S T A T E O F N E W Y O R K

1077

2011-2012 Regular Sessions

I N S E N A T E

January 5, 2011

Introduced by Sens. GOLDEN, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to medicaid expenditure reporting

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The state finance law is amended by adding a new article 3-A to read as follows:

ARTICLE 3-A

MEDICAID EXPENDITURE REPORTING

SECTION 30. MEDICAID EXPENDITURE REPORTING; DEFINITIONS.
31. ANNUAL MEDICAID EXPENDITURE REPORT.
32. CONFIDENTIALITY PROVISIONS.
33. MEDICAID EXPENDITURE BUDGET BILL.

S 30. MEDICAID EXPENDITURE REPORTING; DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "MEDICAID EXPENDITURES" MEANS ANY ITEM OF EXPENDITURE FROM ANY FUND OF THE STATE WHICH IS SPENT PURSUANT TO THE MEDICAL ASSISTANCE FOR THE NEEDY PROGRAM.

2. "COST OF MEDICAID EXPENDITURE" MEANS THE ESTIMATED AMOUNT OF ANY ITEM OF EXPENDITURE FROM ANY FUND OF THE STATE IN FURTHERANCE OF ANY PROGRAM FUNDED IN ANY MEASURE PURSUANT TO THE MEDICAL ASSISTANCE FOR THE NEEDY PROGRAM.

3. "ITEM OF EXPENDITURE" MEANS ANY MEDICAID EXPENDITURE FOR ANY PURPOSE TO ANY CLASS OR GROUPING OF VENDORS THAT INCLUDES MORE THAN ONE VENDOR.

S 31. ANNUAL MEDICAID EXPENDITURE REPORT. 1. IN ADDITION TO THE INFORMATION REQUIRED BY ARTICLE SEVEN OF THE CONSTITUTION AND BY SECTION TWENTY-TWO OF THIS CHAPTER, THE GOVERNOR SHALL SUBMIT TO THE LEGISLATURE, AS EARLY AS PRACTICABLE, BUT NO LATER THAN THIRTY DAYS FOLLOWING THE SUBMISSION OF THE EXECUTIVE BUDGET, A MEDICAID EXPENDITURE REPORT

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

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CONTAINING THE FOLLOWING INFORMATION AND STATEMENTS RELATING TO MEDICAID EXPENDITURES:

(A) AN ENUMERATION OF ALL MEDICAID EXPENDITURES;

(B) THE PROVISIONS OF LAW AUTHORIZING SUCH EXPENDITURES, THEIR EFFECTIVE DATES, AND IF APPLICABLE, THE DATES ON WHICH SUCH EXPENDITURES EXPIRE OR ARE REDUCED;

(C) IF RELIABLE DATA IS AVAILABLE, ESTIMATES PREPARED BY THE APPROPRIATE COMMISSIONER OR DIRECTOR OF ANY STATE AGENCY, AS SUCH TERM IS DEFINED IN SECTION TWO-A OF THIS CHAPTER, IN CONJUNCTION WITH THE DIRECTOR OF THE BUDGET, OF THE COST OF SUCH EXPENDITURES FOR THE (I) CURRENT FISCAL YEAR AND (II) THE FIVE PRECEDING FISCAL YEARS;

(D) ANY RECOMMENDATIONS TO THE GOVERNOR REGARDING CONTINUING, MODIFYING, OR REPEALING SUCH MEDICAID EXPENDITURES, AND SUCH OTHER INFORMATION REGARDING EXPENDITURES AS THE GOVERNOR DEEMS APPROPRIATE;

(E) IF THE EXECUTIVE BUDGET INCLUDES PROPOSALS FOR THE EXPIRATION, MODIFICATION, OR REPEAL OF SUCH MEDICAID EXPENDITURES OR FOR THE ADDITION OF MEDICAID EXPENDITURES IN OR TO SUCH ARTICLES OR SUCH LAW, THE MEDICAID EXPENDITURE REPORT SHALL ALSO CONTAIN, TO THE EXTENT RELIABLE DATA IS AVAILABLE, AN ANALYSIS OF THE NUMBER AND TYPES OF PERSONS AND ENTITIES BENEFITING OR EXPECTED TO BENEFIT FROM SUCH EXPENDITURES, AN ESTIMATE OF THE COSTS OF SUCH EXPENDITURES FOR THE COMING FISCAL YEAR, AND AN EXPLANATION OF THE REASONS FOR THE PROPOSALS;

(F) COMMENT, IF ANY, ON THE EFFECTIVENESS AND EFFICIENCY OF OTHER EXPENDITURES; AND

(G) GENERAL CAUTIONARY AND ADVISORY NOTES CONCERNING LIMITATIONS OF DATA, ESTIMATION PROCEDURES, SAMPLING ERRORS AND IMPUTED VALUES, PROMINENTLY DISPLAYED.

2. THE MEDICAID EXPENDITURE REPORT SHALL INCLUDE A THREE-YEAR FINANCIAL PROJECTION WHICH SHALL SHOW ANTICIPATED MEDICAID EXPENDITURES FOR THE ENSUING FISCAL YEAR AND FOR THE TWO YEARS FOLLOWING THE ENSUING FISCAL YEAR. FOR THE PURPOSES OF THIS THREE-YEAR FINANCIAL PROJECTION, EXPENDITURES SHALL BE PRESENTED BY THE FOLLOWING PURPOSES: STATE PURPOSES; LOCAL ASSISTANCE; CAPITAL PROJECTS; DEBT SERVICE; AND GENERAL STATE CHARGES; AND RECEIPTS AND REVENUES SHALL BE PRESENTED, FOR THE ENSUING AND NEXT SUCCESSIVE FISCAL YEAR BY EACH REVENUE SOURCE. THE THREE-YEAR FINANCIAL PROJECTION SHALL INCLUDE AN EXPLANATION OF ANY CHANGES TO THE FINANCIAL PLANS SUBMITTED IN ACCORDANCE WITH SUBDIVISION ONE OF SECTION TWENTY-TWO OF THIS CHAPTER, AND INCLUDE EXPLANATIONS OF THE ECONOMIC, STATUTORY AND OTHER ASSUMPTIONS USED TO ESTIMATE THE DISBURSEMENTS, EXPENDITURES, RECEIPTS AND REVENUES WHICH ARE PRESENTED.

S 32. CONFIDENTIALITY PROVISIONS. ANY INFORMATION RELATING TO MEDICAID EXPENDITURES FURNISHED BY ANY COMMISSIONER OR DIRECTOR OF A STATE AGENCY SHALL BE FURNISHED IN ACCORDANCE WITH ANY APPLICABLE PROVISIONS OF LAW RELATING TO THE CONFIDENTIALITY OF SUCH INFORMATION.

S 33. MEDICAID EXPENDITURE BUDGET BILL. 1. NOTWITHSTANDING ANY OTHER CONTRARY PROVISION OF LAW, INCLUDING ANY PROVISION OF SECTION FORTY OF THIS CHAPTER, THE BUDGET BILLS SUBMITTED BY THE GOVERNOR SHALL INCLUDE AN ADDITIONAL BUDGET BILL WHICH SHALL CONTAIN ALL APPROPRIATIONS WHICH THE GOVERNOR FINDS WILL BE REQUIRED FOR MEDICAID EXPENDITURES DURING THE NEXT THREE SUCCEEDING FISCAL YEARS. SUCH BUDGET BILL SHALL CONSIST OF THREE SECTIONS, AS FOLLOWS:

(A) THE FIRST SECTION SHALL CONTAIN ALL APPROPRIATIONS AND REAPPROPRIATIONS WHICH IN THE OPINION OF THE GOVERNOR WILL BE REQUIRED FOR MEDICAID EXPENDITURES DURING THE NEXT SUCCEEDING FISCAL YEAR. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SUBDIVISION, SUCH APPROPRIATIONS

SHALL BE SUBJECT TO THE LIMITATIONS ESTABLISHED BY LAW, INCLUDING SECTION FORTY OF THIS CHAPTER.

(B) THE SECOND SECTION SHALL CONTAIN APPROPRIATIONS AND REAPPROPRIATIONS WHICH IN THE OPINION OF THE GOVERNOR WILL BE REQUIRED FOR MEDICAID EXPENDITURES DURING THE SECOND SUCCEEDING FISCAL YEAR. SUCH APPROPRIATIONS SHALL HAVE AS AN EFFECTIVE DATE THE FIRST DAY OF SUCH SECOND SUCCEEDING FISCAL YEAR, AND SHALL WHEN EFFECTIVE BE SUBJECT TO THE LIMITATIONS ESTABLISHED BY LAW, INCLUDING SECTION FORTY OF THIS CHAPTER, AS IF SUCH APPROPRIATIONS HAD BEEN PASSED BY THE LEGISLATURE ON THE FIRST DAY OF SUCH FISCAL YEAR.

(C) THE THIRD SECTION SHALL CONTAIN PROSPECTIVE APPROPRIATIONS AND PROSPECTIVE REAPPROPRIATIONS WHICH IN THE OPINION OF THE GOVERNOR WILL BE REQUIRED FOR MEDICAID EXPENDITURES DURING THE THIRD SUCCEEDING FISCAL YEAR. SUBJECT TO THE LIMITATIONS IMPOSED BY SECTION SEVEN OF ARTICLE SEVEN OF THE CONSTITUTION, SUCH APPROPRIATIONS MAY CONTAIN NO EFFECTIVE DATE, BUT SHALL PROVIDE AN ACCURATE LISTING OF APPROPRIATIONS THAT WILL BE REQUIRED IN SUCH FISCAL YEAR.

2. SUCH BUDGET BILL SHALL INCLUDE, OR THE GOVERNOR MAY SUBMIT AN ADDITIONAL BILL WHICH INCLUDES, STATUTORY CHANGES REQUIRED TO IMPLEMENT APPROPRIATIONS DURING EACH OF THE FISCAL YEARS COVERED IN THE MEDICAID EXPENDITURE APPROPRIATION BILL.

S 2. This act shall take effect immediately.