

# STATE OF NEW YORK

8473

## IN SENATE

May 8, 2018

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

AN ACT to amend the public health law, in relation to payments for home and community based long term care services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section  
2 3614-f to read as follows:

3 § 3614-f. Payments for home and community based long term care  
4 services. The payment of claims submitted under contracts and/or agree-  
5 ments with insurers under the medical assistance program for home and  
6 community based long term care services provided under this article and  
7 by fiscal intermediaries operating pursuant to section three hundred  
8 sixty-five-f of the social services law shall provide that any funds  
9 appropriated to compensate for minimum wage pursuant to section six  
10 hundred fifty-two of the labor law, shall not be subject to managed care  
11 risk adjustment on insurers established pursuant to subdivision eight of  
12 section forty-four hundred three-f of this chapter. In addition, the  
13 distribution of any such funds shall be provided by insurers in amend-  
14 ments to existing contracts with home and community based long term care  
15 services provided under this article and by fiscal intermediaries oper-  
16 ating pursuant to section three hundred sixty-five-f of the social  
17 services law ninety days prior to the effective date of any such law or  
18 regulation impacting wages. Insurers shall provide such funds in an  
19 amount that supplements any current contracts and/or agreements and  
20 shall not use such funds to supplant payments for existing services  
21 under the Medicaid assistance program. Such insurers shall include but  
22 not be limited to Medicaid managed care plans and Medicaid managed long  
23 term care plans.

24 § 2. This act shall take effect immediately.

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

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