

# STATE OF NEW YORK

9169

## IN SENATE

February 10, 2026

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to establish the managed long term care high acuity stabilization pool; and making an appropriation therefor

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

- 1 Section 1. Managed Long Term Care High Acuity Stabilization Pool. (a)  
2 Establishment. There is hereby established within amounts appropriated  
3 for the medical assistance program a managed long term care high acuity  
4 stabilization pool in an amount not to exceed fifty million dollars  
5 (\$50,000,000) for the state fiscal year commencing April 1, 2026.  
6 (b) Purpose. The managed long term care high acuity stabilization pool  
7 shall be used to support managed long term care plans that:  
8 i. demonstrate high performance on quality measures established by the  
9 department; and  
10 ii. serve a disproportionately high share of members with complex long  
11 term care needs or high service utilization.  
12 (c) Eligibility and Use of Funds. i. Payments from the managed long  
13 term care high acuity stabilization pool may be made only to eligible  
14 managed long-term care plans whose medical loss ratios exceed a thresh-  
15 old established by the commissioner, not to exceed 92 percent, after  
16 application of final premium rates and risk adjustment for the applica-  
17 ble rating period.  
18 ii. Pool payments shall be limited to the amount necessary to offset  
19 costs above such threshold and shall not be used to increase plan  
20 margins beyond such level.  
21 (d) Administration. The commissioner of health may establish criteria,  
22 methodologies, and reporting requirements for distribution of funds from  
23 the managed long term care high acuity stabilization pool, including  
24 specific quality performance standards, acuity or utilization bench-  
25 marks, and safeguards to ensure fiscal accountability.  
26 (e) Limitations. i. Payments under this section shall not be incorpo-  
27 rated into base premium rates.

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

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1 ii. Nothing in this section shall be construed to create an entitle-  
2 ment to payment.

3 (f) Relationship to Rate Setting. The managed long term care high  
4 acuity stabilization pool is intended as a supplemental and transitional  
5 mechanism and shall not supplant the commissioner of health's obligation  
6 to establish actuarially sound premium rates.

7 § 2. The sum of fifty million dollars (\$50,000,000), or so much there-  
8 of as may be necessary, is hereby appropriated to the department of  
9 health out of any moneys in the state treasury in the general fund to  
10 the credit of the managed long term care high acuity stabilization pool,  
11 not otherwise appropriated, and made immediately available, for the  
12 purpose of carrying out the provisions of this act. Such moneys shall be  
13 payable on the audit and warrant of the comptroller on vouchers certi-  
14 fied or approved by the commissioner of health in the manner prescribed  
15 by law.

16 § 3. This act shall take effect immediately.