

LBD07129-03-3

1 3. NOTHING IN THIS ARTICLE SHALL IMPAIR ANY COUNTY OR THE CITY OF NEW
2 YORK'S ABILITY TO SEEK DAMAGES UNDER SECTION ONE HUNDRED FORTY-FIVE-B OF
3 THIS CHAPTER.

4 S 2. Paragraph (a) of subdivision 2 of section 145-b of the social
5 services law, as amended by chapter 109 of the laws of 2007, is amended
6 to read as follows:

7 (a) For civil damages collected by a local social services district,
8 relating to the medical assistance program, pursuant to a judgment OR
9 SETTLEMENT under this subdivision, such amounts shall be apportioned
10 between the local social services district and the state. [If the
11 violation occurred: (i) prior to January first, two thousand six, the]
12 THE amount apportioned to the local social services district shall be
13 ONE HUNDRED PERCENT OF the local share [percentage] OF SUCH FUNDS, in
14 effect immediately prior to such date as certified by the division of
15 budget[, or (ii) after January first, two thousand six, the amount
16 apportioned to the local social services district shall be based on a
17 reimbursement schedule, created by the office of Medicaid inspector
18 general, in effect at the time the violation occurred; provided that, if
19 there is no schedule in effect at the time the violation occurred, the
20 schedule to be used shall be the first schedule adopted pursuant to this
21 subdivision. Such schedule shall provide for reimbursement to a local
22 social services district in an amount between ten and fifteen percent of
23 the gross amount collected. Such schedule shall be set on a county by
24 county basis and shall be periodically reviewed and updated as neces-
25 sary; provided, however, that any such updated schedule shall not be
26 less than ten percent nor greater than fifteen percent of the gross
27 amount collected] OR TEN PERCENT OF THE TOTAL RECOVERY WHICHEVER NUMBER
28 IS GREATER; and

29 S 3. This act shall take effect immediately.