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

S. 8400 A. 11583

S E N A T E - A S S E M B L Y

June 28, 2010

IN SENATE -- Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- read once and referred to the Committee on Ways and Means

AN ACT to amend part D of chapter 58 of the laws of 2009, amending the public health law and other laws relating to Medicaid reimbursements to residential health care facilities, in relation to such reimbursements

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

Section 1. Section 2 of part D of chapter 58 of the laws of 2009, amending the public health law and other laws relating to Medicaid reimbursements to residential health care facilities, as proposed in legislative bill numbers S. 6608-B and A. 9708-C amending the public health law and other laws relating to Medicaid reimbursements to residential health care facilities, is amended to read as follows:

S 2. Notwithstanding paragraph (b) of subdivision 2-b of section 2808 of the public health law or any other contrary provision of law, with regard to adjustments to medicaid rates of payment for inpatient services provided by residential health care facilities for the period April 1, 2009 through March 31, 2010, made pursuant to paragraph (b) of subdivision 2-b of section 2808 of the public health law, the commissioner of health and the director of the budget shall, upon a determination that such adjustments, including the application of adjustments authorized by the provisions of paragraph (g) of subdivision 2-b of section 2808 of the public health law, shall result in an aggregate increase in total Medicaid rates of payment for such services for such period that is less than or more than two hundred ten million dollars ($210,000,000), make such proportional adjustments to such rates as are necessary to result in an increase of such aggregate expenditures of two hundred ten million dollars ($210,000,000), and provided further, however, that notwithstanding section 2808 of the public health law or any other contrary provision of law, with regard to adjustments to inpatient

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

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rates of payment made pursuant to section 2808 of the public health law for inpatient services provided by residential health care facilities for the period April 1, 2010 through [June 30] MARCH 31, 2011, the commissioner of health and the director of the budget shall, upon a determination by such commissioner and such director that such rate adjustments shall, prior to the application of any applicable adjustment for inflation, result in an aggregate increase in total Medicaid rates of payment for such services, [including payments made pursuant to subparagraph (i) of paragraph (d) of subdivision 2-c of section 2808 of the public health law,] make such proportional adjustments to such rates as are necessary to reduce such total aggregate rate adjustments such that the aggregate total reflects no such increase or decrease, and provided further, however, the case mix adjustments as otherwise authorized by subparagraph (ii) of paragraph (b) of subdivision 2-b of section 2808 of the public health law and as scheduled for January of 2011 shall not be made. Adjustments made pursuant to this section shall not be subject to subsequent correction or reconciliation.

S 2. This act shall take effect on the same date and in the same manner as section 3 of part D of a chapter of the laws of 2010 amending the public health law and other laws relating to Medicaid reimbursements to residential health care facilities as proposed in legislative bill numbers S. 6608-B and A. 9708-C, takes effect.