

7083

I N   S E N A T E

April 27, 2012

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

AN ACT to amend chapter 58 of the laws of 2010, amending the public health law relating to audits for service providers, in relation to interest and penalties on certain surcharges and assessments due prior to January 1, 2012

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

1     Section 1. Section 18 of part B of chapter 58 of the laws of 2010,  
2     amending the public health law relating to audits of service providers,  
3     as amended by section 67 of part H of chapter 59 of the laws of 2011, is  
4     amended to read as follows:  
5     S 18. Notwithstanding any contrary provision of law, surcharges and  
6     assessments due and owing pursuant to sections 2807-j, 2807-s and 2807-t  
7     of the public health law for any period prior to January 1, [2011] 2012,  
8     which are paid and accompanied by all required reports and which are  
9     received on or before December 31, [2011] 2012 shall not be subject to  
10    interest or penalties as otherwise provided in such sections, provided,  
11    however, that such reports may be based on estimates by payors and  
12    designated providers of services of the amounts owed, subject to subse-  
13    quent audit by the commissioner of health or the commissioner's desig-  
14    nee, and provided further, however, with regard to all principal, inter-  
15    est and penalty amounts collected by the commissioner of health prior to  
16    the effective date of this act, the penalty provisions of sections  
17    2807-j, 2807-s and 2807-t of the public health law shall remain in full  
18    force and effect and such amounts collected shall not be subject to  
19    further adjustment pursuant to this section, and provided further,  
20    however, that payments of principal amounts of surcharges and assess-  
21    ments which were paid late and received prior to the effective date of  
22    this provision, and in regard to which interest and penalty amounts have  
23    not been collected, shall not be subject to such interest and penalties,  
24    and provided, further, however, that the provisions of this section  
25    shall not apply to delinquent amounts which have been referred by the  
26    commissioner of health for recoupment or collection proceeding.

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

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1 Furthermore, the provisions of this section shall not apply to any  
2 surcharge or assessment payments made in response to a final audit find-  
3 ing issued by the commissioner of health or the commissioner's designee.  
4 S 2. This act shall take effect immediately.