

5889

2011-2012 Regular Sessions

I N   S E N A T E

September 14, 2011

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Introduced by Sens. GALLIVAN, McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend chapter 58 of the laws of 2005, relating to authorizing reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and the administration thereof, in relation to calculating social services district medical assistance expenditure amounts

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

1     Section 1. Subdivision (c) of section 1 and subdivision (b) of section  
2     2 of part C of chapter 58 of the laws of 2005, relating to authorizing  
3     reimbursements for expenditures made by or on behalf of social services  
4     districts for medical assistance for needy persons and the adminis-  
5     tration thereof, are amended to read as follows:  
6     (c) Commencing with the calendar year beginning January 1, 2006,  
7     calendar year social services district medical assistance expenditure  
8     amounts for each social services district shall be calculated by multi-  
9     plying the results of the calculations performed pursuant to [paragraph]  
10    SUBDIVISION (b) of this section by a non-compounded trend factor, as  
11    follows:  
12    (i) 2006 (January 1, 2006 through December 31, 2006): 3.5%;  
13    (ii) 2007 (January 1, 2007 through December 31, 2007): 6.75% (3.25%  
14    plus the prior year's 3.5%);  
15    (iii) 2008 (January 1, 2008 through December 31, 2008): 9.75% (3%  
16    plus the prior year's 6.75%);  
17    (iv) 2009 (January 1, 2009 through December 31, 2009)[, and each  
18    succeeding calendar year: prior year's trend factor percentage plus 3%]:  
19    12.75% (3% PLUS THE PRIOR YEAR'S 9.75%);  
20    (v) 2010 (JANUARY 1, 2010 THROUGH DECEMBER 31, 2010): 15.75% (3% PLUS  
21    THE PRIOR YEAR'S 12.75%);

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

LBD13008-05-1

1 (VI) 2011 (JANUARY 1, 2011 THROUGH DECEMBER 31, 2011): 18.75% (3% PLUS  
2 THE PRIOR YEAR'S 15.75%);  
3 (VII) 2012 (JANUARY 1, 2012 THROUGH DECEMBER 31, 2012): 21.75% (3%  
4 PLUS THE PRIOR YEAR'S 18.75%);  
5 (VIII) 2013 (JANUARY 1, 2013 THROUGH DECEMBER 31, 2013): 21.75% (NO  
6 CHANGE FROM THE PRIOR YEAR'S 21.75%);  
7 (IX) 2014 (JANUARY 1, 2014 THROUGH DECEMBER 31, 2014): 21.75% (NO  
8 CHANGE FROM THE PRIOR YEAR'S 21.75%);  
9 (X) 2015 (JANUARY 1, 2015 THROUGH DECEMBER 31, 2015): 11.00% (10.75%  
10 SUBTRACTED FROM THE PRIOR YEAR'S 21.75%);  
11 (XI) 2016 (JANUARY 1, 2016 THROUGH DECEMBER 31, 2016): 0% (11%  
12 SUBTRACTED FROM THE PRIOR YEAR'S 11%);  
13 (XII) 2017 (JANUARY 1, 2017 THROUGH DECEMBER 31, 2017): -11% (12%  
14 SUBTRACTED FROM THE PRIOR YEAR'S 0%);  
15 (XIII) 2018 (JANUARY 1, 2018 THROUGH DECEMBER 31, 2018): -23% (13%  
16 SUBTRACTED FROM THE PRIOR YEAR'S -11%);  
17 (XIV) 2019 (JANUARY 1, 2019 THROUGH DECEMBER 31, 2019): -36% (14%  
18 SUBTRACTED FROM THE PRIOR YEAR'S -23%);  
19 (XV) 2020 (JANUARY 1, 2020 THROUGH DECEMBER 31, 2020): -50% (15%  
20 SUBTRACTED FROM THE PRIOR YEAR'S -36%);  
21 (XVI) 2021 (JANUARY 1, 2021 THROUGH DECEMBER 31, 2021): -65% (17%  
22 SUBTRACTED FROM THE PRIOR YEAR'S -50%);  
23 (XVII) 2022 (JANUARY 1, 2022 THROUGH DECEMBER 31, 2022): -82% (12%  
24 SUBTRACTED FROM THE PRIOR YEAR'S -65%);  
25 (XVIII) 2023 (JANUARY 1, 2023 THROUGH DECEMBER 31, 2023), AND EACH  
26 SUCCEEDING CALENDAR YEAR: -100% (18% SUBTRACTED FROM THE -82% OF THE  
27 YEAR 2022).

28 (b) Notwithstanding any provisions of state or local law, ordinance or  
29 resolution to the contrary:

30 (i) A social services district shall exercise the option described in  
31 this section through the adoption of a resolution by its local legisla-  
32 tive body, in the form set forth in [subparagraph] PARAGRAPH (ii) of  
33 this [paragraph] SUBDIVISION, to elect the medical assistance reimburse-  
34 ment methodology set forth in [paragraph] SUBDIVISION (a) of this  
35 section and to elect the tax intercept methodology set forth in subdivi-  
36 sion (f) of section 1261 of the tax law or subdivision (g) of section  
37 1261 and [subdivision] SUBSECTION (h) of section 1313 of the tax law, as  
38 applicable. A social services district, acting through its local legis-  
39 lative body, is hereby authorized to adopt such a resolution. Such a  
40 resolution shall be effective only if it is adopted exactly as set forth  
41 in [subparagraph] PARAGRAPH (ii) of this [paragraph] SUBDIVISION no  
42 later than September 30, 2007, and a certified copy of such resolution  
43 is mailed to the commissioner of health by certified mail by such date.  
44 The commissioner of health shall, no later than October 31, 2007, certi-  
45 fy to the commissioner of taxation and finance a list of those social  
46 services districts which have elected the option described in this  
47 section. A social services district shall have [no] THE authority to  
48 rescind the exercise of the option described in this section THROUGH THE  
49 ADOPTION OF A RESOLUTION BY ITS LOCAL LEGISLATIVE BODY, IN THE FORM SET  
50 FORTH IN PARAGRAPH (III) OF THIS SUBDIVISION, TO ELECT TO CEASE TO  
51 PARTICIPATE IN THE MEDICAL ASSISTANCE REIMBURSEMENT METHODOLOGY SET  
52 FORTH IN SUBDIVISION (A) OF THIS SECTION AND TO ELECT TO CEASE TO USE  
53 THE TAX INTERCEPT METHODOLOGY SET FORTH IN SUBDIVISIONS (F) AND (G) OF  
54 SECTION 1261 OF THE TAX LAW OR SUBSECTION (H) OF SECTION 1313 OF THE TAX  
55 LAW, AS APPLICABLE. A SOCIAL SERVICES DISTRICT, ACTING THROUGH ITS LOCAL  
56 LEGISLATIVE BODY, IS HEREBY AUTHORIZED TO ADOPT SUCH A RESOLUTION. SUCH

1 A RESOLUTION SHALL BE EFFECTIVE ONLY IF IT IS ADOPTED EXACTLY AS SET  
2 FORTH IN PARAGRAPH (III) OF THIS SUBDIVISION NO LATER THAN SEPTEMBER 30,  
3 2013, AND A CERTIFIED COPY OF SUCH RESOLUTION IS MAILED TO THE COMMIS-  
4 SIONER OF HEALTH BY CERTIFIED MAIL BY SUCH DATE. THE COMMISSIONER OF  
5 HEALTH SHALL, NO LATER THAN OCTOBER 31, 2013, CERTIFY TO THE COMMISSION-  
6 ER OF TAXATION AND FINANCE A LIST OF THOSE SOCIAL SERVICES DISTRICTS  
7 WHICH HAVE ELECTED TO CEASE PARTICIPATION IN THE OPTION DESCRIBED IN  
8 THIS SECTION.

9 (ii) Form of resolution.

10 Be it enacted by the (county or city) of (insert locality's name) as  
11 follows:

12 Section one. The (county or city) of (insert locality's name) hereby  
13 elects the medical assistance reimbursement option and revenue intercept  
14 for Medicaid purposes described in section 2 of chapter (fill in chapter  
15 number) of the laws of 2005.

16 Section 2. This resolution shall take effect immediately.

17 (III) FORM OF RESOLUTION.

18 BE IT ENACTED BY THE (COUNTY OR CITY) OF (INSERT LOCALITY'S NAME) AS  
19 FOLLOWS:

20 SECTION ONE. THE (COUNTY OR CITY) OF (INSERT LOCALITY'S NAME) HEREBY  
21 CEASES TO ELECT THE MEDICAL ASSISTANCE REIMBURSEMENT OPTION AND REVENUE  
22 INTERCEPT FOR MEDICAID PURPOSES DESCRIBED IN SECTION 1 OF CHAPTER (FILL  
23 IN CHAPTER NUMBER) OF THE LAWS OF 2011.

24 SECTION 2. THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

25 S 2. This act shall take effect immediately.