

# STATE OF NEW YORK

7910

2021-2022 Regular Sessions

## IN ASSEMBLY

May 28, 2021

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to determination and approval of reimbursement rates for managed care providers under medicaid

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

1 Section 1. Paragraph (c) of subdivision 18 of section 364-j of the  
2 social services law, as added by section 55 of part B of chapter 57 of  
3 the laws of 2015, is amended to read as follows:

4 (c) The department [~~of health~~] shall require the independent actuary  
5 selected pursuant to paragraph (b) of this subdivision to provide a  
6 complete actuarial memorandum, along with all actuarial assumptions made  
7 and all other data, materials and methodologies used in the development  
8 of rates, to managed care providers thirty days prior to submission of  
9 such rates to the centers for medicare and medicaid services for  
10 approval. The actuarial memorandum shall include (i) any additional  
11 materials submitted to the centers for medicare and medicaid services  
12 including actuarial certification letters, (ii) any correspondence  
13 between the state and the centers for medicare and medicaid services  
14 related to the rates, (iii) other data, materials and methodologies  
15 considered but not used by the department in the development of the  
16 rates, and (iv) any information required to be disclosed to managed care  
17 providers or the public under federal rules. The department shall  
18 require the independent actuary to separately identify and present in a  
19 collective group the required material under each applicable subpara-  
20 graph (i) through (iv) of this paragraph. Managed care providers may  
21 request that the department and its independent actuary conduct addi-  
22 tional review of the actuarial soundness of the rate setting process  
23 and/or methodology. Prior to submission of rates to the centers for  
24 medicare and medicaid services for approval, the department shall

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

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1 respond to any request from managed care providers for additional review  
2 of the actuarial soundness of the rate setting process or methodology,  
3 and in such response the department shall either: (1) agree to addi-  
4 tional review and delay submission of the rates for approval to the  
5 centers for medicare and medicaid services until the department's review  
6 is complete and shared with managed care providers, or (2) decline the  
7 requested additional review, stating in writing clear reasons why the  
8 request is denied.

9 § 2. Subdivision 18 of section 364-j of the social services law is  
10 amended by adding a new paragraph (f) to read as follows:

11 (f) The department shall notify managed care providers of reimburse-  
12 ment rates prior to the effective date of such rates.

13 § 3. This act shall take effect immediately; provided that the amend-  
14 ments to section 364-j of the social services law made by sections one  
15 and two of this act shall not affect the repeal of such section and  
16 shall expire and be deemed repealed therewith.