

1 S 2. Paragraph (a) of subdivision 2 of section 145-b of the social
2 services law, as amended by chapter 109 of the laws of 2007, is amended
3 to read as follows:

4 (a) For civil damages collected by a local social services district,
5 relating to the medical assistance program, pursuant to a judgment under
6 this subdivision, such amounts shall be apportioned between the local
7 social services district and the state. [If the violation occurred: (i)
8 prior to January first, two thousand six, the] THE amount apportioned to
9 the local social services district shall be ONE HUNDRED PERCENT OF the
10 local share [percentage] OF SUCH FUNDS, in effect immediately prior to
11 such date as certified by the division of budget[, or (ii) after January
12 first, two thousand six, the amount apportioned to the local social
13 services district shall be based on a reimbursement schedule, created by
14 the office of Medicaid inspector general, in effect at the time the
15 violation occurred; provided that, if there is no schedule in effect at
16 the time the violation occurred, the schedule to be used shall be the
17 first schedule adopted pursuant to this subdivision. Such schedule shall
18 provide for reimbursement to a local social services district in an
19 amount between ten and fifteen percent of the gross amount collected.
20 Such schedule shall be set on a county by county basis and shall be
21 periodically reviewed and updated as necessary; provided, however, that
22 any such updated schedule shall not be less than ten percent nor greater
23 than fifteen percent of the gross amount collected] OR TEN PERCENT OF
24 THE TOTAL RECOVERY WHICHEVER NUMBER IS GREATER; and

25 S 3. This act shall take effect immediately.