



January 22, 2022

***Summary of HMH Article VII Executive Budget Bill, Part DD
Human Services COLA***

The SYF 2022-23 Executive Budget in Part DD of the Health/Mental Hygiene Article VII bill would establish a cost of living adjustment (COLA) in the human services sector for April 1, 2022-March 31, 2023. Below is a detailed summary of the proposal.

Establishes COLA

Subject to available appropriations and approval of the director of the budget, the commissioners of the office of mental health (OMH), office for people with developmental disabilities (OPWDD), office of addiction services and supports (OASAS), office of temporary and disability assistance (OTDA), office of children and family services (OCFS), and the state office for the aging (SOFA) are required to establish a SFY 2022-23 cost of living adjustment (COLA), effective April 1, 2022, projecting for the effects of inflation on rates of payments, contracts, or other form of reimbursement for the programs and services.

The COLA established herein shall be applied to the appropriate portion of reimbursable costs or contract amounts. Where appropriate, transfers to the department of health (DOH) shall be made as reimbursement for the state share of medical assistance.

For the period of April 1, 2022 through March 31, 2023, the commissioners shall provide funding to support a five and four-tenths percent (5.4%) cost of living adjustment under this section for all eligible programs and services as outlined below.

The 5.4% COLA shall be inclusive of all other cost of living type increases, inflation factors, or trend factors that are newly applied effective April 1, 2022. Except for the 5.4% COLA, for the period commencing on April 1, 2022 and ending March 31, 2023 the commissioners shall not apply any other new cost of living adjustments for the purpose of establishing rates of payments, contracts or any other form of reimbursement. This does not include payments made pursuant to the American Rescue Plan Act or other federal relief programs related to the Coronavirus Disease 2019 (COVID-19) pandemic Public Health Emergency.

Eligible Programs and Services

OMH:

Includes Programs and services funded, licensed, or certified by OMH, pending federal approval where applicable, including OMH licensed outpatient programs, pursuant to parts 587 and 599 of title 14 CRR-NY of OMH regulations including:

- clinic, continuing day treatment, day treatment, intensive outpatient programs and partial hospitalization;
- outreach; crisis residence;
- crisis stabilization, crisis/respice beds;
- mobile crisis, part 590 comprehensive psychiatric emergency program services;

- crisis intervention;
- home based crisis intervention;
- family care;
- supported single room occupancy;
- supported housing;
- supported housing community services;
- treatment congregate;
- supported congregate;
- community residence - children and youth;
- treatment/apartment; supported apartment;
- community residence single room occupancy;
- on-site rehabilitation; employment programs;
- recreation;
- respite care;
- transportation;
- psychosocial club;
- assertive community treatment;
- case management;
- care coordination, including health home plus services;
- local government unit administration;
- monitoring and evaluation;
- children and youth vocational services;
- single point of access;
- school-based mental health program;
- family support children and youth;
- advocacy/support services;
- drop in centers;
- recovery centers;
- transition management services;
- Bridger;
- home and community based waiver services;
- behavioral health waiver services authorized pursuant to the section 1115 MRT waiver;
- self-help programs;
- consumer service dollars;
- conference of local mental hygiene directors;
- multicultural initiative;
- ongoing integrated supported employment services;
- supported education;
- mentally ill/chemical abuse (MICA) network;
- personalized recovery oriented services (PROS);
- children and family treatment and support services;
- residential treatment facilities operating pursuant to part 584 of title 14-NYCRR;
- geriatric demonstration programs;
- community-based mental health family treatment and support;
- coordinated children's service initiative;
- homeless services; and
- promises zone.

OASAS:

Includes Programs and services funded, licensed, or certified by OASAS, pending federal approval where applicable, including:

- medically supervised withdrawal services - residential;
- medically supervised withdrawal services - outpatient;
- medically managed detoxification;
- medically monitored withdrawal;
- inpatient rehabilitation services;
- outpatient opioid treatment;
- residential opioid treatment;
- KEEP units outpatient;
- residential opioid treatment to abstinence;
- problem gambling treatment;
- medically supervised outpatient;
- outpatient rehabilitation;
- specialized services substance abuse programs;
- home and community based waiver services pursuant to subdivision 9 of section 366 of the social services law; c
- children and family treatment and support services;
- continuum of care rental assistance case management;
- NY/NY III post-treatment housing;
- NY/NY III housing for persons at risk for homelessness;
- permanent supported housing;
- youth clubhouse;
- recovery community centers;
- recovery community organizing initiative;
- residential rehabilitation services for youth (RRSY);
- intensive residential;
- community residential;
- supportive living;
- residential services;
- job placement initiative;
- case management;
- family support navigator;
- local government unit administration;
- peer engagement;
- vocational rehabilitation;
- support services;
- HIV early intervention services;
- dual diagnosis coordinator;
- problem gambling resource centers;
- problem gambling prevention;
- prevention resource centers; primary prevention services;
- other prevention services; and
- community services.

OPWDD:

Includes Programs and services funded, licensed, or certified by OPWDD eligible for pending federal approval where applicable, including:

- local/unified services;
- chapter 620 services;
- voluntary operated community residential services;
- article 16 clinics;
- day treatment services;

- family support services;
- 100% day training;
- epilepsy services;
- traumatic brain injury services;
- hepatitis B services;
- independent practitioner services for individuals with intellectual and/or developmental disabilities;
- crisis services for individuals with intellectual and/or developmental disabilities;
- family care residential habilitation;
- supervised residential habilitation;
- supportive residential habilitation;
- respite;
- day habilitation;
- prevocational services;
- supported employment;
- community habilitation;
- intermediate care facility day and residential services;
- specialty hospital;
- pathways to employment;
- intensive behavioral services;
- basic home and community based services (HCBS) plan support;
- health home services provided by care coordination organizations;
- community transition services;
- family education and training;
- fiscal intermediary;
- support broker; and
- personal resource accounts.

OTDA:

Includes Programs and Services funded, licensed or certified by OTDA, pending federal approval where applicable, to include nutrition outreach and education program (NOEP).

OCFS:

Includes Programs and Services funded, licensed, or certified by OCFS, pending federal approval where applicable, including:

- programs for which OCFS establishes maximum state aid rates pursuant to section 398-a of the social services law and section 4003 of the education law;
- emergency foster homes;
- foster family boarding homes and therapeutic foster homes as defined by the regulations of the office of children and family services;
- supervised settings as defined by subdivision twenty-two of section 371 of the social services law;
- adoptive parents receiving adoption subsidy pursuant to section 453 of the social services law; and
- congregate and scattered supportive housing programs and supportive services provided under the NY/NY III supportive housing agreement to young adults leaving or having recently left foster care.

SOFA:

Includes Programs and Services funded, licensed, or certified by SOFA, pending federal approval where applicable, including:

- community services for the elderly;
- expanded in-home services for the elderly; and

- supplemental nutrition assistance program.

COLA Attestation

Each local government unit or direct contract provider receiving funding for the COLA shall submit a written certification, in such form and at such time as each commissioner shall prescribe, attesting how such funding will be or was used to first promote the recruitment and retention of non-executive direct care staff, non-executive direct support professionals, non-executive clinical staff, or respond to other critical non-personal service costs prior to supporting any salary increases or other compensation for executive level job titles.

Agency commissioners are authorized to recoup funding from a local governmental unit or direct contract provider for the COLA if it is determined to have been used in a manner inconsistent with the language establishing the COLA. Such agency commissioners shall be authorized to employ any legal mechanism to recoup such funds, including an offset of other funds that are owed to such local governmental unit or direct contract provider.

Effective Date

Effective immediately upon enactment and effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2022.