

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

8644--A

2011-2012 Regular Sessions

I N A S S E M B L Y

September 28, 2011

Introduced by M. of A. PAULIN, SWEENEY, LUPARDO, LIFTON, MAGNARELLI, SCHIMMINGER, ABINANTI, GALEF, LATIMER, LAVINE, ROBERTS, THIELE, GUNTHER, JAFFEE, BRINDISI, ZEBROWSKI, GIGLIO, P. RIVERA, SCHIMEL -- Multi-Sponsored by -- M. of A. AMEDORE, BARCLAY, BLANKENBUSH, BOYLE, BURLING, BUTLER, CALHOUN, CASTELLI, CERETTO, CONTE, CORWIN, CROUCH, DUPREY, FITZPATRICK, FRIEND, GOODELL, GRAF, HAWLEY, JOHNS, KATZ, KOLB, P. LOPEZ, LOSQUADRO, MAGEE, McDONOUGH, McKEVITT, D. MILLER, MONTESANO, OAKS, PALMESANO, RA, RABBITT, RAIA, REILICH, RUSSELL, SALADINO, SAYWARD, SMARDZ, TEDISCO, TENNEY, WALTER -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 58 of the laws of 2005, relating to authorizing reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and the administration thereof, in relation to calculating social services district medical assistance expenditure amounts

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

1 Section 1. Subdivisions (c) and (d) of section 1 and subdivision (b)
2 of section 2 of part C of chapter 58 of the laws of 2005, relating to
3 authorizing reimbursements for expenditures made by or on behalf of
4 social services districts for medical assistance for needy persons and
5 the administration thereof, are amended to read as follows:
6 (c) Commencing with the calendar year beginning January 1, 2006,
7 calendar year social services district medical assistance expenditure
8 amounts for each social services district shall be calculated by multi-
9 plying the results of the calculations performed pursuant to [paragraph]
10 SUBDIVISION (b) of this section by a non-compounded trend factor, as
11 follows:

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

LBD13008-11-2

1 (i) 2006 (January 1, 2006 through December 31, 2006): 3.5%;
2 (ii) 2007 (January 1, 2007 through December 31, 2007): 6.75% (3.25%
3 plus the prior year's 3.5%);
4 (iii) 2008 (January 1, 2008 through December 31, 2008): 9.75% (3%
5 plus the prior year's 6.75%);
6 (iv) 2009 (January 1, 2009 through December 31, 2009)[, and each
7 succeeding calendar year: prior year's trend factor percentage plus 3%]:
8 12.75% (3% PLUS THE PRIOR YEAR'S 9.75%);
9 (V) 2010 (JANUARY 1, 2010 THROUGH DECEMBER 31, 2010): 15.75% (3% PLUS
10 THE PRIOR YEAR'S 12.75%);
11 (VI) 2011 (JANUARY 1, 2011 THROUGH DECEMBER 31, 2011): 18.75% (3% PLUS
12 THE PRIOR YEAR'S 15.75%);
13 (VII) FIRST THREE-QUARTERS OF 2012 (JANUARY 1, 2012 THROUGH SEPTEMBER
14 30, 2012): 18.75% (NO CHANGE FROM PRIOR YEAR'S 18.75%);
15 (VIII) LAST QUARTER OF 2012 (OCTOBER 1, 2012 THROUGH DECEMBER 31,
16 2012): 13.75% (5% SUBTRACTED FROM THE PREVIOUS PERIOD'S 18.75%);
17 (IX) 2013 (JANUARY 1, 2013 THROUGH DECEMBER 31, 2013): 13.75% (NO
18 CHANGE FROM THE PRIOR QUARTER'S 13.75%);
19 (X) 2014 (JANUARY 1, 2014 THROUGH DECEMBER 31, 2014): 0% (13.75%
20 SUBTRACTED FROM THE PRIOR YEAR'S 13.75%);
21 (XI) 2015 (JANUARY 1, 2015 THROUGH DECEMBER 31, 2015): -16% (16%
22 SUBTRACTED FROM THE PRIOR YEAR'S 0%);
23 (XII) 2016 (JANUARY 1, 2016 THROUGH DECEMBER 31, 2016): -34% (18%
24 SUBTRACTED FROM THE PRIOR YEAR'S -16%);
25 (XIII) 2017 (JANUARY 1, 2017 THROUGH DECEMBER 31, 2017): -54% (20%
26 SUBTRACTED FROM THE PRIOR YEAR'S -34%);
27 (XIV) 2018 (JANUARY 1, 2018 THROUGH DECEMBER 31, 2018): -76% (22%
28 SUBTRACTED FROM THE PRIOR YEAR'S -54%);
29 (XV) 2019 (JANUARY 1, 2019 THROUGH DECEMBER 31, 2019), AND EACH
30 SUCCEEDING CALENDAR YEAR: -100% (24% SUBTRACTED FROM THE -76% OF THE
31 YEAR 2018).
32 (d) The base year expenditure amounts calculated pursuant to [para-
33 graph] SUBDIVISION (b) of this section and the calendar year social
34 services district expenditure amounts calculated pursuant to [paragraph]
35 SUBDIVISION (c) of this section shall be converted into state fiscal
36 year social services district expenditure cap amounts for each social
37 services district such that each such state fiscal year amount is
38 proportional to the portions of the two calendar years within each
39 fiscal year, as follows:
40 (i) fiscal year 2005-2006 (April 1, 2005 through March 31, 2006): 75%
41 of the base year amount plus 25% of the 2006 calendar year amount;
42 (ii) fiscal year 2006-2007 (April 1, 2006 through March 31, 2007): 75%
43 of the 2006 year calendar amount plus 25% of the 2007 calendar year
44 amount;
45 (iii) FISCAL YEAR 2007-2008 (APRIL 1, 2007 THROUGH MARCH 31, 2008):
46 75% OF THE 2007 YEAR CALENDAR AMOUNT PLUS 25% OF THE 2008 CALENDAR YEAR
47 AMOUNT;
48 (IV) FISCAL YEAR 2008-2009 (APRIL 1, 2008 THROUGH MARCH 31, 2009): 75%
49 OF THE 2008 YEAR CALENDAR AMOUNT PLUS 25% OF THE 2009 CALENDAR YEAR
50 AMOUNT;
51 (V) FISCAL YEAR 2009-2010 (APRIL 1, 2009 THROUGH MARCH 31, 2010): 75%
52 OF THE 2009 YEAR CALENDAR AMOUNT PLUS 25% OF THE 2010 CALENDAR YEAR
53 AMOUNT;
54 (VI) FISCAL YEAR 2010-2011 (APRIL 1, 2010 THROUGH MARCH 31, 2011): 75%
55 OF THE 2010 YEAR CALENDAR AMOUNT PLUS 25% OF THE 2011 CALENDAR YEAR
56 AMOUNT;

1 (VII) FISCAL YEAR 2011-2012 (APRIL 1, 2011 THROUGH MARCH 31, 2012):
2 100% OF THE 2011 YEAR CALENDAR AMOUNT;
3 (VIII) FISCAL YEAR 2012-2013 (APRIL 1, 2012 THROUGH MARCH 31, 2013):
4 50% OF THE 2011 YEAR CALENDAR AMOUNT PLUS 50% OF THE 2013 CALENDAR YEAR
5 AMOUNT;
6 (IX) FISCAL YEAR 2013-2014 (APRIL 1, 2013 THROUGH MARCH 31, 2014): 75%
7 OF THE 2013 YEAR CALENDAR AMOUNT PLUS 25% OF THE 2014 CALENDAR YEAR
8 AMOUNT;
9 (X) FISCAL YEAR 2014-2015 (APRIL 1, 2014 THROUGH MARCH 31, 2015): 75%
10 OF THE 2014 YEAR CALENDAR AMOUNT PLUS 25% OF THE 2015 CALENDAR YEAR
11 AMOUNT;
12 (XI) each succeeding fiscal year: 75% of the first calendar year with-
13 in that fiscal year's amount plus 25% of the second calendar year within
14 that fiscal year's amount.
15 (b) Notwithstanding any provisions of state or local law, ordinance or
16 resolution to the contrary:
17 (i) A social services district shall exercise the option described in
18 this section through the adoption of a resolution by its local legisla-
19 tive body, in the form set forth in [subparagraph] PARAGRAPH (ii) of
20 this [paragraph] SUBDIVISION, to elect the medical assistance reimburse-
21 ment methodology set forth in [paragraph] SUBDIVISION (a) of this
22 section and to elect the tax intercept methodology set forth in subdivi-
23 sion (f) of section 1261 of the tax law or subdivision (g) of section
24 1261 and [subdivision] SUBSECTION (h) of section 1313 of the tax law, as
25 applicable. A social services district, acting through its local legis-
26 lative body, is hereby authorized to adopt such a resolution. Such a
27 resolution shall be effective only if it is adopted exactly as set forth
28 in [subparagraph] PARAGRAPH (ii) of this [paragraph] SUBDIVISION no
29 later than September 30, 2007, and a certified copy of such resolution
30 is mailed to the commissioner of health by certified mail by such date.
31 The commissioner of health shall, no later than October 31, 2007, certi-
32 fy to the commissioner of taxation and finance a list of those social
33 services districts which have elected the option described in this
34 section. A social services district shall have [no] THE authority to
35 rescind the exercise of the option described in this section THROUGH THE
36 ADOPTION OF A RESOLUTION BY ITS LOCAL LEGISLATIVE BODY, IN THE FORM SET
37 FORTH IN PARAGRAPH (III) OF THIS SUBDIVISION, TO ELECT TO CEASE TO
38 PARTICIPATE IN THE MEDICAL ASSISTANCE REIMBURSEMENT METHODOLOGY SET
39 FORTH IN SUBDIVISION (A) OF THIS SECTION AND TO ELECT TO CEASE TO USE
40 THE TAX INTERCEPT METHODOLOGY SET FORTH IN SUBDIVISIONS (F) AND (G) OF
41 SECTION 1261 OF THE TAX LAW OR SUBSECTION (H) OF SECTION 1313 OF THE TAX
42 LAW, AS APPLICABLE. A SOCIAL SERVICES DISTRICT, ACTING THROUGH ITS LOCAL
43 LEGISLATIVE BODY, IS HEREBY AUTHORIZED TO ADOPT SUCH A RESOLUTION. SUCH
44 A RESOLUTION SHALL BE EFFECTIVE ONLY IF IT IS ADOPTED EXACTLY AS SET
45 FORTH IN PARAGRAPH (III) OF THIS SUBDIVISION NO LATER THAN SEPTEMBER 30,
46 2013, AND A CERTIFIED COPY OF SUCH RESOLUTION IS MAILED TO THE COMMIS-
47 SIONER OF HEALTH BY CERTIFIED MAIL BY SUCH DATE. THE COMMISSIONER OF
48 HEALTH SHALL, NO LATER THAN OCTOBER 31, 2013, CERTIFY TO THE COMMISSION-
49 ER OF TAXATION AND FINANCE A LIST OF THOSE SOCIAL SERVICES DISTRICTS
50 WHICH HAVE ELECTED TO CEASE PARTICIPATION IN THE OPTION DESCRIBED IN
51 THIS SECTION.
52 (ii) Form of resolution.
53 Be it enacted by the (county or city) of (insert locality's name) as
54 follows:
55 Section one. The (county or city) of (insert locality's name) hereby
56 elects the medical assistance reimbursement option and revenue intercept

1 for Medicaid purposes described in section 2 of chapter (fill in chapter
2 number) of the laws of 2005.
3 Section 2. This resolution shall take effect immediately.
4 (III) FORM OF RESOLUTION.
5 BE IT ENACTED BY THE (COUNTY OR CITY) OF (INSERT LOCALITY'S NAME) AS
6 FOLLOWS:
7 SECTION ONE. THE (COUNTY OR CITY) OF (INSERT LOCALITY'S NAME) HEREBY
8 CEASES TO ELECT THE MEDICAL ASSISTANCE REIMBURSEMENT OPTION AND REVENUE
9 INTERCEPT FOR MEDICAID PURPOSES DESCRIBED IN SECTION 1 OF CHAPTER (FILL
10 IN CHAPTER NUMBER) OF THE LAWS OF 2012.
11 SECTION 2. THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.
12 S 2. This act shall take effect immediately.