

1212

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to providing for medicaid management

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

1 Section 1. Paragraphs (d) and (e) of subdivision 1 of section 363-c of
2 the social services law, as amended by section 19 of part C of chapter
3 109 of the laws of 2006, are amended to read as follows:
4 (d) opportunities for education and prevention; [and]
5 (e) ANNUALLY THE NUMBER OF PERSONS ON WAITING LISTS TO RECEIVE
6 SERVICES AND THE TYPE OF SERVICES FOR EACH LIST; AND
7 (F) the collective priority of critical needs for the medicaid popu-
8 lation.
9 S 2. Section 363-c of the social services law is amended by adding
10 nine new subdivisions 4, 5, 6, 7, 8, 9, 10, 11 and 12 to read as
11 follows:
12 4. THE DEPARTMENT SHALL DEVELOP OUTCOME RESULTS-BASED OBJECTIVES FOR
13 MEDICAID SERVICE AND ADMINISTRATIVE CONTRACTS WITH OTHER STATE AGENCIES.
14 REIMBURSEMENT SHALL BE BASED ON THE COMPLETION OF OUTCOMES, AS APPROPRI-
15 ATE.
16 5. THE DEPARTMENT SHALL IDENTIFY PAYMENT RATES FOR MEDICAID SERVICES
17 PROVIDED BY OTHER STATE AGENCIES THAT EXCEED AVAILABLE COMPARABLE MARKET
18 RATES AND DEVELOP METHODS TO ENSURE THAT, WHERE APPROPRIATE, RATES ARE
19 THE LOWER OF COST OR MARKET. TO ENSURE THAT THE PROVISIONS OF THIS
20 SECTION ARE MET AND THAT DUPLICATIVE SERVICES ARE NOT PROVIDED TO MEDI-
21 CAID RECIPIENTS, THE DEPARTMENT MAY LIMIT MEDICAID SERVICES PROVIDED BY
22 OTHER STATE AGENCIES.

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

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1 6. THE DEPARTMENT SHALL DEVELOP AN ANNUAL PLAN TO CONDUCT PERIODIC
2 AUDITS, REVIEWS, AND INSPECTIONS OF STATE AGENCIES RECEIVING MEDICAID
3 FUNDS FOR THE PURPOSE OF:

4 (A) ENSURING COMPLIANCE WITH STATE AND FEDERAL REGULATIONS;

5 (B) PROMOTING ACCOUNTABILITY, ECONOMY, EFFECTIVENESS, AND EFFICIENCY;
6 AND

7 (C) PREVENTING AND DETECTING WASTE, FRAUD, AND ABUSE.

8 7. AUDITS AND REVIEWS SHALL BE PERFORMED IN ACCORDANCE WITH GENERALLY
9 ACCEPTED GOVERNMENT AUDITING STANDARDS.

10 8. REPORTS SHALL BE ISSUED IN ACCORDANCE WITH PROFESSIONAL STANDARDS
11 AND SHALL INCLUDE A DESCRIPTION OF ANY SIGNIFICANT PROBLEMS, ABUSES, AND
12 DEFICIENCIES ENCOUNTERED IN THE ADMINISTRATION AND OPERATION OF MEDICAID
13 SERVICES ALONG WITH RECOMMENDATIONS FOR CORRECTIVE ACTION. REPORTS SHALL
14 INCLUDE THE FINANCIAL VALUE OF ANY ITEMS REPORTED.

15 9. THE DEPARTMENT IS AUTHORIZED TO DIRECTLY ACCESS ALL SYSTEMS,
16 RECORDS, REPORTS, REVIEWS, FILES, DOCUMENTS, PAPERS, AND SIMILAR INFOR-
17 MATION RELATED TO MEDICAID PAYMENTS WITHIN STATE AGENCIES AND ENTITIES
18 DOING BUSINESS WITH THESE AGENCIES.

19 10. THE DEPARTMENT MAY ENTER INTO EXTERNAL CONTRACTS AS NECESSARY IN
20 FULFILLING THE REQUIREMENTS OF THIS SECTION.

21 11. THE DEPARTMENT SHALL WITHHOLD ANY AMOUNTS RELATED TO FRAUD, ABUSE,
22 AND NON-COMPLIANCE.

23 12. THE DEPARTMENT SHALL MAKE ALL REPORTS AVAILABLE TO THE GOVERNOR,
24 THE SENATE FINANCE COMMITTEE, THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE
25 SENATE HEALTH COMMITTEE, THE ASSEMBLY HEALTH COMMITTEE, THE SENATE
26 SOCIAL SERVICES, CHILDREN AND FAMILIES COMMITTEE, AND THE ASSEMBLY
27 SOCIAL SERVICES COMMITTEE.

28 S 3. This act shall take effect immediately.