

5889--A

2011-2012 Regular Sessions

I N S E N A T E

September 14, 2011

Introduced by Sens. GALLIVAN, McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. Subdivisions (c) and (d) of section 1 and subdivision (b)
2 of section 2 of part C of chapter 58 of the laws of 2005, relating to
3 authorizing reimbursements for expenditures made by or on behalf of
4 social services districts for medical assistance for needy persons and
5 the administration 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%);

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

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1 (V) 2010 (JANUARY 1, 2010 THROUGH DECEMBER 31, 2010): 15.75% (3% PLUS
2 THE PRIOR YEAR'S 12.75%);
3 (VI) 2011 (JANUARY 1, 2011 THROUGH DECEMBER 31, 2011): 18.75% (3% PLUS
4 THE PRIOR YEAR'S 15.75%);
5 (VII) FIRST THREE-QUARTERS IN 2012 18.75% (JANUARY 1, 2012 THROUGH
6 SEPTEMBER 30, 2012): 18.75% (NO CHANGE FROM PRIOR YEAR'S 18.75%);
7 (VIII) LAST QUARTER OF 2012 (OCTOBER 1, 2012 THROUGH DECEMBER 31,
8 2012): 13.75% (5% SUBTRACTED FROM THE PREVIOUS PERIOD'S 18.75%);
9 (IX) 2013 (JANUARY 1, 2013 THROUGH DECEMBER 31, 2013): 13.75% (NO
10 CHANGE FROM THE PRIOR QUARTER'S 13.75%);
11 (X) 2014 (JANUARY 1, 2014 THROUGH DECEMBER 31, 2014): 0% (13.75%
12 SUBTRACTED FROM THE PRIOR YEAR'S 13.75%);
13 (XI) 2015 (JANUARY 1, 2015 THROUGH DECEMBER 31, 2015): -16% (16%
14 SUBTRACTED FROM THE PRIOR YEAR'S 0%);
15 (XII) 2016 (JANUARY 1, 2016 THROUGH DECEMBER 31, 2016): -34% (18%
16 SUBTRACTED FROM THE PRIOR YEAR'S -16%);
17 (XIII) 2017 (JANUARY 1, 2017 THROUGH DECEMBER 31, 2017): -54% (20%
18 SUBTRACTED FROM THE PRIOR YEAR'S -34%);
19 (XIV) 2018 (JANUARY 1, 2018 THROUGH DECEMBER 31, 2018): -76% (22%
20 SUBTRACTED FROM THE PRIOR YEAR'S -54%);
21 (XV) 2019 (JANUARY 1, 2019 THROUGH DECEMBER 31, 2019), AND EACH
22 SUCCEEDING CALENDAR YEAR: -100% (24% SUBTRACTED FROM THE -76% OF THE
23 YEAR 2018).
24 (d) The base year expenditure amounts calculated pursuant to paragraph
25 (b) of this section and the calendar year social services district
26 expenditure amounts calculated pursuant to paragraph (c) of this section
27 shall be converted into state fiscal year social services district
28 expenditure cap amounts for each social services district such that each
29 such state fiscal year amount is proportional to the portions of the two
30 calendar years within each fiscal year, as follows:
31 (i) fiscal year 2005-2006 (April 1, 2005 through March 31, 2006): 75%
32 of the base year amount plus 25% of the 2006 calendar year amount;
33 (ii) fiscal year 2006-2007 (April 1, 2006 through March 31, 2007): 75%
34 of the 2006 year calendar amount plus 25% of the 2007 calendar year
35 amount;
36 (iii) FISCAL YEAR 2007-2008 (APRIL 1, 2007 THROUGH MARCH 31, 2008):
37 75% OF THE 2007 YEAR CALENDAR AMOUNT PLUS 25% OF THE 2008 CALENDAR YEAR
38 AMOUNT;
39 (IV) FISCAL YEAR 2008-2009 (APRIL 1, 2008 THROUGH MARCH 31, 2009): 75%
40 OF THE 2008 YEAR CALENDAR AMOUNT PLUS 25% OF THE 2009 CALENDAR YEAR
41 AMOUNT;
42 (V) FISCAL YEAR 2009-2010 (APRIL 1, 2009 THROUGH MARCH 31, 2010): 75%
43 OF THE 2009 YEAR CALENDAR AMOUNT PLUS 25% OF THE 2010 CALENDAR YEAR
44 AMOUNT;
45 (VI) FISCAL YEAR 2010-2011 (APRIL 1, 2010 THROUGH MARCH 31, 2011): 75%
46 OF THE 2010 YEAR CALENDAR AMOUNT PLUS 25% OF THE 2011 CALENDAR YEAR
47 AMOUNT;
48 (VII) FISCAL YEAR 2011-2012 (APRIL 1, 2011 THROUGH MARCH 31, 2012):
49 100% OF THE 2011 YEAR CALENDAR AMOUNT;
50 (VIII) FISCAL YEAR 2012-2013 (APRIL 1, 2012 THROUGH MARCH 31, 2013):
51 50% OF THE 2011 YEAR CALENDAR AMOUNT PLUS 50% OF THE 2013 CALENDAR YEAR
52 AMOUNT;
53 (IX) FISCAL YEAR 2013-2014 (APRIL 1, 2013 THROUGH MARCH 31, 2014): 75%
54 OF THE 2013 YEAR CALENDAR AMOUNT PLUS 25% OF THE 2014 CALENDAR YEAR
55 AMOUNT;

(X) FISCAL YEAR 2014-2015 (APRIL 1, 2014 THROUGH MARCH 31, 2015): 75% OF THE 2014 YEAR CALENDAR AMOUNT PLUS 25% OF THE 2015 CALENDAR YEAR AMOUNT;

(XI) each succeeding fiscal year: 75% of the first calendar year within that fiscal year's amount plus 25% of the second calendar year within that fiscal year's amount.

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

(i) A social services district shall exercise the option described in this section through the adoption of a resolution by its local legislative body, in the form set forth in [subparagraph] PARAGRAPH (ii) of this [paragraph] SUBDIVISION, to elect the medical assistance reimbursement methodology set forth in [paragraph] SUBDIVISION (a) of this section and to elect the tax intercept methodology set forth in subdivision (f) of section 1261 of the tax law or subdivision (g) of section 1261 and [subdivision] SUBSECTION (h) of section 1313 of the tax law, as applicable. A social services district, acting through its local legislative body, is hereby authorized to adopt such a resolution. Such a resolution shall be effective only if it is adopted exactly as set forth in [subparagraph] PARAGRAPH (ii) of this [paragraph] SUBDIVISION no later than September 30, 2007, and a certified copy of such resolution is mailed to the commissioner of health by certified mail by such date. The commissioner of health shall, no later than October 31, 2007, certify to the commissioner of taxation and finance a list of those social services districts which have elected the option described in this section. A social services district shall have [no] THE authority to rescind the exercise of the option described in this section THROUGH THE ADOPTION OF A RESOLUTION BY ITS LOCAL LEGISLATIVE BODY, IN THE FORM SET FORTH IN PARAGRAPH (III) OF THIS SUBDIVISION, TO ELECT TO CEASE TO PARTICIPATE IN THE MEDICAL ASSISTANCE REIMBURSEMENT METHODOLOGY SET FORTH IN SUBDIVISION (A) OF THIS SECTION AND TO ELECT TO CEASE TO USE THE TAX INTERCEPT METHODOLOGY SET FORTH IN SUBDIVISIONS (F) AND (G) OF SECTION 1261 OF THE TAX LAW OR SUBSECTION (H) OF SECTION 1313 OF THE TAX LAW, AS APPLICABLE. A SOCIAL SERVICES DISTRICT, ACTING THROUGH ITS LOCAL LEGISLATIVE BODY, IS HEREBY AUTHORIZED TO ADOPT SUCH A RESOLUTION. SUCH A RESOLUTION SHALL BE EFFECTIVE ONLY IF IT IS ADOPTED EXACTLY AS SET FORTH IN PARAGRAPH (III) OF THIS SUBDIVISION NO LATER THAN SEPTEMBER 30, 2013, AND A CERTIFIED COPY OF SUCH RESOLUTION IS MAILED TO THE COMMISSIONER OF HEALTH BY CERTIFIED MAIL BY SUCH DATE. THE COMMISSIONER OF HEALTH SHALL, NO LATER THAN OCTOBER 31, 2013, CERTIFY TO THE COMMISSIONER OF TAXATION AND FINANCE A LIST OF THOSE SOCIAL SERVICES DISTRICTS WHICH HAVE ELECTED TO CEASE PARTICIPATION IN THE OPTION DESCRIBED IN THIS SECTION.

(ii) Form of resolution.

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

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

Section 2. This resolution shall take effect immediately.

(III) FORM OF RESOLUTION.

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

SECTION ONE. THE (COUNTY OR CITY) OF (INSERT LOCALITY'S NAME) HEREBY CEASES TO ELECT THE MEDICAL ASSISTANCE REIMBURSEMENT OPTION AND REVENUE

1 INTERCEPT FOR MEDICAID PURPOSES DESCRIBED IN SECTION 1 OF CHAPTER (FILL
2 IN CHAPTER NUMBER) OF THE LAWS OF 2011.
3 SECTION 2. THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.
4 S 2. This act shall take effect immediately.