

# STATE OF NEW YORK

3317

2023-2024 Regular Sessions

## IN SENATE

January 30, 2023

Introduced by Sens. SEPULVEDA, PARKER -- read twice and ordered printed,  
and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to applying a special  
Medicaid rate for releasees in nursing homes

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

1 Section 1. Paragraph (e) of subdivision 2-b of section 2808 of the  
2 public health law, as added by section 47 of part C of chapter 109 of  
3 the laws of 2006, is amended to read as follows:

4 (e) For rate periods subsequent to two thousand nine which utilize  
5 reported costs from a base year subsequent to two thousand two, the  
6 following categories of facilities, as established pursuant to applica-  
7 ble regulations, shall receive rates that are no less than equivalent,  
8 as determined by the commissioner, to the rates that were in effect for  
9 such facilities on December thirty-first, two thousand six, trended  
10 forward for inflation to the applicable rate period: (A) AIDS facilities  
11 or discrete AIDS units within facilities, (B) discrete units for resi-  
12 dents receiving care in a long term inpatient rehabilitation program for  
13 traumatic brain injured persons, (C) discrete units for long term venti-  
14 lator dependent residents, (D) discrete units providing specialized  
15 programs for residents requiring behavioral interventions, [~~and~~] (E)  
16 facilities or discrete units within facilities that provide extensive  
17 nursing, medical, psychological and counseling support services solely  
18 to children, and (F) facilities or discrete units within facilities that  
19 provide long term nursing or medical services for persons returning from  
20 incarceration.

21 § 2. Paragraph (c) of subdivision 2-c of section 2808 of the public  
22 health law, as added by section 95 of part H of chapter 59 of the laws  
23 of 2011, is amended to read as follows:

24 (c) The non-capital component of the rates for: (i) AIDS facilities or  
25 discrete AIDS units within facilities; (ii) discrete units for residents

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

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1 receiving care in a long-term inpatient rehabilitation program for trau-  
2 matic brain injured persons; (iii) discrete units providing specialized  
3 programs for residents requiring behavioral interventions; (iv) discrete  
4 units for long-term ventilator dependent residents; ~~and~~ (v) facilities  
5 or discrete units within facilities that provide extensive nursing,  
6 medical, psychological and counseling support services solely to chil-  
7 dren; and (vi) facilities or discrete units within facilities providing  
8 long term nursing or medical services for persons returning from incar-  
9 ceration shall reflect the rates in effect for such facilities on Janu-  
10 ary first, two thousand nine, as adjusted for inflation and rate appeals  
11 in accordance with applicable statutes, provided, however, that such  
12 rates for facilities described in subparagraph (i) of this paragraph  
13 shall reflect the application of the provisions of section twelve of  
14 part D of chapter fifty-eight of the laws of two thousand nine, and  
15 provided further, however, that insofar as such rates reflect trend  
16 adjustments for trend factors attributable to the two thousand eight and  
17 two thousand nine calendar years the aggregate amount of such trend  
18 factor adjustments shall be subject to the provisions of section two of  
19 part D of chapter fifty-eight of the laws of two thousand nine, as  
20 amended.

21 § 3. This act shall take effect one year after it shall have become a  
22 law.