

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

NOTICE OF PUBLIC HEARING

Department of Health
Preventive Health and Health Services Block Grant
Advisory Committee

Subject: Preventive Health and Health Services Block Grant
Federal Fiscal Year (FFY) 2010 and 2011 Funding

Purpose: To obtain public comment on the funding proposals for the Preventive Health and Health Services Block Grant for FFY 2010 (October 1, 2009 to September 30, 2010) and FFY 2011 (October 1, 2010 to September 30, 2011)

July 12, 2010 @ 10:15am
New York State – Department of Health
Flanigan Square, Room 4A/B
547 River Street
Troy, New York

The New York State Department of Health has revised the State's application to the Federal Government for the Preventive Health and Health Services Block Grant for FFY2010. The revised FFY2010 Workplan and proposals for FFY2011 funding will be reviewed. Federal statute requires states to form advisory committees to assist in the development of Work Plans and to hold public hearings on the proposed use of funds.

Copies of the Work Plan will be available for review by contacting Tina Mazula, Division of Environmental Health Investigation, New York State Department of Health, Flanigan Square, 547 River Street, Troy, New York 12180-2216, phone (518) 402-7501, e-mail: tme02@health.state.ny.us

To further publicize the hearing, please inform interested parties and organizations of the Committee's interest in hearing comments from all sources. Oral comments will be limited to ten minutes. In preparing the order of those making comments, the Preventive Health and Health Services Advisory Committee will attempt to accom-

modate individual requests to speak at particular times in consideration of special circumstances. Ten copies of any prepared testimony should be submitted to the registration desk on the date of the hearing.

Persons wishing to comment at the public hearing on the Preventive Health and Health Services Block Grant are requested to complete the attached reply form and mail it as soon as possible to Tina Mazula, PHHSBG Advisory Committee, Flanigan Square, 547 River Street, Room 500, Troy, New York 12180-2216 or e-mail: tme02@health.state.ny.us

REPLY FORM: July 12, 2010 - HEARING ON PREVENTIVE
HEALTH BLOCK GRANT

FFY2010 Work Plan and FFY2011 Funding Proposals

NAME: _____ TITLE: _____

ORGANIZATION: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ EMAIL: _____

PUBLIC NOTICE

Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for July 2010 will be conducted on July 27 commencing at 10:00 a.m. This meeting will be conducted at New York Network, Suite 146, South Concourse, Empire State Plaza, Albany, NY. Directions and parking information available at (www.nyn.suny.edu).

For further information, contact: Office of Commission Operations, Department of Civil Service, Alfred E. Smith State Office Building, Albany, NY 12239 (518) 473-6598.

PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to revise provisions of the Ambulatory Patient Group (APG) reimbursement methodology:

- For periods on or after July 1, 2010, the Commissioners of Health and Mental Retardation and Developmental Disabilities, subject to the approval of the Director of the Budget, are jointly authorized to establish rates of payment for a new hospital peer group comprising outpatient clinic services rendered pursuant to providers' operating certificates under Article 16 of the Mental Hygiene Law.
- For periods on or after July 1, 2010, the Commissioners of Health and Mental Health, subject to the approval of the Director of the Budget, are jointly authorized to establish rates of payment for a new hospital peer group comprising outpatient clinic services rendered pursuant to providers' operating certificates under Article 31 of the Mental Hygiene Law.

- For periods on or after July 1, 2010, the Commissioners of Health and Alcoholism and Substance Abuse Services, subject to the approval of the Director of the Budget, are jointly authorized to establish rates of payment two new hospital peer groups for methadone maintenance treatment programs and outpatient clinic services rendered pursuant to providers' operating certificates under Article 32 of the Mental Hygiene Law.
- The following APG shall be removed from the no blend APG list:

322 MEDICATION ADMINISTRATION & OBSERVATION

- The following APGs shall be removed from the if stand alone, do not pay APG list:

414 LEVEL I IMMUNIZATION AND ALLERGY IMMUNOTHERAPY

415 LEVEL II IMMUNIZATION

416 LEVEL III IMMUNIZATION

- The following APGs shall be removed from the Never Pay APG list:

312 FULL DAY PARTIAL HOSPITALIZATION FOR MENTAL ILLNESS

320 CASE MANAGEMENT & TREATMENT PLAN DEVELOPMENT –

MENTAL HEALTH OR SUBSTANCE ABUSE

427 BIOFEEDBACK AND OTHER TRAINING

- A hospital-based MR/DD/TBI peer group will be established for clinic services and shall have an enhanced payment level.

There is no estimated annual change to gross Medicaid expenditures as a result of the proposed amendments.

Copies of the proposed state plan amendment will be on file in each local (county) social services district and available for public review.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

The public is invited to review and comment on this proposed state plan amendment.

For further information and to review and comment, please contact: Philip N. Mossman, Department of Health, Bureau of HCRA Operations & Financial Analysis, Corning Tower Bldg., Rm. 984, Empire State Plaza, Albany, NY 12237, (518) 474-1673, (518) 473-8825 (FAX), e-mail: PNM01@health.state.ny.us

PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for inpatient hospital and non-institutional services to comply with recently enacted statutory provisions. The following significant changes are proposed:

Inpatient Hospital Services

- Effective July 1, 2010, regulations will be established to incorporate quality related measures pertaining to potentially preventable re-admissions (PPRs) and provide for rate adjustments or payment disallowances related to PPRs, which will be calculated in accordance with the following methodology.
 - Such methodology will be based on a risk adjusted comparison of the actual and the expected number of PPRs in a given hospital and with benchmarks established by the Commissioner. Such rate adjustments or payment disallowances will result in an aggregate reduction in Medicaid payments of no less than \$35 million for the period July 1, 2010 through March 31, 2011, and no less than \$47 million for the period April 1, 2011 through March 31, 2012.
 - Such rate adjustments or payment disallowances will not apply to behavioral health PPRs or to readmissions that occur on or after 15 days following an initial admission.
- Effective for the period July 1, 2010 through March 31, 2011, additional inpatient hospital payments will be made to general hospitals, other than major public general hospitals, which provide emergency room services, including safety net hospitals in an aggregate amount not to exceed \$235.5 million and for the period April 1, 2011 through March 31, 2012, aggregate payments will not exceed \$314 million. These payments will be added to medical assistance inpatient rates of payment.
 - Safety net hospitals are defined as those which have either a Medicaid share of total inpatient discharges of at least 35% for acute and exempt services or which provide obstetrical services and have Medicaid share of total discharges of at least 30%.
 - Medicaid inpatient discharges include both fee-for-service and managed care discharges.
 - Eligibility to receive such additional payments will be based on data from the period two year prior to the rate year, as reported on the Institutional Cost Report (ICR) submitted to the Department as of October 1st of the prior rate year. Such payments will be made as medical assistance payments for fee-for-service inpatient hospital services as follows:
 - o Thirty percent of such payments will be allocated to eligible safety net hospitals based on the proportion of each safety net hospital's Medicaid inpatient discharges to the total Medicaid inpatient discharges for all safety net hospitals; and
 - o Seventy percent of such payments will be allocated to general hospitals, based on the proportion of each eligible hospital's Medicaid inpatient discharges to the total Medicaid discharges for all eligible general hospitals.
 - o Each hospital's total combined annual payment amounts for the safety net hospital adjustment (30%) and general hospital adjustment (70%) cannot exceed the lower of each hospital's projected DSH payment ceiling or the sum of annual amounts due pursuant to PHL Sections 2807-k and 2807-w. Excess payment amounts will be reallocated to all other eligible hospitals that do not have excess payment amounts based on the proportion of each eligible hospital's payment amount to the total payment amounts for all eligible hospitals.
- Under current authority to adjust Medicaid rates of payment, the payment methodology may be further revised by the Commissioner on an annual basis pursuant to regulations issued for periods on and after April 1, 2011.
 - Subject to federal approval, such payments will be made as Upper Payment Limit (UPL) payments and will be made as aggregate monthly payments to eligible general hospitals, and provided further, that payments made will not be available for periods after the last day of the calendar year during which enhanced Federal Medicaid Assistance Percentages (FMAP)

payments to general hospital in the State of New York pursuant to section 5001 of the Federal American Recovery and Reinvestment Act of 2009, or pursuant to an otherwise applicable federal law, cease to be available. The Commissioner of Health, in conjunction with hospital representatives will review the impact associated with the expiration of such funding availability no later than 60 days prior to such expiration.

- In the event federal approval for aggregate payments is not obtained, such payments, subject to federal approval, will be included as rate add-ons to medical assistance inpatient rates of payments established, based on data from the period two years prior to the rate year, as reported on the ICR submitted to the Department as of October 1st of the prior year. If such payments are made as rate add-ons, the Commissioner will establish a procedure to reconcile payment amounts to reflect changes in medical assistance utilization from the period two years prior to the rate year and the actual rate year base on data as reported on each hospital's annual ICR for the respective rate year, as submitted to the Department as of October 1st of the year following the rate year.
- Projections of each general hospital's disproportion share limitations, computed by the Commissioner, will be adjusted to reflect any additional revenue received or anticipated to be received by each such general hospital.
- Hospitals receiving either the additional aggregate monthly UPL payment or rate add-on payments will have their indigent care pool DSH allocations reduced by the applicable payment amount.
- Subsequent to the reduction of the indigent care DSH allocations by the rate add-on payment amounts, effective for the period July 1, 2010 through December 31, 2010, distributions to hospitals for indigent care pool disproportionate share (DSH) payments will reflect an aggregate reduction of \$69.4 million. For the period January 1, 2011 through December 31, 2011, and each calendar year thereafter, payments will reflect an aggregate reduction of \$73.2 million. Such reduction will be based on the proportion of each hospital's remaining indigent care allocation to the total remaining allocations of all hospitals' indigent care allocation prior to application of such reduction. Such reductions will not be applied to distributions to major public general hospitals, including those operated by public benefit corporations, and distributions pursuant to Public Health Law (PHL) section 2807-k 5-b(ii), (iii) and (iv).

Non-institutional Services

- Continues, effective January 1, 2011, increased rates of payment for private duty nursing services provided to medically fragile children to ensure the availability of services to these children. The increased rates for services rendered to medically fragile children may take into account the elements of cost, geographical differentials of costs considered, economic factors in the area in which the nursing service is provided, and the need for incentives to improve services and institute economies. These increased rates will be payable only to those private duty nurses who can demonstrate, to the satisfaction of the Department of Health, training and experience to provide services to these children. The basis for the increase to these rates of payment will be the application of the case mix adjustment factor for AIDS home care services as determined pursuant to applicable Department of Health regulations.
- These increased rates of payment for private duty nursing services provided to medically fragile children should increase the availability of these services available outside of the institutional setting, and allow more medically fragile children to remain in a community setting. Consequently, rates of payment established through this statute will result in budget neutrality to the Medicaid program.

The estimated annual net aggregate decrease in gross Medicaid expenditures attributable to these proposed initiatives for state fiscal year 2010/2011 is \$104.4 million.

Copies of the proposed state plan amendments will be on file in each local (county) social services district and available for public review.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

The public is invited to review and comment on this proposed state plan amendment.

For further information and to review and comment, please contact: Philip N. Mossman, Department of Health, Bureau of HCRA Operations & Financial Analysis, Corning Tower Bldg., Rm. 984, Empire State Plaza, Albany, NY 12237, (518) 474-1673, (518) 473-8825 (FAX), e-mail: PNM01@health.state.ny.us

PUBLIC NOTICE

Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Steven Rocklin, Codes Division, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2010-0153 In the matter of the Metropolitan Transportation Authority, New York City Transit, 2 Broadway, 4th Floor, New York, NY for a variance concerning the construction of a new subway station at the terminus of a new subway line extension without strict adherence to the requirements concerning building use and size, fire protection systems, means of egress, accessibility, and electrical systems and methods.

Involved is the construction of a new underground subway station, commonly known as the 34th Street Station, at the end of a new subway tunnel that is being connected to an existing subway line, known as the 7 West Project or 7 Subway Line Extension, located at West 24th Street and 11th Avenue, City of New York, Borough of Manhattan, County of New York, State of New York.

2010-0239 Matter of Brett Roberts, PO Box 5492, Bay Shore, NY 11706-0347, for a variance concerning fire-safety requirements with the installation of a required automatic sprinkler system and required flood proofing for a fire house.

Involved are additions and alterations for a fire house of a mixed S-1, B, A-3 (Storage/Fire truck bay, Assembly/Community Hall and Business/Administrative Offices), of approximately 7,874 square feet in area, two stories in height of type IIB construction, located at, Bay Walk, Fair Harbor, Fire Island, Town of Islip. Suffolk County, State of New York.

2010-0253 Matter of Samuel W. Fitzgerald, PO Box 447, Fishers Island, NY 06390, for a variance concerning fire-safety requirements

with the installation of a required automatic sprinkler system for a three story single family dwelling.

Involved are additions and alterations for a single family dwelling, of approximately 3,512 square feet in area, three stories in height of type VB construction, located at, 505 Ocean View Drive, Fishers Island, Town of Southold, Suffolk County, State of New York.

**SALE OF
FOREST PRODUCTS**
Otsego Reforestation Area No. 9
Contract No. X007860

Pursuant to Section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives Public Notice for the following:

Sealed bids for 5 cords, more or less, of hemlock pulpwood, 2 cords, more or less, of aspen pulpwood, 85.1 MBF, more or less, of misc. hardwood sawtimber, and 320 cords, more or less, of misc. hardwood firewood, located on Otsego Reforestation Area No. 9, Stands A-9, 10, 11, will be accepted at the Department of Environmental Conservation, Bureau of Procurement & Expenditure Services, 625 Broadway, 10th Fl., Albany, NY 12233-5027 until 11:00 a.m., Thursday, July 15, 2010.

For further information, contact: Paul Wenner, Senior Forester, Department of Environmental Conservation, Division of Lands and Forests, Region 4, 65561 State Hwy. 10, Suite 1, Stamford, NY 12167-9503, (607) 652-7365