New York State Office for the Aging  
Guidelines for Completing Budgets  

LONG TERM CARE OMBUDSMAN PROGRAM (LTCOP)  

Funds are to be used solely for the award designated purposes. Budgeted expenditures must be allowable, reasonable and necessary to meet program objectives and must be incurred in the contract period to which they are applied. Unexpended funds do not carry over from one contract period to the subsequent period.  

Expenditures which overlap the contract period, such as insurance, maintenance contracts, vehicle insurance, etc., must be prorated for the portion of the term that falls within the contract period.  

Any expenditures which are not solely for the benefit of LTCOP must be prorated. The method used to allocate costs must be reasonable and result in charges that are commensurate with the benefits derived by the LTCOP program.  

Allowable Costs:  

Allowable reimbursement costs must meet the following criteria:  

- Be necessary and reasonable for proper, efficient operation of the LTCOP program.  
- Be permissible under applicable state and/or federal laws and regulations.  
- Conform to limitations or exclusions set forth in these guidelines, as well as laws or regulations or other limitations as to types, amounts or cost of items.  
- Be the net amount after applying all applicable credits, such as purchase discounts and adjustments of overpayments.  
- Not be included as a cost in any other program or grant.  

Unallowable Costs:  

In accordance with NYSOFA policies, certain costs cannot be charged to these grant funds. Examples of non-reimbursable costs include:  

- Goods or services for personal use of employees, even if the cost is reported as taxable income to employees  
- Entertainment, including social activities and associated costs, except where specific costs have a programmatic purpose and are authorized in the approved budget (i.e., volunteer recognition and recruitment)
• Gifts, except where specific costs have a programmatic purpose and are authorized in the approved budget (i.e., volunteer incentives/promotional items)
• Alcoholic beverages
• Out-of-state travel, unless NYSOFA has given prior written approval
• Interest (including mortgage interest), late charges, fines and penalties (including bank charges for overdraws)
• Bad debts, including losses arising from uncollectable accounts
• Lobbying for purposes other than those specified in the Older Americans Act and the regulations promulgated thereunder
• Fundraising, including financial campaigns, endowment drives and solicitation of gifts or bequests
• Contributions and donations, including cash, property and services, to other not-for-profit organizations
• Rent, when the facility is owned by the contractor
• Sales tax, if your organization is exempt (e.g., 501 (c))

Also, securities and other deposits for rentals, utilities, phones, etc. cannot be reimbursed, as they should eventually be returned to you and are not expenditures.

Services Costs and Administrative Costs: After concluding that a specific cost is allowable, the next step is to categorize the cost as an administrative or services cost, or to split the cost between the two categories.

Service costs are costs that can be specifically attributed to your LTCOP program.

Examples of Services Costs:
• Salaries/wages and related benefits of staff who are an integral part of the program
• Direct materials and supplies
• Contractors and consultants
• Travel costs (e.g., meals, lodging, conference fees) directly related to the program
• Equipment used exclusively for the program
• Alterations, repairs, and maintenance costs of equipment used exclusively for the program
• IT costs and services directly identifiable with the program
• Volunteer expenses
Administrative costs are expenditures that cannot easily be associated with service activities but relate to the development and management of your organization.

Examples of Administrative Costs:

- Salaries/wages and related benefits of support personnel, clerical staff and administrators
- Office supplies, postage and photocopying for general use
- Basic telephone costs
- Network charges for e-mail and other general purpose software
- Purchase, repair and maintenance of general purpose equipment
- Please see also: Maintenance and Operations: Indirect Costs, below.

In recognition of the need to maximize availability of services, NYSOFA requires contractors to expend at least 85 percent of the funding on service costs. NYSOFA is using the definitions of administrative expenses and program expenses specified in 9 NYCRR §6656.3(a) and (i) for this purpose (attached).

Additional Note:

MWBE: New York State Executive Law Article 15-A Sections 310 – 318 (Article 15-A) governs requirements for the participation of minority and women owned business enterprises (MWBEs) in New York State contracting. The objective of Article 15-A is to promote equality of economic opportunities for MWBEs by eliminating barriers to their participation in New York State contracting. Please be mindful of the MWBE requirements in your contract as you prepare your budget.

Budget Summary:

This is the summation of all projected expenses for the program compiled from the Supplementary Budget schedule. Supplementary Budget sections include formulas which total and carry over the amounts chargeable to the Budget Summary.

Supplementary Budget Schedules:

Round all amounts to the nearest dollar.

1) Personnel:

Compensation of employees for personal service rendered under the contract, during the contract period. Only personnel who are active and necessary contributors to the program should be listed on this schedule.
For each employee, include:

- name and title (In lieu of a name, “To Be Determined” is acceptable for positions to be filled in the foreseeable future.)
- annualized salary (For hourly employees, this is the amount they are paid per year, consisting of the hourly rate x average number of hours worked weekly and then computed annually.)
- total hours worked per week
- percent of time spent on the program (note: this may be different than the percent of time charged to program)
- breakdown of services and administrative costs
- total

Board approved or contract negotiated salary increases that occur during the program period are reimbursable. Bonuses or other incentive compensation, as well as payments for unused leave, are not allowable.

2) Fringe Benefits:

Fringe benefits include Social Security/Medicare (FICA), NYS Unemployment Insurance (SUI), NYS Disability Insurance and Workers’ Compensation, as well as pension, vacation, health, life or dental insurance. These benefits are allowable costs if they are granted under established written policies. Fringe benefits must reflect the employer’s share only.

Fringe benefits should be charged for the same staff that are listed in the Personnel section. The percentage of fringe benefits for a staff member cannot be greater than the proportionate amount of staff member’s paid time spent on the grant program, but a lower amount can be allocated. Any exceptions to this method of allocation must be noted and explained.

3) Equipment:

Costing $1,000 or more – These items must have a useful life of one year or more and a purchase price unit cost of $1,000 or more, whether leased or purchased. Transportation and delivery charges are chargeable as part of equipment costs. (Items with a unit cost of $5,000 or more must have prior written approval from NYSOFAC.)

Costing less than $1,000 – List these items having a unit cost of less than $1,000 under Miscellaneous Equipment at the bottom of the equipment schedule.
3. Equipment: List below items having a unit purchase price of $1,000 or more and useful life of one year or more. An Equipment Inventory and Disposition Form must also be completed for these items (see Fiscal Reporting Form Instructions). For purchased equipment with a unit cost of less than $1,000, list the items and the total for these items under Miscellaneous Equipment.

<table>
<thead>
<tr>
<th>Item and Description</th>
<th>Quantity</th>
<th>P=Purchase L=Lease/Rental</th>
<th>Purchase or Rental Price</th>
<th>Amount Chargeable to Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Photocopier lease</td>
<td>2</td>
<td>L</td>
<td>$1,000</td>
<td>2,000</td>
</tr>
</tbody>
</table>

**Miscellaneous Equipment - List Items**

- 2 laptops for field use @ $800 each | 1,600

| TOTAL | $ 3,600 |

4) Travel:

Travel expenditures (e.g., personal car mileage, lodging, per diems, etc.) should conform to the rules and regulations for employees of New York State. **NOTE:** Out-of-State travel is not reimbursable without prior authorization.

[https://osc.state.ny.us/agencies/travel/part8.htm](https://osc.state.ny.us/agencies/travel/part8.htm)

Personal Car Mileage reimbursement cannot exceed the current state rate which is determined by the published IRS rate.


5) Maintenance and Operations:

Expenditures necessary for the maintenance and operations of the buildings and office space should be included.

Rent/Utilities: Actual grantee cash expenditures for costs of space rental, utilities, security, necessary maintenance, janitorial services, repair or upkeep of buildings and equipment are allowable. Rental agreements must be submitted for NYSAOFA review.

Maintenance in Lieu: In the case of government or non-profit organization owned property, maintenance-in-lieu of rent can also be charged. When Maintenance-in-Lieu of rent is charged, the contractor must submit verifiable data to NYSAOFA that details the individual expenses and how the amount of these expenditures to be allocated to the
program has been determined. Costs that are not allowable as direct costs (e.g., depreciation, interest, fines, penalties, contributions) are not allowable as Maintenance-in-Lieu costs.

Maintenance & Operations also includes telephone, postage, supplies (which may include office, program and maintenance supplies) and printing/photocopying.

**Supplies:** Items such as copy paper, pens, pencils, folders, etc., may be grouped together and listed as “consumable office supplies.” Transportation and delivery charges are chargeable as part of supplies costs.

**Printing and photocopying:** Informational and promotional materials for your program (brochures, posters, banners) are acceptable expenses. However, pursuant to the Standard Terms and Conditions of your contract, these items must be consistent with state branding and contain acknowledgment language, e.g.: “This program is supported with State and Federal Funding provided through New York State Office for the Aging.”

6) **Other Expenses:**

This category covers all expenditures that do not fit under other budget categories. These are generally annual or one-time types of costs:

- Annual financial audit (the audit must be conducted during the contract period)
- Liability Insurance (costs must be incurred during the contract period)
- Administrative cost using an indirect cost rate based on financial documentation that has been preapproved by NYSOFA or another governmental agency (e.g., DHHS). A de minimis rate is not acceptable.
- Background checks (see below)
- Memberships and subscriptions
- Promotional materials
- Information technology
- Language access services
- Reasonable accommodation items
- Food (except meals provided by a subcontractor, which should appear in the Subcontractors/Consultants schedule.)

**Background checks:** Criminal background checks are currently not required by STLCOP. However, if the contracting agency requires criminal background checks during their hiring process, then funds from LTCOP may be used for this same purpose with both volunteers and paid staff should they choose to do so.
Memberships and Subscriptions: Costs of memberships in business, technical and professional organizations and for subscriptions to business, professional and technical periodicals are allowable.

Information Technology: All Information technology costs are to be itemized and explained sufficiently. Only IT costs that are attributable and allocable to LTCOP activities may be charged. Costs for data capturing systems are no longer allowable as NYSOFA will be directly providing and supporting the data capturing system.

Indirect costs: Expenditures that cannot easily be associated with service activities but relate to the development and management of the organization should be identified as administrative or indirect costs.

CAUTION: Any cost included in an indirect cost rate cannot also be budgeted as a specific line item expense. If your Executive Director’s salary is part of your indirect cost rate, the Executive Director’s salary cannot also be included under Personnel.

Indirect cost rates must be approved in advance by NYSOFA. If a grantee organization utilizes a federally approved indirect cost rate, then submission of a copy of the authorization or rate approval from the appropriate Federal agency (e.g., DHHS) is usually sufficient documentation for NYSOFA.

If a grantee organization does not have a federally approved indirect cost rate, they can submit an indirect cost rate request to NYSOFA for approval. As part of the request, the grantee must submit documentation used to determine the rate. The most recent audited financial statements must be used as part of this documentation. A breakdown of all expenses by category as well as a comparison of the total direct costs and the total indirect costs must also be provided (the Statement of Functional Expenses from your organization’s most recent audited financial statements). The indirect cost rate requested should be calculated by dividing the total indirect costs by the total direct costs, less any distorting items. Costs that are not allowable as direct costs (e.g., building depreciation, interest, fines, penalties, contributions) are not allowable as indirect costs.

Once the required documentation has been submitted, an indirect cost rate will be approved by NYSOFA for use by the grantee.

Indirect cost rates must be determined as a percentage of the direct costs. The indirect costs will be calculated by first determining the total reimbursable direct costs and then multiplying these costs by the approved rate. To be reimbursed by our office, the allocation of indirect costs must also be documented by either payment or journal transfer.
7) Subcontractors/Consultants

Contractual or consultant services include any costs that have a formal or informal agreement or contact.

For each contract, include the provider, a description of the services to be provided, the rate/unit and number of units, if applicable, and the total dollar amount.

For any Subcontractor or consultant paid more than $25,000, a subcontractor budget must be completed and submitted.

Applicants must obtain agreements and/or contracts for all consultants or contractors. An agreement or contract should include a brief description of services to be provided, the period covered, the cost basis (hourly rate, flat rate) and be signed by both parties.

Caution: Where an employer-employee relationship exists between the applicant and program personnel, such personnel should not be budgeted as consultants. The existence of an employer-employee relationship is determined by the degree of control exercised by the employer. An employer usually trains an employee, directs the employee’s work and has a continuing work relationship with the employee. An independent consultant is a self-employed individual who is not supervised by the applicant. An independent consultant decides when, where and how the work is to be performed in accordance with general descriptions provided in written agreements.

Individuals must not be classified as consultants for avoiding payment of fringe benefits. If later the Internal Revenue Service or the Department of Labor determines that an individual you hired as a consultant is an employee, your organization is solely responsible for any retroactive fringe benefit payments and/or penalties fringe benefit payments and/or penalties that may be assessed.

8) Volunteer Expenses

Advertising and outreach, mileage reimbursement, training expenses (e.g.; speaker fees, training materials, refreshments) volunteer recognition meals, volunteer incentives/promotional items and other specified volunteer expenses should be listed here.

Volunteer Incentives/Promotional Items: Funding cannot be used for gifts to volunteers, except for gifts of nominal cost (i.e., $50 or under) made in recognition of their contribution to the organization. Funds can be used to purchase t-shirts, mugs, pens, etc., bearing the organization or program logo or name, or other types of gifts,
including gift cards. Reasonably priced awards such as plaques given for exceptional or long-standing service are also fundable. Expenditures of amounts exceeding these guidelines are not reimbursable without prior written permission from NYSOFA.

Volunteer Recognition and Recruitment: It is expected that each region will allot funds for volunteer recognition and recruitment each year. This includes trainings, meetings and luncheons for recruitment and retention. Funding can be used for the costs of a recognition event for a group of volunteers, such as costs for food, paper goods, decorations and limited entertainment expenses.

Total Budget

This is the sum of all the budget categories (sections 1 – 8).
For purposes of this Part:  
(a) Administrative expenses are those expenses authorized and allowable pursuant to applicable agency regulations, contracts or other rules that govern reimbursement with State funds or State-authorized payments that are incurred in connection with the covered provider’s overall management and necessary overhead that cannot be attributed directly to the provision of program services.  
(1) Such expenses include but are not limited to the following expenses, if otherwise authorized and allowable pursuant to applicable agency regulations, contracts or other rules that govern reimbursement with State funds or State-authorized payments:  
(i) that portion of the salaries and benefits of staff performing administrative and coordination functions that cannot be attributed to particular program services, including but not limited to the executive director or chief executive officer, financial officers such as the chief financial officer or controller and accounting personnel, billing, claiming or accounts payable and receivable personnel, human resources personnel, public relations personnel, administrative office support personnel, and information technology personnel, where such expenses cannot be attributed directly to the provision of program services;  
(ii) that portion of legal expenses that cannot be attributed directly to the provision of program services; and  
(iii) that portion of expenses for office operations that cannot be attributed directly to the provision of program services, including telephones, computer systems and networks, professional and organizational dues, licenses, permits, subscriptions, publications, audit services, postage, office supplies, conference expenses, publicity and annual reports, insurance premiums, interest charges and equipment that is expensed (rather than depreciated) in cost reports, where such expenses cannot be attributed directly to the provision of program services.
(2) Administrative expenses do not include:

(i) capital expenses, including but not limited to non-personal service expenditures for the purchase, development, installation, and maintenance of real estate or other real property; or

(ii) property rental, mortgage or maintenance expenses; or

(iii) taxes, payments in lieu of taxes, or assessments paid to any unit of government; or

(iv) equipment rental, depreciation and interest expenses, including expenditures for vehicles and fixed, major movable and adaptive equipment that is expensed (rather than depreciated) in cost reports; or

(v) expenses of an amount greater than $10,000 that would otherwise be administrative, except that they are either non-recurring (no more frequent than once every five years) or not anticipated by a covered provider (e.g., litigation-related expenses). Such expenses shall not be considered administrative expenses or program expenses for purposes of this regulation.

(vi) that portion of the salaries and benefits of staff performing policy development and research.

(b) Covered executive is a compensated director, trustee, managing partner, or officer whose salary and/or benefits, in whole or in part, are administrative expenses, and any key employee whose salary and/or benefits, in whole or in part, are administrative expenses and whose executive compensation during the reporting period exceeded $199,000. For the purposes of this definition, the terms director, trustee, officer, and key employee shall have the same meaning as such terms in the Internal Revenue Service’s instructions accompanying Form 990, Part VII. If the number of key employees employed by the covered provider who meet this definition exceeds 10, then the covered provider shall report only those 10 key employees whose executive compensation is the greatest during the reporting period and no other key employees shall be considered covered executives. Clinical and program personnel in a hospital or other entity providing program services, including chairs of departments, heads of service, chief medical officers, directors of nursing, or similar types of personnel fulfilling administrative functions that are nevertheless directly attributable to and comprise program services shall not be considered covered executives for purposes of limiting the use of State funds or State-authorized payments to compensate them. In the event that a covered provider pays a related organization to perform administrative or program services, the covered executives of the related organization shall also be considered “covered executives” of the covered provider for purposes of reporting and compliance with these regulations if more than 30 percent of such a covered executive’s compensation is derived from State funds or State-authorized payments received from the covered provider. In such a circumstance, the related organization shall not be the subject to the limitation on the use of State funds or State-authorized payments for administrative expenses in section 6656.4 of this Part solely as a result of having covered executives.

(c) Covered operating expenses shall mean the sum of program services expenses and administrative expenses of a covered provider as defined in this section.
(d) Covered provider is an entity or individual that:
(1) has received pursuant to contract or other agreement with the office, or with another governmental entity, including county and local governments or an entity contracting on its behalf, to render program services, State funds or State-authorized payments during the covered reporting period and the year prior to the covered reporting period, and in an average annual amount greater than $500,000 during those two years; and
(2) at least 30 percent of whose total annual in-state revenues for the covered reporting period and for the year prior to the covered reporting period were from State funds or State-authorized payments. This percentage shall be calculated as a percentage of the total annual revenues derived from and in connection with the provider’s activities within New York State, irrespective of whether the provider derives additional revenues from activities in another state. The source of such revenues shall include those from sources outside New York State if such revenues were derived from or in connection with activities inside New York State, including, for example, contributions by out-of-state individuals or entities for in-state activities. Where applicable, a provider’s method of calculating in-state revenues for purposes of determining tax liability or in connection with completion of its financial statements shall be deemed acceptable by the office for the purpose of applying this paragraph. For purposes of this part, the method of accounting used by the entity or individual in the preparation of its annual financial statements shall be used, except that an entity or individual that otherwise reports to the office using a different method of accounting shall use such method. The following providers shall not be considered covered providers:
(i) State, county, and local governmental units in New York State, and tribal governments for the nine New York State recognized nations and any subdivisions or subsidiaries of the foregoing entities;
(ii) individuals or entities providing child care services who are in receipt of child care subsidies pursuant to title 5-C or section 410 of the Social Services Law, except that such providers may be considered a covered provider if it also receives State funds or State-authorized payments that are not child care subsidies pursuant to title 5-C or section 410 of the Social Services Law and would otherwise satisfy the criteria in this definition;
(iii) individual professional(s), partnerships, S Corporations, or other entities, at least 75 percent of whose program services paid for by State funds or State-authorized payments are provided by the individual professional(s), by the partner(s), or by the owner(s) of the corporation or other entity, rather than by employees or independent contractors employed or retained by the entity, as determined by the amounts obtained in State funds or State-authorized payments for such program services;
(iv) individuals or entities providing primarily or exclusively products, rather than services, in exchange for State funds or State-authorized payments, including but not limited to pharmacies and medical equipment suppliers. For the purpose of applying this exception, the percentage of revenues derived from products rather than from services shall be used; and
(v) entities within the same corporate family as a covered provider, including parent or subsidiary corporations or entities, except where such a corporation or entity would
otherwise qualify as a covered provider but for the fact that it has received its State funds or State-authorized payments from a covered provider rather than directly from a governmental agency.

(e) **Covered reporting period** shall mean the provider's most recently completed annual reporting period, as defined herein, commencing on or after July 1, 2013.

(f) **Executive compensation** shall include all forms of cash and noncash payments or benefits given directly or indirectly to a covered executive, including but not limited to salary and wages, bonuses, dividends, distributions to a shareholder/partner form the current reporting period's earnings where such distributions represent compensatory or guaranteed payments or compensatory partnership profits allocation or compensatory partnership equity interest for services rendered during such reporting period, and other financial arrangements or transactions such as personal vehicles, housing, below-market loans, payment of personal or family travel, entertainment, and personal use of the organization's property, reportable on a covered executive's W-2 of 1099 form, except that mandated benefits (e.g., Social Security, worker's compensation, unemployment insurance and short-term disability insurance), and other benefits such as health and life insurance premiums, and retirement and deferred compensation plan contributions that are consistent with those provided to the covered provider's other employees shall not be included in the calculation of executive compensation. For the purposes of this definition, such benefits shall be considered consistent with those provided to other employees where the intended value of the benefit is substantially equal, even where the cost to the covered provider to provide such a benefit may differ. With respect to employer contributions to retirement and deferred compensation plans that are not consistent with those provided to other employees, executive compensation shall be deemed to include only those amounts contributed or accrued during the reporting period for the benefit or intended benefit of the covered executive, even if not reported on the executive's W-2 or 1099 for that reporting period (but those amounts that vested during such period but were contributed or accrued prior to the period).

(g) **Office** means the New York State Office for the Aging.

(h) **Program services** are those services rendered by a covered provider or its agent directly to and for the benefit of members of the public (and not for the benefit or on behalf of the State or the awarding agency) that are paid for in whole or in part by State funds or State-authorized funds. **Program services** shall not include:

1. policy development or research; or
2. staffing or other assistance to a State agency or local unit of government in such agency's or government's provision of services to members of the public.

(i) **Program services expenses** are those expenses authorized and allowable pursuant to applicable agency regulations, contracts or other rules that govern reimbursement with State funds or State-authorized payments that are incurred by a covered provider or its agent in direct connection with the provision of program services.

1. Such expenses include but are not limited to the following expenses, if otherwise authorized and allowable pursuant to applicable agency regulations, contracts or other rules that govern reimbursement with State funds or State-authorized payments:
(i) that portion of the salaries and benefits of staff providing particular program services, including for example, employees or contractors providing direct care to individuals receiving services, and supervisory personnel and support personnel whose work is attributable to a specific program in whole or in part and contributes directly to the quality or scope of the program services provided;
(ii) that portion of the salaries and benefits of quality assurance and supervisory personnel whose work is attributable in whole or in part to particular programs and contributes to the quality or scope of the program services provided by other personnel and related expenses; and
(iii) that portion of the expenses incurred in connection with and attributable to the provision of particular program services, including for example, travel costs to and from client residences, direct care supplies, public outreach or education or personnel training to facilitate program services delivery, information technology and computer services and systems directly attributable to program services such as, for example, electronic patient records systems to facilitate improved patient care or computer systems used in program services delivery or documentation of program services provided, quality assurance and control expenses, and legal expenses necessary to accomplish particular program service objectives.

(2) Program services expenses do not include:
(i) capital expenses, including but not limited to non-personal service expenditures for the purchase, development, installation, and maintenance of real estate or other real property; or
(ii) property rental mortgage or maintenance expenses, except where such expenses are made in connection with providing housing to members of the public receiving program services from the covered provider; or
(iii) taxes, payment in lieu of taxes, or assessments paid to any unit of government; or
(iv) equipment rental, depreciation and interest expenses, including expenditures for vehicles and fixed, major movable and adaptive equipment that is expensed (rather than depreciated) in cost reports; or
(v) expenses of an amount greater than $10,000 that would otherwise be administrative, except that they are either non-recurring (no more frequent than once every five years) or not anticipated by a covered provider (e.g., litigation-related expenses). Such expenses shall not be considered administrative expenses or program expenses for purposes of this regulation.
(vi) that portion of the salaries and benefits of staff performing policy development or research.
(j) Related organization shall have the same meaning as the same term in Schedule R of the Internal Revenue Service’s Form 990 except that for purposes of this regulation a related organization must have received or be anticipated to receive State funds or State-authorized payments from a covered provider during the reporting period.
(k) Reporting period shall mean at the provider’s option, the calendar year or, where applicable, the fiscal year used by a provider. However, where a provider is required to file an annual cost report with the State, reporting period shall mean the reporting period applicable to said cost report.
(l) *State-authorized payments* refer to those payments of funds that are not State funds but which are distributed or disbursed upon a New York state agency’s approval or by another governmental unit within New York State upon such approval, including but not limited to the federal and county portions of Medicaid program payments approved by the state agency. The office shall publish a list of government programs whose funds shall be considered State-authorized payments prior to the effective date of this regulation. For purposes of this regulation, State-authorized payments shall not include any payments solely for the following purposes:

1. procurement contracts awarded on a “lowest price” basis pursuant to section 163 of the State Finance Law;
2. awards to State or local units of government except to the extent such funds or payments are used by such government unit to pay covered providers to provide program services through a contract or other agreement;
3. capital expenses, including but not limited to non-personal service expenditures for the purchase, development, installation, and maintenance of real estate or other real property, or equipment;
4. direct payments of State funds or State-authorized payments, or provision of vouchers or other items of monetary value that may be used to secure specific services selected by the individual, or health insurance premiums including but limited to New York State Health Insurance Program (NYSHIP) premium payments, or Supplemental Security Income (SSI) payments to or on behalf of individual members of the public;
5. wage or other salary subsidies paid to employers to support the hiring or retention of their employees;
6. awards to for-profit corporations or other entities engaged exclusively in commercial or manufacturing activities and not in the provision of program services;
7. policy development or research; or
8. funds expressly intended to pay exclusively for administrative expenses, including but not limited to Community Service Program core contract funding for HIV/AIDS services programs.

(m) *State funds* are those funds appropriated by law in the annual State budget pursuant to article VII, section 7 of the New York State Constitution. The office shall publish a list of government programs whose funds shall be considered State funds prior to the effective date of this regulation. For purposes of this Part, *State funds* shall not include any payments solely for the following purposes:

1. procurement contracts awarded on a lowest price basis pursuant to section 163 of the State Finance Law;
2. awards to State or local units of government except to the extent such funds or payments are used by such government unit to pay covered providers to provide program services through a contract or other agreement;
3. capital expenses, including but not limited to non-personal service expenditures for the purchase, development, installation, and maintenance of real estate or other real property, or equipment;
4. direct payments of State funds or State-authorized payments, or provision of vouchers or other items of monetary value that may be used to secure specific services.
selected by the individual, or health insurance premiums including but limited to New York State Health Insurance Program (NYSHIP) premium payments, or Supplemental Security Income (SSI) payments, to or on behalf of individual members of the public; (5) wage or salary subsidies paid to employers to support the hiring or retention of their employees; (6) awards to for-profit corporations or other entities engaged exclusively in commercial or manufacturing activities and not in the provision of program services; (7) policy development or research; or (8) funds expressly intended to pay exclusively for administrative expenses, including but not limited to Community Service Program core contract funding for HIV/AIDS services programs.
9 CRR-NY 6656.3
Current through May 31, 2017