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*** THIS SECTION IS CURRENT THROUGH CH. 640, 10/07/2008 ***

PUBLIC HEALTH LAW
ARTICLE 6. STATE AID TO CITIES AND COUNTIES
TITLE I. STATE AID FOR BASIC SERVICES

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NY CLS Pub Health § 605 (2008)

§ 605. State aid; amount of reimbursement

1. A state aid base grant shall be reimbursed to municipalities for the base public health services identified in paragraph (b) of subdivision three of section six hundred two of this title, in an amount of the greater of [fig 1] fifty-five cents per capita, for each person in the municipality, or [fig 2] five hundred fifty thousand dollars provided that the municipality expends at least [fig 3] five hundred fifty thousand dollars for such base public health services. A municipality must provide all the basic public health services identified in paragraph (b) of subdivision three of section six hundred two of this title to qualify for such base grant unless the municipality has the approval of the commissioner to expend the base grant on a portion of such base public health services. If any services in such paragraph (b) are not approved in the plan or if no plan is submitted for such services, the commissioner may limit the municipality's per capita or base grant to that proportionate share which will fund those services that are submitted in a plan and subsequently approved. The commissioner may use the proportionate share that is not granted to contract with agencies, associations, or organizations to provide such services; or the health department may use such proportionate share to provide the services upon approval of the director of the division of the budget.

2. State aid reimbursement for public health services provided by a municipality under this title, shall be made as follows:

(a) if the municipality is providing some or all of the basic public health services identified in paragraph (b) of subdivision three of section six hundred two of this title, pursuant to an approved plan, at a rate of [fig 1] no less than thirty-six per centum of the difference between the amount of moneys expended by the municipality for public health services required by paragraph (b) of subdivision three of section six hundred two of this title during the fiscal year and the base grant provided pursuant to subdivision one of this section. No such reimbursement shall be provided for services if they are not approved in a plan or if no plan is submitted for such services.

(b) if the municipality is providing other public health services within limits to be prescribed by regulation by the commissioner in addition to some or all of the public health services required in paragraph (b) of subdivision three of section six hundred two of this title, pursuant to an approved plan, at a rate of [fig 1] not less than [fig 2] thirty-six per centum of the moneys expended by the municipality for such other services. No such reimbursement shall be provided for services if they are not approved in a plan or if no plan is submitted for such services.

3. Municipalities shall make every reasonable effort to collect payments for public health services provided. All such revenues shall be reported to the commissioner and will be deducted from expenditures identified under subdivision two

of this section to produce a net cost eligible for state aid.

HISTORY: Add, L 1986, ch 901, § 2, eff Jan 1, 1988.

Former § 605, add, L 1953, ch 879, with substance derived from former § 19; repealed, L 1986, ch 901, § 2, eff Jan 1, 1988.

Sub 1, amd, L 1996, ch 474, § 251, eff Aug 1, 1996 (see 1996 note below).

Sub 1, amd, L 2006, ch 57, § 6 (Part B), eff Jan 1, 2007.

The 2006 act deleted at fig 1 "forty-five" and at figs 2 and 3 "four" Sub 2, amd, L 1996, ch 474, § 252, eff Aug 1, 1996 (see 1996 note below).

Sub 2, amd, L 2006, ch 57, § 7 (Part B), eff Jan 1, 2007.

Sub 2, par (a), amd, L 1996, ch 474, § 252, eff Aug 1, 1996 (see 1996 note below).

Sub 2, par (a), amd, L 2006, ch 57, § 7 (Part B), eff Jan 1, 2007.

The 2006 act deleted at fig 1 "up to fifty per centum but" Sub 2, par (b), amd, L 1996, ch 474, § 252, eff Aug 1, 1996 (see 1996 note below).

Sub 2, par (b), amd, L 2006, ch 57, § 7 (Part B), eff Jan 1, 2007.

The 2006 act deleted at fig 1 "up to fifty per centum but" and at fig 2 "thirty"

NOTES:

Editor's Notes

Laws 1996, ch 474, § 268(32)(e), (f), (g), (l), eff Aug 8, 1996, provides as follows:

§ 268. This act shall take effect immediately and sections one through one hundred seventy-seven shall be deemed to have been in full force and effect on and after July 1, 1996, except that:

(e) notwithstanding any inconsistent provision of the state administrative procedure act or any other provision of law, the commissioners of social services and health and any appropriate council is authorized to adopt or amend or promulgate on an emergency basis any regulation he or she or such council determines necessary to implement any provision of sections one hundred eighty-nine through two hundred sixty of this act on its effective date;

(f) the commissioners of social services and health and any appropriate council may take any steps necessary to implement sections one hundred eighty-nine through two hundred sixty of this act prior to its effective date;

(g) the provisions of sections one hundred eighty-nine through two hundred sixty of this act shall become effective notwithstanding the failure of the commissioners of social services and health or any council to adopt or amend or promulgate regulations implementing such sections;

(l) nothing contained herein shall be deemed to affect the application, qualification, expiration, reversion or repeal of any provision of law amended by sections one hundred eighty-nine through two hundred sixty of this act and such provisions of this act shall be applied or qualified or shall expire or revert or be deemed repealed in the same manner, to the same extent and on the same date as the case may be as otherwise provided by law.

New York References:

This section referred to in §§ 611, 616, 617

Per capita state aid for the support of local government, CLS St Fin § 54

NYCRR References:

Performance standards for optional public health services and minimum requirements of municipal public health services plans. 10 NYCRR §§ 40-3.0 et seq

Research References & Practice Aids:

64 NY Jur 2d, Health and Sanitation §§ 4, 5

Case Notes: 1.-5. [Reserved for future use.] 6. Under former § 605 7. Under former § 608

1.-5. [Reserved for future use.]

6. Under former § 605

Where a county has been receiving state aid toward the maintenance of county tuberculosis sanitarium but abandons the county sanitarium and sends the patients to a state tuberculosis hospital, state aid can be continued toward the maintenance of the county patients in state hospitals. 1932 Ops Atty Gen 282.

State aid money advanced to a county for public health work may not be used by the county to pay its contributions in the retirement system. 1935 Ops Atty Gen 370.

The state commissioner of health shall not approve state aid for any project until the county authorities have complied fully with the provisions of Labor Law, Art. 8. 1936 Ops Atty Gen 289.

Payment of an annual appropriation in a lump sum and without regard to per capita costs by a county board of supervisors to a general hospital owned and operated by a village in that county is unauthorized. 1945 Ops Atty Gen July 18.

The state may reimburse a county for expenditures for hospital purposes even though the expenditures be from proceeds of gifts received under County Law, § 45 and General Municipal Law, § 126. 1946 Ops St Compt 586.

7. Under former § 608

A regulation of the State Department of Health requiring local medical examiners' offices to be under the supervision of the local department of health in order to be eligible for State aid was valid, on the basis that Pub Health Law § 608, regarding rates of reimbursement, necessarily implies that expenditures through an agency outside a county health department not expressly authorized by § 608, such as a local medical examiner's office, are not reimbursable, since § 608 does not interfere with municipal home rule, in that a county is only required to subject its medical examiner's office to the jurisdiction of its health department if it wishes to obtain partial reimbursement for expenditures of the office, and since the regulation is clearly within the authority of the State Commissioner of Health, in that the intent of § 608 was to encourage development of local health departments and improvement of health services generally. *County of Erie v Axelrod* (1983) 60 NY2d 731, 469 NYS2d 76, 456 NE2d 1199.

In an Art 78 proceeding, a determination of the Commissioner of the State Department of Environmental Conservation denying reimbursement to the New York City Department of Environmental Protection for costs allocated to the city's Bureau of Air Resources pursuant to the city's "Cost Allocation Plan" (CAP) under which the operating costs incurred by 13 "central support agencies" were distributed among the other city agencies served by those support agencies, which agencies then distributed the CAP costs over their divisions and programs, was neither irrational nor unreasonable, since the state is only required to reimburse municipalities for monies spent on environmental conservation activities such as air pollution control programs pursuant to ECL § 3-01117(3) and Pub Health Law §

608(1)(e), and since state reimbursement for CAP costs allocated to the Bureau of Air Resources, which are only indirectly related to environmental programs and are not incurred by any agency that undertakes environmental conservation activities, would be contrary to both the intent and plain meaning of the controlling statutes and regulations; statutes disbursing state funds must be strictly construed. *New York v New York State Dep't of Environmental Conservation* (1984, Sup) 125 Misc 2d 735, 480 NYS2d 277.

Where a county, through oversight, neglected to apply for state aid last year, it may apply for a separate grant to reimburse it for one-half the amount expended during this year and, in a separate application, may apply for grant of one-half the amount appropriated by it to be expended during the coming year. 1933 Ops Atty Gen 467.