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

7448--A

2009-2010 Regular Sessions

I N A S S E M B L Y

April 6, 2009

Introduced by M. of A. SCHIMMINGER, GOTTFRIED, BENEDETTO, COLTON, DelMONTE, FIELDS, GABRYSZAK, HEASTIE, JAFFEE, JOHN, SCHROEDER, COOK -- Multi-Sponsored by -- M. of A. CANESTRARI, CHRISTENSEN, GUNTHER, HAWLEY, KOON, MAGEE, MAISEL, PHEFFER, REILLY -- read once and referred to the Committee on Health -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to limiting the withholding of payment to a medical assistance program provider subject to a pending audit

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

Section 1. The public health law is amended by adding a new section 32-a to read as follows:

S 32-A. WITHHOLDING OF PROVIDER PAYMENT PURSUANT TO PENDING AUDIT. WHERE A PROVIDER IS THE SUBJECT OF A PENDING AUDIT BY THE OFFICE, UNDER THIS TITLE OR SECTION THREE HUNDRED SIXTY-EIGHT-C OF THE SOCIAL SERVICES LAW, THE DEPARTMENT SHALL NOT WITHHOLD PAYMENT UNDER THE MEDICAL ASSISTANCE PROGRAM TO THE PROVIDER ON THE BASIS OF A PRELIMINARY FINDING OF THE PENDING AUDIT, UNLESS THE INSPECTOR HAS MADE A WRITTEN FINDING, BASED UPON PROBABLE CAUSE, THAT THE PROVIDER HAS COMMITTED FRAUD OR OTHER CRIMINAL CONDUCT INVOLVING THE CLAIMS SUBJECT TO THE AUDIT. PRIOR TO THE WITHHOLDING OF PAYMENT, THE OFFICE SHALL PROVIDE THE FINDING TO THE COMMISSIONER AND THE PROVIDER, AND A WRITTEN STATEMENT OF THE BASIS FOR THE FINDING TO THE COMMISSIONER.

S 2. This act shall take effect immediately, and shall apply to any withholding of payment in effect on or commencing after the effective date of this act.

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

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