

8085

2011-2012 Regular Sessions

I N A S S E M B L Y

June 1, 2011

Introduced by M. of A. GOTTFRIED -- read once and referred 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 subse-
quent 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (f) of subdivision 8-a of section 2807-j of the
2 public health law, as amended by section 17 of part B of chapter 58 of
3 the laws of 2010, is amended to read as follows:
4 (f) The commissioner may enter into agreements with designated provid-
5 ers of services, and with third-party payors, in regard to which audit
6 findings have been made pursuant to this section or section twenty-eight
7 hundred seven-s of this article, extending and applying such audit find-
8 ings or a portion thereof in settlement and satisfaction of potential
9 audit liabilities for subsequent un-audited periods [through the two
10 thousand nine calendar year]. The commissioner may reduce or waive
11 payment of interest and penalties otherwise applicable to such subse-
12 quent unaudited periods when such amounts due as a result of such agree-
13 ment, other than reduced or waived penalties and interest, are paid in
14 full to the commissioner or the commissioner's designee within sixty
15 days of execution of such agreement by all parties to the agreement. Any
16 payments made pursuant to agreements entered into in accordance with
17 this paragraph shall be deemed to be in full satisfaction of any liabil-
18 ity arising under this section and section twenty-eight hundred seven-s
19 of this article, as referenced in such agreements and for the time peri-
20 ods covered by such agreements, provided, however, that the commissioner
21 may audit future retroactive adjustments to payments made for such peri-
22 ods based on reports filed by providers and payors subsequent to such
23 agreements.

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

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

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

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