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

5553

2011-2012 Regular Sessions

I N S E N A T E

June 1, 2011

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to authorizing the commissioner of health to extend the use of audit findings to subsequent un-audit periods with regard to payments to patient service providers and assessments on covered lives

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

Section 1. Paragraph (f) of subdivision 8-a of section 2807-j of the public health law, as amended by section 17 of part B of chapter 58 of the laws of 2010, is amended to read as follows:

(f) The commissioner may enter into agreements with designated providers of services, and with third-party payors, in regard to which audit findings have been made pursuant to this section or section twenty-eight hundred seven-s of this article, extending and applying such audit findings or a portion thereof in settlement and satisfaction of potential audit liabilities for subsequent un-audited periods [through the two thousand nine calendar year]. The commissioner may reduce or waive payment of interest and penalties otherwise applicable to such subsequent unaudited periods when such amounts due as a result of such agreement, other than reduced or waived penalties and interest, are paid in full to the commissioner or the commissioner's designee within sixty days of execution of such agreement by all parties to the agreement. Any payments made pursuant to agreements entered into in accordance with this paragraph shall be deemed to be in full satisfaction of any liability arising under this section and section twenty-eight hundred seven-s of this article, as referenced in such agreements and for the time periods covered by such agreements, provided, however, that the commissioner may audit future retroactive adjustments to payments made for such periods based on reports filed by providers and payors subsequent to such agreements.

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

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S 2. Paragraph (f) of subdivision 10 of section 2807-t of the public health law, as amended by section 17-a of part B of chapter 58 of the laws of 2010, is amended to read as follows:

(f) The commissioner may enter into agreements with specified third-party payors in regard to which audit findings have been made pursuant to this section, extending and applying such audit findings or a portion thereof in settlement and satisfaction of potential audit liabilities for subsequent un-audited periods [through the two thousand nine calendar year]. The commissioner may reduce or waive payment of interest and penalties otherwise applicable to such subsequent unaudited periods when such amounts due as a result of such agreement, other than reduced or waived interest and penalties, are paid in full to the commissioner or the commissioner's designee within sixty days of execution of such agreement by all parties to the agreement. Any payments made pursuant to agreements entered into in accordance with this paragraph shall be deemed to be in full satisfaction of any liability arising under this section, as referenced in such agreements and for the time periods covered by such agreements, provided, however, that the commissioner may audit future retroactive adjustments to payments made for such periods based on reports filed by payors subsequent to such agreements.

S 3. This act shall take effect immediately; provided that the amendments to paragraph (f) of subdivision 8-a of section 2807-j of the public health law, made by section one of this act, shall not affect the expiration of such section and shall expire therewith; provided, further, that the amendments to paragraph (f) of subdivision 10 of section 2807-t of the public health law, made by section two of this act, shall not affect the expiration of such section and shall expire therewith.