STATE OF NEW YORK

6075

2023-2024 Regular Sessions

IN SENATE

March 28, 2023

Introduced by Sen. SKOUFIS -- 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 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:

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

(c) The department [~~of health~~] shall require the independent actuary selected pursuant to paragraph (b) of this subdivision to provide a complete actuarial memorandum, along with all actuarial assumptions made and all other data, materials and methodologies used in the development of rates, to managed care providers thirty days prior to submission of such rates to the centers for medicare and medicaid services for approval. **The actuarial memorandum shall include (i) any additional materials submitted to the centers for medicare and medicaid services including actuarial certification letters, (ii) any correspondence between the state and the centers for medicare and medicaid services related to the rates, (iii) other data, materials and methodologies considered but not used by the department in the development of the rates, and (iv) any information required to be disclosed to managed care providers or the public under federal rules. The department shall require the independent actuary to separately identify and present in a collective group the required material under each applicable subparagraph (i) through (iv) of this paragraph.** Managed care providers may request **that the department and its independent actuary conduct** additional review of the actuarial soundness of the rate setting process and/or methodology. **Prior to submission of rates to the centers for 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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respond to any request from managed care providers for additional review of the actuarial soundness of the rate setting process or methodology, and in such response the department shall either: (1) agree to additional review and delay submission of the rates for approval to the centers for medicare and medicaid services until the department's review is complete and shared with managed care providers, or (2) decline the requested additional review, stating in writing clear reasons why the request is denied.

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

(f) The department shall notify managed care providers of reimbursement rates prior to the effective date of such rates.

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