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

S. 404 A. 318

2011-2012 Regular Sessions

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

(PREFILED)

January 5, 2011

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

IN ASSEMBLY -- Introduced by M. of A. ROBINSON -- read once and referred to the Committee on Health

AN ACT in relation to exempting monthly assessments due from residential health facilities located in any area designated as a Health Professional Shortage Area or serving a medically underserved population and experiencing a medical assistance utilization rate of eighty-five percent or greater from interest or penalties for any period prior to October 1, 2012

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

Section 1. Notwithstanding any provision of law, rule or regulation to the contrary, monthly assessments due for any period prior to October 1, 2012, from residential health facilities located in any area designated as a Health Professional Shortage Area or serving a medically underserved population and experiencing a medical assistance utilization rate of eighty-five percent or greater as appropriately reported pursuant to section 2807-d of the public health law on or before December 31, 2012, shall not be subject to interest or penalties as otherwise provided in such section 2807-d; provided, however, that the residential health care facility must either pay such amounts or enter into a repayment agreement for said amount with the commissioner of health under terms acceptable to such commissioner on or before March 31, 2013; provided further, however, that with regard to all assessment, interest and penalty amounts collected by the commissioner of health by the effective date of this act the interest and penalty provisions of section 2807-d of the public health law shall remain in full force and effect and such amounts collected shall not be subject to further reconciliation or adjustment.

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

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Health Professional Shortage Areas and medically underserved populations shall be established based on designations of areas as such under section 3320(b)(3) of the Federal Public Health Service Act as amended by the Health Care Safety Net Amendments of 2002, Public Law 107-251 and shall include those areas designated by the secretary of health and human services as an area with a shortage of personal health services, or a population group designated by the commissioner of health as being underserved in the area of residential health care facility services.

S 2. This act shall take effect immediately.