

STATE OF NEW YORK

8001

2021-2022 Regular Sessions

IN ASSEMBLY

June 4, 2021

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

AN ACT to amend part H of chapter 59 of the laws of 2011, amending the
public health law and other laws, relating to general hospital inpa-
tient reimbursement for annual rates, in relation to supplemental
Medicaid managed care payments

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

1 Section 1. Section 26 of part H of chapter 59 of the laws of 2011,
2 amending the public health law and other laws, relating to targeted
3 Medicaid reimbursement rate reductions, is amended to read as follows:
4 § 26. Notwithstanding any provision of law to the contrary and subject
5 to the availability of federal financial participation, for periods on
6 and after April 1, 2011, clinics certified pursuant to [~~articles 16,~~
7 article 31 or 32 of the mental hygiene law shall be subject to targeted
8 Medicaid reimbursement rate reductions in accordance with the provisions
9 of this section. Such reductions shall be based on utilization thresh-
10 olds which may be established either as provider-specific or patient-
11 specific thresholds. Provider-specific thresholds shall be based on
12 average patient utilization for a given provider in comparison to a peer
13 based standard to be determined for each service. The commissioners of
14 the office of mental health[~~, the office for persons with developmental~~
15 ~~disabilities,~~] and the office of alcoholism and substance abuse
16 services, in consultation with the commissioner of health, are author-
17 ized to waive utilization thresholds for patients of clinics certified
18 pursuant to article [~~16,~~] 31[~~,~~] or 32 of the mental hygiene law who are
19 enrolled in specific treatment programs or otherwise meet criteria as
20 may be specified by such commissioners. When applying a provider-spe-
21 cific threshold, rates will be reduced on a prospective basis based on
22 the amount any provider is over the determined threshold level.
23 Patient-specific thresholds will be based on annual thresholds deter-

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

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1 mined for each service over which the per visit payment for each visit
2 in excess of the standard during a twelve month period shall be reduced
3 by a pre-determined amount. The thresholds, peer based standards and the
4 payment reductions shall be determined by the department of health, with
5 the approval of the division of the budget, and in consultation with the
6 office of mental health[~~, the office for people with developmental disa-~~
7 ~~bilities~~] and the office of alcoholism and substance abuse services, and
8 any such resulting rates shall be subject to certification by the appro-
9 priate commissioners pursuant to subdivision (a) of section 43.02 of the
10 mental hygiene law. The base period used to establish the thresholds
11 shall be the 2009 calendar year. The total annualized reduction in
12 payments shall be not more than \$10,900,000 for Article 31 clinics[~~, not~~
13 ~~more than \$2,400,000 for Article 16 clinics,~~] and not more than
14 \$13,250,000 for Article 32 clinics. The commissioner of health may
15 promulgate regulations to implement the provisions of this section.
16 § 2. This act shall take effect immediately.