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

5833

2011-2012 Regular Sessions

I N S E N A T E

June 20, 2011

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

AN ACT to amend chapter 474 of the laws of 1996, amending the education law and other laws relating to rates for residential health care facilities, in relation to utilization of certified public expenditures for certain payments to public general hospitals

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

Section 1. Section 213 of chapter 474 of the laws of 1996, amending the education law and other laws relating to rates for residential health care facilities, as amended by a chapter of the laws of 2011 amending chapter 474 of the laws of 1996 amending the education law and other laws relating to rates for residential health care facilities, relating to payments by social services districts for public general hospitals, as proposed in legislative bills numbers S.5644 and A.8306, is amended and a new section 214-a is added to read as follows:

S 213. Notwithstanding any inconsistent provision of law or regulation to the contrary, the social services district in which an eligible public general hospital is physically located shall be responsible for the payments for such public general hospital as determined in accordance with sections two hundred eleven and two hundred twelve of this act for all hospital services provided by such public general hospital in accordance with section 365-a of the social services law, regardless of whether another social services district or the department of social services may otherwise be responsible for furnishing medical assistance to the eligible persons receiving such services. To the extent permitted by the federal Centers for Medicare and Medicaid Services, the social services district's responsibility for payments may be fulfilled through public expenditures certified by the eligible public general hospital located in the social services district as meeting the requirements for the payments authorized by sections two hundred

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

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eleven and two hundred twelve of this act AND AS OTHERWISE PROVIDED IN ACCORDANCE WITH SECTION TWO HUNDRED FOURTEEN-A OF THIS ACT.

S 214-A. 1. NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW AND SUBJECT TO THE AVAILABILITY OF FEDERAL FINANCIAL PARTICIPATION, EFFECTIVE FOR PERIODS ON OR AFTER JULY 1, 2011, THE COMMISSIONER OF HEALTH IS AUTHORIZED TO SEEK ALL NECESSARY FEDERAL APPROVALS TO UTILIZE CERTIFIED PUBLIC EXPENDITURES (HEREINAFTER REFERRED TO IN THIS SECTION AS "CPE") WITH REGARD TO PAYMENTS MADE TO GENERAL HOSPITALS PURSUANT TO SECTIONS TWO HUNDRED ELEVEN AND TWO HUNDRED TWELVE OF THIS ACT, FOR THE PURPOSE OF RECOGNIZING OTHERWISE UN-REIMBURSED ALLOWABLE MEDICAL ASSISTANCE COSTS PURSUANT TO TITLE 11 OF ARTICLE 5 OF THE SOCIAL SERVICES LAW FOR PATIENTS ELIGIBLE FOR FEDERAL FINANCIAL PARTICIPATION UNDER TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT. SUCH CPES MAY BE UTILIZED WITH REGARD TO PAYMENTS MADE PURSUANT TO SECTIONS TWO HUNDRED ELEVEN AND TWO HUNDRED TWELVE OF THIS ACT TO OR ON BEHALF OF PUBLIC GENERAL HOSPITALS. GENERAL PUBLIC HOSPITALS SEEKING TO UTILIZE CPES FOR MEDICAID PAYMENT PURPOSES SHALL PROVIDE SUCH DOCUMENTATION AND SUPPORTING DATA AS THE COMMISSIONER OF HEALTH DEEMS NECESSARY. THE FEDERAL MATCHING FUNDS RECEIVED FOR APPROVED CPES PURSUANT TO THIS SECTION SHALL BE REMITTED TO THE GENERAL PUBLIC HOSPITAL WHOSE EXPENDITURES FORMED THE BASIS FOR SUCH CPE. FURTHER, THE AMOUNT OF SUCH CPES SHALL BE EXCLUDED FROM ALL CALCULATIONS MADE PURSUANT TO SECTION 1 OF PART C OF CHAPTER 58 OF THE LAWS OF 2005. THE COMMISSIONER OF HEALTH MAY PROMULGATE REGULATIONS, INCLUDING EMERGENCY REGULATIONS, TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

2. FULFILLMENT OF THE SOCIAL SERVICES DISTRICT RESPONSIBILITY FOR FUNDING OF THE NON-FEDERAL SHARE OF ANY PAYMENTS PURSUANT TO THIS SECTION SHALL BE DEEMED TO BE VOLUNTARY FOR PURPOSES OF THE INCREASED FEDERAL MEDICAL ASSISTANCE PERCENTAGE PROVISIONS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; PROVIDED HOWEVER THAT, IN THE EVENT THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES DETERMINES THAT SUCH NON-FEDERAL SHARE PAYMENTS ARE NOT VOLUNTARY PAYMENTS FOR PURPOSES OF SUCH ACT OR OTHERWISE DISALLOWS FEDERAL FINANCIAL PARTICIPATION IN SUCH PAYMENTS, THE PROVISIONS OF THIS SECTION SHALL BE NULL AND VOID AND PAYMENTS MADE PURSUANT TO THIS SECTION SHALL BE RECOUPED BY THE COMMISSIONER OF HEALTH.

S 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2011 amending chapter 474 of the laws of 1996 amending the education law and other laws relating to rates for residential health care facilities, relating to payments for social services districts for public general hospitals, as proposed in legislative bills numbers S.5644 and A.8306, takes effect.