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

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:

Section 1. Paragraphs (d) and (e) of subdivision 1 of section 363-c of the social services law, as amended by section 19 of part C of chapter 109 of the laws of 2006, are amended to read as follows:

(d) opportunities for education and prevention; [and]

(e) ANNUALLY THE NUMBER OF PERSONS ON WAITING LISTS TO RECEIVE SERVICES AND THE TYPE OF SERVICES FOR EACH LIST; AND

(F) the collective priority of critical needs for the medicaid population.

S 2. Section 363-c of the social services law is amended by adding nine new subdivisions 4, 5, 6, 7, 8, 9, 10, 11 and 12 to read as follows:

4. THE DEPARTMENT SHALL DEVELOP OUTCOME RESULTS-BASED OBJECTIVES FOR MEDICAID SERVICE AND ADMINISTRATIVE CONTRACTS WITH OTHER STATE AGENCIES. REIMBURSEMENT SHALL BE BASED ON THE COMPLETION OF OUTCOMES, AS APPROPRIATE.

5. THE DEPARTMENT SHALL IDENTIFY PAYMENT RATES FOR MEDICAID SERVICES PROVIDED BY OTHER STATE AGENCIES THAT EXCEED AVAILABLE COMPARABLE MARKET RATES AND DEVELOP METHODS TO ENSURE THAT, WHERE APPROPRIATE, RATES ARE THE LOWER OF COST OR MARKET. TO ENSURE THAT THE PROVISIONS OF THIS SECTION ARE MET AND THAT DUPLICATIVE SERVICES ARE NOT PROVIDED TO MEDICAID RECIPIENTS, THE DEPARTMENT MAY LIMIT MEDICAID SERVICES PROVIDED BY OTHER STATE AGENCIES.

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

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

(A) ENSURING COMPLIANCE WITH STATE AND FEDERAL REGULATIONS;

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

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

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

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

9. THE DEPARTMENT IS AUTHORIZED TO DIRECTLY ACCESS ALL SYSTEMS, RECORDS, REPORTS, REVIEWS, FILES, DOCUMENTS, PAPERS, AND SIMILAR INFORMATION RELATED TO MEDICAID PAYMENTS WITHIN STATE AGENCIES AND ENTITIES DOING BUSINESS WITH THESE AGENCIES.

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

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

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

S 3. This act shall take effect immediately.