

# STATE OF NEW YORK

8422

## IN SENATE

February 28, 2022

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

AN ACT to amend the social services law, in relation to authorizing payments of medical assistance funds for long-term stays in large residential mental health institutions

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

1 Section 1. The social services law is amended by adding a new section  
2 367-w to read as follows:

3 § 367-w. Payment for large mental health institutions. 1. For the  
4 purpose of this section, "large residential mental health institution"  
5 shall mean an institution for mental diseases as defined by 42 CFR §  
6 435.1010.

7 2. The commissioner may authorize the payment of medical assistance  
8 funds for long-term stays in large residential mental health insti-  
9 tutions. The commissioner shall:

10 (a) issue guidance on the admission to large residential mental health  
11 institutions for beneficiaries who access mental health services under  
12 the medical assistance program; and

13 (b) determine maximum allowable rates for large residential mental  
14 health institutions based upon the medical assistance program fee-for-  
15 service inpatient rates for the same or similar services, or any other  
16 data deemed reliable and relevant by the commissioner.

17 3. Notwithstanding subdivision two of this section, the commissioner  
18 shall only authorize the payment of medical assistance funds for long-  
19 term stays in large residential mental health institutions if federal  
20 financial participation is available for medical assistance expenditures  
21 made pursuant to such subdivision.

22 4. Within six months of the effective date of this section, the  
23 commissioner of health shall prepare and submit to the Centers for  
24 Medicare and Medicaid Services an application for a waiver, pursuant to  
25 section 1115 of the Social Security Act, 42 USC 1315, to allow the  
26 payment of medical assistance funds for long-term stays in large mental  
27 health institution.

28 § 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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