

# STATE OF NEW YORK

10629

## IN ASSEMBLY

June 20, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Rajkumar) --  
read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to capitated  
payments under medical assistance for needy persons

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

1 Section 1. Section 367-a of the social services law is amended by  
2 adding a new subdivision 13 to read as follows:

3 13. (a) Any inconsistent provision of this chapter or other law  
4 notwithstanding, on and after the effective date of this subdivision,  
5 all payments with respect to medical assistance shall be capitated  
6 payments.

7 (b) The commissioner may develop and assign patients rating categories  
8 based on risk for the purposes of developing reimbursement methodologies  
9 and payments under this subdivision.

10 § 2. Section 364-j of the social services law is amended by adding a  
11 new subdivision 3-a to read as follows:

12 3-a. Special contract provisions. Any capitation payment system for  
13 medical assistance under this article may include contract arrangements  
14 that further adjust the payment amounts, including but not limited to  
15 incentive arrangements, pass-through payments, risk corridor mechanisms,  
16 or withhold arrangements as defined by 42 CFR 438.6.

17 § 3. No later than one year after the effective date of this act, the  
18 commissioner of health shall provide drafts of legislation necessary to  
19 convert all payments under the medical assistance for needy persons  
20 program from fee-for-service payments to capitated payments, to the  
21 governor, the temporary president of the senate and the speaker of the  
22 assembly.

23 § 4. This act shall take effect immediately, provided that sections  
24 one and two of this act shall take effect five years after such effec-  
25 tive date; and provided, further, that the amendments to section 364-j  
26 of the social services law, made by section two of this act, shall not  
27 affect the repeal of such section, and shall be deemed repealed there-  
28 with. Effective immediately, the commissioner of health shall make regu-  
29 lations and take other actions, including applying for federal waivers  
30 and submitting state Medicaid plan amendments, reasonably necessary to  
31 implement the provisions of this act.

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

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