaged to provide health care services.

33 (c) The maximum rates that can be billed or charged by the temporary
34 health care services agency pursuant to section twenty-nine hundred
35 ninety-nine-mm of this article and any applicable regulations.

36 (d) The rates to be charged by the temporary health care services
37 agency.

38 (e) Procedures for the investigation and resolution of complaints
39 about the performance of [temporary health care services agency person-
40 nell] individuals engaged to provide health care services.

41 (f) Procedures for notice from health care entities of failure of
42 individuals engaged to provide health care services to report to an
43 agreed upon scheduled shift.

44 (g) Procedures for notice of actual or suspected abuse, theft, tamper-
45 ing or other diversion of controlled substances by [medical personnell]
46 individuals engaged to provide health care services.

47 (h) The types and qualifications of individuals engaged to provide
48 health care services available through the temporary health care
49 services agency.

50 3. A temporary health care services agency shall [submit to the
51 department] retain for six years and make available to the department
52 upon request copies of all contracts between the agency or a third party
53 with whom the agency is subcontracting and a health care entity to which
54 it assigns or otherwise connects individuals engaged to provide health
55 care services, and copies of all invoices to health care entities
56 [personnell]. Executed contracts [must be sent to the department within

1 five business days of their effective date and] submitted upon request
2 to the department are not subject to disclosure under article six of
3 the public officers law.

4 § 4. Section 2999-ll of the public health law, as added by section 1
5 of part X of chapter 57 of the laws of 2023, is amended to read as
6 follows:

7 § 2999-ll. Violations; penalties. In addition to other remedies avail-
8 able by law, violations of the provisions of this article and any regu-
9 lations promulgated thereunder shall be subject to penalties and fines
10 pursuant to section twelve of this chapter; provided, however, that each
11 violation committed by [any health care personnel of] a temporary health
12 care services agency shall be considered a separate violation.

13 § 5. Section 2999-mm of the public health law, as added by section 1
14 of part X of chapter 57 of the laws of 2023, is amended to read as
15 follows:

16 § 2999-mm. Rates for temporary health care services; reports. 1. A
17 temporary health care services agency shall report quarterly to the
18 department a full disclosure of charges and compensation, including a
19 schedule of all hourly bill rates per category of [health care person-
20 nel] individuals engaged to provide health care services, a full
21 description of administrative charges, and a schedule of rates of all
22 compensation per category of [health care personnel] individuals engaged
23 to provide health care services including, but not limited to:

24 [1.] (a) hourly regular pay rate, shift differential, weekend differ-
25 ential, hazard pay, charge nurse add-on, overtime, holiday pay, travel
26 or mileage pay, and any health or other fringe benefits provided;

27 [2.] (b) the percentage of health care entity dollars that the agency
28 expended on [temporary personnel wages and benefits] compensation,
29 including, as applicable, benefits, to individuals engaged to provide
30 health care services compared to the temporary health care services
31 agency's profits and other administrative costs;

32 [3.] (c) a list of the states and zip codes of [their health care
33 personnels'] the primary residences of individuals engaged to provide
34 health care services;

35 [4.] (d) the names of all health care entities they or a third party
36 with whom the agency is subcontracting have contracted within New York
37 state;

38 [5.] (e) the number of [health care personnel of] individuals engaged
39 to provide health care services by the temporary health care services
40 agency working at each entity; and

41 [6.] (f) any other information prescribed by the commissioner.

42 2. The commissioner is hereby authorized to promulgate regulations to
43 establish, monitor, and enforce a limitation on the amount that tempo-
44 rary health care services agencies or certain types or classes of such
45 agencies may retain as profit from providing, procuring, or enabling
46 health care entities to engage an individual to provide health care
47 services, which for the purposes of this section shall be referred to as
48 the "agency rate." In setting one or more agency rates, which can be
49 expressed as a percentage or in another manner as determined by the
50 department, the department shall take into consideration factors includ-
51 ing but not limited to the ability to maintain sufficient staffing of
52 the health care workforce, whether on a contract or permanent basis and
53 across the range of needed professional titles and roles, in all
54 geographic areas across the state. The department shall also engage in a
55 periodic reassessment of any agency rates to ensure that they reflect
56 current conditions and remain effective.

1 3. The department shall have discretion to grant waivers for extraor-
2 dinary circumstances where compliance with the agency rate would result
3 in demonstrable harm to health care access or staffing availability.

4 4. The commissioner shall publish guidelines establishing the forms
5 and procedures for verification of compliance with an agency rate. In
6 addition, a temporary health care services agency shall retain for six
7 years and make available to the department upon request copies of all
8 contracts, invoices, records, payroll information, and other documents
9 necessary to determine compliance with the agency rate. The department
10 is authorized to conduct audits of temporary health care services agen-
11 cies as well as targeted investigations based on complaints or atypical
12 reporting patterns.

13 § 6. This act shall take effect one year after it shall have become a
14 law. Effective immediately, the addition, amendment and/or repeal of any
15 rule or regulation necessary for the implementation of this act on its
16 effective date are authorized to be made and completed on or before such
17 effective date.

18

PART K

19 Section 1. Subdivision 3 of section 3018 of the public health law, as
20 amended by section 8 of part B of chapter 57 of the laws of 2025, is
21 amended to read as follows:

22 3. (a) This program shall authorize mobile integrated and community
23 paramedicine programs presently operating and approved by the department
24 as of May eleventh, two thousand twenty-three, under the authority of
25 Executive Order Number 4 of two thousand twenty-one, entitled "Declaring
26 a Statewide Disaster Emergency Due to Healthcare staffing shortages in
27 the State of New York" to continue in the same manner and capacity as
28 currently approved for a period of [four] eight years following the
29 effective date of this section.

30 (b) Any ambulance service or advanced life support first response
31 service not currently approved and operating in accordance with para-
32 graph (a) of this subdivision may apply to the department for approval
33 to operate a mobile integrated and community paramedicine program, and
34 any mobile integrated and community paramedicine program currently oper-
35 ating pursuant to paragraph (a) of this subdivision for a limited
36 purpose, including but not limited to vaccination administration, may
37 apply to the department for approval to modify its existing mobile inte-
38 grated and community paramedicine program. Such applications must be
39 submitted in a form and format prescribed by the department. The depart-
40 ment may approve up to ninety-nine new or modified mobile integrated and
41 community paramedicine programs pursuant to this paragraph. Programs
42 approved pursuant to this paragraph may be permitted to operate in a
43 geographic area defined by the department for a two-year period. Such
44 approval may be extended by the department through May twenty-first, two
45 thousand thirty-one, provided, however, no mobile integrated and commu-
46 nity paramedicine program shall operate beyond such date. If a mobile
47 integrated and community paramedicine program ceases to operate for any
48 reason, the department may approve another ambulance service or advanced
49 life support first response service, but at no point shall the aggregate
50 number of mobile integrated and community paramedicine programs operat-
51 ing concurrently be more than ninety-nine.

52 (c) Upon a finding that an ambulance service or advanced life support
53 first response service has failed to comply with the provisions of this
54 article or the rules and regulations promulgated thereunder, the depart-

1 ment may revoke its approval of the ambulance service's or advanced life
2 support first response service's mobile integrated and community param-
3 edicine program.

4 § 2. Section 2 of chapter 137 of the laws of 2023 amending the public
5 health law relating to establishing a community-based paramedicine
6 demonstration program, as amended by section 8-a of part B of chapter 57
7 of the laws of 2025, is amended to read as follows:

8 § 2. This act shall take effect immediately and shall expire and be
9 deemed repealed [4] 8 years after such date; provided, however, that if
10 this act shall have become a law on or after May 22, 2023 this act shall
11 take effect immediately and shall be deemed to have been in full force
12 and effect on and after May 22, 2023.

13 § 3. Subdivision 1 of section 3001 of the public health law, as
14 amended by chapter 804 of the laws of 1992, is amended to read as
15 follows:

16 1. "Emergency medical service" means initial emergency medical assist-
17 ance including, but not limited to, the treatment of trauma[,];
18 burns[,]; respiratory, circulatory and obstetrical emergencies; and
19 executing medical regimens prescribed or ordered by a licensed health
20 care provider authorized to make such prescription or order under this
21 chapter or the education law.

22 § 4. Section 6909 of the education law is amended by adding a new
23 subdivision 12 to read as follows:

24 12. A certified nurse practitioner may prescribe and order a non-pa-
25 tient specific regimen for administering immunizations to an emergency
26 medical services practitioner licensed by the department of health
27 pursuant to article thirty of the public health law, pursuant to regu-
28 lations promulgated by the commissioner, and consistent with the public
29 health law, utilizing generally accepted medical standards and taking
30 into consideration recommendations of the American Academy of Pedia-
31 trics, the American Academy of Family Physicians, the American College
32 of Obstetricians and Gynecologists, the American College of Physicians,
33 the Advisory Committee on Immunization Practices, and/or other similar
34 nationally or internationally recognized scientific organizations. Noth-
35 ing in this subdivision shall authorize unlicensed persons to administer
36 immunizations, vaccines or other drugs.

37 § 5. Section 6527 of the education law is amended by adding a new
38 subdivision 12 to read as follows:

39 12. A licensed physician may prescribe and order a non-patient specif-
40 ic regimen for administering immunizations to an emergency medical
41 services practitioner licensed by the department of health pursuant to
42 article thirty of the public health law, pursuant to regulations promul-
43 gated by the commissioner, and consistent with the public health law,
44 utilizing generally accepted medical standards and taking into consider-
45 ation recommendations of the American Academy of Pediatrics, the Ameri-
46 can Academy of Family Physicians, the American College of Obstetricians
47 and Gynecologists, the American College of Physicians, the Advisory
48 Committee on Immunization Practices, and/or other similar nationally or
49 internationally recognized scientific organizations. Nothing in this
50 subdivision shall authorize unlicensed persons to administer immuniza-
51 tions, vaccines or other drugs.

52 § 6. Section 2803 of the public health law is amended by adding a new
53 subdivision 15 to read as follows:

54 15. Subject to the availability of federal financial participation and
55 notwithstanding any provision of this article, or any rule or regulation

1 to the contrary, the commissioner may allow general hospitals to provide
2 off-site acute care medical services, that are:

3 (a) not home care services as defined in subdivision one of section
4 thirty-six hundred two of this chapter or the professional services
5 enumerated in subdivision two of section thirty-six hundred two of this
6 chapter; provided, however, that nothing shall preclude a hospital from
7 offering hospital services as defined in subdivision four of section
8 twenty-eight hundred one of this article;

9 (b) provided by a medical professional, including a physician, regis-
10 tered nurse, nurse practitioner, or physician assistant, to a patient
11 with a preexisting clinical relationship with the general hospital, or
12 with the health care professional providing the service;

13 (c) provided to a patient for whom a medical professional has deter-
14 mined is appropriate to receive acute medical services at their resi-
15 dence; and

16 (d) consistent with all applicable federal, state, and local laws, the
17 general hospital has appropriate discharge planning in place to coordi-
18 nate discharge to a home care agency where medically necessary and
19 consented to by the patient after the patient's acute care episode ends.

20 (e) Nothing in this subdivision shall preclude off-site services from
21 being provided in accordance with subdivision eleven of this section and
22 department regulations.

23 (f) The department is authorized to establish medical assistance
24 program rates to effectuate this subdivision. For the purposes of the
25 department determining the applicable rates pursuant to such authority,
26 any general hospital approved pursuant to this subdivision shall report
27 to the department, in the form and format required by the department,
28 its annual operating costs and statistics, specifically for such off-
29 site acute services. Failure to timely submit such cost data to the
30 department may result in revocation of authority to participate in a
31 program under this section due to the inability to establish appropriate
32 reimbursement rates.

33 § 7. This act shall take effect immediately and shall be deemed to
34 have been in full force and effect on and after April 1, 2026; provided,
35 however, that the amendments to subdivision 3 of section 3018 of the
36 public health law made by section one of this act shall not affect the
37 repeal of such section and shall be deemed repealed therewith.

38

PART L

39 Section 1. Subparagraph (iv) of paragraph (b) of subdivision 2-b of
40 section 2808 of the public health law, as amended by section 2 of part E
41 of chapter 57 of the laws of 2024, is amended to read as follows:

42 (iv) The capital cost component of rates on and after January first,
43 two thousand nine shall: (A) fully reflect the cost of local property
44 taxes and payments made in lieu of local property taxes, as reported in
45 each facility's cost report submitted for the year two years prior to
46 the rate year; (B) provided, however, notwithstanding any inconsistent
47 provision of this article, commencing April first, two thousand twenty
48 for rates of payment for patients eligible for payments made by state
49 governmental agencies, the capital cost component determined in accord-
50 ance with this subparagraph and inclusive of any shared savings for
51 eligible facilities that elect to refinance their mortgage loans pursu-
52 ant to paragraph (d) of subdivision two-a of this section, shall be
53 reduced by the commissioner by five percent; and (C) provided, however,
54 notwithstanding any inconsistent provision of this article, commencing

1 April first, two thousand twenty-four and ending March thirty-first, two
2 thousand twenty-six for rates of payment for patients eligible for
3 payments made by state governmental agencies, the capital cost component
4 determined in accordance with this subparagraph and inclusive of any
5 shared savings for eligible facilities that elect to refinance their
6 mortgage loans pursuant to paragraph (d) of subdivision two-a of this
7 section, shall be reduced by the commissioner by an additional ten
8 percent, provided, however, that such reduction shall not apply to rates
9 of payment for patients in pediatric residential health care facilities
10 as defined in paragraph (c) of subdivision two of section twenty-eight
11 hundred eight-e of this article.

12 § 2. Subdivision 12 of section 367-a of the social services law, as
13 amended by section 42 of part B of chapter 57 of the laws of 2015, is
14 amended to read as follows:

15 12. Prior to receiving medical assistance under subparagraphs five and
16 six of paragraph (c) of subdivision one of section three hundred sixty-
17 six of this title, a person whose net available income is at least one
18 hundred fifty percent of the applicable federal income official poverty
19 line, as defined and updated by the United States department of health
20 and human services, must pay a monthly premium, in accordance with a
21 procedure to be established by the commissioner. The amount of such
22 premium shall be [twenty-five dollars for an individual who is otherwise
23 eligible for medical assistance under such subparagraphs, and fifty
24 dollars for a couple, both of whom are otherwise eligible for medical
25 assistance under such subparagraphs] subject to federal approval, up to
26 three percent of net earned income and seven and one-half percent of net
27 unearned income. No premium shall be required from a person whose net
28 available income is less than one hundred fifty percent of the applica-
29 ble federal income official poverty line, as defined and updated by the
30 United States department of health and human services.

31 § 3. This act shall take effect immediately and shall be deemed to
32 have been in full force and effect on and after April 1, 2026.

33

PART M

34 Section 1. Subparagraphs (iii) and (iv) of paragraph (d) of subdivi-
35 sion 1 of section 367-a of the social services law, subparagraph (iii)
36 as amended by section 31 of part B of chapter 57 of the laws of 2015 and
37 subparagraph (iv) as added by section 16 of part B of chapter 59 of the
38 laws of 2016, are amended to read as follows:

39 (iii) With respect to items and services provided to eligible persons
40 who are also beneficiaries under part B of title XVIII of the federal
41 social security act and items and services provided to qualified medi-
42 care beneficiaries under part B of title XVIII of the federal social
43 security act, the amount payable for services covered under this title
44 shall be the amount of any co-insurance liability of such eligible
45 persons pursuant to federal law were they not eligible for medical
46 assistance or were they not qualified medicare beneficiaries with
47 respect to such benefits under such part B, but shall not exceed the
48 amount that otherwise would be made under this title if provided to an
49 eligible person other than a person who is also a beneficiary under part
50 B or is a qualified medicare beneficiary minus the amount payable under
51 part B; provided, however, amounts payable under this title for items
52 and services provided to eligible persons who are also beneficiaries
53 under part B or to qualified medicare beneficiaries by [an ambulance
54 service under the authority of an operating certificate issued pursuant

1 to article thirty of the public health law, a psychologist licensed
2 under article one hundred fifty-three of the education law, or] a facil-
3 ity under the authority of an operating certificate issued pursuant to
4 article sixteen, thirty-one or thirty-two of the mental hygiene law and
5 with respect to outpatient hospital and clinic items and services
6 provided by a facility under the authority of an operating certificate
7 issued pursuant to article twenty-eight of the public health law, shall
8 not be less than the amount of any co-insurance liability of such eligi-
9 ble persons or such qualified medicare beneficiaries, or for which such
10 eligible persons or such qualified medicare beneficiaries would be
11 liable under federal law were they not eligible for medical assistance
12 or were they not qualified medicare beneficiaries with respect to such
13 benefits under part B.

14 (iv) If a health plan participating in part C of title XVIII of the
15 federal social security act pays for items and services provided to
16 eligible persons who are also beneficiaries under part B of title XVIII
17 of the federal social security act or to qualified medicare benefi-
18 cians, the amount payable for services under this title shall be [eight-
19 y-five percent of] the amount of any co-insurance liability of such
20 eligible persons pursuant to federal law if they were not eligible for
21 medical assistance or were not qualified medicare beneficiaries with
22 respect to such benefits under such part B[; provided, however, amounts
23 payable under this title for items and services provided to eligible
24 persons who are also beneficiaries under part B or to qualified medicare
25 beneficiaries by an ambulance service under the authority of an operat-
26 ing certificate issued pursuant to article thirty of the public health
27 law, or a psychologist licensed under article one hundred fifty-three of
28 the education law, shall not be less than the amount of any co-insurance
29 liability of such eligible persons or such qualified medicare benefi-
30 cians, or for which such eligible persons or such qualified medicare
31 beneficiaries would be liable under federal law were they not eligible
32 for medical assistance or were they not qualified medicare beneficiaries
33 with respect to such benefits under part B], but shall not exceed
34 the amount that otherwise would be made under this title if provided to
35 an eligible person other than a person who is also a beneficiary under
36 part B or is a qualified medicare beneficiary minus the amount payable
37 under part B.

38 § 2. Paragraph (c) of subdivision 1 of section 369-gg of the social
39 services law is REPEALED.

40 § 3. Subdivision 1 of section 369-gg of the social services law is
41 amended by adding a new paragraph (c) to read as follows:

42 (c) "Health care services" means (i) the services and supplies as
43 defined by the commissioner in consultation with the superintendent of
44 financial services, and shall be consistent with and subject to the
45 essential health benefits as defined by the commissioner in accordance
46 with the provisions of the patient protection and affordable care act
47 (P.L. 111-148) and consistent with the benefits provided by the refer-
48 ence plan selected by the commissioner for the purposes of defining such
49 benefits, and shall include coverage of and access to the services of
50 any national cancer institute-designated cancer center licensed by the
51 department of health within the service area of the approved organiza-
52 tion that is willing to agree to provide cancer-related inpatient,
53 outpatient and medical services to all enrollees in approved organiza-
54 tions' plans in such cancer center's service area under the prevailing
55 terms and conditions that the approved organization requires of other
56 similar providers to be included in the approved organization's network,



1 provided that such terms shall include reimbursement of such center at
2 no less than the fee-for-service medicaid payment rate and methodology
3 applicable to the center's inpatient and outpatient services; and (ii)
4 dental and vision services as defined by the commissioner;

5 § 4. Subdivision 4 of section 364-i of the social services law is
6 REPEALED and subdivisions 5, 6, 7 and 8 of such section are renumbered
7 subdivisions 4, 5, 6 and 7.

8 § 5. Subparagraphs (2) and (3) of paragraph (b) of subdivision 1 of
9 section 366 of the social services law, as added by section 1 of part D
10 of chapter 56 of the laws of 2013, are amended to read as follows:

11 (2) A pregnant [woman] person or an infant younger than one year of
12 age is eligible for standard coverage if [his or her] their MAGI house-
13 hold income does not exceed the MAGI-equivalent of two hundred percent
14 of the federal poverty line for the applicable family size, which shall
15 be calculated in accordance with guidance issued by the secretary of the
16 United States department of health and human services[, or an infant
17 younger than one year of age who meets the presumptive eligibility
18 requirements of subdivision four of section three hundred sixty-four-i
19 of this title].

20 (3) A child who is at least one year of age but younger than nineteen
21 years of age is eligible for standard coverage if [his or her] such
22 child's MAGI household income does not exceed the MAGI-equivalent of one
23 hundred thirty-three percent of the federal poverty line for the appli-
24 cable family size, which shall be calculated in accordance with guidance
25 issued by the Secretary of the United States department of health and
26 human services[, or a child who is at least one year of age but younger
27 than nineteen years of age who meets the presumptive eligibility
28 requirements of subdivision four of section three hundred sixty-four-i
29 of this title].

30 § 6. Subparagraphs (7) and (8) of paragraph (c) of subdivision 1 of
31 section 366 of the social services law, as added by section 1 of part D
32 of chapter 56 of the laws of 2013, are amended to read as follows:

33 (7) An individual receiving treatment for breast or cervical cancer
34 who meets the eligibility requirements of paragraph (d) of subdivision
35 four of this section or the presumptive eligibility requirements of
36 subdivision [five] four of section three hundred sixty-four-i of this
37 title.

38 (8) An individual receiving treatment for colon or prostate cancer who
39 meets the eligibility requirements of paragraph (e) of subdivision four
40 of this section or the presumptive eligibility requirements of subdivi-
41 sion [five] four of section three hundred sixty-four-i of this title.

42 § 7. Clause (iii) of subparagraph (4) of paragraph (d) of subdivision
43 4 of section 366 of the social services law, as added by section 2 of
44 part D of chapter 56 of the laws of 2013, is amended to read as follows:

45 (iii) An individual shall be eligible for presumptive eligibility for
46 medical assistance under this paragraph in accordance with subdivision
47 [five] four of section three hundred sixty-four-i of this title.

48 § 8. Subparagraph (3) of paragraph (e) of subdivision 4 of section 366
49 of the social services law, as added by section 2 of part D of chapter
50 56 of the laws of 2013, is amended to read as follows:

51 (3) An individual shall be eligible for presumptive eligibility for
52 medical assistance under this paragraph in accordance with subdivision
53 [five] four of section three hundred sixty-four-i of this title.

54 § 9. Subdivision 6 of section 365-a of the social services law, as
55 amended by chapter 484 of the laws of 2009, is amended to read as
56 follows:

1 6. Any inconsistent provision of law notwithstanding, medical assist-
2 ance shall also include payment for medical care, services or supplies
3 furnished to eligible pregnant [women] persons pursuant to [paragraph
4 (o) of subdivision four of] section three hundred sixty-six and subdivi-
5 sion [six] five of section three hundred sixty-four-i of this title, to
6 the extent that and for so long as federal financial participation is
7 available therefor; provided, however, that nothing in this section
8 shall be deemed to affect payment for such medical care, services or
9 supplies if federal financial participation is not available for such
10 care, services and supplies solely by reason of the immigration status
11 of the otherwise eligible pregnant [woman] person.

12 § 10. Paragraph (jj) of subdivision 2 of section 365-a of the social
13 services law, as added by chapter 733 of the laws of 2022, is amended to
14 read as follows:

15 (jj) applied behavior analysis, under article one hundred sixty-seven
16 of the education law, provided by a person licensed, certified, or
17 otherwise authorized to provide applied behavior analysis under that
18 article, when such services have been recommended by a health care or
19 mental health care practitioner authorized under title eight of the
20 education law who has been designated as an applied behavior analysis
21 center of excellence provider by the commissioner of health. Nothing in
22 this paragraph shall be construed to modify any licensure, certification
23 or scope of practice provision under title eight of the education law.

24 § 11. Subdivision 5-d of section 4406-c of the public health law, as
25 added by chapter 451 of the laws of 2007 and as relettered by chapter
26 237 of the laws of 2009, is amended to read as follows:

27 5-d. (a) If a contract between a plan and a hospital is not renewed or
28 is terminated by either party, the parties shall continue to abide by
29 the terms of such contract, including reimbursement terms, and including
30 all terms affecting hospital-owned provider practices, for a period of
31 [two months] one hundred twenty days from the effective date of termi-
32 nation or, in the case of a non-renewal, from the end of the contract
33 period. Notice shall be provided to all enrollees potentially affected
34 by such termination or non-renewal within fifteen days after commence-
35 ment of the [two-month] one hundred twenty-day period. The commissioner
36 shall have the authority to waive the [two-month] one hundred twenty-day
37 period upon the request of either party to a contract [that is being
38 terminated for cause. This subdivision shall not apply where both
39 parties mutually agree in writing to the termination or non-renewal and
40 the plan provides notice to the enrollee at least thirty days in advance
41 of the date of contract termination].

42 (b) Notwithstanding any other provision of this section, the commis-
43 sioner may review and approve all correspondence, communications, and
44 publications that parties to a contract between a plan and a hospital
45 intend to use to notify consumers within the sixty-day period prior to
46 the contract termination or renewal date.

47 § 11-a. Subsection (i) of section 3217-b of the insurance law, as
48 amended by section 3 of chapter 237 of the laws of 2009 is amended to
49 read as follows:

50 (i) (1) If a contract between an insurer and a hospital is not renewed
51 or is terminated by either party, the parties shall continue to abide by
52 the terms of such contract, including reimbursement terms, and including
53 all terms affecting hospital-owned provider practices, for a period of
54 [two months] one hundred twenty days from the effective date of termi-
55 nation or, in the case of a non-renewal, from the end of the contract
56 period. Notice shall be provided to all insureds potentially affected by

1 such termination or non-renewal within fifteen days after commencement
2 of the [two-month] one hundred twenty-day period. The commissioner of
3 health shall have the authority to waive the [two-month] one hundred
4 twenty-day period upon the request of either party to a contract [that
5 is being terminated for cause. This subsection shall not apply where
6 both parties mutually agree in writing to the termination or non-renewal
7 and the insurer provides notice to the insured at least thirty days in
8 advance of the date of contract termination].

9 (2) Notwithstanding any other provision of this section, the commis-
10 sioner of health may review and approve all correspondence, communi-
11 cations, and publications that parties to a contract between an insurer
12 and a hospital intend to use to notify consumers within the sixty-day
13 period prior to the contract termination or renewal date.

14 § 11-b. Subsection (j) of section 4325 of the insurance law, as
15 amended by section 1 of chapter 487 of the laws of 2010, is amended to
16 read as follows:

17 (j) (1) If a contract between a corporation and a hospital is not
18 renewed or is terminated by either party, the parties shall continue to
19 abide by the terms of such contract, including reimbursement terms, and
20 including all terms affecting hospital-owned provider practices, for a
21 period of [two months] one hundred twenty days from the effective date
22 of termination or, in the case of a non-renewal, from the end of the
23 contract period. Notice shall be provided to all subscribers potentially
24 affected by such termination or non-renewal within fifteen days after
25 commencement of the [two-month] one hundred twenty-day period. The
26 commissioner of health shall have the authority to waive the [two-month]
27 one hundred twenty-day period upon the request of either party to a
28 contract [that is being terminated for cause. This subsection shall not
29 apply where both parties mutually agree in writing to the termination or
30 non-renewal and the corporation provides notice to the subscriber at
31 least thirty days in advance of the date of contract termination].

32 (2) Notwithstanding any other provision of this section, the commis-
33 sioner of health may review and approve all correspondence, communi-
34 cations, and publications that parties to a contract between a corpo-
35 ration and a hospital intend to use to notify consumers within the
36 sixty-day period prior to the contract termination or renewal date.

37 § 12. Paragraph (mm) of subdivision 2 of section 365-a of the social
38 services law, as amended by chapter 29 of the laws of 2024, is amended
39 to read as follows:

40 (mm) (i) biomarker precision medical testing for the purposes of diag-
41 nosis, treatment, or appropriate management of, or ongoing monitoring to
42 guide treatment decisions for, a recipient's disease or condition [when
43 one or more of the following recognizes the efficacy and appropriateness
44 of biomarker precision medical testing for diagnosis, treatment, appro-
45 priate management, or guiding treatment decisions for a recipient's
46 disease or condition:

47 (1) labeled indications for a test approved or cleared by the federal
48 food and drug administration or indicated tests for a food and drug
49 administration approved drug;

50 (2) centers for medicare and medicaid services national coverage
51 determinations or medicare administrative contractor local coverage
52 determinations;

53 (3) nationally recognized clinical practice guidelines; or

54 (4) peer-reviewed literature and peer-reviewed scientific studies
55 published in or accepted for publication by medical journals that meet
56 nationally recognized requirements for scientific manuscripts and that

1 submit most of their published articles for review by experts who are
2 not part of the editorial staff].

3 (ii) As used in this paragraph, the following terms shall have the
4 following meanings:

5 (1) "Biomarker" means a characteristic that is measured as an indica-
6 tor of normal biological processes, pathogenic processes, or responses
7 to an exposure or intervention, including therapeutic interventions.

8 (2) "Biomarker precision medical testing" means the analysis of a
9 patient's tissue, blood, or other biospecimen for the presence of a
10 biomarker. Biomarker testing includes but is not limited to single-ana-
11 lyte tests and multi-plex panel tests performed at a participating
12 in-network laboratory facility that is either CLIA certified or CLIA
13 waived by the federal food and drug administration.

14 [(3) "Nationally recognized clinical practice guidelines" means
15 evidence-based clinical practice guidelines informed by a systematic
16 review of evidence and an assessment of the benefits, and risks of
17 alternative care options intended to optimize patient care developed by
18 independent organizations or medical professional societies utilizing a
19 transparent methodology and reporting structure and with a conflict of
20 interest policy.]

21 § 13. Subparagraph (3) of paragraph (b) of subdivision 4 of section
22 366 of the social services law, as amended by section 1 of part M of
23 chapter 57 of the laws of 2024, is amended to read as follows:

24 (3) [(A)] A child [between] under the [ages] age of [six and] nineteen
25 who is determined eligible for medical assistance under the provisions
26 of this section, shall, consistent with applicable federal requirements,
27 remain eligible for such assistance until the earlier of:

28 (A) the last day of the month which is twelve months following the
29 determination or renewal of eligibility for such assistance; or

30 (B) the last day of the month in which the child reaches the age of
31 nineteen.

32 [(B) A child under the age of six who is determined eligible for
33 medical assistance under the provisions of this section, shall, consist-
34 ent with applicable federal requirements, remain continuously eligible
35 for medical assistance coverage until the later of:

36 (i) the last day of the twelfth month following the determination or
37 renewal of eligibility for such assistance; or

38 (ii) the last day of the month in which the child reaches the age of
39 six.]

40 § 14. Paragraph (e) of subdivision 6 of section 2510 of the public
41 health law is REPEALED.

42 § 15. This act shall take effect immediately and shall be deemed to
43 have been in full force and effect on and after April 1, 2026; provided,
44 however:

45 a. section one of this act shall take effect October 1, 2027;

46 b. sections thirteen and fourteen of this act shall take effect July
47 1, 2026; and

48 c. the amendments to subdivision 5-d of section 4406-c of the public
49 health law made by section eleven of this act shall not affect the expi-
50 ration and repeal of such subdivision and shall be deemed repealed ther-
51 ewith.

52 PART N

53 Section 1. This act enacts into law components of legislation relating
54 to the scope and practice of certain medical professions. Each component

1 is wholly contained within a Subpart identified as Subparts A through E.
2 The effective date for each particular provision contained within such
3 Subpart is set forth in the last section of such Subpart. Any provision
4 in any section contained within a Subpart, including the effective date
5 of the Subpart, which makes a reference to a section "of this act", when
6 used in connection with that particular component, shall be deemed to
7 mean and refer to the corresponding section of the Subpart in which it
8 is found. Section three of this act sets forth the general effective
9 date of this act.

10

SUBPART A

11 Section 1. Section 6526 of the education law is amended by adding a
12 new subdivision 11 to read as follows:

13 11. Any medical assistant when drawing and administering an immuniza-
14 tion in an outpatient office setting under the direct supervision of a
15 physician, nurse practitioner, or physician assistant.

16 § 2. The public health law is amended by adding a new section 2113 to
17 read as follows:

18 § 2113. Administration of immunizations; medical assistants. Notwith-
19 standing any other law, rule, or regulation to the contrary, physicians,
20 nurse practitioners, and physician assistants are hereby authorized to
21 delegate the task of drawing up and administering immunizations to
22 medical assistants in an outpatient office setting in accordance with
23 regulations issued by the commissioner, utilizing generally accepted
24 medical standards and taking into consideration recommendations of the
25 American Academy of Pediatrics, the American Academy of Family Physi-
26 cians, the American College of Obstetricians and Gynecologists, the
27 American College of Physicians, the Advisory Committee on Immunization
28 Practices, or other similar nationally or internationally recognized
29 scientific organizations; provided that medical assistants receive
30 appropriate training and adequate supervision determined pursuant to
31 regulations by the commissioner in consultation with the commissioner of
32 education.

33 § 3. This act shall take effect on the one hundred eightieth day after
34 it shall have become a law. Effective immediately, the addition, amend-
35 ment and/or repeal of any rule or regulation necessary for the implemen-
36 tation of this act on its effective date are authorized to be made and
37 completed on or before such effective date.

38

SUBPART B

39 Section 1. Section 6908 of the education law is amended by adding a
40 new subdivision 3 to read as follows:

41 3. This article shall not be construed as prohibiting medication
42 related tasks provided by a certified medication aide working in a resi-
43 dential health care facility, as defined in section twenty-eight hundred
44 one of the public health law, in accordance with regulations developed
45 by the commissioner of health, in consultation with the commissioner.
46 The commissioner of health, in consultation with the commissioner, shall
47 adopt regulations governing certified medication aides that, at a mini-
48 imum, shall:

49 a. specify the medication-related tasks that may be performed by
50 certified medication aides pursuant to this subdivision. Such tasks
51 shall include the administration of medications which are routine and
52 pre-filled or otherwise packaged in a manner that promotes relative ease

1 of administration, provided that administration of medications by
2 injection, sterile procedures, and central line maintenance shall be
3 prohibited. Provided, however, such prohibition shall not apply to
4 injections of insulin or other injections for diabetes care, to
5 injections of low molecular weight heparin, and to pre-filled auto-in-
6 jections of naloxone and epinephrine for emergency purposes, and
7 provided, further, that entities employing certified medication aides
8 pursuant to this subdivision shall establish a systematic approach to
9 address drug diversion;

10 b. provide that medication-related tasks performed by certified medi-
11 cation aides may be performed only under appropriate supervision as
12 determined by the commissioner of health;

13 c. establish a process by which a registered professional nurse may
14 assign medication-related tasks to a certified medication aide. Such
15 process shall include, but not be limited to:

16 (i) allowing assignment of medication-related tasks to a certified
17 medication aide only where such certified medication aide has demon-
18 strated to the satisfaction of the supervising registered professional
19 nurse competency in every medication-related task that such certified
20 medication aide is authorized to perform, a willingness to perform such
21 medication-related tasks, and the ability to effectively and efficiently
22 communicate with the individual receiving services and understand such
23 individual's needs;

24 (ii) authorizing the supervising registered professional nurse to
25 revoke any assigned medication-related task from a certified medication
26 aide for any reason; and

27 (iii) authorizing multiple registered professional nurses to jointly
28 agree to assign medication-related tasks to a certified medication aide,
29 provided further that only one registered professional nurse shall be
30 required to determine if the certified medication aide has demonstrated
31 competency in the medication-related task to be performed;

32 d. provide that medication-related tasks may be performed only in
33 accordance with and pursuant to an authorized health practitioner's
34 ordered care;

35 e. provide that only a certified nurse aide may perform medication-re-
36 lated tasks as a certified medication aide when such aide has:

37 (i) a valid New York state nurse aide certificate;

38 (ii) a high school diploma, or its equivalent;

39 (iii) evidence of being at least eighteen years old;

40 (iv) at least one year of experience providing nurse aide services in
41 a residential health care facility licensed pursuant to article twenty-
42 eight of the public health law or a similarly licensed facility in
43 another state or United States territory;

44 (v) the ability to read, write, and speak English and to perform basic
45 math skills;

46 (vi) completed the requisite training and demonstrated competencies of
47 a certified medication aide as determined by the commissioner of health
48 in consultation with the commissioner;

49 (vii) successfully completed competency examinations satisfactory to
50 the commissioner of health in consultation with the commissioner; and

51 (viii) meets other appropriate qualifications as determined by the
52 commissioner of health in consultation with the commissioner;

53 f. prohibit a certified medication aide from holding themselves out,
54 or accepting employment as, a person licensed to practice nursing under
55 the provisions of this article;

1 g. provide that a certified medication aide is not required nor
2 permitted to assess the medication or medical needs of an individual;

3 h. provide that a certified medication aide shall not be authorized to
4 perform any medication-related tasks or activities pursuant to this
5 subdivision that are outside the scope of practice of a licensed practi-
6 cal nurse or any medication-related tasks that have not been appropri-
7 ately assigned by the supervising registered professional nurse;

8 i. provide that a certified medication aide shall document all medica-
9 tion-related tasks provided to an individual, including medication
10 administration to each individual through the use of a medication admin-
11 istration record; and

12 j. provide that the supervising registered professional nurse shall
13 retain the discretion to decide whether to assign medication-related
14 tasks to certified medication aides under this program and shall not be
15 subject to coercion, retaliation, or the threat of retaliation.

16 § 2. Section 6909 of the education law is amended by adding a new
17 subdivision 12 to read as follows:

18 12. A registered professional nurse, while working for a residential
19 health care facility licensed pursuant to article twenty-eight of the
20 public health law, may, in accordance with this subdivision, assign
21 certified medication aides to perform medication-related tasks for indi-
22 viduals pursuant to the provisions of subdivision three of section
23 sixty-nine hundred eight of this article and supervise certified medica-
24 tion aides who perform assigned medication-related tasks.

25 § 3. Paragraph (a) of subdivision 3 of section 2803-j of the public
26 health law, as added by chapter 717 of the laws of 1989, is amended to
27 read as follows:

28 (a) Identification of individuals who have successfully completed a
29 nurse aide training and competency evaluation program, [or] a nurse aide
30 competency evaluation program, or a medication aide program;

31 § 4. The commissioner of health shall, in consultation with the
32 commissioner of education, issue a report on the implementation of
33 certified medication aides in residential care facilities in the state
34 two years after the effective date of this act. Such report shall
35 include the number of certified medication aides authorized pursuant to
36 this act; the impact, if any, that the introduction of certified medica-
37 tion aides had on workforce availability in residential care facilities
38 and/or the retention of registered nurses and/or licensed practical
39 nurses working in residential care facilities; the number of complaints
40 pertaining to services provided by certified medication aides that were
41 reported to the department of health; and the number of certified medi-
42 cation aides who had their authorization limited or revoked. Such report
43 shall provide recommendations to the governor and the chairs of the
44 senate and assembly health and higher education committees regarding the
45 implementation of certified medication aides pursuant to this act, and
46 any recommendations related thereto.

47 § 5. This act shall take effect on the one hundred eightieth day after
48 it shall have become a law and shall expire ten years following such
49 effective date when upon such date the provisions of this act shall
50 expire and be deemed repealed.

51

SUBPART C

52 Section 1. Subparagraph (iii) of paragraph (a) of subdivision 42 of
53 section 305 of the education law, as added by chapter 496 of the laws of
54 2011, is amended to read as follows:

1 (iii) requiring the immediate removal from athletic activities of any
2 pupil believed to have sustained or who has sustained a mild traumatic
3 brain injury. In the event that there is any doubt as to whether a pupil
4 has sustained a concussion, it shall be presumed that [he or she] such
5 pupil has been so injured until proven otherwise. No such pupil shall
6 resume athletic activity until [he or she] such pupil shall have been
7 symptom free for not less than twenty-four hours, and has been evaluated
8 by and received written and signed authorization from a [licensed physi-
9 cian] qualified health care provider acting within their scope of prac-
10 tice. Such authorization shall be kept on file in the pupil's permanent
11 health record. Furthermore, such rules and regulations shall provide
12 guidelines for limitations and restrictions on school attendance and
13 activities for pupils who have sustained mild traumatic brain injuries,
14 consistent with the directives of the pupil's [treating physician]
15 health care provider.

16 § 2. Subdivision b of section 923 of the education law, as added by
17 chapter 500 of the laws of 2021, is amended to read as follows:

18 b. The commissioner shall promulgate rules and regulations requiring
19 that any student displaying signs or symptoms of pending or increased
20 risk of sudden cardiac arrest shall be immediately removed from athletic
21 activities and shall not resume athletic activity until [he or she] such
22 student has been evaluated by and received written and signed authori-
23 zation from a [licensed physician] qualified health care provider acting
24 within their scope of practice. Such authorization shall be kept on
25 file in the pupil's permanent health record.

26 § 3. Section 3624 of the education law, as amended by chapter 529 of
27 the laws of 2002, is amended to read as follows:

28 § 3624. Drivers, monitors and attendants. The commissioner shall
29 determine and define the qualifications of drivers, monitors and attend-
30 ants and shall make the rules and regulations governing the operation of
31 all transportation facilities used by pupils which rules and regulations
32 shall include, but not be limited to, a maximum speed of fifty-five
33 miles per hour for school vehicles engaged in pupil transportation that
34 are operated on roads, interstates or other highways, parkways or bridg-
35 es or portions thereof that have posted speed limits in excess of
36 fifty-five miles per hour, prohibitions relating to smoking, eating and
37 drinking and any and all other acts or conduct which would otherwise
38 impair the safe operation of such transportation facilities while actu-
39 ally being used for the transport of pupils. The employment of each
40 driver, monitor and attendant shall be approved by the chief school
41 administrator of a school district for each school bus operated within
42 [his or her] such administrator's district. For the purpose of determin-
43 ing [his or her] such driver, monitor and attendant's physical fitness,
44 each driver, monitor and attendant may be examined on order of the chief
45 school administrator by a [duly licensed physician] qualified health
46 care provider acting within their scope of practice within two weeks
47 prior to the beginning of service in each school year as a school bus
48 driver, monitor or attendant. The report of the [physician] qualified
49 health care provider, in writing, shall be considered by the chief
50 school administrator in determining the fitness of the driver to operate
51 or continue to operate any transportation facilities used by pupils and
52 in determining the fitness of any monitor or attendant to carry out [his
53 or her] such monitor or attendant's functions on such transportation
54 facilities. Nothing in this section shall prohibit a school district
55 from imposing a more restrictive speed limit policy for the operation of



1 school vehicles engaged in pupil transportation than the speed limit
2 policy established by the commissioner.

3 § 4. Paragraph (i) of subdivision 1 and subdivision 3 of section
4 1203-a of the vehicle and traffic law, paragraph (i) of subdivision 1 as
5 amended by chapter 205 of the laws of 2024 and subdivision 3 as amended
6 by chapter 220 of the laws of 1984, are amended to read as follows:

7 (i) any resident of New York state who is a severely disabled person,
8 as defined in subdivision four of section four hundred four-a of this
9 chapter, upon application of such person or such person's parent or
10 guardian, provided, however, that an issuing agent shall issue permits
11 only to residents of the city, town or village in which such issuing
12 agent is located, except that, an issuing agent, in their discretion,
13 may issue a permit to a severely disabled person who is not a resident
14 of the city, town, or village in which such issuing agent is located
15 where such person resides in a city, town, or village in which the
16 governing body has not appointed an issuing agent; and an issuing agent,
17 in their discretion, may issue a temporary special vehicle identifica-
18 tion parking permit, as authorized by subdivision three of this section,
19 to a person who is temporarily unable to ambulate without the aid of an
20 assisting device, as certified by a [physician] qualified health care
21 provider authorized to certify that an individual is severely disabled
22 pursuant to subdivision four of section four hundred four-a of this
23 chapter, who resides in a city, town, or village in which the issuing
24 agent does not issue temporary special vehicle identification parking
25 permits, or who is not a resident of the United States and is temporar-
26 ily visiting the state; or

27 3. Notwithstanding any provision of this chapter to the contrary, any
28 municipality may issue a temporary special vehicle identification park-
29 ing permit to any person who is temporarily unable to ambulate without
30 the aid of an assisting device, as certified by [a physician] a quali-
31 fied health care provider authorized to certify that an individual is
32 severely disabled pursuant to subdivision four of section four hundred
33 four-a of this chapter. Such temporary special vehicle identification
34 parking permit shall be valid for not more than six months and shall be
35 recognized statewide.

36 § 5. Paragraph (d) of subdivision 3 of section 1203-h of the vehicle
37 and traffic law, as added by chapter 243 of the laws of 2007, is amended
38 to read as follows:

39 (d) are severely disabled persons, as defined in subdivision four of
40 section four hundred four-a of this chapter, whose severe disability, as
41 certified by a [licensed physician] qualified health care provider
42 authorized to certify that an individual is severely disabled pursuant
43 to such subdivision, limits one or more of the following:

44 (i) fine motor control in both hands;
45 (ii) ability to reach or access a parking meter due to use of a wheel-
46 chair or other ambulatory device; or
47 (iii) ability to reach a height of forty-two inches from the ground
48 due to the lack of finger, hand or upper extremity strength or mobility.

49 § 6. Paragraph (c) of subdivision 12-a of section 375 of the vehicle
50 and traffic law, as amended by chapter 135 of the laws of 1994, is
51 amended to read as follows:

52 (c) Any person required for medical reasons to be shielded from the
53 direct rays of the sun and/or any person operating a motor vehicle
54 belonging to such person or in which such person is an habitual passen-
55 ger shall be exempt from the provisions of subparagraphs one and two of
56 paragraph (b) of this subdivision provided the commissioner has granted

1 an exemption and notice of such exemption is affixed to the vehicle as
2 directed by the commissioner. The applicant for such exemption must
3 provide a [physician's] statement from a qualified health care provider
4 acting within their scope of practice with the reason for the exemption,
5 the name of the individual with a medically necessary condition operat-
6 ing or transported in the vehicle, the specific condition involved, and
7 the minimum level of light transmission required. The commissioner shall
8 only authorize exemptions where the medical condition certified by the
9 [physician] qualified health care provider is contained on a list of
10 medical conditions prepared by the commissioner of health pursuant to
11 subdivision sixteen of section two hundred six of the public health law.
12 If such [such] exemption is granted, the commissioner shall make a
13 record thereof and shall distribute a sufficiently noticeable sticker to
14 the applicant to be attached to any window so shielded or altered pursu-
15 ant to such exemption.

16 § 7. Paragraph (iii) of subdivision 3 of section 509-d of the vehicle
17 and traffic law, as added by chapter 675 of the laws of 1985, is amended
18 to read as follows:

19 (iii) the initial qualifying medical examination form and the biennial
20 medical examination form completed by the carrier's [physician] quali-
21 fied health care provider acting within their scope of practice;

22 § 8. Section 509-k of the vehicle and traffic law, as added by chapter
23 1050 of the laws of 1974, is amended to read as follows:

24 § 509-k. Ill or fatigued operator. No driver shall operate a bus and a
25 motor carrier shall not permit a driver to operate a bus while the driv-
26 er's ability or alertness is so impaired, or so likely to become
27 impaired, through fatigue, illness or any other cause, as to make it
28 unsafe for [him] such driver to begin or continue to operate the bus. At
29 the request of the driver or the motor carrier such illness, fatigue, or
30 other cause shall be certified by a qualified [physician] health care
31 provider acting within their scope of practice. However, in a case of
32 grave emergency where the hazard to occupants of the bus or other users
33 of the highway would be increased by compliance with this section, the
34 driver may continue to operate the bus to the nearest place at which
35 that hazard is removed.

36 § 9. Subdivision 7 of section 1229-c of the vehicle and traffic law,
37 as added by chapter 365 of the laws of 1984, is amended to read as
38 follows:

39 7. The provisions of this section shall not apply to a passenger or
40 operator with a physically disabling condition whose physical disability
41 would prevent appropriate restraint in such safety seat or safety belt
42 provided, however, such condition is duly certified by a [physician]
43 qualified health care provider acting within their scope of practice who
44 shall state the nature of the handicap, as well as the reason such
45 restraint is inappropriate.

46 § 10. Paragraph 1 of subdivision (a) of section 517 of the judiciary
47 law, as amended by chapter 380 of the laws of 2019, is amended to read
48 as follows:

49 (1) Except as otherwise provided in paragraph two of this subdivision,
50 the commissioner of jurors may, in [his or her] such commissioner's
51 discretion, on the application of a prospective juror who has been
52 summoned to attend, excuse such prospective juror from a part or the
53 whole of the time of jury service or may postpone the time of jury
54 service to a later day during the same or any subsequent term of the
55 court, provided that if the prospective juror is a breastfeeding mother
56 and submits with her application a note from a [physician] qualified

1 health care provider acting within their scope of practice indicating
2 that the prospective juror is breastfeeding, the commissioner shall
3 excuse the prospective juror or postpone the time of jury service. The
4 application shall be presented to the commissioner at such time and in
5 such manner as [he or she] such commissioner shall require, except that
6 an application for postponement of the initial date for jury service may
7 be made by telephone.

8 § 11. The amendments to the education law, vehicle and traffic law,
9 and judiciary law made by this act shall not be construed to expand or
10 contract the scope of practice of any health care professional under
11 title 8 of the education law.

12 § 12. This act shall take effect on the sixtieth day after it shall
13 have become a law.

14

SUBPART D

15 Section 1. Article 131-A of the education law is REPEALED.

16 § 2. Section 230-e of the public health law is REPEALED.

17 § 3. Title 2-A of article 2 of the public health law is amended by
18 adding five new sections 230-e, 230-f, 230-g, 230-h and 230-i to read as
19 follows:

20 § 230-e. Definitions of professional misconduct applicable to physi-
21 cians, physician's assistants and specialist's assistants. Each of the
22 following is professional misconduct, and any licensee found guilty of
23 such misconduct under the procedures described in section two hundred
24 thirty of this title shall be subject to penalties as prescribed in
25 section two hundred thirty-a of this title except that the charges may
26 be dismissed in the interest of justice:

27 1. Obtaining the license fraudulently;

28 2. Practicing the profession fraudulently or beyond its authorized
29 scope;

30 3. Practicing the profession with negligence on more than one occa-
31 sion;

32 4. Practicing the profession with gross negligence on a particular
33 occasion;

34 5. Practicing the profession with incompetence on more than one occa-
35 sion;

36 6. Practicing the profession with gross incompetence;

37 7. Practicing the profession while impaired by alcohol, drugs, phys-
38 ical disability, or mental disability;

39 8. Being a habitual abuser of alcohol, or being dependent on or a
40 habitual user of narcotics, barbiturates, amphetamines, hallucinogens,
41 or other drugs having similar effects, except for a licensee who is
42 maintained on an approved therapeutic regimen which does not impair the
43 ability to practice, or having a psychiatric condition which impairs the
44 licensee's ability to practice;

45 9. (a) Being convicted of committing an act constituting a crime under:

46 (i) New York state law, or

47 (ii) federal law, or

48 (iii) the law of another jurisdiction and which, if committed within
49 this state, would have constituted a crime under New York state law;

50 (b) Having been found guilty of improper professional practice or
51 professional misconduct by a duly authorized professional disciplinary
52 agency of another state where the conduct upon which the finding was
53 based would, if committed in New York state, constitute professional
54 misconduct under the laws of New York state;



1 (c) Having been found guilty in an adjudicatory proceeding of violat-
 2 ing a state or federal statute or regulation, pursuant to a final deci-
 3 sion or determination, and when no appeal is pending, or after resol-
 4 ution of the proceeding by stipulation or agreement, and when the
 5 violation would constitute professional misconduct pursuant to this
 6 section;

7 (d) Having their license to practice medicine revoked, suspended or
 8 having other disciplinary action taken, or having their application for
 9 a license refused, revoked or suspended or having voluntarily or other-
 10 wise surrendered their license after a disciplinary action was insti-
 11 tuted by a duly authorized professional disciplinary agency of another
 12 state, where the conduct resulting in the revocation, suspension or
 13 other disciplinary action involving the license or refusal, revocation
 14 or suspension of an application for a license or the surrender of the
 15 license would, if committed in New York state, constitute professional
 16 misconduct under the laws of New York state;

17 (e) Having been found by the commissioner to be in violation of arti-
 18 cle thirty-three of this chapter;

19 10. Refusing to provide professional service to a person because of
 20 such person's race, creed, color or national origin;

21 11. Permitting, aiding or abetting an unlicensed person to perform
 22 activities requiring a license;

23 12. Practicing the profession while the license is suspended or inac-
 24 tive as defined in subdivision thirteen of section two hundred thirty of
 25 this title, or willfully failing to register or notify the department of
 26 any change of name or mailing address, or, if a professional service
 27 corporation, willfully failing to comply with sections fifteen hundred
 28 three and fifteen hundred fourteen of the business corporation law or,
 29 if a university faculty practice corporation willfully failing to comply
 30 with paragraphs (b), (c) and (d) of section fifteen hundred three and
 31 section fifteen hundred fourteen of the business corporation law;

32 13. A willful violation by a licensee of subdivision eleven of section
 33 two hundred thirty of this title;

34 14. A violation of sections twenty-eight hundred three-d, twenty-eight
 35 hundred five-k of this chapter or subparagraph (ii) of paragraph (h) of
 36 subdivision ten of section two hundred thirty of this title;

37 15. Failure to comply with an order issued pursuant to subdivision
 38 seven, paragraph (a) of subdivision ten, or subdivision seventeen of
 39 section two hundred thirty of this title;

40 16. A willful or grossly negligent failure to comply with substantial
 41 provisions of federal, state, or local laws, or regulations governing
 42 the practice of medicine;

43 17. Exercising undue influence on the patient, including the promotion
 44 of the sale of services, goods, appliances, or drugs in such manner as
 45 to exploit the patient for the financial gain of the licensee or of a
 46 third party;

47 18. Directly or indirectly offering, giving, soliciting, or receiving
 48 or agreeing to receive, any fee or other consideration to or from a
 49 third party for the referral of a patient or in connection with the
 50 performance of professional services;

51 19. Permitting any person to share in the fees for professional
 52 services, other than: a partner, employee, associate in a professional
 53 firm or corporation, professional subcontractor or consultant authorized
 54 to practice medicine, or a legally authorized trainee practicing under
 55 the supervision of a licensee. This prohibition shall include any
 56 arrangement or agreement whereby the amount received in payment for

1 furnishing space, facilities, equipment or personnel services used by a
2 licensee constitutes a percentage of, or is otherwise dependent upon,
3 the income or receipts of the licensee from such practice, except as
4 otherwise provided by law with respect to a facility licensed pursuant
5 to article twenty-eight of this chapter or article thirteen of the
6 mental hygiene law;

7 20. Conduct in the practice of medicine which evidences moral unfit-
8 ness to practice medicine;

9 21. Willfully making or filing a false report, or failing to file a
10 report required by law or by the department or the education department,
11 or willfully impeding or obstructing such filing, or inducing another
12 person to do so;

13 22. Failing to make available to a patient, upon request, copies of
14 documents in the possession or under the control of the licensee which
15 have been prepared for and paid for by the patient or client;

16 23. Revealing of personally identifiable facts, data, or information
17 obtained in a professional capacity without the prior consent of the
18 patient, except as authorized or required by law;

19 24. Practicing or offering to practice beyond the scope permitted by
20 law, or accepting and performing professional responsibilities which the
21 licensee knows or has reason to know that they are not competent to
22 perform, or performing without adequate supervision professional
23 services which the licensee is authorized to perform only under the
24 supervision of a licensed professional, except in an emergency situation
25 where a person's life or health is in danger;

26 25. Delegating professional responsibilities to a person when the
27 licensee delegating such responsibilities knows or has reason to know
28 that such person is not qualified, by training, by experience, or by
29 licensure, to perform them;

30 26. With respect to any non-emergency treatment, procedure or surgery
31 which is expected to involve local or general anesthesia, failing to
32 disclose to the patient the identities of all physicians, except health-
33 care professionals in certified anesthesiology training programs, podia-
34 trists and dentists, reasonably anticipated to be actively involved in
35 such treatment, procedure or surgery and to obtain such patient's
36 informed consent to said practitioners' participation;

37 27. Performing professional services which have not been duly author-
38 ized by the patient or their legal representative;

39 28. Advertising or soliciting for patronage that is not in the public
40 interest;

41 (a) Advertising or soliciting not in the public interest shall
42 include, but not be limited to, advertising or soliciting that:

43 (i) is false, fraudulent, deceptive, misleading, sensational, or flam-
44 boyant;

45 (ii) represents intimidation or undue pressure;

46 (iii) uses testimonials;

47 (iv) guarantees any service;

48 (v) makes any claim relating to professional services or products or
49 the costs or price therefor which cannot be substantiated by the licen-
50 see, who shall have the burden of proof;

51 (vi) makes claims of professional superiority which cannot be substan-
52 tiated by the licensee, who shall have the burden of proof; or

53 (vii) offers bonuses or inducements in any form other than a discount
54 or reduction in an established fee or price for a professional service
55 or product.

1 (b) The following shall be deemed appropriate means of informing the
2 public of the availability of professional services:

3 (i) informational advertising not contrary to the foregoing prohibi-
4 tions; and

5 (ii) the advertising in a newspaper, periodical or professional direc-
6 tory or on radio or television of fixed prices, or a stated range of
7 prices, for specified routine professional services, provided that if
8 there is an additional charge for related services which are an integral
9 part of the overall services being provided by the licensee, the adver-
10 tisement shall so state, and provided further that the advertisement
11 indicates the period of time for which the advertised prices shall be in
12 effect.

13 (c)(i) All licensees placing advertisements shall maintain, or cause
14 to be maintained, an exact copy of each advertisement, transcript, tape
15 or video tape thereof as appropriate for the medium used, for a period
16 of one year after its last appearance. This copy shall be made available
17 for inspection upon demand of the department;

18 (ii) A licensee shall not compensate or give anything of value to
19 representatives of the press, radio, television, or other communications
20 media in anticipation of or in return for professional publicity in a
21 news item;

22 (d) No demonstrations, dramatizations or other portrayals of profes-
23 sional practice shall be permitted in advertising on radio or tele-
24 vision;

25 29. Failing to respond within thirty days to written communications
26 from the department and to make available any relevant records with
27 respect to an inquiry or complaint about the licensee's professional
28 misconduct. The period of thirty days shall commence on the date when
29 such communication was delivered personally to the licensee. If the
30 communication is sent from the department by registered or certified
31 mail, with return receipt requested, to the address appearing in the
32 last registration, the period of thirty days shall commence on the date
33 of delivery of the licensee, as indicated by the return receipt;

34 30. Violating any term of probation or condition or limitation imposed
35 on the licensee pursuant to section two hundred thirty of this title;

36 31. Abandoning or neglecting a patient under and in need of immediate
37 professional care, without making reasonable arrangements for the
38 continuation of such care, or abandoning a professional employment by a
39 group practice, hospital, clinic or other health care facility, without
40 reasonable notice and under circumstances which seriously impair the
41 delivery of professional care to patients or clients;

42 32. Willfully harassing, abusing, or intimidating a patient either
43 physically or verbally;

44 33. Failing to maintain a record for each patient which accurately
45 reflects the evaluation and treatment of the patient, provided, however,
46 that a licensee who transfers an original mammogram to a medical insti-
47 tution, or to a physician or health care provider of the patient, or to
48 the patient directly, as otherwise provided by law, shall have no obli-
49 gation under this section to maintain the original or a copy thereof.
50 Unless otherwise provided by law, all patient records must be retained
51 for at least six years. Obstetrical records and records of minor
52 patients must be retained for at least six years, and until one year
53 after the minor patient reaches the age of eighteen years;

54 34. Failing to exercise appropriate supervision over persons who are
55 authorized to practice only under the supervision of the licensee;

1 35. Guaranteeing that satisfaction or a cure will result from the
2 performance of professional services;

3 36. Ordering of excessive tests, treatment, or use of treatment facil-
4 ities not warranted by the condition of the patient;

5 37. Claiming or using any secret or special method of treatment which
6 the licensee refused to divulge to the department;

7 38. Failing to wear an identifying badge, which shall be conspicuously
8 displayed and legible, indicating the practitioner's name and profes-
9 sional title authorized pursuant to title eight of the education law
10 while practicing as an employee or operator of a hospital, clinic, group
11 practice or multi-professional facility, or at a commercial establish-
12 ment offering health services to the public;

13 39. Entering into an arrangement or agreement with a pharmacy for the
14 compounding and/or dispensing of coded or specially marked
15 prescriptions;

16 40. With respect to all professional practices conducted under an
17 assumed name, other than facilities licensed pursuant to article twen-
18 ty-eight of this chapter or article thirteen of the mental hygiene law,
19 failing to post conspicuously at the site of such practice the name and
20 licensure field of all of the principal professional licensees engaged
21 in the practice at that site, including but not limited to, principal
22 partners, officers or principal shareholders;

23 41. Failing to provide access by qualified persons to patient informa-
24 tion in accordance with the standards set forth in section eighteen of
25 this chapter;

26 42. Knowingly or willfully performing a complete or partial autopsy on
27 a deceased person without lawful authority;

28 43. Failing to comply with a signed agreement to practice medicine in
29 New York state in an area designated by the commissioner or the commis-
30 sioner of education as having a shortage of physicians or refusing to
31 repay medical education costs in lieu of such required service, or fail-
32 ing to comply with any provision of a written agreement with the state
33 or any municipality within which the licensee has agreed to provide
34 medical service, or refusing to repay funds in lieu of such service as
35 consideration of awards made by the state or any municipality thereof
36 for their professional education in medicine, or failing to comply with
37 any agreement entered into to aid their medical education;

38 44. Failing to complete forms or reports required for the reimburse-
39 ment of a patient by a third party. Reasonable fees may be charged for
40 such forms or reports, but prior payment for the professional services
41 to which such forms or reports relate may not be required as a condition
42 for making such forms or reports available;

43 45. In the practice of psychiatry,

44 (a) any physical contact of a sexual nature between licensee and
45 patient except the use of films and/or other audiovisual aids with indi-
46 viduals or groups in the development of appropriate responses to over-
47 come sexual dysfunction;

48 (b) in therapy groups, activities which promote explicit physical
49 sexual contact between group members during sessions;

50 46. In the practice of ophthalmology, failing to provide a patient,
51 upon request, with the patient's prescription including the name,
52 address, and signature of the prescriber and the date of the
53 prescription;

54 47. A violation of section two hundred thirty-nine of this chapter by
55 a professional;

1 48. Failure to use scientifically accepted barrier precautions and
2 infection control practices established by the department pursuant to
3 section two hundred thirty-nine-a of this article;

4 49. A violation of section two hundred thirty-d of this title or the
5 regulations of the commissioner enacted thereunder;

6 50. Except for good cause shown, failing to provide within one day any
7 relevant records or other information requested by the state or local
8 department of health with respect to an inquiry into a report of a
9 communicable disease as defined in the state sanitary code, or HIV/AIDS;
10 and

11 51. Performing a pelvic examination or supervising the performance of
12 a pelvic examination in violation of subdivision seven of section twen-
13 ty-five hundred four of this chapter.

14 § 230-f. Additional definition of professional misconduct, limited
15 application. Notwithstanding any inconsistent provision of this title or
16 any other provisions of law to the contrary, the license or registration
17 of a person subject to the provisions of this title may be revoked,
18 suspended, or annulled or such person may be subject to any other penal-
19 ty provided in this title in accordance with the provisions and proce-
20 dures of this title for the following:

21 That any person subject to this title has directly or indirectly
22 requested, received or participated in the division, transference,
23 assignment, rebate, splitting, or refunding of a fee for, or has direct-
24 ly requested, received or profited by means of a credit or other valu-
25 able consideration as a commission, discount or gratuity, in connection
26 with the furnishing of professional care or service, including x-ray
27 examination and treatment, or for or in connection with the sale,
28 rental, supplying, or furnishing of clinical laboratory services or
29 supplies, x-ray laboratory services or supplies, inhalation therapy
30 service or equipment, ambulance service, hospital or medical supplies,
31 physiotherapy or other therapeutic service or equipment, artificial
32 limbs, teeth or eyes, orthopedic or surgical appliances or supplies,
33 optical appliances, supplies, or equipment, devices for aid of hearing,
34 drugs, medication, or medical supplies, or any other goods, services, or
35 supplies prescribed for medical diagnosis, care, or treatment under this
36 chapter except payment, not to exceed thirty-three and one-third percent
37 of any fee received for x-ray examination, diagnosis, or treatment, to
38 any hospital furnishing facilities for such examination, diagnosis, or
39 treatment. Nothing contained in this section shall prohibit such
40 persons from practicing as partners, in groups or as a professional
41 corporation or as a university faculty practice corporation, nor from
42 pooling fees and moneys received, either by the partnerships, profes-
43 sional corporations, or university faculty practice corporations or
44 groups by the individual members thereof, for professional services
45 furnished by an individual professional member, or employee of such
46 partnership, corporation, or group, nor shall the professionals consti-
47 tuting the partnerships, corporations or groups be prohibited from shar-
48 ing, dividing, or apportioning the fees and moneys received by them or
49 by the partnership, corporation, or group in accordance with a partner-
50 ship or other agreement; provided that no such practice as partners,
51 corporations, or groups, or pooling of fees or moneys received or
52 shared, division or apportionment of fees shall be permitted with
53 respect to and treatment under the workers' compensation law. Nothing
54 contained in this chapter shall prohibit a corporation licensed pursuant
55 to article forty-three of the insurance law pursuant to its contract
56 with the subscribed from prorating a medical or dental expenses

1 indemnity allowance among two or more professionals in proportion to the
2 services rendered by each such professional at the request of the
3 subscriber, provided that prior to payment thereof such professionals
4 shall submit both to the corporation licensed pursuant to article
5 forty-three of the insurance law and to the subscriber statements item-
6 izing the services rendered by each such professional and the charges
7 therefor.

8 § 230-g. Additional definition of professional misconduct, mental
9 health professionals. 1. Definitions. For the purposes of this section:

10 (a) "Mental health professional" means a person subject to the
11 provisions of article one hundred thirty-one of the education law.

12 (b) "Sexual orientation change efforts"

13 (i) means any practice by a mental health professional that seeks to
14 change an individual's sexual orientation, including, but not limited
15 to, efforts to change behaviors, gender identity, or gender expressions,
16 or to eliminate or reduce sexual or romantic attractions or feelings
17 towards individuals of the same sex; and

18 (ii) shall not include counseling for a person seeking to transition
19 from one gender to another, or psychotherapies that:

20 (A) provide acceptance, support and understanding of patients or the
21 facilitation of patients' coping, social support, and identity explora-
22 tion and development, including sexual orientation-neutral interventions
23 to prevent or address unlawful conduct or unsafe sexual practices; and

24 (B) do not seek to change sexual orientation.

25 2. It shall be professional misconduct for a mental health profes-
26 sional to engage in sexual orientation change efforts upon any patient
27 under the age of eighteen years, and any mental health professional
28 found guilty of such misconduct under the procedures prescribed in this
29 title shall be subject to the penalties prescribed in this title.

30 § 230-h. Exceptions; reproductive health services. 1. As used in this
31 section, the following terms shall have the following meanings:

32 (a) "Reproductive health care" shall mean and include all services,
33 care, or products of a medical, surgical, psychiatric, therapeutic,
34 diagnostic, mental health, behavioral health, preventative, rehabilita-
35 tive, supportive, consultative, referral, prescribing, or dispensing
36 nature relating to the human reproductive system provided in accordance
37 with the constitution and the laws of this state, whether provided in
38 person or by means of telehealth or telehealth services, which includes,
39 but is not limited to, all services, care, and products relating to
40 pregnancy, assisted reproduction, contraception, miscarriage management
41 or abortion, including but not limited to care an individual provides to
42 themselves.

43 (b) "Health care practitioner" means a person who is licensed, certi-
44 fied, or authorized under title eight of the education law and acting
45 within their lawful scope of practice.

46 (c) "Gender-affirming care" means any type of care provided to an
47 individual to affirm their gender identity or gender expression, includ-
48 ing but not limited to care an individual provides to themselves; provided
49 that surgical interventions on minors with variations in their sex char-
50 acteristics that are not sought and initiated by the individual patient
51 are not gender-affirming care.

52 2. Any legally protected health activity as defined by section 570.17
53 of the criminal procedure law, by a health care practitioner acting
54 within their scope of practice, shall not, by itself, constitute profes-
55 sional misconduct under this title or any other law, rule or regulation
56 governing the licensure, certification or authorization of such practi-

1 tioner, nor shall any license, certification or authorization of a
2 health care practitioner be revoked, suspended, or annulled or otherwise
3 subject to any other penalty or discipline provided in this title solely
4 on the basis that such health care practitioner engaged in legally
5 protected health activity, as defined by section 570.17 of the criminal
6 procedure law.

7 3. Nothing in this section shall be construed to expand the scope of
8 practice of any individual licensed, certified or authorized under this
9 chapter or title eight of the education law, nor does this section give
10 any such individual the authority to act outside their scope of prac-
11 tice, as defined in this chapter.

12 § 230-i. Enforcement, administration and interpretation of this title.
13 The board of professional medical conduct and the department shall
14 enforce, administer and interpret this title.

15 § 4. Section 6527 of the education law is REPEALED.

16 § 5. The public health law is amended by adding a new article 37-B to
17 read as follows:

18 ARTICLE 37-B

19 PHYSICIANS

20 Section 3750. Commissioner; powers and duties.

21 3751. Special provisions.

22 § 3750. Commissioner; powers and duties. The commissioner shall have
23 the following powers and duties:

24 1. to promulgate regulations when, in the discretion of the commis-
25 sioner, there is a need for uniform standards or procedures to address
26 health care safety, quality, access, or other considerations deemed
27 appropriate by the commissioner;

28 2. to promulgate regulations and take other actions reasonably neces-
29 sary to effectuate its role as the licensing authority for professional
30 business entities engaged in the profession of medicine pursuant to
31 article fifteen of the business corporation law, articles twelve and
32 thirteen of the limited liability company law, and the partnership law;

33 3. to determine the desirability of and to establish rules for requir-
34 ing continuing education of licensed physicians; and

35 4. to adopt such other rules and regulations as may be necessary or
36 appropriate to carry out the purposes of this article.

37 § 3751. Special provisions. 1. A not-for-profit medical or dental
38 expense indemnity corporation or a hospital service corporation organ-
39 ized under the insurance law may employ licensed physicians and enter
40 into contracts with partnerships or medical corporations organized under
41 article forty-four of this chapter, health maintenance organizations
42 possessing a certificate of authority pursuant to article forty-four of
43 this chapter, professional corporations organized under article fifteen
44 of the business corporation law or other groups of physicians to prac-
45 tice medicine on its behalf for persons insured under its contracts or
46 policies;

47 2. Notwithstanding any inconsistent provision of any general, special
48 or local law, any licensed physician who voluntarily and without the
49 expectation of monetary compensation renders first aid or emergency
50 treatment at the scene of an accident or other emergency, outside a
51 hospital, doctor's office or any other place having proper and necessary
52 medical equipment, to a person who is unconscious, ill or injured, shall
53 not be liable for damages for injuries alleged to have been sustained by
54 such person or for damages for the death of such person alleged to have
55 occurred by reason of an act or omission in the rendering of such first
56 aid or emergency treatment unless it is established that such injuries



1 were or such death was caused by gross negligence on the part of such
2 physician. Nothing in this subdivision shall be deemed or construed to
3 relieve a licensed physician from liability for damages for injuries or
4 death caused by an act or omission on the part of a physician while
5 rendering professional services in the normal and ordinary course of
6 their practice;

7 3. No individual who serves as a member of (a) a committee established
8 to administer a utilization review plan of a hospital, including a
9 hospital as defined in article twenty-eight of this chapter or a hospi-
10 tal as defined in subdivision ten of section 1.03 of the mental hygiene
11 law, or (b) a committee having the responsibility of the investigation
12 of an incident reported pursuant to section 29.29 of the mental hygiene
13 law or the evaluation and improvement of the quality of care rendered in
14 a hospital as defined in article twenty-eight of this chapter or a
15 hospital as defined in subdivision ten of section 1.03 of the mental
16 hygiene law, or (c) any medical review committee or subcommittee thereof
17 of a local, county or state medical, dental, podiatry or optometrical
18 society, any such society itself, a professional standards review organ-
19 ization or an individual when such committee, subcommittee, society,
20 organization or individual is performing any medical or quality assur-
21 ance review function including the investigation of an incident reported
22 pursuant to section 29.29 of the mental hygiene law, either described in
23 paragraphs (a) and (b) of this subdivision, required by law, or involv-
24 ing any controversy or dispute between (i) a physician, dentist, podia-
25 trist or optometrist or hospital administrator and a patient concerning
26 the diagnosis, treatment or care of such patient or the fees or charges
27 therefor, or (ii) a physician, dentist, podiatrist or optometrist or
28 hospital administrator and a provider of medical, dental, podiatric or
29 optometrical services concerning any medical or health charges or fees
30 of such physician, dentist, podiatrist or optometrist, or (d) a commit-
31 tee appointed pursuant to section twenty-eight hundred five-j of this
32 chapter to participate in the medical and dental malpractice prevention
33 program, or (e) any individual who participated in the preparation of
34 incident reports required by the department pursuant to section twenty-
35 eight hundred five-1 of this chapter, or (f) a committee established to
36 administer a utilization review plan, or a committee having the respon-
37 sibility of evaluation and improvement of the quality of care rendered,
38 in a health maintenance organization organized under article forty-four
39 of this chapter or article forty-three of the insurance law, including a
40 committee of an individual practice association or medical group acting
41 pursuant to a contract with such a health maintenance organization,
42 shall be liable in damages to any person for any action taken or recom-
43 mendations made by them within the scope of their function in such
44 capacity provided that (i) such individual has taken action or made
45 recommendations within the scope of their function and without malice,
46 and (ii) in the reasonable belief after reasonable investigation that
47 the act or recommendation was warranted, based upon the facts disclosed;

48 Neither the proceedings nor the records relating to performance of a
49 medical or a quality assurance review function or participation in a
50 medical and dental malpractice prevention program nor any report
51 required by the department pursuant to section twenty-eight hundred
52 five-1 of this chapter described herein, including the investigation of
53 an incident reported pursuant to section 29.29 of the mental hygiene
54 law, shall be subject to disclosure under article thirty-one of the
55 civil practice law and rules except as hereinafter provided or as
56 provided by any other provision of law. No person in attendance at a

1 meeting when a medical or a quality assurance review or a medical and
2 dental malpractice prevention program or an incident reporting function
3 described herein was performed, including the investigation of an inci-
4 dent reported pursuant to section 29.29 of the mental hygiene law, shall
5 be required to testify as to what transpired thereat. The prohibition
6 relating to discovery of testimony shall not apply to the statements
7 made by any person in attendance at such a meeting who is a party to an
8 action or proceeding the subject matter of which was reviewed at such
9 meeting;

10 4. This article shall not be construed to affect or prevent the
11 following:

12 (a) The furnishing of medical assistance in an emergency;

13 (b) The practice of the religious tenets of any church;

14 (c) A physician from refusing to perform an act constituting the prac-
15 tice of medicine to which such physician is conscientiously opposed by
16 reason of religious training and belief;

17 (d) The organization of a medical corporation under article forty-four
18 of this chapter, the organization of a university faculty practice
19 corporation under section fourteen hundred twelve of the not-for-profit
20 corporation law or the organization of a professional service corpo-
21 ration under article fifteen of the business corporation law;

22 (e) The physician's use of whatever medical care, conventional or
23 non-conventional, which effectively treats human disease, pain, injury,
24 deformity or physical condition;

25 5. There shall be no monetary liability on the part of, and no cause
26 of action for damages shall arise against, any person, partnership,
27 corporation, firm, society, or other entity on account of the communi-
28 cation of information in the possession of such person or entity, or on
29 account of any recommendation or evaluation, regarding the qualifica-
30 tions, fitness, or professional conduct or practices of a physician, to
31 any governmental agency, medical or specialists society, a hospital as
32 defined in article twenty-eight of this chapter, a hospital as defined
33 in subdivision ten of section 1.03 of the mental hygiene law, or a
34 health maintenance organization organized under article forty-four of
35 this chapter or article forty-three of the insurance law, including a
36 committee of an individual practice association or medical group pursu-
37 ant to a contract with a health maintenance organization. The foregoing
38 shall not apply to information which is untrue and communicated with
39 malicious intent;

40 6. A licensed physician may prescribe and order a non-patient specific
41 regimen to a registered professional nurse, pursuant to regulations
42 promulgated by the commissioner, and consistent with this chapter, for:

43 (a) administering immunizations;

44 (b) the emergency treatment of anaphylaxis;

45 (c) administering purified protein derivative (PPD) tests or other
46 tests to detect or screen for tuberculosis infections;

47 (d) administering tests to determine the presence of the human immuno-
48 deficiency virus;

49 (e) administering tests to determine the presence of the hepatitis C
50 virus;

51 (f) the urgent or emergency treatment of opioid related overdose or
52 suspected opioid related overdose;

53 (g) screening of persons at increased risk of syphilis, gonorrhea and
54 chlamydia;

55 (h) administering tests to determine the presence of COVID-19 or its
56 antibodies or influenza virus;



1 (i) administering electrocardiogram tests to detect signs and symptoms
2 of acute coronary syndrome;

3 (j) administering point-of-care blood glucose tests to evaluate acute
4 mental status changes in persons with suspected hypoglycemia;

5 (k) administering tests and intravenous lines to persons that meet
6 severe sepsis and septic shock criteria; and

7 (l) administering tests to determine pregnancy;

8 7. A licensed physician may prescribe and order a patient specific
9 order or non-patient-specific regimen to a licensed pharmacist, pursuant
10 to regulations promulgated by the commissioner, and consistent with this
11 chapter, for: (a) administering immunizations to prevent influenza to
12 patients two years of age or older; and (b) administering immunizations
13 to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B,
14 human papillomavirus, measles, mumps, rubella, varicella, COVID-19,
15 meningococcal, tetanus, diphtheria or pertussis disease and medications
16 required for emergency treatment of anaphylaxis to patients eighteen
17 years of age or older; and (c) administering other immunizations recom-
18 mended by the advisory committee on immunization practices of the
19 centers for disease control and prevention for patients eighteen years
20 of age or older if the commissioner, in consultation with the commis-
21 sioner of education, determines that an immunization: (i) (A) may be
22 safely administered by a licensed pharmacist within their lawful scope
23 of practice; and (B) is needed to prevent the transmission of a report-
24 able communicable disease that is prevalent in New York state; or (ii)
25 is a recommended immunization for such patients who: (A) meet age
26 requirements, (B) lack documentation of such immunization, (C) lack
27 evidence of past infection, or (D) have an additional risk factor or
28 another indication as recommended by the advisory committee on immuniza-
29 tion practices of the centers for disease control and prevention. Noth-
30 ing in this subdivision shall authorize unlicensed persons to administer
31 immunizations, vaccines or other drugs;

32 8. A licensed physician may prescribe and order a patient specific
33 order or non-patient specific order to a licensed pharmacist, pursuant
34 to regulations promulgated by the commissioner of education in consulta-
35 tion with the commissioner, and consistent with this chapter and section
36 sixty-eight hundred one of title eight of the education law, for
37 dispensing up to a seven day starter pack of HIV post-exposure prophy-
38 laxis for the purpose of preventing human immunodeficiency virus
39 infection following a potential human immunodeficiency virus exposure;

40 9. Nothing in this article or article one hundred thirty of the educa-
41 tion law shall prohibit the provision of psychotherapy as defined in
42 subdivision two of section eighty-four hundred one of title eight of the
43 education law to the extent permissible within the scope of practice of
44 medicine, by any not-for-profit corporation or education corporation
45 providing services within the state of New York and operating under a
46 waiver pursuant to section sixty-five hundred three-a of title eight of
47 the education law, provided that such entities offering psychotherapy
48 services shall only provide such services through an individual appro-
49 priately licensed or otherwise authorized to provide such services or a
50 professional entity authorized by law to provide such services;

51 10. (a) Nothing in this article nor article one hundred thirty-one of
52 the education law shall be construed to affect or prevent a person in
53 training or trained and deemed qualified by a supervising licensed
54 physician, to assist the licensed physician in the care of a patient for
55 the purpose of instilling mydriatic or cycloplegic eye drops and anes-
56 thetic eye drops in conjunction with such dilating drops to the surface



1 of the eye of a patient, provided that the person instilling such eye
2 drops is:

- 3 (i) under the on-site supervision of a supervising licensed physician;
- 4 (ii) at least eighteen years of age; and
- 5 (iii) complies with standards issued by the department;

6 (b) The supervising licensed physician shall submit a form prescribed
7 by the department detailing the identity of each person instilling
8 mydriatic or cycloplegic eye drops and anesthetic eye drops in conjunc-
9 tion with such dilating drops to the surface of the eye of a patient,
10 under their supervision, attesting to compliance with the above require-
11 ments; and

12 (c) The supervising licensed physician's use of any such person pursu-
13 ant to the terms of this subdivision shall be undertaken with profes-
14 sional judgment in order to ensure the safety and well-being of the
15 patient. Such use shall subject the licensed physician to the full
16 disciplinary and regulatory authority of the office of professional
17 medical conduct. The licensed physician must notify the patient or the
18 patient's designated health care surrogate that the licensed physician
19 may utilize the services of an individual to administer certain eye
20 drops and must provide the patient or the patient's designated health
21 care surrogate the opportunity to refuse the licensed physician's plan
22 to utilize such person;

23 11. A licensed physician may prescribe and order a non-patient specif-
24 ic regimen to a licensed pharmacist, for insulin and related supplies
25 pursuant to section sixty-eight hundred one of title eight of the educa-
26 tion law; and

27 12. A licensed physician may prescribe and order a non-patient specif-
28 ic order to a pharmacist licensed and located in the state, pursuant to
29 regulations promulgated by the commissioner, and consistent with section
30 sixty-eight hundred one of title eight of the education law, for
31 dispensing self-administered hormonal contraceptives as defined in
32 section sixty-eight hundred two of title eight of the education law.

33 § 6. Section 6542 of the education law is REPEALED.

34 § 7. Section 6545 of the education law is REPEALED.

35 § 8. Subdivision 1 of section 3701 of the public health law, as
36 amended by chapter 48 of the laws of 2012, is amended to read as
37 follows:

38 1. to promulgate regulations defining and restricting the duties
39 [which may be assigned to] of physician assistants [by their supervising
40 physician, the degree of supervision required and the manner in which
41 such duties may be performed] consistent with section thirty-seven
42 hundred two of this article;

43 § 9. Section 3702 of the public health law, as amended by chapter 48
44 of the laws of 2012, subdivision 1 as amended by chapter 520 of the laws
45 of 2024, is amended to read as follows:

46 § 3702. Special provisions. 1. Emergency treatment. Notwithstanding
47 any inconsistent provision of any general, special or local law, any
48 physician assistant properly licensed in this state who voluntarily and
49 without the expectation of monetary compensation renders first aid or
50 emergency treatment at the scene of an accident or other emergency,
51 outside a hospital, doctor's office or any other place having proper and
52 necessary medical equipment, to a person who is unconscious, ill or
53 injured, shall not be liable for damages for injuries alleged to have
54 been sustained by such person or for damages for the death of such
55 person alleged to have occurred by reason of an act or omission in the
56 rendering of such first aid or emergency treatment unless it is estab-

1 lished that such injuries were or such death was caused by gross negli-
2 gence on the part of such physician assistant. Nothing in this section
3 shall be deemed or construed to relieve a licensed physician assistant
4 from liability for damages for injuries or death caused by an act or
5 omission on the part of a physician assistant while rendering profes-
6 sional services in the normal and ordinary course of their practice.

7 2. Supervision. (a) A physician assistant may perform medical services
8 only when under the supervision of a physician and only when such acts
9 and duties as are assigned to such physician assistant are within the
10 scope of practice of such supervising physician.

11 (b) Supervision shall be continuous but shall not be construed as
12 necessarily requiring the physical presence of the supervising physician
13 at the time and place where such services are performed.

14 (c) No physician shall employ or supervise more than six physician
15 assistants in such physician's private practice at one time.

16 (d) Nothing in this subdivision shall prohibit a hospital from employ-
17 ing physician assistants provided, that they work under the supervision
18 of a physician designated by the hospital and not beyond the scope of
19 practice of such physician. The numerical limitation of paragraph (c)
20 of this subdivision shall not apply to services performed in a hospital.

21 (e) Notwithstanding any other provision of this subdivision, nothing
22 shall prohibit a physician employed by or rendering services to the
23 department of corrections and community supervision under contract from
24 supervising no more than eight physician assistants in such physician's
25 practice for the department of corrections and community supervision at
26 one time.

27 3. Notwithstanding any other provision of law, a trainee in an
28 approved program may perform medical services when such services are
29 performed within the scope of such program.

30 4. A physician assistant may prescribe and order a non-patient specif-
31 ic regimen to a registered professional nurse pursuant to regulations
32 promulgated by the commissioner for:

33 (a) administering immunizations;

34 (b) the emergency treatment of anaphylaxis;

35 (c) administering purified protein derived (PPD) tests or other tests
36 to detect or screen for tuberculosis infections;

37 (d) administering tests to determine the presence of the human immuno-
38 deficiency virus;

39 (e) administering tests to determine the presence of the hepatitis C
40 virus;

41 (f) the urgent or emergency treatment of opioid related overdose or
42 suspected opioid related overdose;

43 (g) screening of persons at increased risk of syphilis, gonorrhea, and
44 chlamydia;

45 (h) administering electrocardiogram tests to detect signs and symptoms
46 of acute coronary syndrome;

47 (i) administering point-of-care blood glucose tests to evaluate acute
48 mental status changes in persons with suspected hypoglycemia;

49 (j) administering tests and intravenous lines to persons that meet
50 severe sepsis and septic shock criteria;

51 (k) administering tests to determine pregnancy; and

52 (l) administering tests to determine the presence of COVID-19 or its
53 antibodies or influenza virus.

54 5. Inpatient medical orders. A licensed physician assistant employed
55 or extended privileges by a hospital may, if permissible under the
56 bylaws, rules and regulations of the hospital, write medical orders,

1 including those for controlled substances and durable medical equipment,
2 for inpatients under the care of the physician responsible for the
3 supervision of such physician assistant. Countersignature of such orders
4 may be required if deemed necessary and appropriate by the supervising
5 physician or the hospital, but in no event shall countersignature be
6 required prior to execution.

7 [2.] 6. Withdrawing blood. A licensed physician assistant or certified
8 nurse practitioner acting within [his or her] such physician assistant's
9 or certified nurse practitioner's lawful scope of practice may supervise
10 and direct the withdrawal of blood for the purpose of determining the
11 alcoholic or drug content therein under subparagraph one of paragraph
12 (a) of subdivision four of section eleven hundred ninety-four of the
13 vehicle and traffic law, notwithstanding any provision to the contrary
14 in clause (ii) of such subparagraph.

15 [3.] 7. Prescriptions for controlled substances. A licensed physician
16 assistant, in good faith and acting within [his or her] such physician
17 assistant's lawful scope of practice, and to the extent assigned by [his
18 or her] the supervising physician, may prescribe controlled substances
19 as a practitioner under article thirty-three of this chapter[,] to
20 patients under the care of such physician responsible for [his or her]
21 such physician assistant's supervision. The commissioner, in consulta-
22 tion with the commissioner of education, may promulgate such regulations
23 as are necessary to carry out the purposes of this section.

24 8. Nothing in this article, or in article one hundred thirty-one-b of
25 the education law, shall be construed to authorize physician assistants
26 to perform those specific functions and duties specifically delegated by
27 law to those persons licensed as allied health professionals under this
28 chapter or the education law.

29 9. The commissioner is authorized to promulgate and update regulations
30 pursuant to this section.

31 § 10. Section 6549 of the education law is REPEALED.

32 § 11. The public health law is amended by adding a new section 3712 to
33 read as follows:

34 § 3712. Supervision. 1. A specialist assistant may perform medical
35 services, but only when under the supervision of a physician and only
36 when such acts and duties as are assigned to them are related to the
37 designated medical specialty for which they are registered and are with-
38 in the scope of practice of their supervising physician.

39 2. Supervision shall be continuous but shall not be construed as
40 necessarily requiring the physical presence of the supervising physician
41 at the time and place where such services are performed.

42 3. No physician shall employ or supervise more than two specialist
43 assistants in their private practice.

44 4. Nothing in this article shall prohibit a hospital from employing
45 specialist assistants provided they work under the supervision of a
46 physician designated by the hospital and not beyond the scope of prac-
47 tice of such physician. The numerical limitation of subdivision three of
48 this section shall not apply to services performed in a hospital.

49 5. Notwithstanding any other provision of this article, nothing shall
50 prohibit a physician employed by or rendering services to the department
51 of correctional services under contract from supervising no more than
52 four specialist assistants in their practice for the department of
53 corrections and community supervision.

54 6. Notwithstanding any other provision of law, a trainee in an
55 approved program may perform medical services when such services are
56 performed within the scope of such program.

1 7. Nothing in this article shall be construed to authorize specialist
2 assistants to perform those specific functions and duties specifically
3 delegated by law to those persons licensed as allied health profes-
4 sionals under this chapter or the education law.

5 § 12. Paragraph (a) of section 1501 of the business corporation law,
6 as amended by chapter 9 of the laws of 2013, is amended to read as
7 follows:

8 (a) "licensing authority" means the department of health in the case
9 of the profession of medicine and the regents of the university of the
10 state of New York or the state education department, as the case may be,
11 in the case of all other professions licensed under title eight of the
12 education law, and the appropriate appellate division of the supreme
13 court in the case of the profession of law.

14 § 13. Paragraph (d) of section 1503 of the business corporation law,
15 as amended by chapter 550 of the laws of 2011, is amended to read as
16 follows:

17 (d) A professional service corporation, including a design profes-
18 sional service corporation, other than a corporation authorized to prac-
19 tice law, shall be under the supervision of the regents of the universi-
20 ty of the state of New York and be subject to disciplinary proceedings
21 and penalties, and its certificate of incorporation shall be subject to
22 suspension, revocation or annulment for cause, in the same manner and to
23 the same extent as is provided with respect to individuals and their
24 licenses, certificates, and registrations in title eight of the educa-
25 tion law relating to the applicable profession. Notwithstanding the
26 provisions of this paragraph, a professional service corporation author-
27 ized to practice medicine shall be [subject to the prehearing procedures
28 and hearing procedures as is provided with respect to individual physi-
29 cians and their licenses] under the supervision of the department of
30 health and be subject to disciplinary proceedings and penalties, and its
31 certificate of incorporation shall be subject to suspension, revocation
32 or annulment for cause, in the same manner and to the same extent as is
33 provided with respect to individuals and their licenses, certificates,
34 and registrations in title II-A of article two of the public health law.

35 § 14. Section 1515 of the business corporation law, as added by chap-
36 ter 974 of the laws of 1970, is amended to read as follows:

37 § 1515. Regulation of professions.

38 This article shall not repeal, modify or restrict any provision of the
39 education law, the public health law, or the judiciary law regulating
40 the professions referred to therein except to the extent in conflict
41 herewith.

42 § 15. Paragraph (a) of section 1525 of the business corporation law,
43 as added by chapter 505 of the laws of 1983, is amended to read as
44 follows:

45 (a) "Licensing authority" means the department of health in the case
46 of the profession of medicine and the regents of the university of the
47 state of New York or the state education department, as the case may be,
48 in the case of all other professions licensed under title eight of the
49 education law, and the appropriate appellate division of the supreme
50 court in the case of the profession of law.

51 § 16. Paragraph (c) of section 1530 of the business corporation law,
52 as added by chapter 505 of the laws of 1983, is amended to read as
53 follows:

54 (c) The fee for filing the application for authority shall be two
55 hundred dollars, payable to the department of state, and the fee for a

1 certificate of authority issued by the state education department or the
2 department of health shall be fifty dollars.

3 § 17. Paragraphs (a) and (b) of section 1532 of the business corpo-
4 ration law, as added by chapter 505 of the laws of 1983, are amended to
5 read as follows:

6 (a) This article shall not repeal, modify or restrict any provision of
7 the education law, the public health law, or the judiciary law or any
8 rules or regulations adopted thereunder regulating the professions
9 referred to therein except to the extent in conflict herewith.

10 (b) A foreign professional service corporation, other than a foreign
11 professional service corporation authorized to practice law, shall be
12 under the supervision of the regents of the university of the state of
13 New York and be subject to disciplinary proceedings and penalties, and
14 its authority to do business shall be subject to suspension, revocation
15 or annulment for cause, in the same manner and to the same extent as is
16 provided with respect to individuals and their licenses, certificates,
17 and registrations in title eight of the education law relating to the
18 applicable profession. Notwithstanding the provisions of this subdivi-
19 sion, a foreign professional service corporation authorized to practice
20 medicine shall be [subject to the prehearing procedures and hearing
21 procedures as is provided with respect to individual physicians and
22 their licenses] under the supervision of the department of health and be
23 subject to disciplinary proceedings and penalties, and its certificate
24 of incorporation shall be subject to suspension, revocation or annulment
25 for cause, in the same manner and to the same extent as is provided with
26 respect to individuals and their licenses, certificates, and registra-
27 tions in Title II-A of article two of the public health law.

28 § 18. Subdivision (a) of section 1201 of the limited liability company
29 law is amended to read as follows:

30 (a) "Licensing authority" means the department of health in the case
31 of the profession of medicine and the regents of the university of the
32 state of New York or the state education department, as the case may be,
33 in the case of all other professions licensed under title eight of the
34 education law, and the appropriate appellate division of the supreme
35 court in the case of the profession of law.

36 § 19. Subdivision (d) of section 1203 of the limited liability company
37 law is amended to read as follows:

38 (d) A professional service limited liability company, other than a
39 professional service limited liability company authorized to practice
40 medicine or law, shall be under the supervision of the regents of the
41 university of the state of New York and be subject to disciplinary
42 proceedings and penalties, and its articles of organization shall be
43 subject to suspension, revocation or annulment for cause, in the same
44 manner and to the same extent as is provided with respect to individuals
45 and their licenses, certificates and registrations in title eight of the
46 education law relating to the applicable profession. [Notwithstanding
47 the provisions of this subdivision, a] A professional service limited
48 liability company authorized to practice medicine shall be [subject to
49 the pre-hearing procedures and hearing procedures as are] under the
50 supervision of the department of health and be subject to disciplinary
51 proceedings and penalties, and its articles of organization shall be
52 subject to suspension, revocation, or annulment for cause, in the same
53 manner and to the same extent as is provided with respect to individual
54 physicians and their licenses in Title II-A of article two of the public
55 health law.



1 § 20. Section 1215 of the limited liability company law is amended to
2 read as follows:

3 § 1215. Regulation of professions. This article shall not repeal,
4 modify or restrict any provision of the education law, the public health
5 law, or the judiciary law or any rules or regulations adopted thereunder
6 regulating the professions referred to in the education law, the public
7 health law, or the judiciary law except to the extent in conflict here-
8 with.

9 § 21. Subdivision (b) of section 1301 of the limited liability company
10 law is amended to read as follows:

11 (b) "Licensing authority" means the department of health in the case
12 of the profession of medicine and the regents of the university of the
13 state of New York or the state education department, as the case may be,
14 in the case of all other professions licensed under title eight of the
15 education law, and the appropriate appellate division of the supreme
16 court in the case of the profession of law.

17 § 22. Subdivision (c) of section 1306 of the limited liability company
18 law is amended to read as follows:

19 (c) The fee for filing the application for authority shall be two
20 hundred dollars, payable to the department of state, and the fee for a
21 certificate of authority issued by the state education department or the
22 department of health shall be fifty dollars.

23 § 23. Subdivisions (a) and (b) of section 1308 of the limited liabil-
24 ity company law are amended to read as follows:

25 (a) This article shall not repeal, modify or restrict any provision of
26 the education law, the public health law, or the judiciary law or any
27 rules or regulations adopted thereunder regulating the professions
28 referred to in the education law, the public health law, or the judici-
29 ary law except to the extent in conflict herewith.

30 (b) A foreign professional service limited liability company, other
31 than a foreign professional service limited liability company authorized
32 to practice medicine or law, shall be under the supervision of the
33 regents of the university of the state of New York and be subject to
34 disciplinary proceedings and penalties, and its authority to do business
35 shall be subject to suspension, revocation or annulment for cause, in
36 the same manner and to the same extent as is provided with respect to
37 individuals and their licenses, certificates and registrations in title
38 eight of the education law relating to the applicable profession.
39 [Notwithstanding the provisions of this subdivision, a] A foreign
40 professional service limited liability company authorized to practice
41 medicine shall be [subject to the pre-hearing procedures and hearing
42 procedures as are provided with respect to individual physicians and
43 their licenses] under the supervision of the department of health and be
44 subject to disciplinary proceedings and penalties, and its authority to
45 do business shall be subject to suspension, revocation or annulment for
46 cause, in the same manner and to the same extent as is provided with
47 respect to individuals and their licenses, certificates and registra-
48 tions in Title II-A of article two of the public health law.

49 § 24. The tenth, fourteenth and sixteenth undesignated paragraphs of
50 section 2 of the partnership law, the tenth and sixteenth undesignated
51 paragraphs as added by chapter 576 of the laws of 1994, and the four-
52 teenth undesignated paragraph as amended by chapter 475 of the laws of
53 2014, are amended to read as follows:

54 "Licensing authority" means the department of health in the case of
55 the profession of medicine and the regents of the university of the
56 state of New York or the state education department, as the case may be,

1 in the case of all other professions licensed under title eight of the
2 education law, and the appropriate appellate division of the supreme
3 court in the case of the profession of law.

4 "Professional partnership" means (1) a partnership without limited
5 partners each of whose partners is a professional authorized by law to
6 render a professional service within this state, (2) a partnership with-
7 out limited partners each of whose partners is a professional, at least
8 one of whom is authorized by law to render a professional service within
9 this state or (3) a partnership without limited partners authorized by,
10 or holding a license, certificate, registration or permit issued by the
11 licensing authority [pursuant to the education law] to render a profes-
12 sional service within this state; except that all partners of a profes-
13 sional partnership that provides medical services in this state must be
14 licensed pursuant to article 131 of the education law to practice medi-
15 cine in this state and all partners of a professional partnership that
16 provides dental services in this state must be licensed pursuant to
17 article 133 of the education law to practice dentistry in this state;
18 and further except that all partners of a professional partnership that
19 provides professional engineering, land surveying, geologic, architec-
20 tural and/or landscape architectural services in this state must be
21 licensed pursuant to article 145, article 147 and/or article 148 of the
22 education law to practice one or more of such professions in this state.

23 "Professional service corporation" means (i) a corporation organized
24 under article fifteen of the business corporation law and (ii) any other
25 corporation organized under the business corporation law or any prede-
26 cessor statute, which is authorized by, or holds a license, certificate,
27 registration or permit issued by, the licensing authority [pursuant to
28 the education law] to render professional services within this state.

29 § 25. Subdivisions (m) and (o) of section 121-1500 of the partnership
30 law, as added by chapter 576 of the laws of 1994, are amended to read as
31 follows:

32 (m) A registered limited liability partnership, other than a regis-
33 tered limited liability partnership authorized to practice medicine or
34 law, shall be under the supervision of the regents of the university of
35 the state of New York and be subject to disciplinary proceedings and
36 penalties in the same manner and to the same extent as is provided with
37 respect to individuals and their licenses, certificates and registra-
38 tions in title eight of the education law relating to the applicable
39 profession. [Notwithstanding the provisions of this subdivision, a] A
40 registered limited liability partnership authorized to practice medicine
41 shall be [subject to the pre-hearing procedures and hearing procedures
42 as are] under the supervision of the department of health and be subject
43 to disciplinary proceedings and penalties in the same manner and to the
44 same extent as is provided with respect to individual physicians and
45 their licenses in title two-A of article two of the public health law.
46 In addition to rendering the professional service or services the part-
47 ners are authorized to practice in this state, a registered limited
48 liability partnership may carry on, or conduct or transact any other
49 business or activities as to which a partnership without limited part-
50 ners may be formed. Notwithstanding any other provision of this section,
51 a registered limited liability partnership (i) authorized to practice
52 law may only engage in another profession or business or activities or
53 (ii) which is engaged in a profession or other business or activities
54 other than law may only engage in the practice of law, to the extent not
55 prohibited by any other law of this state or any rule adopted by the
56 appropriate appellate division of the supreme court or the court of

1 appeals. Any registered limited liability partnership may invest its
2 funds in real estate, mortgages, stocks, bonds or any other types of
3 investments.

4 (o) This section shall not repeal, modify or restrict any provision of
5 the education law, the public health law, or the judiciary law or any
6 rules or regulations adopted thereunder regulating the professions
7 referred to in the education law, the public health law, or the judi-
8 ary law except to the extent in conflict herewith.

9 § 26. Subdivisions (n) and (p) of section 121-1502 of the partnership
10 law, as added by chapter 576 of the laws of 1994, are amended to read as
11 follows:

12 (n) A foreign limited liability partnership, other than a foreign
13 limited liability partnership authorized to practice medicine or law,
14 shall be under the supervision of the regents of the university of the
15 state of New York and be subject to disciplinary proceedings and penal-
16 ties in the same manner and to the same extent as is provided with
17 respect to individuals and their licenses, certificates and registra-
18 tions in title eight of the education law relating to the applicable
19 profession. [Notwithstanding the provisions of this subdivision, a] A
20 foreign limited liability partnership authorized to practice medicine
21 shall be [subject to the pre-hearing procedures and hearing procedures
22 as are] under the supervision of the department of health and be subject
23 to disciplinary proceedings and penalties in the same manner and to the
24 same extent as is provided with respect to individual physicians and
25 their licenses in title two-A of article two of the public health law.
26 No foreign limited liability partnership shall engage in any profession
27 or carry on, or conduct or transact any other business or activities in
28 this state other than the rendering of the professional services or the
29 carrying on, or conducting or transacting of any other business or
30 activities for which it is formed and is authorized to do business in
31 this state; provided that such foreign limited liability partnership may
32 invest its funds in real estate, mortgages, stocks, bonds or any other
33 type of investments; provided, further, that a foreign limited liability
34 partnership (i) authorized to practice law may only engage in another
35 profession or other business or activities in this state or (ii) which
36 is engaged in a profession or other business or activities other than
37 law may only engage in the practice of law in this state, to the extent
38 not prohibited by any other law of this state or any rule adopted by the
39 appropriate appellate division of the supreme court or the court of
40 appeals.

41 (p) This section shall not repeal, modify or restrict any provision of
42 the education law, the public health law, or the judiciary law or any
43 rules or regulations adopted thereunder regulating the professions
44 referred to in the education law, the public health law, or the judi-
45 ary law except to the extent in conflict herewith.

46 § 27. Subdivision 3-a of section 6502 of the education law, as amended
47 by chapter 599 of the laws of 1996, is amended to read as follows:

48 3-a. Prior to issuing any registration pursuant to this section and
49 section sixty-five hundred twenty-four of this chapter, the department
50 shall request and review any information relating to an applicant which
51 reasonably appears to relate to professional misconduct in [his or her]
52 the applicant's professional practice in this and any other jurisdic-
53 tion. The department shall advise the director of the office of profes-
54 sional medical conduct in the department of health of any information
55 about an applicant which reasonably appears to be professional miscon-
56 duct as defined in sections [sixty-five hundred thirty and sixty-five

1 hundred thirty-one of this chapter] two hundred thirty-e, two hundred
2 thirty-f and two hundred thirty-g of the public health law, within seven
3 days of its discovery. The registration or re-registration of such
4 applicant shall not be delayed for a period exceeding thirty days unless
5 the director finds a basis for recommending summary action pursuant to
6 subdivision twelve of section two hundred thirty of the public health
7 law after consultation with a committee on professional conduct of the
8 state board for professional medical conduct, if warranted. Re-registra-
9 tion shall be issued if the commissioner of health fails to issue a
10 summary order pursuant to subdivision twelve of section two hundred
11 thirty of the public health law within ninety days of notice by the
12 department pursuant to this subdivision. Re-registration shall be denied
13 if the commissioner of health issues a summary order pursuant to subdi-
14 vision twelve of section two hundred thirty of the public health law.

15 § 28. Subdivisions 1 and 9 of section 6506 of the education law, as
16 amended by chapter 606 of the laws of 1991, are amended to read as
17 follows:

18 (1) Promulgate rules, except that no rule shall be promulgated
19 concerning [article 131-A of this chapter] the definitions of profes-
20 sional misconduct applicable to physicians, physician's assistants and
21 specialist's assistants;

22 (9) Establish by rule, standards of conduct with respect to advertis-
23 ing, fee splitting, practicing under a name other than that of the indi-
24 vidual licensee (when not specifically authorized), proper use of
25 academic or professional degrees or titles tending to imply professional
26 status, and such other ethical practices as such board shall deem neces-
27 sary, except that no rule shall be established concerning [article 131-A
28 of this chapter] the definitions of professional misconduct applicable
29 to physicians, physician's assistants and specialist's assistants; and

30 § 29. Paragraph a of subdivision 2 of section 6507 of the education
31 law, as amended by chapter 606 of the laws of 1991, is amended to read
32 as follows:

33 a. Promulgate regulations, except that no regulations shall be promul-
34 gated concerning [article 131-A of this chapter] the definitions of
35 professional misconduct applicable to physicians, physician's assistants
36 and specialist's assistants;

37 § 30. Subdivision 1 of section 6514 of the education law, as amended
38 by chapter 606 of the laws of 1991, is amended to read as follows:

39 1. All alleged violations of sections sixty-five hundred twelve or
40 sixty-five hundred thirteen of this article shall be reported to the
41 department which shall cause an investigation to be instituted. All
42 alleged violations of section [sixty-five hundred thirty-one of the
43 education law] two hundred thirty-e of the public health law shall be
44 reported to the department of health which shall cause an investigation
45 to be instituted. If the investigation substantiates that violations
46 exist, such violations shall be reported to the attorney general with a
47 request for prosecution.

48 § 31. Subdivisions 1, 9-b, 9-c, subparagraph (i-a) of paragraph (a) of
49 subdivision 10, item 2 of clause (d) of subparagraph (ii) of paragraph
50 (h) of subdivision 10, paragraph (p) of subdivision 10, paragraph (a) of
51 subdivision 11, subdivision 13, and paragraph (c) of subdivision 17 of
52 section 230 of the public health law, subdivision 1 as amended by chap-
53 ter 537 of the laws of 1998, subdivision 9-b as amended by chapter 11 of
54 the laws of 2015, subdivision 9-c as amended by chapter 694 of the laws
55 of 2025, subparagraph (i-a) of paragraph (a) of subdivision 10 as added
56 by chapter 220 of the laws of 2022, item 2 of clause (d) of subparagraph

1 (ii) of paragraph (h) of subdivision 10 as amended by chapter 477 of the
2 laws of 2008, paragraph (p) of subdivision 10 as amended by chapter 599
3 and paragraph (a) of subdivision 11 as amended by chapter 627 of the
4 laws of 1996, and subdivision 13 as added and paragraph (c) of subdivi-
5 sion 17 as amended by chapter 606 of the laws of 1991, are amended to
6 read as follows:

7 1. A state board for professional medical conduct is hereby created in
8 the department in matters of professional misconduct as defined in
9 [sections sixty-five hundred thirty and sixty-five hundred thirty-one of
10 the education law] this title. Its physician members shall be appointed
11 by the commissioner at least eighty-five percent of whom shall be from
12 among nominations submitted by the medical society of the state of New
13 York, the New York state osteopathic society, the New York academy of
14 medicine, county medical societies, statewide specialty societies recog-
15 nized by the council of medical specialty societies, and the hospital
16 association of New York state. Its lay members shall be appointed by the
17 commissioner with the approval of the governor. The board of regents
18 shall also appoint twenty percent of the members of the board. Not less
19 than sixty-seven percent of the members appointed by the board of
20 regents shall be physicians. Not less than eighty-five percent of the
21 physician members appointed by the board of regents shall be from among
22 nominations submitted by the medical society of the state of New York,
23 the New York state osteopathic society, the New York academy of medi-
24 cine, county medical societies, statewide medical societies recognized
25 by the council of medical specialty societies, and the hospital associ-
26 ation of New York state. Any failure to meet the percentage thresholds
27 stated in this subdivision shall not be grounds for invalidating any
28 action by or on authority of the board for professional medical conduct
29 or a committee or a member thereof. The board for professional medical
30 conduct shall consist of not fewer than eighteen physicians licensed in
31 the state for at least five years, two of whom shall be doctors of
32 osteopathy, not fewer than two of whom shall be physicians who dedicate
33 a significant portion of their practice to the use of non-conventional
34 medical treatments who may be nominated by New York state medical asso-
35 ciations dedicated to the advancement of such treatments, at least one
36 of whom shall have expertise in palliative care, and not fewer than
37 seven lay members. An executive secretary shall be appointed by the
38 chairperson and shall be a licensed physician. Such executive secretary
39 shall not be a member of the board, shall hold office at the pleasure
40 of, and shall have the powers and duties assigned and the annual salary
41 fixed by, the chairperson. The chairperson shall also assign such secre-
42 taries or other persons to the board as are necessary.

43 9-b. Neither the board for professional medical conduct nor the office
44 of professional medical conduct shall charge a licensee with misconduct
45 as defined in [sections sixty-five hundred thirty and sixty-five hundred
46 thirty-one of the education law] this title, or cause a report made to
47 the director of such office to be investigated beyond a preliminary
48 review as set forth in clause (A) of subparagraph (i) of paragraph (a)
49 of subdivision ten of this section, where such report is determined to
50 be based solely upon the recommendation or provision of a treatment
51 modality to a particular patient by such licensee that is not
52 universally accepted by the medical profession, including but not limit-
53 ed to, varying modalities used in the treatment of Lyme disease and
54 other tick-borne diseases. When a licensee, acting in accordance with
55 [paragraph e of subdivision four of] section [sixty-five hundred twen-
56 ty-seven of the education law] thirty-seven hundred fifty-one of this

1 chapter, recommends or provides a treatment modality that effectively
2 treats human disease, pain, injury, deformity or physical condition for
3 which the licensee is treating a patient, the recommendation or
4 provision of that modality to a particular patient shall not, by itself,
5 constitute professional misconduct. The licensee shall otherwise abide
6 by all other applicable professional requirements.

7 9-c. (a) Neither the board for professional medical conduct nor the
8 office of professional medical conduct shall charge a licensee, acting
9 within their scope of practice, with misconduct as defined in [sections
10 sixty-five hundred thirty and sixty-five hundred thirty-one of the
11 education law] this title, or cause a report made to the director of
12 such office to be investigated beyond a preliminary review as set forth
13 in clause (A) of subparagraph (i) of paragraph (a) of subdivision ten of
14 this section, where such report is determined to be based solely upon
15 any legally protected health activity, as defined by section 570.17 of
16 the criminal procedure law.

17 (b) When a licensee, acting within their scope of practice, and in
18 accordance with paragraph e of subdivision four of section [sixty-five
19 hundred twenty-seven of the education law] thirty-seven hundred fifty-
20 one of this chapter, [performs, recommends or provides any reproductive
21 health services or gender-affirming care for a patient who resides in a
22 state wherein the performance, recommendation, or provision of any such
23 reproductive health services or gender-affirming care is illegal, such
24 performance, recommendation, or provision of such reproductive health
25 services or gender-affirming care for such patient, shall not, by
26 itself, constitute professional misconduct] engages in legally protected
27 health activity, as defined by section 570.17 of the criminal procedure
28 law, such legally protected activity shall not, by itself, constitute
29 professional misconduct. The licensee shall otherwise abide by all
30 other applicable professional requirements.

31 (i-a) The director shall, in addition to the determination required by
32 clause (A) of subparagraph (i) of this paragraph, determine if a report
33 is based solely upon conduct which is otherwise permissible pursuant to
34 section [sixty-five hundred thirty-one-b of the education law] two
35 hundred thirty-h of this title and subdivision nine-c of this section,
36 and upon a determination by the director that a report is based solely
37 upon such permissible conduct, no further review shall be conducted and
38 no charges shall be brought. Nothing in this section shall preclude the
39 director from making such a determination earlier in, or subsequent to,
40 a preliminary review.

41 (2) make arrangements for the transfer and maintenance of the medical
42 records of [his or her] their former patients. Records shall be either
43 transferred to the licensee's former patients consistent with the
44 provisions of sections seventeen and eighteen of this chapter or to
45 another physician or health care practitioner as provided in clause (1)
46 of this subparagraph who shall expressly assume responsibility for their
47 care and maintenance and for providing access to such records, as
48 provided in subdivisions twenty-two and [thirty-two of section sixty-
49 five hundred thirty of the education law] thirty-three of section two
50 hundred thirty-e of this title, the rules of the board of regents or the
51 regulations of the commissioner of education and sections seventeen and
52 eighteen of this chapter. When records are not transferred to the
53 licensee's former patients or to another physician or health care prac-
54 titioner, the licensee whose license has been revoked, annulled, surren-
55 dered, suspended or restricted shall remain responsible for the care and
56 maintenance of the medical records of [his or her] their former patients

1 and shall be subject to additional proceedings pursuant to subdivisions
2 twenty-two, [thirty-two] thirty-three and [forty] forty-one of section
3 [sixty-five hundred thirty of the education law] two hundred thirty-e of
4 this title in the event that the licensee fails to maintain those
5 medical records or fails to make them available to a former patient.

6 (p) Convictions of crimes or administrative violations. In cases of
7 professional misconduct based solely upon a violation of subdivision
8 nine of section [sixty-five hundred thirty of the education law] two
9 hundred thirty-e of this title, the director may direct that charges be
10 prepared and served and may refer the matter to a committee on profes-
11 sional conduct for its review and report of findings, conclusions as to
12 guilt, and determination. In such cases, the notice of hearing shall
13 state that the licensee shall file a written answer to each of the
14 charges and allegations in the statement of charges no later than ten
15 days prior to the hearing, and that any charge or allegation not so
16 answered shall be deemed admitted, that the licensee may wish to seek
17 the advice of counsel prior to filing such answer that the licensee may
18 file a brief and affidavits with the committee on professional conduct,
19 that the licensee may appear personally before the committee on profes-
20 sional conduct, may be represented by counsel and may present evidence
21 or sworn testimony in [his or her] their behalf, and the notice may
22 contain such other information as may be considered appropriate by the
23 director. The department may also present evidence or sworn testimony
24 and file a brief at the hearing. A stenographic record of the hearing
25 shall be made. Such evidence or sworn testimony offered to the committee
26 on professional conduct shall be strictly limited to evidence and testi-
27 mony relating to the nature and severity of the penalty to be imposed
28 upon the licensee. Where the charges are based on the conviction of
29 state law crimes in other jurisdictions, evidence may be offered to the
30 committee which would show that the conviction would not be a crime in
31 New York state. The committee on professional conduct may reasonably
32 limit the number of witnesses whose testimony will be received and the
33 length of time any witness will be permitted to testify. The determi-
34 nation of the committee shall be served upon the licensee and the
35 department in accordance with the provisions of paragraph (h) of this
36 subdivision. A determination pursuant to this subdivision may be
37 reviewed by the administrative review board for professional medical
38 conduct.

39 (a) The medical society of the state of New York, the New York state
40 osteopathic society or any district osteopathic society, any statewide
41 medical specialty society or organization, and every county medical
42 society, every person licensed pursuant to articles one hundred thirty-
43 one, one hundred thirty-one-B, one hundred thirty-three, one hundred
44 thirty-seven and one hundred thirty-nine of the education law, and the
45 chief executive officer, the chief of the medical staff and the chair-
46 person of each department of every institution which is established
47 pursuant to article twenty-eight of this chapter and a comprehensive
48 health services plan pursuant to article forty-four of this chapter or
49 article forty-three of the insurance law, shall, and any other person
50 may, report to the board any information which such person, medical
51 society, organization, institution or plan has which reasonably appears
52 to show that a licensee is guilty of professional misconduct as defined
53 in [sections sixty-five hundred thirty and sixty-five hundred thirty-one
54 of the education law] this title. Such reports shall remain confidential
55 and shall not be admitted into evidence in any administrative or judi-
56 cial proceeding except that the board, its staff, or the members of its

1 committees may begin investigations on the basis of such reports and may
2 use them to develop further information.

3 13. (a) Temporary surrender. The license and registration of a licen-
4 see who may be temporarily incapacitated for the active practice of
5 medicine and whose alleged incapacity has not resulted in harm to a
6 patient may be voluntarily surrendered to the board for professional
7 medical conduct, which may accept and hold such license during the peri-
8 od of such alleged incapacity or the board for professional medical
9 conduct may accept the surrender of such license after agreement to
10 conditions to be met prior to the restoration of the license. The board
11 shall give prompt written notification of such surrender to the division
12 of professional licensing services of the state education department,
13 and to each hospital at which the licensee has privileges. The licensee
14 whose license is so surrendered shall notify all patients and all
15 persons who request medical services that the licensee has temporarily
16 withdrawn from the practice of medicine. The licensure status of each
17 such licensee shall be "inactive" and the licensee shall not be author-
18 ized to practice medicine. The temporary surrender shall not be deemed
19 to be an admission of disability or of professional misconduct, and
20 shall not be used as evidence of a violation of subdivision seven or
21 eight of section [sixty-five hundred thirty of the education law] two
22 hundred thirty-e of this title unless the licensee practices while the
23 license is "inactive". Any such practice shall constitute a violation of
24 subdivision twelve of section [sixty-five hundred thirty of the educa-
25 tion law] two hundred thirty-e of this title. The surrender of a license
26 under this subdivision shall not bar any disciplinary action except
27 action based solely upon the provisions of subdivision seven or eight of
28 section [sixty-five hundred thirty of the education law] two hundred
29 thirty-e of this title and where no harm to a patient has resulted, and
30 shall not bar any civil or criminal action or proceeding which might be
31 brought without regard to such surrender. A surrendered license shall be
32 restored upon a showing to the satisfaction of a committee of profes-
33 sional conduct of the state board for professional medical conduct that
34 the licensee is not incapacitated for the active practice of medicine
35 provided, however, that the committee may impose reasonable conditions
36 on the licensee, if it determined that due to the nature and extent of
37 the licensee's former incapacity such conditions are necessary to
38 protect the health of the people. The chairperson of the committee shall
39 issue a restoration order adopting the decision of the committee. Prompt
40 written notification of such restoration shall be given to the division
41 of professional licensing services of the state education department and
42 to all hospitals which were notified of the surrender of the license.

43 (b) Permanent surrender. The license and registration of a licensee
44 who may be permanently incapacitated for the active practice of medi-
45 cine, and whose alleged incapacity has not resulted in harm to a
46 patient, may be voluntarily surrendered to the board for professional
47 medical conduct. The board shall give prompt written notification of
48 such surrender to the division of professional licensing services of the
49 state education department, and to each hospital at which the licensee
50 has privileges. The licensee whose license is so surrendered shall noti-
51 fy all patients and all persons who request medical services that the
52 licensee has permanently withdrawn from the practice of medicine. The
53 permanent surrender shall not be deemed to be an admission of disability
54 [of] or professional misconduct, and shall not be used as evidence of a
55 violation of subdivision seven or eight of section [sixty-five hundred
56 thirty of the education law] two hundred thirty-e of this title. The

1 surrender shall not bar any civil or criminal action or proceeding which
2 might be brought without regard to such surrender. There shall be no
3 restoration of a license that has been surrendered pursuant to this
4 subdivision.

5 (c) If the committee determines that reasonable cause exists as speci-
6 fied in paragraph (a) of this subdivision and that there is insufficient
7 evidence for the matter to constitute misconduct as defined in sections
8 [sixty-five hundred thirty and section sixty-five hundred thirty-one of
9 the education law] two hundred thirty-e, two hundred thirty-f and two
10 hundred thirty-g of this title, the committee may issue an order direct-
11 ing that the licensee's practice of medicine be monitored for a period
12 specified in the order, which shall in no event exceed one year, by a
13 licensee approved by the director, which may include members of county
14 medical societies or district osteopathic societies designated by the
15 commissioner. The licensee responsible for monitoring the licensee shall
16 submit regular reports to the director. If the licensee refuses to coop-
17 erate with the licensee responsible for monitoring or if the monitoring
18 licensee submits a report that the licensee is not practicing medicine
19 with reasonable skill and safety to [his or her] their patients, the
20 committee may refer the matter to the director for further proceedings
21 pursuant to subdivision ten of this section. An order pursuant to this
22 paragraph shall be kept confidential and shall not be subject to discov-
23 ery or subpoena, unless the licensee refuses to comply with the order.

24 § 32. The opening paragraph of section 230-a of the public health law,
25 as added by chapter 606 of the laws of 1991, is amended to read as
26 follows:

27 The penalties which may be imposed by the state board for professional
28 medical conduct on a present or former licensee found guilty of profes-
29 sional misconduct under the definitions and proceedings prescribed in
30 [section] sections two hundred thirty, two hundred thirty-e and two
31 hundred thirty-f of this title [and sections sixty-five hundred thirty
32 and sixty-five hundred thirty-one of the education law] are:

33 § 33. Section 230-a of the public health law, as added by chapter 786
34 of the laws of 1992, is amended to read as follows:

35 § 230-a. Infection control standards. Notwithstanding any law to the
36 contrary, [including section sixty-five hundred thirty-two of the educa-
37 tion law,] the department shall promulgate rules or regulations describ-
38 ing scientifically accepted barrier precautions and infection control
39 practices as standards of professional medical conduct for persons
40 licensed under articles one hundred thirty-one and one hundred thirty-
41 one-B of the education law. The department shall consult with the educa-
42 tion department to ensure that regulatory standards for scientifically
43 acceptable barrier precautions and infection prevention techniques
44 promulgated pursuant to this section are consistent, as far as appropri-
45 ate with such standards adopted by the education department applicable
46 to persons licensed under the education law other than articles one
47 hundred thirty-one and one hundred thirty-one-B of such law.

48 § 34. Paragraph (b) of subdivision 1 of section 2803-e of the public
49 health law, as amended by chapter 542 of the laws of 2000, is amended to
50 read as follows:

51 (b) Hospitals and other facilities approved pursuant to this article
52 shall make a report or cause a report to be made within thirty days of
53 obtaining knowledge of any information which reasonably appears to show
54 that a physician is guilty of professional misconduct as defined in
55 [section sixty-five hundred thirty or sixty-five hundred thirty-one of
56 the education law] sections two hundred thirty-e, two hundred thirty-f

1 and two hundred thirty-g of this chapter. A violation of this paragraph
2 shall not be subject to the provisions of section twelve-b of this chap-
3 ter.

4 § 35. Subdivisions 7 of section 2995-a of the public health law, as
5 added by chapter 542 of the laws of 2000, is amended to read as follows:

6 7. A physician who knowingly provides materially inaccurate informa-
7 tion under this section shall be guilty of professional misconduct
8 pursuant to section [sixty-five hundred thirty of the education law] two
9 hundred thirty-e of this chapter.

10 § 36. Section 2997-1 of the public health law, as added by section 20
11 of part A of chapter 60 of the laws of 2014, is amended to read as
12 follows:

13 § 2997-1. Activities. The activities enumerated in section twenty-nine
14 hundred ninety-seven-k of this title shall be undertaken consistent with
15 section twenty-eight hundred five-j of this chapter by a covered health
16 care provider and shall be deemed activities of such program as
17 described in such section and any and all information attributable to
18 such activities shall be subject to provisions of section twenty-eight
19 hundred five-m of this chapter and section [sixty-five hundred twenty-
20 seven of the education law] thirty-seven hundred fifty-one of this chap-
21 ter.

22 § 37. Subdivisions 2 and 3 of section 2999-r of the public health law,
23 as amended by chapter 461 of the laws of 2012, are amended to read as
24 follows:

25 2. With respect to the planning, implementation, and operation of
26 ACOs, the commissioner, by regulation, shall specifically delineate safe
27 harbors that exempt ACOs from the application of the following statutes:

28 (a) article twenty-two of the general business law relating to
29 arrangements and agreements in restraint of trade;

30 (b) [article one hundred thirty-one-A of the education law] title
31 two-A of article two of this chapter relating to fee-splitting arrange-
32 ments; and

33 (c) title two-D of article two of this chapter relating to health care
34 practitioner referrals.

35 3. For the purposes of this article, an ACO shall be deemed to be a
36 hospital for purposes of sections twenty-eight hundred five-j, twenty-
37 eight hundred five-k, twenty-eight hundred five-l and twenty-eight
38 hundred five-m of this chapter and subdivisions three and five of
39 section [sixty-five hundred twenty-seven of the education law] thirty-
40 seven hundred fifty-one of this chapter.

41 § 38. Paragraph (d) of subdivision 2 of section 2999-u of the public
42 health law, as amended by chapter 90 of the laws of 2023, is amended to
43 read as follows:

44 (d) A PACE organization shall be deemed to be a health maintenance
45 organization under article forty-four of this chapter for purposes of
46 subdivision one of section [sixty-five hundred twenty-seven of the
47 education law] thirty-seven hundred fifty-one of this chapter.

48 § 39. Paragraph (b) of subdivision 1-a of section 3515 of the public
49 health law, as added by chapter 536 of the laws of 2011, is amended to
50 read as follows:

51 (b) Paragraph (a) of this subdivision shall be inapplicable to
52 specialist's assistants registered pursuant to law on the effective date
53 of this subdivision; but such specialist's assistants shall continue to
54 be subject to all of the provisions of section [sixty-five hundred thir-
55 ty of the education law] two hundred thirty-e of this chapter.

1 § 40. Subdivision 2 of section 490 of the social services law, as
2 added by section 1 of part B of chapter 501 of the laws of 2012, is
3 amended to read as follows:

4 2. Notwithstanding any other provision of law, except as may be
5 provided by section 33.25 of the mental hygiene law, records, reports or
6 other information maintained by the justice center, state oversight
7 agencies, delegate investigatory entities, and facilities and provider
8 agencies regarding the deliberations of an incident review committee
9 shall be confidential, provided that nothing in this article shall be
10 deemed to diminish or otherwise derogate the legal privilege afforded to
11 proceedings, records, reports or other information relating to a quality
12 assurance function, including the investigation of an incident reported
13 pursuant to section 29.29 of the mental hygiene law, as provided in
14 section [sixty-five hundred twenty-seven of the education law] thirty-
15 seven hundred fifty-one of the public health law. For purposes of this
16 section, a quality assurance function is a process for systematically
17 monitoring and evaluating various aspects of a program, service or
18 facility to ensure that standards of care are being met.

19 § 41. Subdivision 1 of section 3000-a of the public health law, as
20 amended by chapter 69 of the laws of 1994, is amended to read as
21 follows:

22 1. Except as provided in subdivision six of section six thousand six
23 hundred eleven, [subdivision two of section six thousand five hundred
24 twenty-seven,] subdivision one of section six thousand nine hundred nine
25 [and sections six thousand five hundred forty-seven and], section six
26 thousand seven hundred thirty-seven of the education law and section
27 thirty-seven hundred fifty-one of this chapter, any person who voluntar-
28 ily and without expectation of monetary compensation renders first aid
29 or emergency treatment at the scene of an accident or other emergency
30 outside a hospital, doctor's office or any other place having proper and
31 necessary medical equipment, to a person who is unconscious, ill, or
32 injured, shall not be liable for damages for injuries alleged to have
33 been sustained by such person or for damages for the death of such
34 person alleged to have occurred by reason of an act or omission in the
35 rendering of such emergency treatment unless it is established that such
36 injuries were or such death was caused by gross negligence on the part
37 of such person. Nothing in this section shall be deemed or construed to
38 relieve a licensed physician, dentist, nurse, physical therapist or
39 registered physician's assistant from liability for damages for injuries
40 or death caused by an act or omission on the part of such person while
41 rendering professional services in the normal and ordinary course of
42 [his or her] such person's practice.

43 § 42. Paragraph (b) of subdivision 1 of section 4405-b of the public
44 health law, as amended by chapter 542 of the laws of 2000, is amended to
45 read as follows:

46 (b) An organization shall make a report to be made to the appropriate
47 professional disciplinary agency within thirty days of obtaining know-
48 ledge of any information that reasonably appears to show that a health
49 professional is guilty of professional misconduct as defined in article
50 one hundred thirty [or one hundred thirty-one-A] of the education law or
51 title two-A of article two of [the education law] this chapter. A
52 violation of this subdivision shall not be subject to the provisions of
53 section twelve-b of this chapter.

54 § 43. Subdivision 2 of section 4702 of the public health law, as
55 amended by chapter 805 of the laws of 1984, is amended to read as
56 follows:

1 2. "Shared health facility" or "facility" means any arrangement where-
2 in four or more practitioners licensed under the provisions of article
3 one hundred thirty-one, [one hundred thirty-one-a,] one hundred thirty-
4 two, one hundred thirty-three, one hundred thirty-seven, one hundred
5 thirty-nine, one hundred forty-one, one hundred forty-three, one hundred
6 forty-four, one hundred fifty-six or one hundred fifty-nine of the
7 education law or is subject to title two-A of article two of this chap-
8 ter, one or more of whom receives payment under the program and whose
9 total aggregate monthly remuneration from such program is in excess of
10 five thousand dollars for any one month during the preceding twelve
11 months, (a) practice their professions at a common physical location;
12 and (b) share (i) common waiting areas, examining rooms, treatment rooms
13 or other space, or (ii) the services of supporting staff, or (iii)
14 equipment; and (c) a person, whether such person is a practitioner or
15 not, is in charge of, controls, manages or supervises substantial
16 aspects of the arrangement or operation for the delivery of health or
17 medical services at said common physical location, other than the direct
18 furnishing of professional services by the practitioners to their
19 patients, or a person makes available to the practitioners the services
20 of supporting staff who are not employees of the practitioners. "Shared
21 health facility" does not mean or include practitioners practicing their
22 profession as a partnership provided that members of the supporting
23 staff are employees of such legal entity and if there is an office
24 manager, or person with similar title, [he is] they are an employee of
25 the legal entity whose compensation is customary and not excessive for
26 such services and there is no person described in paragraph (c) of this
27 subdivision. "Shared health facility" does not mean or include any enti-
28 ty organized pursuant to the provisions of article twenty-eight of this
29 chapter or operating under a certificate issued pursuant to the
30 provisions of article thirteen of the mental hygiene law; nor shall it
31 mean or include a facility wherein ambulatory medical services are
32 provided by an organized group of physicians pursuant to an arrangement
33 between such group and a health services corporation operating under
34 article forty-three of the insurance law or a health maintenance organ-
35 ization operating under article forty-four of the public health law, and
36 where the health services corporation or the health maintenance organ-
37 ization is reimbursed on a prepaid capitation basis for the provision of
38 health care services under New York state's medical assistance program.

39 § 44. Subdivision e of section 20-815 of the administrative code of
40 the city of New York, as added by local law number 17 of the city of New
41 York for the year 2011, is amended to read as follows:

42 e. "Licensed medical provider" shall mean a person licensed or other-
43 wise authorized under the provisions of articles one hundred thirty-one,
44 [one hundred thirty-one-a,] one hundred thirty-one-b, one hundred thir-
45 ty-nine or one hundred forty of the education law of New York or title
46 two-A of article two of the public health law of New York, to provide
47 medical services.

48 § 45. Transfer of employees. Notwithstanding any other provision of
49 law, rule, or regulation to the contrary, upon the transfer of any func-
50 tions from the state education department to the department of health
51 for the administration, regulation, and control of professional entities
52 established under the business corporation law, the limited liability
53 company law or the partnership law for the provision of medical
54 services, employees performing those functions shall be transferred to
55 the department of health pursuant to subdivision 2 of section 70 of the
56 civil service law. Employees transferred pursuant to this section shall

1 be transferred without further examination or qualification and shall
2 retain their respective civil service classifications, status and
3 collective bargaining unit designations and collective bargaining agree-
4 ments.

5 § 46. Transfer of records. All books, papers and property of the state
6 education department with respect to the functions, powers and duties
7 transferred by this act are to be delivered to the appropriate offices
8 within the department of health, at such place and time, and in such
9 manner as the department of health requires.

10 § 47. Continuity of authority. For the purpose of all functions,
11 powers, duties and obligations of the state education department trans-
12 ferred to and assumed by the department of health, the department of
13 health shall continue the operation of the provisions previously done by
14 the state education department, pursuant to this act.

15 § 48. Completion of unfinished business. Any business or other matter
16 undertaken or commenced by the state education department pertaining to
17 or connected with the functions, powers, duties and obligations hereby
18 transferred and assigned to the department of health and pending on the
19 effective date of January 1, 2027 shall be conducted and completed by
20 the department of health in the same manner and under the same terms and
21 conditions and with the same effect as if conducted and completed by the
22 state education department.

23 § 49. Continuation of rules and regulations. All rules, regulations,
24 acts, orders, determinations, and decisions of the state education
25 department in force at the time of such transfer and assumption, shall
26 continue in force and effect as rules, regulations, acts, orders, deter-
27 minations and decisions of the department of health until duly modified
28 or abrogated by the department of health.

29 § 50. Terms occurring in laws, contracts and other documents. When-
30 ever the state education department is referred to or designated in any
31 law, contract or document pertaining to the functions, powers, obli-
32 gations and duties hereby transferred and assigned, such reference or
33 designation shall be deemed to refer to department of health or the
34 commissioner thereof.

35 § 51. Existing rights and remedies preserved. No existing right or
36 remedy of any character shall be lost, impaired or affected by reason of
37 this act.

38 § 52. Pending actions or proceedings. No action or proceeding pending
39 at the time when this act shall take effect relating to the functions,
40 powers and duties of the state education department transferred pursuant
41 to this act, brought by or against the state education department or
42 board of regents shall be affected by any provision of this act, but the
43 same may be prosecuted or defended in the name of the commissioner of
44 the department of health. In all such actions and proceedings, the
45 commissioner of health, upon application to the court, shall be substi-
46 tuted as a party.

47 § 53. Transfer of appropriations heretofore made to the state educa-
48 tion department. Upon the transfer pursuant to this act of the functions
49 and powers possessed by and of the obligations and duties of the educa-
50 tion department, all appropriations and reappropriations which shall
51 have been made available as of the date of such transfer to the educa-
52 tion department, or segregated pursuant to law, to the extent of remain-
53 ing unexpended or unencumbered balances thereof, whether allocated or
54 unallocated and whether obligated or unobligated, shall be transferred
55 to and made available for use and expenditure by the department of
56 health and shall be payable on vouchers certified or approved by the

1 commissioner of taxation and finance, on audit and warrant of the comp-
2 troller. Payments of liabilities for expenses of personnel services,
3 maintenance and operation which shall have been incurred as of the date
4 of such transfer by the education department, and for liabilities
5 incurred and to be incurred in completing its affairs, shall also be
6 made on vouchers certified or approved by the commissioner of education
7 on audit and warrant of the comptroller.

8 § 54. This act shall take effect January 1, 2027, provided, however,
9 that the amendments to paragraph (a) of subdivision 10 of section 230 of
10 the public health law made by section thirty-one of this act shall not
11 affect the expiration of such paragraph and shall be deemed to expire
12 therewith. Effective immediately, the addition, amendment and/or repeal
13 of any rule or regulation necessary for the implementation of this act
14 on its effective date are authorized to be made and completed on or
15 before such date.

16 SUBPART E

17 Section 1. Subdivisions 1, 2, 3, 4 and 5 of section 6542 of the educa-
18 tion law, as amended by chapter 520 of the laws of 2024, are amended and
19 two new subdivisions 1-a and 9 are added to read as follows:

20 1. Notwithstanding any other provision of law, a physician assistant
21 may perform medical services, but only when under the supervision of a
22 physician and only when such acts and duties as are assigned to such
23 physician assistant are within the scope of practice of such supervising
24 physician unless otherwise permitted by this section.

25 1-a. A physician assistant may practice without the supervision of a
26 physician under the following circumstances:

27 (a) Such physician assistant, licensed under section sixty-five
28 hundred forty-one of this article, has practiced for more than eight
29 thousand hours within the same or a substantially similar specialty that
30 the physician assistant seeks to practice without supervision, and:

31 (i) is employed by a rural emergency hospital under 42 USC 1395x(kkk),
32 or successor provisions, or a general hospital as defined under article
33 twenty-eight of the public health law, meets the qualifications of the
34 medical staff bylaws of and is credentialed by such rural emergency
35 hospital or general hospital, and such rural emergency hospital or
36 general hospital gives such physician assistant privileges; or

37 (ii) is employed by a non-surgical diagnostic and treatment center as
38 defined under article twenty-eight of the public health law or primary
39 care practice operating as a professional corporation, professional
40 limited liability company, or professional partnership, and such physi-
41 cian assistant is practicing in primary care, which for the purposes of
42 this paragraph shall mean non-surgical care in the fields of general
43 pediatrics, general adult medicine, general geriatric medicine, general
44 internal medicine, mental health services or psychiatry, gynecology,
45 obstetrics so long as the physician assistant maintains a collaborative
46 relationship with a licensed physician who has obstetric privileges at a
47 general hospital licensed under article twenty-eight of the public
48 health law, family medicine, urgent care, or such other related areas as
49 determined by the commissioner of health.

50 (b) A physician assistant practicing independently pursuant to this
51 section may perform any of the following functions:

52 (i) take patient histories;

53 (ii) perform physical examinations;



1 (iii) triage patients based on recognition of abnormal vital signs,
2 examination findings, and/or general observations;

3 (iv) order diagnostic radiology, toxicology, laboratory tests and
4 screenings;

5 (v) perform federal Clinical Laboratory Improvement Amendments of 1988
6 (CLIA) waived laboratory tests and screenings;

7 (vi) interpret reports generated by laboratory testing and diagnostic
8 radiology;

9 (vii) formulate diagnoses;

10 (viii) administer clinical interventions with informed consent;

11 (ix) refer patients to other professionals;

12 (x) counsel patients and family, guardians and caregivers on preventa-
13 ble conditions and lifestyle modifications, promote early detection and
14 prevention of medical conditions;

15 (xi) follow best practice immunization standards for every patient
16 population;

17 (xii) manage end of life and palliative care in accordance with the
18 patient's preferences and autonomy, including advanced directives;

19 (xiii) formulate and implement treatment plans in accordance with
20 applicable practice guidelines;

21 (xiv) provide virtual care via telehealth for patients, including
22 conducting assessments and managing acute and chronic conditions remote-
23 ly to the extent permitted under state and federal telehealth laws;

24 (xv) provide remote monitoring and follow-up care, utilizing technolo-
25 gy to track patient outcomes, medication adherence, and ongoing manage-
26 ment of health conditions;

27 (xvi) prescribe, administer and dispense pharmacological or diagnostic
28 therapies, including controlled substances, and monitor and follow-up of
29 pharmacologic regimens, including assessing patient adherence to
30 prescribed drug regimens and adjusting treatments as necessary to ensure
31 optimal outcomes; or

32 (xvii) such other functions as the commissioner of health may deter-
33 mine.

34 (c) In the event that a physician assistant seeks to practice inde-
35 pendently in a substantially different specialty within any rural emer-
36 gency hospital or general hospital, the physician assistant shall
37 complete at least eight thousand hours of practice in such new specialty
38 before such physician assistant may practice without physician super-
39 vision pursuant to paragraph (a) of this subdivision.

40 2. [Supervision] Where supervision is required by this section, it
41 shall be continuous but shall not be construed as necessarily requiring
42 the physical presence of the supervising physician at the time and place
43 where such services are performed.

44 3. [No] Where supervision is required by this section, no physician
45 shall employ or supervise more than six physician assistants in such
46 physician's private practice at one time.

47 4. Nothing in this article shall prohibit a hospital from employing
48 physician assistants, provided that they work under the supervision of a
49 physician designated by the hospital and not beyond the scope of prac-
50 tice of such physician, where such supervision is required by this
51 section. The numerical limitation of subdivision three of this section
52 shall not apply to services performed in a hospital.

53 5. Notwithstanding any other provision of this article, nothing shall
54 prohibit a physician employed by or rendering services to the department
55 of corrections and community supervision under contract from supervising
56 no more than eight physician assistants in such physician's practice for

1 the department of corrections and community supervision at one time,
2 where such supervision is required by this section.

3 9. The commissioner and the commissioner of health are authorized to
4 promulgate and update regulations pursuant to this section.

5 § 2. Subdivision 1 of section 3701 of the public health law, as
6 amended by chapter 48 of the laws of 2012, is amended to read as
7 follows:

8 1. to promulgate regulations defining and restricting the duties
9 [which may be assigned to] of physician assistants [by their supervising
10 physician, the degree of supervision required and the manner in which
11 such duties may be performed] consistent with section sixty-five hundred
12 forty-two of the education law;

13 § 3. Section 3702 of the public health law, as amended by chapter 48
14 of the laws of 2012 and subdivision 1 as amended by chapter 520 of the
15 laws of 2024, is amended to read as follows:

16 § 3702. Special provisions. 1. Inpatient medical orders. A licensed
17 physician assistant employed or extended privileges by a hospital may,
18 if permissible under the bylaws, rules and regulations of the hospital,
19 write medical orders, including those for controlled substances and
20 durable medical equipment, for inpatients [under the care of the physi-
21 cian responsible for the supervision of such physician assistant. Coun-
22 tersignature of such orders may be required if deemed necessary and
23 appropriate by the supervising physician or the hospital, but in no
24 event shall countersignature be required prior to execution].

25 2. Withdrawing blood. A licensed physician assistant or certified
26 nurse practitioner acting within [his or her] such physician assistant's
27 lawful scope of practice may supervise and direct the withdrawal of
28 blood for the purpose of determining the alcoholic or drug content ther-
29 ein under subparagraph one of paragraph (a) of subdivision four of
30 section eleven hundred ninety-four of the vehicle and traffic law,
31 notwithstanding any provision to the contrary in clause (ii) of such
32 subparagraph.

33 3. Prescriptions for controlled substances. A licensed physician
34 assistant, in good faith and acting within [his or her] such physician
35 assistant's lawful scope of practice, [and to the extent assigned by his
36 or her supervising physician,] may prescribe controlled substances as a
37 practitioner under article thirty-three of this chapter[,]. A physician
38 assistant who is subject to physician supervision, may prescribe
39 controlled substances as a practitioner under article thirty-three of
40 this chapter only to the extent assigned by the supervising physician
41 and only to patients under the care of such physician responsible for
42 [his or her] supervision. The commissioner, in consultation with the
43 commissioner of education, may promulgate such regulations as are neces-
44 sary to carry out the purposes of this section.

45 § 4. Section 3703 of the public health law, as amended by chapter 48
46 of the laws of 2012, is amended to read as follows:

47 § 3703. Statutory construction. A physician assistant may perform any
48 function in conjunction with a medical service lawfully performed by the
49 physician assistant, in any health care setting, that a statute author-
50 izes or directs a physician to perform and that is appropriate to the
51 education, training and experience of the licensed physician assistant
52 and within the ordinary practice of the supervising physician, as appli-
53 cable pursuant to section sixty-five hundred forty-two of the education
54 law. This section shall not be construed to increase or decrease the
55 lawful scope of practice of a physician assistant under the education
56 law.

1 § 5. Subdivision 27 of section 3302 of the public health law, as
2 amended by chapter 92 of the laws of 2021, is amended to read as
3 follows:

4 27. "Practitioner" means:

5 A physician, physician assistant, dentist, podiatrist, veterinarian,
6 scientific investigator, or other person licensed, or otherwise permit-
7 ted to dispense, administer or conduct research with respect to a
8 controlled substance in the course of a licensed professional practice
9 or research licensed pursuant to this article. Such person shall be
10 deemed a "practitioner" only as to such substances, or conduct relating
11 to such substances, as is permitted by [his] their license, permit or
12 otherwise permitted by law.

13 § 6. Paragraph a of subdivision 2 of section 902 of the education law,
14 as amended by chapter 376 of the laws of 2015, is amended to read as
15 follows:

16 a. The board of education, and the trustee or board of trustees of
17 each school district, shall employ, at a compensation to be agreed upon
18 by the parties, a qualified physician, a physician assistant, or a nurse
19 practitioner to the extent authorized by the nurse practice act and
20 consistent with subdivision three of section six thousand nine hundred
21 two of this chapter, to perform the duties of the director of school
22 health services, including any duties conferred on the school physician
23 or school medical inspector under any provision of law, to perform and
24 coordinate the provision of health services in the public schools and to
25 provide health appraisals of students attending the public schools in
26 the city or district. The physicians, physician assistants, or nurse
27 practitioners so employed shall be duly licensed pursuant to applicable
28 law.

29 § 7. Paragraphs (a) and (c) of subdivision 4 of section 4141 of the
30 public health law, as amended by chapter 153 of the laws of 2011, are
31 amended to read as follows:

32 (a) The medical certificate shall be made, dated, and signed by the
33 physician [or], nurse practitioner, or physician assistant, if any, last
34 in attendance on the deceased.

35 (c) Any certificate stating the cause of death in terms which the
36 commissioner declares indefinite shall be returned to the physician,
37 nurse practitioner, physician assistant, or person making the medical
38 certificate for correction and more definite statement.

39 § 8. Section 4141-a of the public health law, as amended by chapter
40 352 of the laws of 2013, is amended to read as follows:

41 § 4141-a. Death certificate; duties of hospital administrator. When a
42 death occurs in a hospital, except in those cases where certificates are
43 issued by coroners or medical examiners, the person in charge of such
44 hospital or [his or her] such person's designated representative shall
45 promptly present the certificate to the physician [or], nurse practi-
46 tioner, physician assistant in attendance, or a physician [or], nurse
47 practitioner, or physician assistant acting [in his or her] on their
48 behalf, who shall promptly certify to the facts of death, provide the
49 medical information required by the certificate, sign the medical
50 certificate of death, and thereupon return such certificate to such
51 person, so that the seventy-two hour registration time limit prescribed
52 in section four thousand one hundred forty of this title can be met;
53 provided, however that commencing on or after the implementation date
54 under section forty-one hundred forty-eight of this title, information
55 and signatures required by this section shall be obtained and made in
56 accordance with section forty-one hundred forty-eight of this title.

1 § 9. Subdivision (b) of section 4142 of the public health law, as
2 amended by chapter 153 of the laws of 2011, is amended to read as
3 follows:

4 (b) present the certificate promptly to the attending physician [or],
5 nurse practitioner, or physician assistant who shall forthwith certify
6 to the facts of death, provide the medical information required by the
7 certificate and sign the medical certificate of death, or to the coroner
8 or medical examiner in those cases where so required by this article or,
9 when a death occurs in a hospital, except in those cases where certifi-
10 cates are issued by coroners or medical examiners, to the person in
11 charge of such hospital or [his or her] such person's designated repre-
12 sentative, who shall obtain the medical certificate of death as
13 prescribed in section four thousand one hundred forty-one-a of this
14 title;

15 § 10. Subdivision 1 of section 4171 of the public health law, as
16 amended by chapter 153 of the laws of 2011, is amended to read as
17 follows:

18 1. Physicians, nurse practitioners, physician assistants, nurse-mid-
19 wives, funeral directors, undertakers and informants, and all other
20 persons having knowledge of the facts, are hereby required to supply,
21 upon a form provided by the commissioner or upon the original certifi-
22 cate, such information as they may possess regarding any birth or death
23 upon demand of the commissioner, in person, by mail, or through the
24 registrar.

25 § 11. Subdivisions 1, 3 and 5 of section 4175 of the public health
26 law, as amended by chapter 153 of the laws of 2011, are amended to read
27 as follows:

28 1. If, at any time after the birth, or within one year of the death,
29 of any person within the state, a certified copy of the official record
30 of said birth or death, with the information required to be registered
31 by this article, is necessary for legal, judicial, or other proper
32 purposes, and, after search by the commissioner or [his or her] the
33 commissioner's representatives, it appears that no such certificate of
34 birth or death was made and filed as provided by this article, then the
35 commissioner shall immediately require the physician, nurse practition-
36 er, physician assistant or nurse-midwife who, being in attendance upon a
37 birth, failed or neglected to file a certificate thereof, or the funeral
38 director, undertaker, or other person who, having charge of the inter-
39 ment or removal of the body of a deceased person, failed or neglected to
40 file the certificate of death, if [he or she] such person is living, to
41 obtain and file at once with the local registrar such certificate in as
42 complete form as the lapse of time will permit.

43 3. If the physician, nurse practitioner, physician assistant, nurse-
44 midwife, funeral director, or undertaker responsible for the report is
45 deceased or cannot be located, then the person making application for
46 the certified copy of the record may file such certificate of birth or
47 death together with such statements subscribed and affirmed by the
48 persons making them as true under the penalties of perjury and other
49 evidence as the commissioner may require.

50 5. The delinquent physician, nurse practitioner, physician assistant,
51 nurse-midwife, funeral director, undertaker, or other person may, in the
52 discretion of the commissioner, be prosecuted as required by this arti-
53 cle, without bar from the statute of limitations, if [he or she] such
54 person neglects or fails to file promptly the certificate required by
55 this section.

1 § 12. This act shall take effect two years after it shall have become
2 a law. Effective immediately, the addition, amendment and/or repeal of
3 any rule or regulation necessary for the implementation of this act on
4 its effective date are authorized to be made and completed on or before
5 such effective date.

6 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
7 sion, section, or subpart of this part shall be adjudged by any court of
8 competent jurisdiction to be invalid, such judgment shall not affect,
9 impair, or invalidate the remainder of that subpart or this part, but
10 shall be confined in its operation to the clause, sentence, paragraph,
11 subdivision, section, or subpart directly involved in the controversy in
12 which such judgment shall have been rendered. It is hereby declared to
13 be the intent of the legislature that this part and each subpart herein
14 would have been enacted even if such invalid provisions had not been
15 included herein.

16 § 3. This act shall take effect immediately and shall be deemed to
17 have been in full force and effect on and after April 1, 2026; provided,
18 however, that the applicable effective dates of Subparts A through E of
19 this act shall be as specifically set forth in the last section of such
20 Subparts.

21 PART O

22 Section 1. Section 1-c of part I of chapter 57 of the laws of 2022
23 providing a one percent across the board payment increase to all quali-
24 fying fee-for-service Medicaid rates, as added by section 5 of part F of
25 chapter 57 of the laws of 2025, is amended to read as follows:

26 § 1-c. Notwithstanding any provision of law to the contrary, for the
27 period April 1, 2025 through March 31, 2026 Medicaid payments made for
28 clinic service provided by federally qualified health centers and diag-
29 nostic and treatment centers licensed pursuant to article 28 of the
30 public health law shall be increased by an aggregate amount of up to
31 \$40,000,000 in addition to any applicable increase contained in section
32 one of this act subject to the approval of the commissioner of health
33 and the director of the budget. Notwithstanding any provision of law to
34 the contrary, for the period April 1, 2026, and thereafter, Medicaid
35 payments made for clinic service provided by federally qualified health
36 centers and diagnostic and treatment centers licensed pursuant to arti-
37 cle [twenty-eight] 28 of the public health law shall be increased by an
38 aggregate amount of up to [20,000,000] \$60,000,000 in addition to any
39 applicable increase contained in section one of this act subject to the
40 approval of the commissioner of health and the director of the budget.
41 Such rate increases shall be subject to federal financial participation
42 and the provisions established under section one-f of this act.

43 § 2. Section 1-e of part I of chapter 57 of the laws of 2022 providing
44 a one percent across the board payment increase to all qualifying fee-
45 for-service Medicaid rates, as amended by section 7 of part F of chapter
46 57 of the laws of 2025, is amended to read as follows:

47 § 1-e. Such increases as added by [the] part NN of chapter 57 of the
48 laws of 2024 [that added this section], part F of chapter 57 of the laws
49 of 2025, or the chapter of the laws of 2026 that added section one-g to
50 this act may take the form of increased rates of payment in Medicaid
51 fee-for-service and/or Medicaid managed care, lump sum payments, or
52 state directed payments under 42 CFR 438.6(c). Such rate increases shall
53 be subject to federal financial participation and the provisions estab-
54 lished under section one-f of this act.

1 § 3. Section 1-f of part I of chapter 57 of the laws of 2022 providing
2 a one percent across the board payment increase to all qualifying fee-
3 for-service Medicaid rates, as added by section 7 of part F of chapter
4 57 of the laws of 2025, is amended and a new section 1-g is added to
5 read as follows:

6 § 1-f. Such increases as added by [the] part F of chapter 57 of the
7 laws of 2025 [that added this section] and the chapter of the laws of
8 2026 that added section one-g to this act shall be contingent upon the
9 availability of funds within the healthcare stability fund established
10 by section 99-ss of the state finance law, as added by section 2 of part
11 II of chapter 57 of the laws of 2024 and later renumbered and amended by
12 section 2 of part F of chapter 57 of the laws of 2025. Upon a determi-
13 nation by the director of the budget that the balance of such fund is
14 projected to be insufficient to support the continuation of such
15 increases, the commissioner of health, subject to the approval of the
16 director of the budget, shall take steps necessary to suspend or termi-
17 nate such increases, until a determination is made that there are suffi-
18 cient balances to support these increases.

19 1-g. Notwithstanding any provision of law to the contrary, for the
20 period April 1, 2026 through March 31, 2027 Medicaid payments made for
21 hospital services and nursing home services shall be increased by an
22 aggregate amount of up to \$1,500,000,000 in addition to the increase
23 contained in section one, one-a, and one-b of this act, subject to the
24 approval of the commissioner of health and the director of the budget.
25 Notwithstanding any provision of law to the contrary, for state fiscal
26 years beginning April 1, 2027, and thereafter Medicaid payments made for
27 hospital services and nursing home services shall be increased by an
28 aggregate amount of up to \$1,000,000,000 in addition to the increase
29 contained in section one, one-a, and one-b of this act, subject to the
30 approval of the commissioner of health and the director of the budget.
31 Such rate increases shall be subject to federal financial participation
32 and the provisions established under section one-f of this act.

33 § 4. This act shall take effect immediately.

34 PART P

35 Section 1. 1. Subject to available appropriations and approval of the
36 director of the budget, the commissioners of the office of mental
37 health, office for people with developmental disabilities, office of
38 addiction services and supports, office of temporary and disability
39 assistance, office of children and family services, and the director of
40 the state office for the aging (hereinafter "the commissioners") shall
41 establish a state fiscal year 2026-2027 targeted inflationary increase,
42 effective April 1, 2026, for projecting for the effects of inflation
43 upon rates of payments, contracts, or any other form of reimbursement
44 for the programs and services listed in subdivision four of this
45 section. The targeted inflationary increase established herein shall be
46 applied to the appropriate portion of reimbursable costs or contract
47 amounts. Where appropriate, transfers to the department of health (DOH)
48 shall be made as reimbursement for the state and/or local share of
49 medical assistance.

50 2. Notwithstanding any inconsistent provision of law, subject to the
51 approval of the director of the budget and available appropriations
52 therefor, for the period of April 1, 2026 through March 31, 2027, the
53 commissioners shall provide funding to support a one and seven-tenths
54 percent (1.7%) targeted inflationary increase under this section for all

1 eligible programs and services as determined pursuant to subdivision
2 four of this section.

3 3. Notwithstanding any inconsistent provision of law, and as approved
4 by the director of the budget, the 1.7 percent targeted inflationary
5 increase established herein shall be inclusive of all other inflationary
6 increases, cost of living type increases, inflation factors, or trend
7 factors that are newly applied effective April 1, 2026. Except for the
8 1.7 percent targeted inflationary increase established herein, for the
9 period commencing on April 1, 2026 and ending March 31, 2027 the commis-
10 sioners shall not apply any other new targeted inflationary increases or
11 cost of living adjustments for the purpose of establishing rates of
12 payments, contracts or any other form of reimbursement. The phrase "all
13 other inflationary increases, cost of living type increases, inflation
14 factors, or trend factors" as defined in this subdivision shall not
15 include payments made pursuant to the American Rescue Plan Act or other
16 federal relief programs related to the Coronavirus Disease 2019 (COVID-
17 19) pandemic public health emergency. This subdivision shall not prevent
18 the office of children and family services from applying additional
19 trend factors or staff retention factors to eligible programs and
20 services under paragraph (v) of subdivision four of this section.

21 4. Eligible programs and services. (i) Programs and services funded,
22 licensed, or certified by the office of mental health (OMH) eligible for
23 the targeted inflationary increase established herein, pending federal
24 approval where applicable, include: office of mental health licensed
25 outpatient programs, pursuant to parts 587 and 599 of title 14 CRR-NY of
26 the office of mental health regulations including clinic (mental health
27 outpatient treatment and rehabilitative services programs), continuing
28 day treatment, day treatment, intensive outpatient programs and partial
29 hospitalization; outreach; crisis residence; crisis stabilization,
30 crisis/respice beds; mobile crisis, part 590 comprehensive psychiatric
31 emergency program services; crisis intervention; home based crisis
32 intervention; family care; residential program services, excluding prop-
33 erty costs, for supported single room occupancy and community residence
34 single room occupancy; supported housing programs/services excluding
35 rent; treatment congregate; supported congregate; community residence -
36 children and youth; treatment/apartment; supported apartment; on-site
37 rehabilitation; employment programs; recreation; respice care; transpor-
38 tation; psychosocial club; assertive community treatment; case manage-
39 ment; care coordination, including health home plus services; local
40 government unit administration; monitoring and evaluation; children and
41 youth vocational services; single point of access; school-based mental
42 health program; family support children and youth; advocacy/support
43 services; drop in centers; recovery centers; transition management
44 services; bridger; home and community based waiver services; behavioral
45 health waiver services authorized pursuant to the section 1115 MRT waiv-
46 er; self-help programs; consumer service dollars; conference of local
47 mental hygiene directors; multicultural initiative; ongoing integrated
48 supported employment services; supported education; mentally
49 ill/chemical abuse (MICA) network; personalized recovery oriented
50 services; children and family treatment and support services; residen-
51 tial treatment facilities operating pursuant to part 584 of title
52 14-NYCRR; geriatric demonstration programs; community-based mental
53 health family treatment and support; coordinated children's service
54 initiative; homeless services; and promise zones.

55 (ii) Programs and services funded, licensed, or certified by the
56 office for people with developmental disabilities (OPWDD) eligible for

1 the targeted inflationary increase established herein, pending federal
2 approval where applicable, include: local/unified services; chapter 620
3 services; voluntary operated community residential services; article 16
4 clinics; day treatment services; family support services; 100% day
5 training; epilepsy services; traumatic brain injury services; hepatitis
6 B services; independent practitioner services for individuals with
7 intellectual and/or developmental disabilities; crisis services for
8 individuals with intellectual and/or developmental disabilities; family
9 care residential habilitation; supervised residential habilitation;
10 supportive residential habilitation; respite; day habilitation; prevoca-
11 tional services; supported employment; community habilitation; interme-
12 diate care facility day and residential services; specialty hospital;
13 pathways to employment; intensive behavioral services; community transi-
14 tion services; family education and training; fiscal intermediary;
15 support broker; and personal resource accounts.

16 (iii) Programs and services funded, licensed, or certified by the
17 office of addiction services and supports (OASAS) eligible for the
18 targeted inflationary increase established herein, pending federal
19 approval where applicable, include: medically supervised withdrawal
20 services - residential; medically supervised withdrawal services -
21 outpatient; medically managed detoxification; inpatient rehabilitation
22 services; outpatient opioid treatment; residential opioid treatment;
23 residential opioid treatment to abstinence; problem gambling treatment;
24 medically supervised outpatient; outpatient rehabilitation; specialized
25 services substance abuse programs; home and community based waiver
26 services pursuant to subdivision 9 of section 366 of the social services
27 law; children and family treatment and support services; continuum of
28 care rental assistance case management; supported housing services,
29 excluding rent, for the following programs: NY/NY III post-treatment
30 housing, NY/NY III housing for persons at risk for homelessness, and
31 permanent supported housing; youth clubhouse; recovery community
32 centers; recovery community organizing initiative; residential rehabili-
33 tation services for youth (RRSY); intensive residential; community resi-
34 dential; supportive living; residential services; job placement initi-
35 ative; case management; family support navigator; local government unit
36 administration; peer engagement; vocational rehabilitation; HIV early
37 intervention services; dual diagnosis coordinator; problem gambling
38 resource centers; problem gambling prevention; prevention resource
39 centers; primary prevention services; other prevention services; compre-
40 hensive outpatient clinic; jail-based supports; and regional addiction
41 resource centers.

42 (iv) Programs and services funded, licensed, or certified by the
43 office of temporary and disability assistance (OTDA) eligible for the
44 targeted inflationary increase established herein, pending federal
45 approval where applicable, include: the nutrition outreach and education
46 program (NOEP).

47 (v) Programs and services funded, licensed, or certified by the office
48 of children and family services (OCFS) eligible for the targeted infla-
49 tionary increase established herein, pending federal approval where
50 applicable, include: programs for which the office of children and fami-
51 ly services establishes maximum state aid rates pursuant to section
52 398-a of the social services law and section 4003 of the education law;
53 emergency foster homes; foster family boarding homes and therapeutic
54 foster homes; supervised settings as defined by subdivision twenty-two
55 of section 371 of the social services law; adoptive parents receiving
56 adoption subsidy pursuant to section 453 of the social services law; and

1 congregate and scattered supportive housing programs and supportive
2 services provided under the NY/NY III supportive housing agreement to
3 young adults leaving or having recently left foster care.

4 (vi) Programs and services funded, licensed, or certified by the state
5 office for the aging (SOFA) eligible for the targeted inflationary
6 increase established herein, pending federal approval where applicable,
7 include: community services for the elderly; expanded in-home services
8 for the elderly; and the wellness in nutrition program.

9 5. Each local government unit or direct contract provider receiving
10 funding for the targeted inflationary increase established herein shall
11 submit a written certification, in such form and at such time as each
12 commissioner shall prescribe, attesting how such funding will be or was
13 used to first promote the recruitment and retention of support staff,
14 direct care staff, clinical staff, non-executive administrative staff,
15 or respond to other critical non-personal service costs prior to
16 supporting any salary increases or other compensation for executive
17 level job titles.

18 6. Notwithstanding any inconsistent provision of law to the contrary,
19 agency commissioners shall be authorized to recoup funding from a local
20 governmental unit or direct contract provider for the targeted infla-
21 tionary increase established herein determined to have been used in a
22 manner inconsistent with the appropriation, or any other provision of
23 this section. Such agency commissioners shall be authorized to employ
24 any legal mechanism to recoup such funds, including an offset of other
25 funds that are owed to such local governmental unit or direct contract
26 provider.

27 § 2. This act shall take effect immediately and shall be deemed to
28 have been in full force and effect on and after April 1, 2026.

29

PART Q

30 Section 1. The mental hygiene law is amended by adding a new section
31 36.08 to read as follows:

32 § 36.08 Integrated behavioral health services programs.

33 (a) Definitions. For the purpose of this article:

34 (1) "Integrated behavioral health services" shall mean the systematic
35 coordination of evidence-based services for the care and treatment of
36 mental illness and addictive disorders, provided, however, that the
37 scope of such services may be restricted pursuant to regulation as
38 authorized by this article.

39 (2) "Integrated behavioral health services program" means a program
40 approved in accordance with this section to provide integrated behav-
41 ioral health services.

42 (b) Notwithstanding any law, rule, or regulation to the contrary, the
43 commissioner of mental health and the commissioner of addiction services
44 and supports shall be authorized to jointly license integrated behav-
45 ioral health services programs.

46 (c) The commissioner of mental health and the commissioner of
47 addiction services and supports shall promulgate joint regulations
48 necessary for the operation of integrated behavioral health services
49 programs established under this section. Such regulations shall include
50 licensing standards and requirements, including but not limited to:

51 (1) scope of integrated behavioral health services, including associ-
52 ated physical health services;

53 (2) programmatic standards;



1 (3) creation of an application review and oversight process for inte-
2 grated behavioral health services programs;

3 (4) construction of integrated behavioral health services facilities;

4 (5) facilitation of integrated treatment records that comply with
5 applicable federal and state confidentiality requirements;

6 (6) development of billing and reimbursement structures supportive of
7 integrated behavioral health services;

8 (7) physical plant standards to foster proper care and treatment;

9 (8) corporate structure and governance;

10 (9) utilization review;

11 (10) patient rights;

12 (11) staffing requirements; and

13 (12) standards for incident reporting, information sharing, and reme-
14 diation pursuant to article eleven of the social services law.

15 (d) The office of addiction services and supports and the office of
16 mental health shall be jointly authorized to adopt a single process for
17 the suspension, revocation, or limitation of a license issued pursuant
18 to this section, consistent with the procedures under article thirty-two
19 of this chapter.

20 (e) (1) A provider shall not be authorized to provide integrated
21 behavioral health services unless they have sufficiently demonstrated,
22 consistent with the standards and requirements set forth by the commis-
23 sioner of mental health and the commissioner of addiction services and
24 supports:

25 (i) experience in the delivery of mental health and addiction
26 services;

27 (ii) the capacity to provide integrated behavioral health services in
28 each location approved by both the commissioner of mental health and the
29 commissioner of addiction services and supports; and

30 (iii) compliance with standards established pursuant to this section
31 for providing and receiving payment for integrated behavioral health
32 services.

33 (2) Integrated behavioral health service providers shall be considered
34 contracted, approved or otherwise authorized by the office of addiction
35 services and supports and the office of mental health for the purpose of
36 sections 19.20, 19.20-a, and 31.35 of this chapter, as applicable.
37 Providers shall be required to comply with the review of criminal histo-
38 ry information, as required in such sections, and consistent with
39 section 36.06 of this article for prospective owners, operators, employ-
40 ees or volunteers who will have regular and substantial unsupervised or
41 unrestricted physical contact with clients of such provider receiving
42 behavioral health services. The office of addiction services and
43 supports and the office of mental health, in consultation with the
44 justice center for the protection of people with special needs, shall
45 jointly promulgate regulations establishing the process by which a
46 provider shall comply with this paragraph.

47 (3) The commissioner of mental health and the commissioner of
48 addiction services and supports shall be authorized to promulgate addi-
49 tional regulations necessary to implement integrated behavioral health
50 services programs consistent with this section.

51 § 2. Subdivision 4 of section 488 of the social services law is
52 amended by adding a new paragraph (a-1) to read as follows:

53 (a-1) an integrated behavioral health services program that is
54 licensed under section 36.08 of the mental hygiene law;

1 § 3. Subdivision 1 of section 2801 of the public health law, as
2 amended by section 2 of part E of chapter 57 of the laws of 2023, is
3 amended to read as follows:

4 1. "Hospital" means a facility or institution engaged principally in
5 providing services by or under the supervision of a physician or, in the
6 case of a dental clinic or dental dispensary, of a dentist, or, in the
7 case of a midwifery birth center, of a midwife, for the prevention,
8 diagnosis or treatment of human disease, pain, injury, deformity or
9 physical condition, including, but not limited to, a general hospital,
10 public health center, diagnostic center, treatment center, a rural emer-
11 gency hospital under 42 USC 1395x(kkk), or successor provisions, dental
12 clinic, dental dispensary, rehabilitation center other than a facility
13 used solely for vocational rehabilitation, nursing home, tuberculosis
14 hospital, chronic disease hospital, maternity hospital, midwifery birth
15 center, lying-in-asylum, out-patient department, out-patient lodge,
16 dispensary and a laboratory or central service facility serving one or
17 more such institutions, but the term hospital shall not include an
18 institution, sanitarium or other facility engaged principally in provid-
19 ing services for the prevention, diagnosis or treatment of mental disa-
20 bility and which is subject to the powers of visitation, examination,
21 inspection and investigation of the department of mental hygiene except
22 for those distinct parts of such a facility which provide hospital
23 service. The provisions of this article shall not apply to a facility or
24 institution engaged principally in providing services by or under the
25 supervision of the bona fide members and adherents of a recognized reli-
26 gious organization whose teachings include reliance on spiritual means
27 through prayer alone for healing in the practice of the religion of such
28 organization and where services are provided in accordance with those
29 teachings. No provision of this article or any other provision of law
30 shall be construed to: (a) limit the volume of mental health, [substance
31 use] addiction disorder services or developmental disability services
32 that can be provided by a provider of primary care services licensed
33 under this article and authorized to provide integrated services in
34 accordance with regulations issued by the commissioner in consultation
35 or jointly with the commissioner of the office of mental health, the
36 commissioner of the office of [alcoholism and substance abuse services]
37 addiction services and supports and the commissioner of the office for
38 people with developmental disabilities as applicable, including regu-
39 lations issued pursuant to subdivision seven of section three hundred
40 sixty-five-1 of the social services law or part L of chapter fifty-six
41 of the laws of two thousand twelve; (b) require a provider licensed
42 pursuant to article thirty-one of the mental hygiene law or certified
43 pursuant to article sixteen or article thirty-two of the mental hygiene
44 law to obtain an operating certificate from the department if such
45 provider has been authorized to provide integrated services in accord-
46 ance with regulations issued by the commissioner in consultation or
47 jointly with the commissioner of the office of mental health, the
48 commissioner of the office of [alcoholism and substance abuse services
49 and] addiction services and supports or the commissioner of the office
50 for people with developmental disabilities as applicable, including
51 regulations issued pursuant to subdivision seven of section three
52 hundred sixty-five-1 of the social services law or part L of chapter
53 fifty-six of the laws of two thousand twelve, as amended by a chapter of
54 the laws of two thousand twenty-six; or (c) apply to an integrated
55 behavioral health services program, as defined by section 36.08 of the
56 mental hygiene law.



1 § 4. Subdivision (f) of section 31.02 of the mental hygiene law, as
2 amended by section 2 of part Z of chapter 57 of the laws of 2019, is
3 amended to read as follows:

4 (f) No provision of this article or any other provision of law shall
5 be construed to require a provider licensed pursuant to article twenty-
6 eight of the public health law or certified pursuant to article sixteen
7 or article thirty-two of this chapter to obtain an operating certificate
8 from the office of mental health if such provider has been authorized to
9 provide integrated services in accordance with regulations issued by the
10 commissioner of the office of mental health in consultation or jointly
11 with the commissioner of the department of health, the commissioner of
12 the office of [alcoholism and substance abuse services and] addiction
13 services and supports or the commissioner of the office for people with
14 developmental disabilities as applicable, including regulations issued
15 pursuant to subdivision seven of section three hundred sixty-five-1 of
16 the social services law or part L of chapter fifty-six of the laws of
17 two thousand twelve, as amended by a chapter of the laws of two thousand
18 twenty-six. Furthermore, no provision of this section shall be
19 construed to apply to integrated behavioral health services programs, as
20 defined by section 36.08 of this title.

21 § 5. Subdivision (b) of section 32.05 of the mental hygiene law, as
22 amended by section 3 of part Z of chapter 57 of the laws of 2019 and
23 paragraph (i) as amended by chapter 511 of the laws of 2025, is amended
24 to read as follows:

25 (b) (i) Methadone, or such other controlled substance designated by
26 the commissioner of health as appropriate for such use, may be adminis-
27 tered to a person with substance use disorder, as defined in section
28 thirty-three hundred two of the public health law, by individual physi-
29 cians, groups of physicians and public or private medical facilities
30 certified pursuant to article twenty-eight or thirty-three of the public
31 health law as part of a chemical dependence program which has been
32 issued an operating certificate by the commissioner pursuant to subdivi-
33 sion (b) of section 32.09 of this article, provided, however, that such
34 administration must be done in accordance with all applicable federal
35 and state laws and regulations. Individual physicians or groups of
36 physicians who have obtained authorization from the federal government
37 to administer buprenorphine to people with substance use disorder may do
38 so without obtaining an operating certificate from the commissioner.
39 (ii) No provision of this article or any other provision of law shall be
40 construed to require a provider licensed pursuant to article twenty-
41 eight of the public health law, article thirty-one of this chapter or a
42 provider certified pursuant to article sixteen of this chapter to obtain
43 an operating certificate from the office of [alcoholism and substance
44 abuse services] addiction services and supports if such provider has
45 been authorized to provide integrated services in accordance with regu-
46 lations issued by the commissioner of [alcoholism and substance abuse
47 services] addiction services and supports in consultation or jointly
48 with the commissioner of the department of health, or the commissioner
49 of the office of mental health and the commissioner of the office for
50 people with developmental disabilities as applicable, including regu-
51 lations issued pursuant to subdivision seven of section three hundred
52 sixty-five-1 of the social services law or part L of chapter fifty-six
53 of the laws of two thousand twelve, as amended by a chapter of the laws
54 of two thousand twenty-six. Furthermore, no provision of this section
55 shall be construed to apply to integrated behavioral health services
56 programs, as defined by section 36.08 of this title.



1 § 6. Subdivisions (a) and (b) of section 43.02 of the mental hygiene
2 law, as amended by section 3 of part 00 of chapter 58 of the laws of
3 2015, are amended to read as follows:

4 (a) Notwithstanding any inconsistent provision of law, payment made by
5 government agencies pursuant to title eleven of article five of the
6 social services law for services provided by any facility licensed by
7 the office of mental health pursuant to article thirty-one of this chap-
8 ter [or], certified by the office of [alcoholism and substance abuse]
9 addiction services and supports pursuant to this chapter to provide
10 inpatient chemical dependence services, as defined in section 1.03 of
11 this chapter, or facilities jointly licensed by the office of mental
12 health and the office of addiction services and supports pursuant to
13 article thirty-six of this title, shall be at rates or fees certified by
14 the commissioner of the respective office or offices and approved by the
15 director of the division of the budget, provided, however, the commis-
16 sioner of mental health shall annually certify such rates or fees which
17 may vary for distinct geographical areas of the state and, provided,
18 further, that rates or fees for service for inpatient psychiatric
19 services or inpatient chemical dependence services, at hospitals other-
20 wise licensed pursuant to article twenty-eight of the public health law
21 shall be established in accordance with section two thousand eight
22 hundred seven of the public health law and, provided, further, that
23 rates or fees for services provided by any facility or program licensed,
24 operated or approved by the office for people with developmental disa-
25 bilities, shall be certified by the commissioner of health; provided,
26 however, that such methodologies shall be subject to approval by the
27 office for people with developmental disabilities and shall take into
28 account the policies and goals of such office.

29 (b) Operators of facilities licensed by the office of mental health
30 pursuant to article thirty-one of this chapter, licensed by the office
31 for people with developmental disabilities pursuant to article sixteen
32 of this chapter [or], certified by the office of [alcoholism and
33 substance abuse] addiction services and supports pursuant to this chap-
34 ter to provide inpatient chemical dependence services, or facilities
35 jointly licensed by the office of mental health and the office of
36 addiction services and supports pursuant to article thirty-six of this
37 title, shall provide to the commissioner of the respective office or
38 offices such financial, statistical and program information as the
39 commissioner may determine to be necessary. The commissioner of the
40 appropriate office or offices shall have the power to conduct on-site
41 audits of books and records of such facilities.

42 § 7. This act shall take effect April 1, 2026.

43

PART R

44 Section 1. Subsection (c) of section 309 of the insurance law, as
45 added by chapter 41 of the laws of 2014, is amended to read as follows:

46 (c) As part of an examination, the superintendent shall review deter-
47 minations of coverage for [substance use disorder treatment] substance-
48 related and addictive disorder services and shall ensure that such
49 determinations are issued in compliance with sections three thousand two
50 hundred sixteen, three thousand two hundred twenty-one, four thousand
51 three hundred three, and title one of article forty-nine of this chap-
52 ter.

53 § 2. Section 343 of the insurance law, as added by chapter 207 of the
54 laws of 2019, is amended to read as follows:

1 § 343. Mental health and [substance use] substance-related and addic-
2 tive disorder services parity report. (a) Beginning July first, two
3 thousand nineteen and every two years thereafter, each insurer providing
4 managed care products, individual comprehensive accident and health
5 insurance or group or blanket comprehensive accident and health insur-
6 ance, each corporation organized pursuant to article forty-three of this
7 chapter providing comprehensive health insurance and each entity
8 licensed pursuant to article forty-four of the public health law provid-
9 ing comprehensive health service plans shall submit to the superinten-
10 dent, in a form and manner prescribed by the superintendent, a report
11 detailing the entity's compliance with federal and state mental health
12 and [substance use] substance-related and addictive disorder services
13 parity laws based on the entity's record during the preceding two calen-
14 dar years. The superintendent shall publish on the department's website
15 on or before October first, two thousand nineteen, and every two years
16 thereafter, the reports submitted pursuant to this section.

17 (b) Each person required to submit a report under this section shall
18 include in the report the following information:

19 (1) Rates of utilization review for mental health and [substance use]
20 substance-related and addictive disorder claims as compared to medical
21 and surgical claims, including rates of approval and denial, categorized
22 by benefits provided under the following classifications: inpatient
23 in-network, inpatient out-of-network, outpatient in-network, outpatient
24 out-of-network, emergency care, and prescription drugs;

25 (2) The number of prior or concurrent authorization requests for
26 mental health services and for [substance use] substance-related and
27 addictive disorder services and the number of denials for such requests,
28 compared with the number of prior or concurrent authorization requests
29 for medical and surgical services and the number of denials for such
30 requests, categorized by the same classifications identified in para-
31 graph one of this subsection;

32 (3) The rates of appeals of adverse determinations, including the
33 rates of adverse determinations upheld and overturned, for mental health
34 claims and [substance use] substance-related and addictive disorder
35 claims compared with the rates of appeals of adverse determinations,
36 including the rates of adverse determinations upheld and overturned, for
37 medical and surgical claims;

38 (4) The percentage of claims paid for in-network mental health
39 services and for [substance use] substance-related and addictive disor-
40 der services compared with the percentage of claims paid for in-network
41 medical and surgical services and the percentage of claims paid for
42 out-of-network mental health services and [substance use] substance-re-
43 lated and addictive disorder services compared with the percentage of
44 claims paid for out-of-network medical and surgical services;

45 (5) The number of behavioral health advocates, pursuant to an agree-
46 ment with the office of the attorney general if applicable, or staff
47 available to assist policyholders with mental health benefits and
48 [substance use] substance-related and addictive disorder benefits;

49 (6) A comparison of the cost sharing requirements including but not
50 limited to co-pays and coinsurance, and the benefit limitations includ-
51 ing limitations on the scope and duration of coverage, for medical and
52 surgical services, and mental health services and [substance use]
53 substance-related and addictive disorder services for coverage in the
54 individual, small group, and large group markets, provided that the
55 comparison captures at least seventy-five percent of a company's enrol-
56 lees in each market;

1 (7) The number by type of providers licensed to practice in this state
2 that provide services for the treatment and diagnosis of [substance use]
3 substance-related and addictive disorder who are in-network, and the
4 number by type of providers licensed to practice in this state that
5 provide services for the diagnosis and treatment of mental, nervous or
6 emotional disorders and ailments, however defined in a company's policy,
7 who are in-network;

8 (8) The percentage of providers of services for the treatment and
9 diagnosis of [substance use] substance-related and addictive disorder
10 who remained participating providers, and the percentage of providers of
11 services for the diagnosis and treatment of mental, nervous or emotional
12 disorders and ailments, however defined in a company's policy, who
13 remained participating providers; and

14 (9) Any other data, information, or metric the superintendent deems
15 necessary or useful to measure compliance with mental health and
16 [substance use] substance-related and addictive disorder parity includ-
17 ing, but not limited to an evaluation and assessment of: (i) the adequa-
18 cy of the company's in-network mental health services and [substance
19 use] substance-related and addictive disorder provider panels pursuant
20 to provisions of the insurance law and public health law; and (ii) the
21 company's reimbursement for in-network and out-of-network mental health
22 services and [substance use] substance-related and addictive disorder
23 services as compared to the reimbursement for in-network and out-of-net-
24 work medical and surgical services.

25 § 3. Section 344 of the insurance law, as added by section 1 of part
26 QQQ of chapter 58 of the laws of 2020, is amended to read as follows:

27 § 344. Mental health and [substance use] substance-related and addic-
28 tive disorder parity compliance programs. Penalties collected for
29 violations of section three thousand two hundred sixteen, three thousand
30 two hundred twenty-one and four thousand three hundred three of this
31 chapter related to mental health and [substance use] substance-related
32 and addictive disorder parity compliance shall be deposited in a fund
33 established pursuant to section ninety-nine-hh of the state finance law.

34 § 4. Paragraph 30 of subsection (i) of section 3216 of the insurance
35 law, as amended by section 5 of subpart AA of part BB of chapter 57 of
36 the laws of 2019, is amended to read as follows:

37 (30) (A) Every policy that provides hospital, major medical or similar
38 comprehensive coverage shall provide inpatient coverage for the diagno-
39 sis and treatment of [substance use] substance-related and addictive
40 disorder, including detoxification and rehabilitation services. Such
41 inpatient coverage shall include unlimited medically necessary treatment
42 for [substance use] substance-related and addictive disorder treatment
43 services provided in residential settings. Further, such inpatient
44 coverage shall not apply financial requirements or treatment limita-
45 tions, including utilization review requirements, to inpatient
46 [substance use] substance-related and addictive disorder benefits that
47 are more restrictive than the predominant financial requirements and
48 treatment limitations applied to substantially all medical and surgical
49 benefits covered by the policy.

50 (B) Coverage provided under this paragraph may be limited to facili-
51 ties in New York state that are licensed, certified or otherwise author-
52 ized by the office of [alcoholism and substance abuse services]
53 addiction services and supports and, in other states, to those which are
54 accredited by the joint commission as alcoholism, addiction, substance
55 abuse, or chemical dependence treatment programs and are similarly

1 licensed, certified or otherwise authorized in the state in which the
2 facility is located.

3 (C) Coverage provided under this paragraph may be subject to annual
4 deductibles and co-insurance as deemed appropriate by the superintendent
5 and that are consistent with those imposed on other benefits within a
6 given policy.

7 (D) This subparagraph shall apply to facilities in this state that are
8 licensed, certified or otherwise authorized by the office of [alcoholism
9 and substance abuse services] addiction services and supports that are
10 participating in the insurer's provider network. Coverage provided under
11 this paragraph shall not be subject to preauthorization. Coverage
12 provided under this paragraph shall also not be subject to concurrent
13 utilization review during the first twenty-eight days of the inpatient
14 admission provided that the facility notifies the insurer of both the
15 admission and the initial treatment plan within two business days of the
16 admission. The facility shall perform daily clinical review of the
17 patient, including periodic consultation with the insurer at or just
18 prior to the fourteenth day of treatment to ensure that the facility is
19 using the evidence-based and peer reviewed clinical review tool utilized
20 by the insurer which is designated by the office of [alcoholism and
21 substance abuse services] addiction services and supports and appropri-
22 ate to the age of the patient, to ensure that the inpatient treatment is
23 medically necessary for the patient. Prior to discharge, the facility
24 shall provide the patient and the insurer with a written discharge plan
25 which shall describe arrangements for additional services needed follow-
26 ing discharge from the inpatient facility as determined using the
27 evidence-based and peer-reviewed clinical review tool utilized by the
28 insurer which is designated by the office of [alcoholism and substance
29 abuse services] addiction services and supports. Prior to discharge,
30 the facility shall indicate to the insurer whether services included in
31 the discharge plan are secured or determined to be reasonably available.
32 Any utilization review of treatment provided under this subparagraph may
33 include a review of all services provided during such inpatient treat-
34 ment, including all services provided during the first twenty-eight days
35 of such inpatient treatment. Provided, however, the insurer shall only
36 deny coverage for any portion of the initial twenty-eight day inpatient
37 treatment on the basis that such treatment was not medically necessary
38 if such inpatient treatment was contrary to the evidence-based and peer
39 reviewed clinical review tool utilized by the insurer which is desig-
40 nated by the office of [alcoholism and substance abuse services]
41 addiction services and supports. An insured shall not have any finan-
42 cial obligation to the facility for any treatment under this subpara-
43 graph other than any copayment, coinsurance, or deductible otherwise
44 required under the policy.

45 (E) An insurer shall make available to any insured, prospective
46 insured, or in-network provider, upon request, the criteria for medical
47 necessity determinations under the policy with respect to inpatient
48 [substance use] substance-related and addictive disorder benefits.

49 (F) For purposes of this paragraph:

50 (i) "financial requirement" means deductible, copayments, coinsurance
51 and out-of-pocket expenses;

52 (ii) "predominant" means that a financial requirement or treatment
53 limitation is the most common or frequent of such type of limit or
54 requirement;

55 (iii) "treatment limitation" means limits on the frequency of treat-
56 ment, number of visits, days of coverage, or other similar limits on the

1 scope or duration of treatment and includes nonquantitative treatment
2 limitations such as: medical management standards limiting or excluding
3 benefits based on medical necessity, or based on whether the treatment
4 is experimental or investigational; formulary design for prescription
5 drugs; network tier design; standards for provider admission to partic-
6 ipate in a network, including reimbursement rates; methods for determin-
7 ing usual, customary, and reasonable charges; fail-first or step therapy
8 protocols; exclusions based on failure to complete a course of treat-
9 ment; and restrictions based on geographic location, facility type,
10 provider specialty, and other criteria that limit the scope or duration
11 of benefits for services provided under the policy; and

12 (iv) "[substance use] substance-related and addictive disorder" shall
13 have the meaning set forth in the most recent edition of the diagnostic
14 and statistical manual of mental disorders or the most recent edition of
15 another generally recognized independent standard of current medical
16 practice, such as the international classification of diseases.

17 (G) An insurer shall provide coverage under this paragraph, at a mini-
18 mum, consistent with the federal Paul Wellstone and Pete Domenici Mental
19 Health Parity and Addiction Equity Act of 2008 (29 U.S.C. § 1185a).

20 § 5. Paragraph 31 of subsection (i) of section 3216 of the insurance
21 law, as amended by section 6 of subpart A of part BB of chapter 57 of
22 the laws of 2019, subparagraph (B) as amended by section 10 and subpara-
23 graph (I) as added by section 11 of part AA of chapter 57 of the laws of
24 2021, and subparagraph (J) as amended by chapter 660 of the laws of
25 2025, is amended to read as follows:

26 (31) (A) Every policy that provides medical, major medical or similar
27 comprehensive-type coverage shall provide outpatient coverage for the
28 diagnosis and treatment of [substance use] substance-related and addic-
29 tive disorder, including detoxification and rehabilitation services.
30 Such coverage shall not apply financial requirements or treatment limi-
31 tations to outpatient [substance use] substance-related and addictive
32 disorder benefits that are more restrictive than the predominant finan-
33 cial requirements and treatment limitations applied to substantially all
34 medical and surgical benefits covered by the policy.

35 (B) Coverage under this paragraph may be limited to facilities in this
36 state that are licensed, certified or otherwise authorized by the office
37 of addiction services and supports to provide outpatient [substance use]
38 substance-related and addictive disorder services and crisis stabiliza-
39 tion centers licensed pursuant to section 36.01 of the mental hygiene
40 law, and, in other states, to those which are accredited by the joint
41 commission as alcoholism, addiction or chemical dependence substance
42 abuse treatment programs and are similarly licensed, certified, or
43 otherwise authorized in the state in which the facility is located.

44 (C) Coverage provided under this paragraph may be subject to annual
45 deductibles and co-insurance as deemed appropriate by the superintendent
46 and that are consistent with those imposed on other benefits within a
47 given policy.

48 (D) A policy providing coverage for [substance use] substance-related
49 and addictive disorder services pursuant to this paragraph shall provide
50 up to twenty outpatient visits per policy or calendar year to an indi-
51 vidual who identifies [him or herself] themselves as a family member of
52 a person suffering from [substance use] substance-related and addictive
53 disorder and who seeks treatment as a family member who is otherwise
54 covered by the applicable policy pursuant to this paragraph. The cover-
55 age required by this paragraph shall include treatment as a family

1 member pursuant to such family member's own policy provided such family
2 member:

3 (i) does not exceed the allowable number of family visits provided by
4 the applicable policy pursuant to this paragraph; and

5 (ii) is otherwise entitled to coverage pursuant to this paragraph and
6 such family member's applicable policy.

7 (E) This subparagraph shall apply to facilities in this state that are
8 licensed, certified or otherwise authorized by the office of [alcoholism
9 and substance abuse services] addiction services and supports for the
10 provision of outpatient, intensive outpatient, outpatient rehabilitation
11 and opioid treatment that are participating in the insurer's provider
12 network. Coverage provided under this paragraph shall not be subject to
13 preauthorization. Coverage provided under this paragraph shall not be
14 subject to concurrent review for the first four weeks of continuous
15 treatment, not to exceed twenty-eight visits, provided the facility
16 notifies the insurer of both the start of treatment and the initial
17 treatment plan within two business days. The facility shall perform
18 clinical assessment of the patient at each visit, including periodic
19 consultation with the insurer at or just prior to the fourteenth day of
20 treatment to ensure that the facility is using the evidence-based and
21 peer reviewed clinical review tool utilized by the insurer which is
22 designated by the office of [alcoholism and substance abuse services]
23 addiction services and supports and appropriate to the age of the
24 patient, to ensure that the outpatient treatment is medically necessary
25 for the patient. Any utilization review of the treatment provided under
26 this subparagraph may include a review of all services provided during
27 such outpatient treatment, including all services provided during the
28 first four weeks of continuous treatment, not to exceed twenty-eight
29 visits, of such outpatient treatment. Provided, however, the insurer
30 shall only deny coverage for any portion of the initial four weeks of
31 continuous treatment, not to exceed twenty-eight visits, for outpatient
32 treatment on the basis that such treatment was not medically necessary
33 if such outpatient treatment was contrary to the evidence-based and peer
34 reviewed clinical review tool utilized by the insurer which is desig-
35 nated by the office of [alcoholism and substance abuse services]
36 addiction services and supports. An insured shall not have any finan-
37 cial obligation to the facility for any treatment under this subpara-
38 graph other than any copayment, coinsurance, or deductible otherwise
39 required under the policy.

40 (F) The criteria for medical necessity determinations under the policy
41 with respect to outpatient [substance use] substance-related and addic-
42 tive disorder benefits shall be made available by the insurer to any
43 insured, prospective insured, or in-network provider upon request.

44 (G) For purposes of this paragraph:

45 (i) "financial requirement" means deductible, copayments, coinsurance
46 and out-of-pocket expenses;

47 (ii) "predominant" means that a financial requirement or treatment
48 limitation is the most common or frequent of such type of limit or
49 requirement;

50 (iii) "treatment limitation" means limits on the frequency of treat-
51 ment, number of visits, days of coverage, or other similar limits on the
52 scope or duration of treatment and includes nonquantitative treatment
53 limitations such as: medical management standards limiting or excluding
54 benefits based on medical necessity, or based on whether the treatment
55 is experimental or investigational; formulary design for prescription
56 drugs; network tier design; standards for provider admission to partic-

1 ipate in a network, including reimbursement rates; methods for determin-
2 ing usual, customary, and reasonable charges; fail-first or step therapy
3 protocols; exclusions based on failure to complete a course of treat-
4 ment; and restrictions based on geographic location, facility type,
5 provider specialty, and other criteria that limit the scope or duration
6 of benefits for services provided under the policy; and

7 (iv) ["substance use] "substance-related and addictive disorder" shall
8 have the meaning set forth in the most recent edition of the diagnostic
9 and statistical manual of mental disorders or the most recent edition of
10 another generally recognized independent standard of current medical
11 practice such as the international classification of diseases.

12 (H) An insurer shall provide coverage under this paragraph, at a mini-
13 mum, consistent with the federal Paul Wellstone and Pete Domenici Mental
14 Health Parity and Addiction Equity Act of 2008 (29 U.S.C. § 1185a).

15 (I) This subparagraph shall apply to crisis stabilization centers in
16 this state that are licensed pursuant to section 36.01 of the mental
17 hygiene law and participate in the insurer's provider network. Benefits
18 for care in a crisis stabilization center shall not be subject to preau-
19 thorization. All treatment provided under this subparagraph may be
20 reviewed retrospectively. Where care is denied retrospectively, an
21 insured shall not have any financial obligation to the facility for any
22 treatment under this subparagraph other than any copayment, coinsurance,
23 or deductible otherwise required under the policy.

24 (J) This subparagraph shall apply to facilities in this state that are
25 licensed, certified, or otherwise authorized by the office of addiction
26 services and supports for the provision of outpatient, intensive outpa-
27 tient, outpatient rehabilitation and opioid treatment that are partic-
28 ipating in the insurer's provider network. Reimbursement for covered
29 outpatient treatment provided by such facilities shall be at rates nego-
30 tiated between the insurer and the participating facility, provided that
31 such rates are not less than the rates that would be paid for such
32 treatment pursuant to the medical assistance program under title eleven
33 of article five of the social services law. For the purposes of this
34 subparagraph, the rates that would be paid for such treatment pursuant
35 to the medical assistance program under title eleven of article five of
36 the social services law shall be set forth in a fee schedule setting
37 forth the specific fee for each individual service covered by this
38 subparagraph published by the office of addiction services and supports
39 by November first of the preceding calendar year and shall be the rates
40 with an effective date of April first of the preceding year, which shall
41 be established prior to October first of the preceding calendar year.
42 Prior to the submission of premium rate filings and applications, the
43 superintendent shall provide insurers with guidance on factors to
44 consider in calculating the impact of rate changes for the purposes of
45 submitting premium rate filings and applications to the superintendent
46 for the subsequent policy year. To the extent that the rates with an
47 effective date of April first differ from the estimated rates incorpo-
48 rated in premium rate filings and applications, insurers may account for
49 such differences in future premium rate filings and applications submit-
50 ted to the superintendent for approval.

51 § 6. Paragraph 31-a of subsection (i) of section 3216 of the insurance
52 law, as added by chapter 748 of the laws of 2019, and subparagraph (A)
53 as amended by section 1 of subpart E of part II of chapter 57 of the
54 laws of 2023, is amended to read as follows:

55 (31-a) (A) No policy that provides medical, major medical or similar
56 comprehensive-type coverage and provides coverage for prescription drugs

1 for medication for the treatment of a [substance use] substance-related
2 and addictive disorder shall require prior authorization for an initial
3 or renewal prescription for the detoxification or maintenance treatment
4 of a [substance use] substance-related and addictive disorder, including
5 all buprenorphine products, methadone, long acting injectable naltrex-
6 one, or medication for opioid overdose reversal prescribed or dispensed
7 to an insured covered under the policy, including federal food and drug
8 administration-approved over-the-counter opioid overdose reversal medi-
9 cation as prescribed, dispensed or as otherwise authorized under state
10 or federal law, except where otherwise prohibited by law.

11 (B) Coverage provided under this paragraph may be subject to copay-
12 ments, coinsurance, and annual deductibles that are consistent with
13 those imposed on other benefits within the policy.

14 § 7. Paragraph 17 of subsection (a) of section 3217-a of the insurance
15 law, as amended by section 2 of subpart B of part AA of chapter 57 of
16 the laws of 2022, is amended to read as follows:

17 (17) where applicable, a listing by specialty, which may be in a sepa-
18 rate document that is updated annually, of the name, address, telephone
19 number, and digital contact information of all participating providers,
20 including facilities, and: (A) whether the provider is accepting new
21 patients; (B) in the case of mental health or [substance use]
22 substance-related and addictive disorder services providers, any affil-
23 iations with participating facilities certified or authorized by the
24 office of mental health or the office of addiction services and
25 supports, and any restrictions regarding the availability of the indi-
26 vidual provider's services; and (C) in the case of physicians, board
27 certification, languages spoken and any affiliations with participating
28 hospitals. The listing shall also be posted on the insurer's website and
29 the insurer shall update the website within fifteen days of the addition
30 or termination of a provider from the insurer's network or a change in a
31 physician's hospital affiliation;

32 § 8. Subsection (m) of section 3217-b of the insurance law, as added
33 by section 3 of subpart B of part AA of chapter 57 of the laws of 2022,
34 is amended to read as follows:

35 (m) A contract between an insurer and a health care provider shall
36 include a provision that requires the health care provider to have in
37 place business processes to ensure the timely provision of provider
38 directory information to the insurer. A health care provider shall
39 submit such provider directory information to an insurer, at a minimum,
40 when a provider begins or terminates a network agreement with an insur-
41 er, when there are material changes to the content of the provider
42 directory information of the health care provider, and at any other
43 time, including upon the insurer's request, as the health care provider
44 determines to be appropriate. For purposes of this subsection, "provider
45 directory information" shall include the name, address, specialty, tele-
46 phone number, and digital contact information of such health care
47 provider; whether the provider is accepting new patients; for mental
48 health and [substance use] substance-related and addictive disorder
49 services providers, any affiliations with participating facilities
50 certified or authorized by the office of mental health or the office of
51 addiction services and supports, and any restrictions regarding the
52 availability of the individual provider's services; and in the case of
53 physicians, board certification, languages spoken, and any affiliations
54 with participating hospitals.

55 § 9. Subparagraphs (A), (B), (D), (E) and (F) of paragraph 6 of
56 subsection (1) of section 3221 of the insurance law, subparagraphs (A),

1 (B), and (D) as amended and subparagraphs (E) and (F) as added by
2 section 15 of subpart A of part BB of chapter 57 of the laws of 2019,
3 are amended to read as follows:

4 (A) Every policy that provides hospital, major medical or similar
5 comprehensive coverage shall provide inpatient coverage for the diagno-
6 sis and treatment of [substance use] substance-related and addictive
7 disorder, including detoxification and rehabilitation services. Such
8 inpatient coverage shall include unlimited medically necessary treatment
9 for [substance use] substance-related and addictive disorder treatment
10 services provided in residential settings. Further, such inpatient
11 coverage shall not apply financial requirements or treatment limita-
12 tions, including utilization review requirements, to inpatient
13 [substance use] substance-related and addictive disorder benefits that
14 are more restrictive than the predominant financial requirements and
15 treatment limitations applied to substantially all medical and surgical
16 benefits covered by the policy.

17 (B) Coverage provided under this paragraph may be limited to facili-
18 ties in New York state that are licensed, certified or otherwise author-
19 ized by the office of [alcoholism and substance abuse services]
20 addiction services and supports and, in other states, to those which are
21 accredited by the joint commission as alcoholism, addiction, substance
22 abuse or chemical dependence treatment programs and are similarly
23 licensed, certified, or otherwise authorized in the state in which the
24 facility is located.

25 (D) This subparagraph shall apply to facilities in this state that are
26 licensed, certified or otherwise authorized by the office of [alcoholism
27 and substance abuse services] addiction services and supports that are
28 participating in the insurer's provider network. Coverage provided under
29 this paragraph shall not be subject to preauthorization. Coverage
30 provided under this paragraph shall also not be subject to concurrent
31 utilization review during the first twenty-eight days of the inpatient
32 admission provided that the facility notifies the insurer of both the
33 admission and the initial treatment plan within two business days of the
34 admission. The facility shall perform daily clinical review of the
35 patient, including periodic consultation with the insurer at or just
36 prior to the fourteenth day of treatment to ensure that the facility is
37 using the evidence-based and peer reviewed clinical review tool utilized
38 by the insurer which is designated by the office of [alcoholism and
39 substance abuse services] addiction services and supports and appropri-
40 ate to the age of the patient, to ensure that the inpatient treatment is
41 medically necessary for the patient. Prior to discharge, the facility
42 shall provide the patient and the insurer with a written discharge plan
43 which shall describe arrangements for additional services needed follow-
44 ing discharge from the inpatient facility as determined using the
45 evidence-based and peer-reviewed clinical review tool utilized by the
46 insurer which is designated by the office of [alcoholism and substance
47 abuse services] addiction services and supports. Prior to discharge,
48 the facility shall indicate to the insurer whether services included in
49 the discharge plan are secured or determined to be reasonably available.
50 Any utilization review of treatment provided under this subparagraph may
51 include a review of all services provided during such inpatient treat-
52 ment, including all services provided during the first twenty-eight days
53 of such inpatient treatment. Provided, however, the insurer shall only
54 deny coverage for any portion of the initial twenty-eight day inpatient
55 treatment on the basis that such treatment was not medically necessary
56 if such inpatient treatment was contrary to the evidence-based and peer

1 reviewed clinical review tool utilized by the insurer which is desig-
2 nated by the office of [alcoholism and substance abuse services]
3 addiction services and supports. An insured shall not have any finan-
4 cial obligation to the facility for any treatment under this subpara-
5 graph other than any copayment, coinsurance, or deductible otherwise
6 required under the policy.

7 (E) The criteria for medical necessity determinations under the policy
8 with respect to inpatient [substance use] substance-related and addic-
9 tive disorder benefits shall be made available by the insurer to any
10 insured, prospective insured, or in-network provider upon request.

11 (F) For purposes of this paragraph:

12 (i) "financial requirement" means deductible, copayments, coinsurance
13 and out-of-pocket expenses;

14 (ii) "predominant" means that a financial requirement or treatment
15 limitation is the most common or frequent of such type of limit or
16 requirement;

17 (iii) "treatment limitation" means limits on the frequency of treat-
18 ment, number of visits, days of coverage, or other similar limits on the
19 scope or duration of treatment and includes nonquantitative treatment
20 limitations such as: medical management standards limiting or excluding
21 benefits based on medical necessity, or based on whether the treatment
22 is experimental or investigational; formulary design for prescription
23 drugs; network tier design; standards for provider admission to partic-
24 ipate in a network, including reimbursement rates; methods for determin-
25 ing usual, customary, and reasonable charges; fail-first or step therapy
26 protocols; exclusions based on failure to complete a course of treat-
27 ment; and restrictions based on geographic location, facility type,
28 provider specialty, and other criteria that limit the scope or duration
29 of benefits for services provided under the policy; and

30 (iv) ["substance use] substance-related and addictive disorder" shall
31 have the meaning set forth in the most recent edition of the diagnostic
32 and statistical manual of mental disorders or the most recent edition of
33 another generally recognized independent standard of current medical
34 practice such as the international classification of diseases.

35 § 10. Paragraph 7 of subsection (1) of section 3221 of the insurance
36 law, as amended by chapter 41 of the laws of 2014, subparagraph (A) as
37 amended and subparagraph (C-1) as added by section 16 and subparagraph
38 (E) as amended, and subparagraphs (F), (G), and (H) as added by section
39 17 of subpart A of part BB of chapter 57 of the laws of 2019, subpara-
40 graph (B) as amended by section 16 and subparagraph (I) as added by
41 section 17 of part AA of chapter 57 of the laws of 2021, subparagraph (J)
42 as amended by chapter 660 of the laws of 2025, is amended to read as
43 follows:

44 (7) (A) Every policy that provides medical, major medical or similar
45 comprehensive-type coverage shall provide outpatient coverage for the
46 diagnosis and treatment of [substance use] substance-related and addic-
47 tive disorder, including detoxification and rehabilitation services.
48 Such coverage shall not apply financial requirements or treatment limi-
49 tations to outpatient [substance use] substance-related and addictive
50 disorder benefits that are more restrictive than the predominant finan-
51 cial requirements and treatment limitations applied to substantially all
52 medical and surgical benefits covered by the policy.

53 (B) Coverage under this paragraph may be limited to facilities in this
54 state that are licensed, certified or otherwise authorized by the office
55 of addiction services and supports to provide outpatient [substance use]
56 substance-related and addictive disorder services and crisis stabiliza-

1 tion centers licensed pursuant to section 36.01 of the mental hygiene
2 law, and, in other states, to those which are accredited by the joint
3 commission as alcoholism, addiction or chemical dependence treatment
4 programs and similarly licensed, certified or otherwise authorized in
5 the state in which the facility is located.

6 (C) Coverage provided under this paragraph may be subject to annual
7 deductibles and co-insurance as deemed appropriate by the superintendent
8 and that are consistent with those imposed on other benefits within a
9 given policy.

10 (C-1) A large group policy that provides coverage under this paragraph
11 shall not impose copayments or coinsurance for outpatient [substance
12 use] substance-related and addictive disorder services that exceeds the
13 copayment or coinsurance imposed for a primary care office visit.
14 Provided that no greater than one such copayment may be imposed for all
15 services provided in a single day by a facility licensed, certified or
16 otherwise authorized by the office of [alcoholism and substance abuse
17 services] addiction services and supports to provide outpatient
18 [substance use] substance-related and addictive disorder services.

19 (D) A policy providing coverage for [substance use] substance-related
20 and addictive disorder services pursuant to this paragraph shall provide
21 up to twenty outpatient visits per policy or calendar year to an indi-
22 vidual who identifies [him or herself] themselves as a family member of
23 a person suffering from [substance use] a substance-related and addic-
24 tive disorder and who seeks treatment as a family member who is other-
25 wise covered by the applicable policy pursuant to this paragraph. The
26 coverage required by this paragraph shall include treatment as a family
27 member pursuant to such family member's own policy provided such family
28 member:

29 (i) does not exceed the allowable number of family visits provided by
30 the applicable policy pursuant to this paragraph; and

31 (ii) is otherwise entitled to coverage pursuant to this paragraph and
32 such family member's applicable policy.

33 (E) This subparagraph shall apply to facilities in this state that are
34 licensed, certified or otherwise authorized by the office of [alcoholism
35 and substance abuse services] addiction services and supports for the
36 provision of outpatient, intensive outpatient, outpatient rehabilitation
37 and opioid treatment that are participating in the insurer's provider
38 network. Coverage provided under this paragraph shall not be subject to
39 preauthorization. Coverage provided under this paragraph shall not be
40 subject to concurrent review for the first four weeks of continuous
41 treatment, not to exceed twenty-eight visits, provided the facility
42 notifies the insurer of both the start of treatment and the initial
43 treatment plan within two business days. The facility shall perform
44 clinical assessment of the patient at each visit, including periodic
45 consultation with the insurer at or just prior to the fourteenth day of
46 treatment to ensure that the facility is using the evidence-based and
47 peer reviewed clinical review tool utilized by the insurer which is
48 designated by the office of [alcoholism and substance abuse services]
49 addiction services and supports and appropriate to the age of the
50 patient, to ensure that the outpatient treatment is medically necessary
51 for the patient. Any utilization review of the treatment provided under
52 this subparagraph may include a review of all services provided during
53 such outpatient treatment, including all services provided during the
54 first four weeks of continuous treatment, not to exceed twenty-eight
55 visits, of such outpatient treatment. Provided, however, the insurer
56 shall only deny coverage for any portion of the initial four weeks of

1 continuous treatment, not to exceed twenty-eight visits, for outpatient
2 treatment on the basis that such treatment was not medically necessary
3 if such outpatient treatment was contrary to the evidence-based and peer
4 reviewed clinical review tool utilized by the insurer which is desig-
5 nated by the office of [alcoholism and substance abuse services]
6 addiction services and supports. An insured shall not have any finan-
7 cial obligation to the facility for any treatment under this subpara-
8 graph other than any copayment, coinsurance, or deductible otherwise
9 required under the policy.

10 (F) The criteria for medical necessity determinations under the policy
11 with respect to outpatient [substance use] substance-related and addic-
12 tive disorder benefits shall be made available by the insurer to any
13 insured, prospective insured, or in-network provider upon request.

14 (G) For purposes of this paragraph:

15 (i) "financial requirement" means deductible, copayments, coinsurance
16 and out-of-pocket expenses;

17 (ii) "predominant" means that a financial requirement or treatment
18 limitation is the most common or frequent of such type of limit or
19 requirement;

20 (iii) "treatment limitation" means limits on the frequency of treat-
21 ment, number of visits, days of coverage, or other similar limits on the
22 scope or duration of treatment and includes nonquantitative treatment
23 limitations such as: medical management standards limiting or excluding
24 benefits based on medical necessity, or based on whether the treatment
25 is experimental or investigational; formulary design for prescription
26 drugs; network tier design; standards for provider admission to partic-
27 ipate in a network, including reimbursement rates; methods for determin-
28 ing usual, customary, and reasonable charges; fail-first or step therapy
29 protocols; exclusions based on failure to complete a course of treat-
30 ment; and restrictions based on geographic location, facility type,
31 provider specialty, and other criteria that limit the scope or duration
32 of benefits for services provided under the policy; and

33 (iv) ["substance use] substance-related and addictive disorder" shall
34 have the meaning set forth in the most recent edition of the diagnostic
35 and statistical manual of mental disorders or the most recent edition of
36 another generally recognized independent standard of current medical
37 practice such as the international classification of diseases.

38 (H) An insurer shall provide coverage under this paragraph, at a mini-
39 mum, consistent with the federal Paul Wellstone and Pete Domenici Mental
40 Health Parity and Addiction Equity Act of 2008 (29 U.S.C. § 1185a).

41 (I) This subparagraph shall apply to crisis stabilization centers in
42 this state that are licensed pursuant to section 36.01 of the mental
43 hygiene law and participate in the insurer's provider network. Benefits
44 for care in a crisis stabilization center shall not be subject to preau-
45 thorization. All treatment provided under this subparagraph may be
46 reviewed retrospectively. Where care is denied retrospectively, an
47 insured shall not have any financial obligation to the facility for any
48 treatment under this subparagraph other than any copayment, coinsurance,
49 or deductible otherwise required under the policy.

50 (J) This subparagraph shall apply to facilities in this state that are
51 licensed, certified, or otherwise authorized by the office of addiction
52 services and supports for the provision of outpatient, intensive outpa-
53 tient, outpatient rehabilitation and opioid treatment that are partic-
54 ipating in the insurer's provider network. Reimbursement for covered
55 outpatient treatment provided by such facilities shall be at rates nego-
56 tiated between the insurer and the participating facility, provided that

1 such rates are not less than the rates that would be paid for such
2 treatment pursuant to the medical assistance program under title eleven
3 of article five of the social services law. For the purposes of this
4 subparagraph, the rates that would be paid for such treatment pursuant
5 to the medical assistance program under title eleven of article five of
6 the social services law shall be set forth in a fee schedule setting
7 forth the specific fee for each individual service covered by this
8 subparagraph published by the office of addiction services and supports
9 by November first of the preceding calendar year and shall be the rates
10 with an effective date of April first of the preceding year, which shall
11 be established prior to October first of the preceding calendar year.
12 Prior to the submission of premium rate filings and applications, the
13 superintendent shall provide insurers with guidance on factors to
14 consider in calculating the impact of rate changes for the purposes of
15 submitting premium rate filings and applications to the superintendent
16 for the subsequent policy year. To the extent that the rates with an
17 effective date of April first differ from the estimated rates incorpo-
18 rated in premium rate filings and applications, insurers may account for
19 such differences in future premium rate filings and applications submit-
20 ted to the superintendent for approval.

21 § 11. Subparagraph (A) of paragraph 7-a of subsection (1) of section
22 3221 of the insurance law, as amended by section 2 of subpart E of part
23 II of chapter 57 of the laws of 2023, is amended to read as follows:

24 (A) No policy that provides medical, major medical or similar compre-
25 hensive-type small group coverage and provides coverage for prescription
26 drugs for medication for the treatment of a [substance use] substance-
27 related and addictive disorder shall require prior authorization for an
28 initial or renewal prescription for the detoxification or maintenance
29 treatment of a [substance use] substance-related and addictive disorder,
30 including all buprenorphine products, methadone, long acting injectable
31 naltrexone, or medication for opioid overdose reversal prescribed or
32 dispensed to an insured covered under the policy, including federal food
33 and drug administration-approved over-the-counter opioid overdose
34 reversal medication as prescribed, dispensed or as otherwise authorized
35 under state or federal law, except where otherwise prohibited by law.
36 Every policy that provides medical, major medical or similar compre-
37 hensive-type large group coverage shall provide coverage for prescription
38 drugs for medication for the treatment of a [substance use] substance-
39 related and addictive disorder and shall not require prior authorization
40 for an initial or renewal prescription for the detoxification or mainte-
41 nance treatment of a [substance use] substance-related and addictive
42 disorder, including all buprenorphine products, methadone, long acting
43 injectable naltrexone, or medication for opioid overdose reversal
44 prescribed or dispensed to an insured covered under the policy, includ-
45 ing federal food and drug administration-approved over-the-counter
46 opioid overdose reversal medication as prescribed, dispensed or as
47 otherwise authorized under state or federal law, except where otherwise
48 prohibited by law.

49 § 12. Subsection (a) of section 3241 of the insurance law, as amended
50 by section 1 of subpart F of part II of chapter 57 of the laws of 2023,
51 is amended to read as follows:

52 (a) (1) An insurer, a corporation organized pursuant to article
53 forty-three of this chapter, a municipal cooperative health benefit plan
54 certified pursuant to article forty-seven of this chapter, or a student
55 health plan established or maintained pursuant to section one thousand
56 one hundred twenty-four of this chapter, that issues a health insurance

1 policy or contract with a network of health care providers shall ensure
2 that the network is adequate to meet the health, substance-related and
3 addictive disorder and mental health needs of insureds and provide an
4 appropriate choice of providers sufficient to render the services
5 covered under the policy or contract. The superintendent shall review
6 the network of health care providers for adequacy at the time of the
7 superintendent's initial approval of a health insurance policy or
8 contract; at least every three years thereafter; and upon application
9 for expansion of any service area associated with the policy or contract
10 in conformance with the standards set forth in subdivision five of
11 section four thousand four hundred three of the public health law. The
12 superintendent shall determine standards for network adequacy for mental
13 health and [substance use] substance-related and addictive disorder
14 treatment services, including sub-acute care in a residential facility,
15 assertive community treatment services, critical time intervention
16 services and mobile crisis intervention services, in consultation with
17 the commissioner of the office of mental health and the commissioner of
18 the office of addiction services and supports. To the extent that the
19 network has been determined by the commissioner of health to meet the
20 standards set forth in subdivision five of section four thousand four
21 hundred three of the public health law, such network shall be deemed
22 adequate by the superintendent.

23 (2) The superintendent, in consultation with the commissioner of
24 health, the commissioner of the office of mental health, and the commis-
25 sioner of the office of addiction services and supports, shall propose
26 regulations setting forth standards for network adequacy for mental
27 health and [substance use] substance-related and addictive disorder
28 treatment services, including sub-acute care in a residential facility,
29 assertive community treatment services, critical time intervention
30 services and mobile crisis intervention services, by December thirty-
31 first, two thousand twenty-three.

32 § 13. Subsection (k) of section 4303 of the insurance law, as amended
33 by section 26 of subpart A of part BB of chapter 57 of the laws of 2019,
34 is amended to read as follows:

35 (k) (1) Every contract that provides hospital, major medical or similar
36 comprehensive coverage shall provide inpatient coverage for the diagno-
37 sis and treatment of [substance use] substance-related and addictive
38 disorder, including detoxification and rehabilitation services. Such
39 inpatient coverage shall include unlimited medically necessary treatment
40 for [substance use] substance-related and addictive disorder treatment
41 services provided in residential settings. Further, such inpatient
42 coverage shall not apply financial requirements or treatment limita-
43 tions, including utilization review requirements, to inpatient
44 [substance use] substance-related and addictive disorder benefits that
45 are more restrictive than the predominant financial requirements and
46 treatment limitations applied to substantially all medical and surgical
47 benefits covered by the contract.

48 (2) Coverage provided under this subsection may be limited to facili-
49 ties in New York state that are licensed, certified or otherwise author-
50 ized by the office of [alcoholism and substance abuse services]
51 addiction services and supports and, in other states, to those which are
52 accredited by the joint commission as alcoholism, addiction, substance
53 abuse, or chemical dependence treatment programs and are similarly
54 licensed, certified or otherwise authorized in the state in which the
55 facility is located.

1 (3) Coverage provided under this subsection may be subject to annual
2 deductibles and co-insurance as deemed appropriate by the superintendent
3 and that are consistent with those imposed on other benefits within a
4 given contract.

5 (4) This paragraph shall apply to facilities in this state that are
6 licensed, certified or otherwise authorized by the office of [alcoholism
7 and substance abuse services] addiction services and supports that are
8 participating in the corporation's provider network. Coverage provided
9 under this subsection shall not be subject to preauthorization. Coverage
10 provided under this subsection shall also not be subject to concurrent
11 utilization review during the first twenty-eight days of the inpatient
12 admission provided that the facility notifies the corporation of both
13 the admission and the initial treatment plan within two business days of
14 the admission. The facility shall perform daily clinical review of the
15 patient, including periodic consultation with the corporation at or just
16 prior to the fourteenth day of treatment to ensure that the facility is
17 using the evidence-based and peer reviewed clinical review tool utilized
18 by the corporation which is designated by the office of [alcoholism and
19 substance abuse services] addiction services and supports and appropri-
20 ate to the age of the patient, to ensure that the inpatient treatment is
21 medically necessary for the patient. Prior to discharge, the facility
22 shall provide the patient and the corporation with a written discharge
23 plan which shall describe arrangements for additional services needed
24 following discharge from the inpatient facility as determined using the
25 evidence-based and peer-reviewed clinical review tool utilized by the
26 corporation which is designated by the office of [alcoholism and
27 substance abuse services] addiction services and supports. Prior to
28 discharge, the facility shall indicate to the corporation whether
29 services included in the discharge plan are secured or determined to be
30 reasonably available. Any utilization review of treatment provided
31 under this paragraph may include a review of all services provided
32 during such inpatient treatment, including all services provided during
33 the first twenty-eight days of such inpatient treatment. Provided,
34 however, the corporation shall only deny coverage for any portion of the
35 initial twenty-eight day inpatient treatment on the basis that such
36 treatment was not medically necessary if such inpatient treatment was
37 contrary to the evidence-based and peer reviewed clinical review tool
38 utilized by the corporation which is designated by the office of [alco-
39 holism and substance abuse services] addiction services and supports.
40 An insured shall not have any financial obligation to the facility for
41 any treatment under this paragraph other than any copayment, coinsu-
42 rance, or deductible otherwise required under the contract.

43 (5) The criteria for medical necessity determinations under the
44 contract with respect to inpatient [substance use] substance-related and
45 addictive disorder benefits shall be made available by the corporation
46 to any insured, prospective insured or in-network provider upon request.

47 (6) For purposes of this subsection:

48 (A) "financial requirement" means deductible, copayments, coinsurance
49 and out-of-pocket expenses;

50 (B) "predominant" means that a financial requirement or treatment
51 limitation is the most common or frequent of such type of limit or
52 requirement;

53 (C) "treatment limitation" means limits on the frequency of treatment,
54 number of visits, days of coverage, or other similar limits on the scope
55 or duration of treatment and includes nonquantitative treatment limita-
56 tions such as: medical management standards limiting or excluding bene-



1 fits based on medical necessity, or based on whether the treatment is
2 experimental or investigational; formulary design for prescription
3 drugs; network tier design; standards for provider admission to partic-
4 ipate in a network, including reimbursement rates; methods for determin-
5 ing usual, customary, and reasonable charges; fail-first or step therapy
6 protocols; exclusions based on failure to complete a course of treat-
7 ment; and restrictions based on geographic location, facility type,
8 provider specialty, and other criteria that limit the scope or duration
9 of benefits for services provided under the contract; and

10 (D) ["substance use] "substance-related and addictive disorder" shall
11 have the meaning set forth in the most recent edition of the diagnostic
12 and statistical manual of mental disorders or the most recent edition of
13 another generally recognized independent standard of current medical
14 practice such as the international classification of diseases.

15 (7) A corporation shall provide coverage under this subsection, at a
16 minimum, consistent with the federal Paul Wellstone and Pete Domenici
17 Mental Health Parity and Addiction Equity Act of 2008 (29 U.S.C. §
18 1185a).

19 § 14. Subsection (1) of section 4303 of the insurance law, as amended
20 by chapter 41 of the laws of 2014, paragraph 1 as amended and paragraph
21 3-a as added by section 27, paragraph 5 as amended and paragraphs 6, 7,
22 and 8 as added by section 28 of subpart A of part BB of chapter 57 of
23 the laws of 2019, paragraph 2 as amended by section 20 and paragraph 9
24 as added by section 21 of part AA of chapter 57 of the laws of 2021,
25 paragraph 10 as amended by chapter 660 of the laws of 2025, is amended
26 to read as follows:

27 (1) (1) Every contract that provides medical, major medical or similar
28 comprehensive-type coverage shall provide outpatient coverage for the
29 diagnosis and treatment of [substance use] substance-related and addic-
30 tive disorder, including detoxification and rehabilitation services.
31 Such coverage shall not apply financial requirements or treatment limi-
32 tations to outpatient [substance use] substance-related and addictive
33 disorder benefits that are more restrictive than the predominant finan-
34 cial requirements and treatment limitations applied to substantially all
35 medical and surgical benefits covered by the contract.

36 (2) Coverage under this subsection may be limited to facilities in
37 this state that are licensed, certified or otherwise authorized by the
38 office of addiction services and supports to provide outpatient
39 [substance use] substance-related and addictive disorder services and
40 crisis stabilization centers licensed pursuant to section 36.01 of the
41 mental hygiene law, and, in other states, to those which are accredited
42 by the joint commission as alcoholism, addiction or chemical dependence
43 substance abuse treatment programs and are similarly licensed, certified
44 or otherwise authorized in the state in which the facility is located.

45 (3) Coverage provided under this subsection may be subject to annual
46 deductibles and co-insurance as deemed appropriate by the superintendent
47 and that are consistent with those imposed on other benefits within a
48 given contract.

49 (3-a) A contract that provides large group coverage under this
50 subsection shall not impose copayments or coinsurance for outpatient
51 [substance use] substance-related and addictive disorder services that
52 exceed the copayment or coinsurance imposed for a primary care office
53 visit. Provided that no greater than one such copayment may be imposed
54 for all services provided in a single day by a facility licensed, certi-
55 fied or otherwise authorized by the office of [alcoholism and substance

1 abuse services] addiction services and supports to provide outpatient
2 [substance use] substance-related and addictive disorder services.

3 (4) A contract providing coverage for [substance use] substance-relat-
4 ed and addictive disorder services pursuant to this subsection shall
5 provide up to twenty outpatient visits per contract or calendar year to
6 an individual who identifies [him or herself] themselves as a family
7 member of a person suffering from [substance use] substance-related and
8 addictive disorder and who seeks treatment as a family member who is
9 otherwise covered by the applicable contract pursuant to this
10 subsection. The coverage required by this subsection shall include
11 treatment as a family member pursuant to such family member's own
12 contract provided such family member:

13 (A) does not exceed the allowable number of family visits provided by
14 the applicable contract pursuant to this subsection; and

15 (B) is otherwise entitled to coverage pursuant to this subsection and
16 such family member's applicable contract.

17 (5) This paragraph shall apply to facilities in this state that are
18 licensed, certified or otherwise authorized by the office of [alcoholism
19 and substance abuse services] addiction services and supports for the
20 provision of outpatient, intensive outpatient, outpatient rehabilitation
21 and opioid treatment that are participating in the corporation's provid-
22 er network. Coverage provided under this subsection shall not be subject
23 to preauthorization. Coverage provided under this subsection shall not
24 be subject to concurrent review for the first four weeks of continuous
25 treatment, not to exceed twenty-eight visits, provided the facility
26 notifies the corporation of both the start of treatment and the initial
27 treatment plan within two business days. The facility shall perform
28 clinical assessment of the patient at each visit, including periodic
29 consultation with the corporation at or just prior to the fourteenth day
30 of treatment to ensure that the facility is using the evidence-based and
31 peer reviewed clinical review tool utilized by the corporation which is
32 designated by the office of [alcoholism and substance abuse services]
33 addiction services and supports and appropriate to the age of the
34 patient, to ensure that the outpatient treatment is medically necessary
35 for the patient. Any utilization review of the treatment provided under
36 this paragraph may include a review of all services provided during such
37 outpatient treatment, including all services provided during the first
38 four weeks of continuous treatment, not to exceed twenty-eight visits,
39 of such outpatient treatment. Provided, however, the corporation shall
40 only deny coverage for any portion of the initial four weeks of contin-
41 uous treatment, not to exceed twenty-eight visits, for outpatient treat-
42 ment on the basis that such treatment was not medically necessary if
43 such outpatient treatment was contrary to the evidence-based and peer
44 reviewed clinical review tool utilized by the corporation which is
45 designated by the office of [alcoholism and substance abuse services]
46 addiction services and supports. A subscriber shall not have any finan-
47 cial obligation to the facility for any treatment under this paragraph
48 other than any copayment, coinsurance, or deductible otherwise required
49 under the contract.

50 (6) The criteria for medical necessity determinations under the
51 contract with respect to outpatient [substance use] substance-related
52 and addictive disorder benefits shall be made available by the corpo-
53 ration to any insured, prospective insured, or in-network provider upon
54 request.

55 (7) For purposes of this subsection:

1 (A) "financial requirement" means deductible, copayments, coinsurance
2 and out-of-pocket expenses;

3 (B) "predominant" means that a financial requirement or treatment
4 limitation is the most common or frequent of such type of limit or
5 requirement.

6 (C) "treatment limitation" means limits on the frequency of treatment,
7 number of visits, days of coverage, or other similar limits on the scope
8 or duration of treatment and includes nonquantitative treatment limita-
9 tions such as: medical management standards limiting or excluding bene-
10 fits based on medical necessity, or based on whether the treatment is
11 experimental or investigational; formulary design for prescription
12 drugs; network tier design; standards for provider admission to partic-
13 ipate in a network, including reimbursement rates; methods for determin-
14 ing usual, customary, and reasonable charges; fail-first or step therapy
15 protocols; exclusions based on failure to complete a course of treat-
16 ment; and restrictions based on geographic location, facility type,
17 provider specialty, and other criteria that limit the scope or duration
18 of benefits for services provided under the contract; and

19 (D) ["substance use] "substance-related and addictive disorder" shall
20 have the meaning set forth in the most recent edition of the diagnostic
21 and statistical manual of mental disorders or the most recent edition of
22 another generally recognized independent standard of current medical
23 practice such as the international classification of diseases.

24 (8) A corporation shall provide coverage under this subsection, at a
25 minimum, consistent with the federal Paul Wellstone and Pete Domenici
26 Mental Health Parity and Addiction Equity Act of 2008 (29 U.S.C. §
27 1185a).

28 (9) This paragraph shall apply to crisis stabilization centers in this
29 state that are licensed pursuant to section 36.01 of the mental hygiene
30 law and participate in the corporation's provider network. Benefits for
31 care in a crisis stabilization center shall not be subject to preauthor-
32 ization. All treatment provided under this paragraph may be reviewed
33 retrospectively. Where care is denied retrospectively, an insured shall
34 not have any financial obligation to the facility for any treatment
35 under this paragraph other than any copayment, coinsurance, or deduct-
36 ible otherwise required under the contract.

37 (10) This paragraph shall apply to facilities in this state that are
38 licensed, certified, or otherwise authorized by the office of addiction
39 services and supports for the provision of outpatient, intensive outpa-
40 tient, outpatient rehabilitation and opioid treatment that are partic-
41 ipating in the corporation's provider network. Reimbursement for covered
42 outpatient treatment provided by such facilities shall be at rates nego-
43 tiated between the corporation and the participating facility, provided
44 that such rates are not less than the rates that would be paid for such
45 treatment pursuant to the medical assistance program under title eleven
46 of article five of the social services law. For the purposes of this
47 paragraph, the rates that would be paid for such treatment pursuant to
48 the medical assistance program under title eleven of article five of the
49 social services law shall be set forth in a fee schedule setting forth
50 the specific fee for each individual service covered by this paragraph
51 first of the preceding calendar year and shall be the rates with an
52 effective date of April first of the preceding year, which shall be
53 established prior to October first of the preceding calendar year. Prior
54 to the submission of premium rate filings and applications, the super-
55 intendent shall provide corporations with guidance on factors to consid-
56

1 er in calculating the impact of rate changes for the purposes of submit-
2 ting premium rate filings and applications to the superintendent for the
3 subsequent policy year. To the extent that the rates with an effective
4 date of April first differ from the estimated rates incorporated in
5 premium rate filings and applications, corporations may account for such
6 differences in future premium rate filings and applications submitted to
7 the superintendent for approval.

8 § 15. Paragraph (A) of subsection (1-1) of section 4303 of the insur-
9 ance law, as amended by section 3 of subpart E of part II of chapter 57
10 of the laws of 2023, is amended to read as follows:

11 (A) No contract that provides medical, major medical or similar
12 comprehensive-type individual or small group coverage and provides
13 coverage for prescription drugs for medication for the treatment of a
14 [substance use] substance-related and addictive disorder shall require
15 prior authorization for an initial or renewal prescription for the
16 detoxification or maintenance treatment of a [substance use] substance-
17 related and addictive disorder, including all buprenorphine products,
18 methadone, long acting injectable naltrexone, or medication for opioid
19 overdose reversal prescribed or dispensed to an insured covered under
20 the contract, including federal food and drug administration-approved
21 over-the-counter opioid overdose reversal medication as prescribed,
22 dispensed or as otherwise authorized under state or federal law, except
23 where otherwise prohibited by law. Every contract that provides medical,
24 major medical, or similar comprehensive-type large group coverage shall
25 provide coverage for prescription drugs for medication for the treatment
26 of a [substance use] substance-related and addictive disorder and shall
27 not require prior authorization for an initial or renewal prescription
28 for the detoxification of maintenance treatment of a [substance use]
29 substance-related and addictive disorder, including all buprenorphine
30 products, methadone, long acting injectable naltrexone, or medication
31 for opioid overdose reversal prescribed or dispensed to an individual
32 covered under the contract, including federal food and drug administra-
33 tion-approved over-the-counter opioid overdose reversal medication as
34 prescribed, dispensed or as otherwise authorized under state or federal
35 law, except where otherwise prohibited by law.

36 § 16. Subparagraph (E) of paragraph 1 of subsection (a) of section
37 4306-h of the insurance law, as added by section 35 of subpart B of part
38 J of chapter 57 of the laws of 2019, is amended to read as follows:

39 (E) mental health and [substance use] substance-related and addictive
40 disorder services, including behavioral health treatment;

41 § 17. Paragraph 17 of subsection (a) of section 4324 of the insurance
42 law, as amended by section 4 of subpart B of part AA of chapter 57 of
43 the laws of 2022, is amended to read as follows:

44 (17) where applicable, a listing by specialty, which may be in a sepa-
45 rate document that is updated annually, of the name, address, telephone
46 number, and digital contact information of all participating providers,
47 including facilities, and: (A) whether the provider is accepting new
48 patients; (B) in the case of mental health or [substance use]
49 substance-related and addictive disorder services providers, any affil-
50 iations with participating facilities certified or authorized by the
51 office of mental health or the office of addiction services and
52 supports, and any restrictions regarding the availability of the indi-
53 vidual provider's services; (C) in the case of physicians, board certifi-
54 cation, languages spoken and any affiliations with participating hospi-
55 tals. The listing shall also be posted on the corporation's website and
56 the corporation shall update the website within fifteen days of the

1 addition or termination of a provider from the corporation's network or
2 a change in a physician's hospital affiliation;

3 § 18. Subsection (n) of section 4325 of the insurance law, as added by
4 section 5 of subpart B of part AA of chapter 57 of the laws of 2022, is
5 amended to read as follows:

6 (n) A contract between a corporation and a health care provider shall
7 include a provision that requires the health care provider to have in
8 place business processes to ensure the timely provision of provider
9 directory information to the corporation. A health care provider shall
10 submit such provider directory information to a corporation, at a mini-
11 mum, when a provider begins or terminates a network agreement with a
12 corporation, when there are material changes to the content of the
13 provider directory information of the health care provider, and at any
14 other time, including upon the corporation's request, as the health care
15 provider determines to be appropriate. For purposes of this subsection,
16 "provider directory information" shall include the name, address,
17 specialty, telephone number, and digital contact information of such
18 health care provider; whether the provider is accepting new patients;
19 for mental health and [substance use] substance-related and addictive
20 disorder services providers, any affiliations with participating facili-
21 ties certified or authorized by the office of mental health or the
22 office of addiction services and supports, and any restrictions regard-
23 ing the availability of the individual provider's services; and in the
24 case of physicians, board certification, languages spoken, and any
25 affiliations with participating hospitals.

26 § 19. Subparagraph (C) of paragraph 1 of subsection (b) of section
27 4900 of the insurance law, as amended by section 2 of part MM of chapter
28 57 of the laws of 2023, is amended to read as follows:

29 (C) for purposes of a determination involving [substance use]
30 substance-related and addictive disorder treatment:

31 (i) a physician who possesses a current and valid non-restricted
32 license to practice medicine and who specializes in behavioral health
33 and has experience in the delivery of [substance use] substance-related
34 and addictive disorder courses of treatment; or

35 (ii) a health care professional other than a licensed physician who
36 specializes in behavioral health and has experience in the delivery of
37 [substance use] substance-related and addictive disorder courses of
38 treatment and, where applicable, possesses a current and valid non-res-
39 tricted license, certificate or registration or, where no provision for
40 a license, certificate or registration exists, is credentialed by the
41 national accrediting body appropriate to the profession; or

42 § 20. Clause (iv) of subparagraph (A) of paragraph 2 of subsection (b)
43 of section 4900 of the insurance law, as separately amended by section 2
44 of part MM of chapter 57 and chapter 170 of the laws of 2023, is amended
45 to read as follows:

46 (iv) for purposes of a determination involving [substance use]
47 substance-related and addictive disorder treatment, possesses a current
48 and valid non-restricted license to practice medicine and who special-
49 izes in behavioral health and has experience in the delivery of
50 [substance use] substance-related and addictive disorder courses of
51 treatment;

52 § 21. Clause (iv) of subparagraph (B) of paragraph 2 of subsection (b)
53 of section 4900 of the insurance law, as separately amended by section 2
54 of part MM of chapter 57 and chapter 170 of the laws of 2023, is amended
55 to read as follows:

1 (iv) for purposes of a determination involving [substance use]
2 substance-related and addictive disorder treatment, specializes in
3 behavioral health and has experience in the delivery of [substance use]
4 substance-related and addictive disorder courses of treatment and, where
5 applicable, possesses a current and valid non-restricted license,
6 certificate or registration or, where no provision for a license,
7 certificate or registration exists, is credentialed by the national
8 accrediting body appropriate to the profession;

9 § 22. Paragraph 9 subsection (a) of section 4902 of the insurance law,
10 as amended by section 37 of subpart A of part BB of chapter 57 of the
11 laws of 2019, is amended to read as follows:

12 (9) When conducting utilization review for purposes of determining
13 health care coverage for [substance use] substance-related and addictive
14 disorder treatment, a utilization review agent shall utilize an
15 evidence-based and peer reviewed clinical review tool that is appropri-
16 ate to the age of the patient. When conducting such utilization review
17 for treatment provided in this state, a utilization review agent shall
18 utilize an evidence-based and peer reviewed clinical tool designated by
19 the office of [alcoholism and substance abuse services] addiction
20 services and supports that is consistent with the treatment service
21 levels within the office of [alcoholism and substance abuse services]
22 addiction services and supports system. All approved tools shall have
23 inter rater reliability testing completed by December thirty-first, two
24 thousand sixteen.

25 § 23. Paragraph 2 subsection (b) of section 4903 of the insurance law,
26 as added by chapter 371 of the laws of 2015, is amended to read as
27 follows:

28 (2) With regard to individual or group contracts authorized pursuant
29 to article thirty-two, forty-three or forty-seven of this chapter or
30 article forty-four of the public health law, for utilization and review
31 determinations involving proposed mental health and/or [substance use]
32 substance-related and addictive disorder services where the insured or
33 the insured's designee has, in a format prescribed by the superinten-
34 dent, certified in the request that the proposed services are for an
35 individual who will be appearing, or has appeared, before a court of
36 competent jurisdiction and may be subject to a court order requiring
37 such services, the utilization review agent shall make a determination
38 and provide notice of such determination to the insured or the insured's
39 designee by telephone within seventy-two hours of receipt of the
40 request. Written notice of the determination to the insured or insured's
41 designee shall follow within three business days. Where feasible, such
42 telephonic and written notice shall also be provided to the court.

43 § 24. Subsection (c) of section 4903 of the insurance law, as amended
44 by chapter 41 of the laws of 2014, is amended to read as follows:

45 (c) (1) A utilization review agent shall make a determination involv-
46 ing continued or extended health care services, additional services for
47 an insured undergoing a course of continued treatment prescribed by a
48 health care provider, or requests for inpatient [substance use]
49 substance-related and addictive disorder treatment, or home health care
50 services following an inpatient hospital admission, and shall provide
51 notice of such determination to the insured or the insured's designee,
52 which may be satisfied by notice to the insured's health care provider,
53 by telephone and in writing within one business day of receipt of the
54 necessary information except, with respect to home health care services
55 following an inpatient hospital admission, within seventy-two hours of
56 receipt of the necessary information when the day subsequent to the

1 request falls on a weekend or holiday and except, with respect to inpa-
2 tient [substance use] substance-related and addictive disorder treat-
3 ment, within twenty-four hours of receipt of the request for services
4 when the request is submitted at least twenty-four hours prior to
5 discharge from an inpatient admission. Notification of continued or
6 extended services shall include the number of extended services
7 approved, the new total of approved services, the date of onset of
8 services and the next review date.

9 (2) Provided that a request for home health care services and all
10 necessary information is submitted to the utilization review agent prior
11 to discharge from an inpatient hospital admission pursuant to this
12 subsection, a utilization review agent shall not deny, on the basis of
13 medical necessity or lack of prior authorization, coverage for home
14 health care services while a determination by the utilization review
15 agent is pending.

16 (3) Provided that a request for inpatient treatment for [substance
17 use] substance-related and addictive disorder is submitted to the utili-
18 zation review agent at least twenty-four hours prior to discharge from
19 an inpatient admission pursuant to this subsection, a utilization review
20 agent shall not deny, on the basis of medical necessity or lack of prior
21 authorization, coverage for the inpatient [substance use] substance-re-
22 lated and addictive disorder treatment while a determination by the
23 utilization review agent is pending.

24 § 25. Subsection (b) of section 4904 of the insurance law, as amended
25 by chapter 371 of the laws of 2015, is amended to read as follows:

26 (b) A utilization review agent shall establish an expedited appeal
27 process for appeal of an adverse determination involving (1) continued
28 or extended health care services, procedures or treatments or additional
29 services for an insured undergoing a course of continued treatment
30 prescribed by a health care provider or home health care services
31 following discharge from an inpatient hospital admission pursuant to
32 subsection (c) of section four thousand nine hundred three of this
33 title; (2) an adverse determination in which the health care provider
34 believes an immediate appeal is warranted except any retrospective
35 determination; or (3) potential court-ordered mental health and/or
36 [substance use] substance-related and addictive disorder services pursu-
37 ant to paragraph two of subsection (b) of section four thousand nine
38 hundred three of this title. Such process shall include mechanisms which
39 facilitate resolution of the appeal including but not limited to the
40 sharing of information from the insured's health care provider and the
41 utilization review agent by telephonic means or by facsimile. The utili-
42 zation review agent shall provide reasonable access to its clinical peer
43 reviewer within one business day of receiving notice of the taking of an
44 expedited appeal. Expedited appeals shall be determined within two
45 business days of receipt of necessary information to conduct such appeal
46 except, with respect to inpatient [substance use] substance-related and
47 addictive disorder treatment provided pursuant to paragraph three of
48 subsection (c) of section four thousand nine hundred three of this
49 title, expedited appeals shall be determined within twenty-four hours of
50 receipt of such appeal. Expedited appeals which do not result in a
51 resolution satisfactory to the appealing party may be further appealed
52 through the standard appeal process, or through the external appeal
53 process pursuant to section four thousand nine hundred fourteen of this
54 article as applicable. Provided that the insured or the insured's health
55 care provider files an expedited internal and external appeal within
56 twenty-four hours from receipt of an adverse determination for inpatient

1 [substance use] substance-related and addictive disorder treatment for
2 which coverage was provided while the initial utilization review deter-
3 mination was pending pursuant to paragraph three of subsection (c) of
4 section four thousand nine hundred three of this title, a utilization
5 review agent shall not deny on the basis of medical necessity or lack of
6 prior authorization such [substance use] substance-related and addictive
7 disorder treatment while a determination by the utilization review agent
8 or external appeal agent is pending.

9 § 26. Subparagraph (iii) of paragraph (a) of subdivision 2 of section
10 4900 of the public health law, as amended by section 1 of part MM of
11 chapter 57 of the laws of 2023, is amended to read as follows:

12 (iii) for purposes of a determination involving [substance use]
13 substance-related and addictive disorder treatment:

14 (A) a physician who possesses a current and valid non-restricted
15 license to practice medicine and who specializes in behavioral health
16 and has experience in the delivery of [substance use] substance-related
17 and addictive disorder courses of treatment; or

18 (B) a health care professional other than a licensed physician who
19 specializes in behavioral health and has experience in the delivery of
20 [substance use] substance-related and addictive disorder courses of
21 treatment and, where applicable, possesses a current and valid non-res-
22 tricted license, certificate or registration or, where no provision for
23 a license, certificate or registration exists, is credentialed by the
24 national accrediting body appropriate to the profession; or

25 § 27. Clause (D) of subparagraph (i) of paragraph (b) of subdivision 2
26 of section 4900 of the public health law, as separately amended by
27 section 1 of part MM of chapter 57 and chapter 170 of the laws of 2023,
28 is amended to read as follows:

29 (D) for purposes of a determination involving [substance use]
30 substance-related and addictive disorder treatment, possesses a current
31 and valid non-restricted license to practice medicine and specializes in
32 behavioral health and has experience in the delivery of [substance use]
33 substance-related and addictive disorder courses of treatment;

34 § 28. Clause (E) of subparagraph (ii) of paragraph (b) of subdivision
35 2 of section 4900 of the public health law, as separately amended by
36 section 1 of part MM of chapter 57 and chapter 170 of the laws of 2023,
37 is amended to read as follows:

38 (E) for purposes of a determination involving [substance use]
39 substance-related and addictive disorder, specializes in behavioral
40 health and has experience in the delivery of [substance use] substance-
41 related and addictive disorder courses of treatment and, where applica-
42 ble, possesses a current and valid non-restricted license, certificate
43 or registration or, where no provision for a license, certificate or
44 registration exists, is credentialed by the national accrediting body
45 appropriate to the profession;

46 § 29. Paragraph (i) of subdivision 1 of section 4902 of the public
47 health law, as amended by section 43 of subpart A of part BB of chapter
48 57 of the laws of 2019, is amended to read as follows:

49 (i) When conducting utilization review for purposes of determining
50 health care coverage for [substance use] substance-related and addictive
51 disorder treatment, a utilization review agent shall utilize an
52 evidence-based and peer reviewed clinical review tool that is appropri-
53 ate to the age of the patient. When conducting such utilization review
54 for treatment provided in this state, a utilization review agent shall
55 utilize an evidence-based and peer reviewed clinical tool designated by
56 the office of [alcoholism and substance abuse services] addiction

1 services and supports that is consistent with the treatment service
2 levels within the office of [alcoholism and substance abuse services]
3 addiction services and supports system. All approved tools shall have
4 inter rater reliability testing completed by December thirty-first, two
5 thousand sixteen.

6 § 30. Paragraph (b) of subdivision 2 of section 4903 of the public
7 health law, as added by chapter 371 of the laws of 2015, is amended to
8 read as follows:

9 (b) With regard to individual or group contracts authorized pursuant
10 to article forty-four of this chapter, for utilization review determi-
11 nations involving proposed mental health and/or [substance use]
12 substance-related and addictive disorder services where the enrollee or
13 the enrollee's designee has, in a format prescribed by the superinten-
14 dent of financial services, certified in the request that the proposed
15 services are for an individual who will be appearing, or has appeared,
16 before a court of competent jurisdiction and may be subject to a court
17 order requiring such services, the utilization review agent shall make a
18 determination and provide notice of such determination to the enrollee
19 or the enrollee's designee by telephone within seventy-two hours of
20 receipt of the request. Written notice of the determination to the
21 enrollee or enrollee's designee shall follow within three business days.
22 Where feasible, such telephonic and written notice shall also be
23 provided to the court.

24 § 31. Subdivision 3 of section 4903 of the public health law, as
25 amended by chapter 41 of the laws of 2014, is amended to read as
26 follows:

27 3. (a) A utilization review agent shall make a determination involving
28 continued or extended health care services, additional services for an
29 enrollee undergoing a course of continued treatment prescribed by a
30 health care provider, or requests for inpatient [substance use]
31 substance-related and addictive disorder treatment, or home health care
32 services following an inpatient hospital admission, and shall provide
33 notice of such determination to the enrollee or the enrollee's designee,
34 which may be satisfied by notice to the enrollee's health care provider,
35 by telephone and in writing within one business day of receipt of the
36 necessary information except, with respect to home health care services
37 following an inpatient hospital admission, within seventy-two hours of
38 receipt of the necessary information when the day subsequent to the
39 request falls on a weekend or holiday and except, with respect to inpa-
40 tient [substance use] substance-related and addictive disorder treat-
41 ment, within twenty-four hours of receipt of the request for services
42 when the request is submitted at least twenty-four hours prior to
43 discharge from an inpatient admission. Notification of continued or
44 extended services shall include the number of extended services
45 approved, the new total of approved services, the date of onset of
46 services and the next review date.

47 (b) Provided that a request for home health care services and all
48 necessary information is submitted to the utilization review agent prior
49 to discharge from an inpatient hospital admission pursuant to this
50 subdivision, a utilization review agent shall not deny, on the basis of
51 medical necessity or lack of prior authorization, coverage for home
52 health care services while a determination by the utilization review
53 agent is pending.

54 (c) Provided that a request for inpatient treatment for [substance
55 use] substance-related and addictive disorder is submitted to the utili-
56 zation review agent at least twenty-four hours prior to discharge from

1 an inpatient admission pursuant to this subdivision, a utilization
2 review agent shall not deny, on the basis of medical necessity or lack
3 of prior authorization, coverage for the inpatient [substance use]
4 substance-related and addictive disorder treatment while a determination
5 by the utilization review agent is pending.

6 § 32. Paragraph (c) of subdivision 2 of section 4904 of the public
7 health law, as amended by chapter 371 of the laws of 2015, is amended to
8 read as follows:

9 (c) potential court-ordered mental health and/or [substance use]
10 substance-related and addictive disorder services pursuant to paragraph
11 (b) of subdivision two of section forty-nine hundred three of this
12 title. Such process shall include mechanisms which facilitate resolution
13 of the appeal including but not limited to the sharing of information
14 from the enrollee's health care provider and the utilization review
15 agent by telephonic means or by facsimile. The utilization review agent
16 shall provide reasonable access to its clinical peer reviewer within one
17 business day of receiving notice of the taking of an expedited appeal.
18 Expedited appeals shall be determined within two business days of
19 receipt of necessary information to conduct such appeal except, with
20 respect to inpatient [substance use] substance-related and addictive
21 disorder treatment provided pursuant to paragraph (c) of subdivision
22 three of section forty-nine hundred three of this title, expedited
23 appeals shall be determined within twenty-four hours of receipt of such
24 appeal. Expedited appeals which do not result in a resolution satisfac-
25 tory to the appealing party may be further appealed through the standard
26 appeal process, or through the external appeal process pursuant to
27 section forty-nine hundred fourteen of this article as applicable.
28 Provided that the enrollee or the enrollee's health care provider files
29 an expedited internal and external appeal within twenty-four hours from
30 receipt of an adverse determination for inpatient [substance use]
31 substance-related and addictive disorder treatment for which coverage
32 was provided while the initial utilization review determination was
33 pending pursuant to paragraph (c) of subdivision three of section
34 forty-nine hundred three of this title, a utilization review agent shall
35 not deny on the basis of medical necessity or lack of prior authori-
36 zation such [substance use] substance-related and addictive disorder
37 treatment while a determination by the utilization review agent or
38 external appeal agent is pending.

39 § 33. This act shall take effect January 1, 2027 and shall apply to
40 policies issued, renewed or modified on or after such date.

41 PART S

42 Section 1. Subdivision 10 of section 553 of the executive law is
43 REPEALED.

44 § 2. This act shall take effect April 1, 2026.

45 PART T

46 Section 1. Section 5 of part ZZ of chapter 56 of the laws of 2020
47 amending the tax law and the social services law relating to certain
48 Medicaid management, as amended by section 2 of part D of chapter 57 of
49 the laws of 2024, is amended to read as follows:

50 § 5. This act shall take effect immediately [and]; provided, however,
51 that sections two and three of this act shall be deemed repealed [eight
52 years after such effective date] March 31, 2026.

1 § 2. Subdivision 2 of section 605 of the public health law, as amended
2 by section 2 of part E of chapter 57 of the laws of 2022, is amended to
3 read as follows:

4 2. State aid reimbursement for public health services provided by a
5 municipality under this title, shall be made if the municipality is
6 providing some or all of the core public health services identified in
7 section six hundred two of this title, pursuant to an approved applica-
8 tion for state aid, at a rate of no less than thirty-six per centum[,
9 except for the city of New York which shall receive no less than twenty
10 per centum,] of the difference between the amount of moneys expended by
11 the municipality for public health services required by section six
12 hundred two of this title during the fiscal year and the base grant
13 provided pursuant to subdivision one of this section. Provided, howev-
14 er, that a municipality's documented fringe benefit costs submitted
15 under an application for state aid and otherwise eligible for reimburse-
16 ment under this article shall not exceed fifty per centum of the munici-
17 pality's eligible personnel services. No such reimbursement shall be
18 provided for services that are not eligible for state aid pursuant to
19 this article.

20 § 3. Subdivision 1 of section 616 of the public health law, as amended
21 by section 2 of part O of chapter 57 of the laws of 2019, is amended to
22 read as follows:

23 1. The total amount of state aid provided pursuant to this article
24 shall be limited to the amount of the annual appropriation made by the
25 legislature. In no event, however, shall such state aid be less than an
26 amount to provide the full base grant and, as otherwise provided by
27 subdivision two of section six hundred five of this article, no less
28 than thirty-six per centum[, except for the city of New York which shall
29 receive no less than twenty per centum,] of the difference between the
30 amount of moneys expended by the municipality for eligible public health
31 services pursuant to an approved application for state aid during the
32 fiscal year and the base grant provided pursuant to subdivision one of
33 section six hundred five of this article.

34 § 4. This act shall take effect immediately.

35

PART U

36 Section 1. Section 48-a of part A of chapter 56 of the laws of 2013
37 amending the public health law and other laws relating to general hospi-
38 tal reimbursement for annual rates, as amended by section 1 of part LL
39 of chapter 57 of the laws of 2022, is amended to read as follows:

40 § 48-a. 1. Notwithstanding any contrary provision of law, the commis-
41 sioners of the office of addiction services and supports and the office
42 of mental health are authorized, subject to the approval of the director
43 of the budget, to transfer to the commissioner of health state funds to
44 be utilized as the state share for the purpose of increasing payments
45 under the medicaid program to managed care organizations licensed under
46 article 44 of the public health law or under article 43 of the insurance
47 law. Such managed care organizations shall utilize such funds for the
48 purpose of reimbursing providers licensed pursuant to article 28 of the
49 public health law or article 36, 31 or 32 of the mental hygiene law for
50 ambulatory behavioral health services, as determined by the commissioner
51 of health, in consultation with the commissioner of addiction services
52 and supports and the commissioner of the office of mental health,
53 provided to medicaid enrolled outpatients and for all other behavioral
54 health services except inpatient included in New York state's Medicaid



1 redesign waiver approved by the centers for medicare and Medicaid
2 services (CMS). Such reimbursement shall be in the form of fees for
3 such services which are equivalent to the payments established for such
4 services under the ambulatory patient group (APG) rate-setting methodol-
5 ogy as utilized by the department of health, the office of addiction
6 services and supports, or the office of mental health for rate-setting
7 purposes or any such other fees pursuant to the Medicaid state plan or
8 otherwise approved by CMS in the Medicaid redesign waiver; provided,
9 however, that the increase to such fees that shall result from the
10 provisions of this section shall not, in the aggregate and as determined
11 by the commissioner of health, in consultation with the commissioner of
12 addiction services and supports and the commissioner of the office of
13 mental health, be greater than the increased funds made available pursu-
14 ant to this section. The increase of such ambulatory behavioral health
15 fees to providers available under this section shall be for all rate
16 periods on and after the effective date of section [18] 1 of part [E] LL
17 of chapter 57 of the laws of [2019] 2022 through March 31, [2027] 2031
18 for patients in the city of New York, for all rate periods on and after
19 the effective date of section [18] 1 of part [E] LL of chapter 57 of the
20 laws of [2019] 2022 through March 31, [2027] 2031 for patients outside
21 the city of New York, and for all rate periods on and after the effec-
22 tive date of such chapter through March 31, [2027] 2031 for all services
23 provided to persons under the age of twenty-one; provided, however, the
24 commissioner of health, in consultation with the commissioner of
25 addiction services and supports and the commissioner of mental health,
26 may require, as a condition of approval of such ambulatory behavioral
27 health fees, that aggregate managed care expenditures to eligible
28 providers meet the alternative payment methodology requirements as set
29 forth in attachment I of the New York state medicaid section one thou-
30 sand one hundred fifteen medicaid redesign team waiver as approved by
31 the centers for medicare and medicaid services. The commissioner of
32 health shall, in consultation with the commissioner of addiction
33 services and supports and the commissioner of mental health, waive such
34 conditions if a sufficient number of providers, as determined by the
35 commissioner, suffer a financial hardship as a consequence of such
36 alternative payment methodology requirements, or if [he or she] such
37 commissioner shall determine that such alternative payment methodologies
38 significantly threaten individuals access to ambulatory behavioral
39 health services. Such waiver may be applied on a provider specific or
40 industry wide basis. Further, such conditions may be waived, as the
41 commissioner determines necessary, to comply with federal rules or regu-
42 lations governing these payment methodologies. Nothing in this section
43 shall prohibit managed care organizations and providers from negotiating
44 different rates and methods of payment during such periods described
45 above, subject to the approval of the department of health. The depart-
46 ment of health shall consult with the office of addiction services and
47 supports and the office of mental health in determining whether such
48 alternative rates shall be approved. The commissioner of health may, in
49 consultation with the commissioner of addiction services and supports
50 and the commissioner of the office of mental health, promulgate regu-
51 lations, including emergency regulations promulgated prior to October 1,
52 2015 to establish rates for ambulatory behavioral health services, as
53 are necessary to implement the provisions of this section. Rates promul-
54 gated under this section shall be included in the report required under
55 section 45-c of part A of this chapter.



1 2. Notwithstanding any contrary provision of law, the fees paid by
2 managed care organizations licensed under article 44 of the public
3 health law or under article 43 of the insurance law, to providers
4 licensed pursuant to article 28 of the public health law or article 36,
5 31 or 32 of the mental hygiene law, for ambulatory behavioral health
6 services provided to patients enrolled in the child health insurance
7 program pursuant to title 1-A of article 25 of the public health law,
8 shall be in the form of fees for such services which are equivalent to
9 the payments established for such services under the ambulatory patient
10 group (APG) rate-setting methodology or any such other fees established
11 pursuant to the Medicaid state plan. The commissioner of health shall
12 consult with the commissioner of addiction services and supports and the
13 commissioner of the office of mental health in determining such services
14 and establishing such fees. Such ambulatory behavioral health fees to
15 providers available under this section shall be for all rate periods on
16 and after the effective date of this chapter through March 31, [2027]
17 2031, provided, however, that managed care organizations and providers
18 may negotiate different rates and methods of payment during such periods
19 described above, subject to the approval of the department of health.
20 The department of health shall consult with the office of addiction
21 services and supports and the office of mental health in determining
22 whether such alternative rates shall be approved. The report required
23 under section 16-a of part C of chapter 60 of the laws of 2014 shall
24 also include the population of patients enrolled in the child health
25 insurance program pursuant to title 1-A of article 25 of the public
26 health law in its examination on the transition of behavioral health
27 services into managed care.

28 § 2. Section 1 of part H of chapter 111 of the laws of 2010 relating
29 to increasing Medicaid payments to providers through managed care organ-
30 izations and providing equivalent fees through an ambulatory patient
31 group methodology, as amended by section 2 of part LL of chapter 57 of
32 the laws of 2022, is amended to read as follows:

33 Section 1. a. Notwithstanding any contrary provision of law, the
34 commissioners of mental health and addiction services and supports are
35 authorized, subject to the approval of the director of the budget, to
36 transfer to the commissioner of health state funds to be utilized as the
37 state share for the purpose of increasing payments under the Medicaid
38 program to managed care organizations licensed under article 44 of the
39 public health law or under article 43 of the insurance law. Such managed
40 care organizations shall utilize such funds for the purpose of reimburs-
41 ing providers licensed pursuant to article 28 of the public health law,
42 or pursuant to article 36, 31 or article 32 of the mental hygiene law
43 for ambulatory behavioral health services, as determined by the commis-
44 sioner of health in consultation with the commissioner of mental health
45 and commissioner of addiction services and supports, provided to medi-
46 caid enrolled outpatients and for all other behavioral health services
47 except inpatient included in New York state's Medicaid redesign waiver
48 approved by the centers for Medicare and Medicaid services (CMS). Such
49 reimbursement shall be in the form of fees for such services which are
50 equivalent to the payments established for such services under the ambu-
51 latory patient group (APG) rate-setting methodology as utilized by the
52 department of health or by the office of mental health or office of
53 addiction services and supports for rate-setting purposes or any such
54 other fees pursuant to the Medicaid state plan or otherwise approved by
55 CMS in the Medicaid redesign waiver; provided, however, that the
56 increase to such fees that shall result from the provisions of this

1 section shall not, in the aggregate and as determined by the commission-
2 er of health in consultation with the commissioners of mental health and
3 addiction services and supports, be greater than the increased funds
4 made available pursuant to this section. The increase of such behavioral
5 health fees to providers available under this section shall be for all
6 rate periods on and after the effective date of section [19] 2 of part
7 [E] LL of chapter 57 of the laws of [2019] 2022 through March 31, [2027]
8 2031 for patients in the city of New York, for all rate periods on and
9 after the effective date of section [19] 2 of part [E] LL of chapter 57
10 of the laws of [2019] 2022 through March 31, [2027] 2031 for patients
11 outside the city of New York, and for all rate periods on and after the
12 effective date of section [19] 2 of part [E] LL of chapter 57 of the
13 laws of [2019] 2022 through March 31, [2027] 2031 for all services
14 provided to persons under the age of twenty-one; provided, however, the
15 commissioner of health, in consultation with the commissioner of
16 addiction services and supports and the commissioner of mental health,
17 may require, as a condition of approval of such ambulatory behavioral
18 health fees, that aggregate managed care expenditures to eligible
19 providers meet the alternative payment methodology requirements as set
20 forth in attachment I of the New York state medicaid section one thou-
21 sand one hundred fifteen medicaid redesign team waiver as approved by
22 the centers for medicare and medicaid services. The commissioner of
23 health shall, in consultation with the commissioner of addiction
24 services and supports and the commissioner of mental health, waive such
25 conditions if a sufficient number of providers, as determined by the
26 commissioner, suffer a financial hardship as a consequence of such
27 alternative payment methodology requirements, or if [he or she] such
28 commissioner shall determine that such alternative payment methodologies
29 significantly threaten individuals access to ambulatory behavioral
30 health services. Such waiver may be applied on a provider specific or
31 industry wide basis. Further, such conditions may be waived, as the
32 commissioner determines necessary, to comply with federal rules or regu-
33 lations governing these payment methodologies. Nothing in this section
34 shall prohibit managed care organizations and providers from negotiating
35 different rates and methods of payment during such periods described,
36 subject to the approval of the department of health. The department of
37 health shall consult with the office of addiction services and supports
38 and the office of mental health in determining whether such alternative
39 rates shall be approved. The commissioner of health may, in consultation
40 with the commissioners of mental health and addiction services and
41 supports, promulgate regulations, including emergency regulations
42 promulgated prior to October 1, 2013 that establish rates for behavioral
43 health services, as are necessary to implement the provisions of this
44 section. Rates promulgated under this section shall be included in the
45 report required under section 45-c of part A of chapter 56 of the laws
46 of 2013.

47 b. Notwithstanding any contrary provision of law, the fees paid by
48 managed care organizations licensed under article 44 of the public
49 health law or under article 43 of the insurance law, to providers
50 licensed pursuant to article 28 of the public health law or article 36,
51 31 or 32 of the mental hygiene law, for ambulatory behavioral health
52 services provided to patients enrolled in the child health insurance
53 program pursuant to title 1-A of article 25 of the public health law,
54 shall be in the form of fees for such services which are equivalent to
55 the payments established for such services under the ambulatory patient
56 group (APG) rate-setting methodology. The commissioner of health shall

1 consult with the commissioner of addiction services and supports and the
2 commissioner of the office of mental health in determining such services
3 and establishing such fees. Such ambulatory behavioral health fees to
4 providers available under this section shall be for all rate periods on
5 and after the effective date of this chapter through March 31, [2027]
6 2031, provided, however, that managed care organizations and providers
7 may negotiate different rates and methods of payment during such periods
8 described above, subject to the approval of the department of health.
9 The department of health shall consult with the office of addiction
10 services and supports and the office of mental health in determining
11 whether such alternative rates shall be approved. The report required
12 under section 16-a of part C of chapter 60 of the laws of 2014 shall
13 also include the population of patients enrolled in the child health
14 insurance program pursuant to title 1-A of article 25 of the public
15 health law in its examination on the transition of behavioral health
16 services into managed care.

17 § 3. Section 2 of part H of chapter 111 of the laws of 2010 relating
18 to increasing Medicaid payments to providers through managed care organ-
19 izations and providing equivalent fees through an ambulatory patient
20 group methodology, as amended by section 3 of part LL of chapter 57 of
21 the laws of 2022, is amended to read as follows:

22 § 2. This act shall take effect immediately and shall be deemed to
23 have been in full force and effect on and after April 1, 2010, and shall
24 expire on March 31, [2027] 2031.

25 § 4. This act shall take effect immediately; provided, however that
26 the amendments to section 1 of part H of chapter 111 of the laws of 2010
27 relating to increasing Medicaid payments to providers through managed
28 care organizations and providing equivalent fees through an ambulatory
29 patient group methodology, made by section two of this act shall not
30 affect the expiration of such section and shall expire therewith.

31 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
32 sion, section or part of this act shall be adjudged by any court of
33 competent jurisdiction to be invalid, such judgment shall not affect,
34 impair, or invalidate the remainder thereof, but shall be confined in
35 its operation to the clause, sentence, paragraph, subdivision, section
36 or part thereof directly involved in the controversy in which such judg-
37 ment shall have been rendered. It is hereby declared to be the intent of
38 the legislature that this act would have been enacted even if such
39 invalid provisions had not been included herein.

40 § 3. This act shall take effect immediately provided, however, that
41 the applicable effective date of Parts A through S of this act shall be
42 as specifically set forth in the last section of such Parts.