

1593

2009-2010 Regular Sessions

I N S E N A T E

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Introduced by Sens. GOLDEN, BONACIC, HANNON, MAZIARZ, MORAHAN, SALAND, SKELOS, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to medicaid expenditure reporting

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

1 Section 1. The state finance law is amended by adding a new article
2 3-A to read as follows:

3 ARTICLE 3-A

4 MEDICAID EXPENDITURE REPORTING

5 SECTION 30. MEDICAID EXPENDITURE REPORTING; DEFINITIONS.

6 31. ANNUAL MEDICAID EXPENDITURE REPORT.

7 32. CONFIDENTIALITY PROVISIONS.

8 33. MEDICAID EXPENDITURE BUDGET BILL.

9 S 30. MEDICAID EXPENDITURE REPORTING; DEFINITIONS. AS USED IN THIS
10 ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

11 1. "MEDICAID EXPENDITURES" MEANS ANY ITEM OF EXPENDITURE FROM ANY FUND
12 OF THE STATE WHICH IS SPENT PURSUANT TO THE MEDICAL ASSISTANCE FOR THE
13 NEEDY PROGRAM.

14 2. "COST OF MEDICAID EXPENDITURE" MEANS THE ESTIMATED AMOUNT OF ANY
15 ITEM OF EXPENDITURE FROM ANY FUND OF THE STATE IN FURTHERANCE OF ANY
16 PROGRAM FUNDED IN ANY MEASURE PURSUANT TO THE MEDICAL ASSISTANCE FOR THE
17 NEEDY PROGRAM.

18 3. "ITEM OF EXPENDITURE" MEANS ANY MEDICAID EXPENDITURE FOR ANY
19 PURPOSE TO ANY CLASS OR GROUPING OF VENDORS THAT INCLUDES MORE THAN ONE
20 VENDOR.

21 S 31. ANNUAL MEDICAID EXPENDITURE REPORT. 1. IN ADDITION TO THE INFOR-
22 MATION REQUIRED BY ARTICLE SEVEN OF THE CONSTITUTION AND BY SECTION
23 TWENTY-TWO OF THIS CHAPTER, THE GOVERNOR SHALL SUBMIT TO THE LEGISLA-
24 TURE, AS EARLY AS PRACTICABLE, BUT NO LATER THAN THIRTY DAYS FOLLOWING

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

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1 THE SUBMISSION OF THE EXECUTIVE BUDGET, A MEDICAID EXPENDITURE REPORT
2 CONTAINING THE FOLLOWING INFORMATION AND STATEMENTS RELATING TO MEDICAID
3 EXPENDITURES:

4 (A) AN ENUMERATION OF ALL MEDICAID EXPENDITURES;

5 (B) THE PROVISIONS OF LAW AUTHORIZING SUCH EXPENDITURES, THEIR EFFEC-
6 TIVE DATES, AND IF APPLICABLE, THE DATES ON WHICH SUCH EXPENDITURES
7 EXPIRE OR ARE REDUCED;

8 (C) IF RELIABLE DATA IS AVAILABLE, ESTIMATES PREPARED BY THE APPROPRI-
9 ATE COMMISSIONER OR DIRECTOR OF ANY STATE AGENCY, AS SUCH TERM IS
10 DEFINED IN SECTION TWO-A OF THIS CHAPTER, IN CONJUNCTION WITH THE DIREC-
11 TOR OF THE BUDGET, OF THE COST OF SUCH EXPENDITURES FOR THE (I) CURRENT
12 FISCAL YEAR AND (II) THE FIVE PRECEDING FISCAL YEARS;

13 (D) ANY RECOMMENDATIONS TO THE GOVERNOR REGARDING CONTINUING, MODIFY-
14 ING, OR REPEALING SUCH MEDICAID EXPENDITURES, AND SUCH OTHER INFORMATION
15 REGARDING EXPENDITURES AS THE GOVERNOR DEEMS APPROPRIATE;

16 (E) IF THE EXECUTIVE BUDGET INCLUDES PROPOSALS FOR THE EXPIRATION,
17 MODIFICATION, OR REPEAL OF SUCH MEDICAID EXPENDITURES OR FOR THE ADDI-
18 TION OF MEDICAID EXPENDITURES IN OR TO SUCH ARTICLES OR SUCH LAW, THE
19 MEDICAID EXPENDITURE REPORT SHALL ALSO CONTAIN, TO THE EXTENT RELIABLE
20 DATA IS AVAILABLE, AN ANALYSIS OF THE NUMBER AND TYPES OF PERSONS AND
21 ENTITIES BENEFITING OR EXPECTED TO BENEFIT FROM SUCH EXPENDITURES, AN
22 ESTIMATE OF THE COSTS OF SUCH EXPENDITURES FOR THE COMING FISCAL YEAR,
23 AND AN EXPLANATION OF THE REASONS FOR THE PROPOSALS;

24 (F) COMMENT, IF ANY, ON THE EFFECTIVENESS AND EFFICIENCY OF OTHER
25 EXPENDITURES; AND

26 (G) GENERAL CAUTIONARY AND ADVISORY NOTES CONCERNING LIMITATIONS OF
27 DATA, ESTIMATION PROCEDURES, SAMPLING ERRORS AND IMPUTED VALUES, PROMI-
28 NENTLY DISPLAYED.

29 2. THE MEDICAID EXPENDITURE REPORT SHALL INCLUDE A THREE-YEAR FINAN-
30 CIAL PROJECTION WHICH SHALL SHOW ANTICIPATED MEDICAID EXPENDITURES FOR
31 THE ENSUING FISCAL YEAR AND FOR THE TWO YEARS FOLLOWING THE ENSUING
32 FISCAL YEAR. FOR THE PURPOSES OF THIS THREE-YEAR FINANCIAL PROJECTION,
33 EXPENDITURES SHALL BE PRESENTED BY THE FOLLOWING PURPOSES: STATE
34 PURPOSES; LOCAL ASSISTANCE; CAPITAL PROJECTS; DEBT SERVICE; AND GENERAL
35 STATE CHARGES; AND RECEIPTS AND REVENUES SHALL BE PRESENTED, FOR THE
36 ENSUING AND NEXT SUCCESSIVE FISCAL YEAR BY EACH REVENUE SOURCE. THE
37 THREE-YEAR FINANCIAL PROJECTION SHALL INCLUDE AN EXPLANATION OF ANY
38 CHANGES TO THE FINANCIAL PLANS SUBMITTED IN ACCORDANCE WITH SUBDIVISION
39 ONE OF SECTION TWENTY-TWO OF THIS CHAPTER, AND INCLUDE EXPLANATIONS OF
40 THE ECONOMIC, STATUTORY AND OTHER ASSUMPTIONS USED TO ESTIMATE THE
41 DISBURSEMENTS, EXPENDITURES, RECEIPTS AND REVENUES WHICH ARE PRESENTED.

42 S 32. CONFIDENTIALITY PROVISIONS. ANY INFORMATION RELATING TO MEDICAID
43 EXPENDITURES FURNISHED BY ANY COMMISSIONER OR DIRECTOR OF A STATE AGENCY
44 SHALL BE FURNISHED IN ACCORDANCE WITH ANY APPLICABLE PROVISIONS OF LAW
45 RELATING TO THE CONFIDENTIALITY OF SUCH INFORMATION.

46 S 33. MEDICAID EXPENDITURE BUDGET BILL. 1. NOTWITHSTANDING ANY OTHER
47 CONTRARY PROVISION OF LAW, INCLUDING ANY PROVISION OF SECTION FORTY OF
48 THIS CHAPTER, THE BUDGET BILLS SUBMITTED BY THE GOVERNOR SHALL INCLUDE
49 AN ADDITIONAL BUDGET BILL WHICH SHALL CONTAIN ALL APPROPRIATIONS WHICH
50 THE GOVERNOR FINDS WILL BE REQUIRED FOR MEDICAID EXPENDITURES DURING THE
51 NEXT THREE SUCCEEDING FISCAL YEARS. SUCH BUDGET BILL SHALL CONSIST OF
52 THREE SECTIONS, AS FOLLOWS:

53 (A) THE FIRST SECTION SHALL CONTAIN ALL APPROPRIATIONS AND REAPPROPRI-
54 ATIONS WHICH IN THE OPINION OF THE GOVERNOR WILL BE REQUIRED FOR MEDI-
55 CAID EXPENDITURES DURING THE NEXT SUCCEEDING FISCAL YEAR. NOTWITHSTAND-
56 ING THE FOREGOING PROVISIONS OF THIS SUBDIVISION, SUCH APPROPRIATIONS

1 SHALL BE SUBJECT TO THE LIMITATIONS ESTABLISHED BY LAW, INCLUDING
2 SECTION FORTY OF THIS CHAPTER.

3 (B) THE SECOND SECTION SHALL CONTAIN APPROPRIATIONS AND REAPPROPRI-
4 ATIONS WHICH IN THE OPINION OF THE GOVERNOR WILL BE REQUIRED FOR MEDI-
5 CAID EXPENDITURES DURING THE SECOND SUCCEEDING FISCAL YEAR. SUCH APPRO-
6 PRIATIONS SHALL HAVE AS AN EFFECTIVE DATE THE FIRST DAY OF SUCH SECOND
7 SUCCEEDING FISCAL YEAR, AND SHALL WHEN EFFECTIVE BE SUBJECT TO THE LIMI-
8 TATIONS ESTABLISHED BY LAW, INCLUDING SECTION FORTY OF THIS CHAPTER, AS
9 IF SUCH APPROPRIATIONS HAD BEEN PASSED BY THE LEGISLATURE ON THE FIRST
10 DAY OF SUCH FISCAL YEAR.

11 (C) THE THIRD SECTION SHALL CONTAIN PROSPECTIVE APPROPRIATIONS AND
12 PROSPECTIVE REAPPROPRIATIONS WHICH IN THE OPINION OF THE GOVERNOR WILL
13 BE REQUIRED FOR MEDICAID EXPENDITURES DURING THE THIRD SUCCEEDING FISCAL
14 YEAR. SUBJECT TO THE LIMITATIONS IMPOSED BY SECTION SEVEN OF ARTICLE
15 SEVEN OF THE CONSTITUTION, SUCH APPROPRIATIONS MAY CONTAIN NO EFFECTIVE
16 DATE, BUT SHALL PROVIDE AN ACCURATE LISTING OF APPROPRIATIONS THAT WILL
17 BE REQUIRED IN SUCH FISCAL YEAR.

18 2. SUCH BUDGET BILL SHALL INCLUDE, OR THE GOVERNOR MAY SUBMIT AN ADDI-
19 TIONAL BILL WHICH INCLUDES, STATUTORY CHANGES REQUIRED TO IMPLEMENT
20 APPROPRIATIONS DURING EACH OF THE FISCAL YEARS COVERED IN THE MEDICAID
21 EXPENDITURE APPROPRIATION BILL.

22 S 2. This act shall take effect immediately.