

STATE OF NEW YORK

9680

IN ASSEMBLY

March 28, 2022

Introduced by M. of A. GLICK -- read once and referred 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:

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

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

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

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

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

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

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

§ 2. This act shall take effect immediately.

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

LBD14656-02-2