§ 4012-a. Hospice supplemental financial assistance program for persons with special needs. 1. Notwithstanding any provision of law or regulation to the contrary, an additional amount may be added to a hospice's rate pursuant to the medical assistance program, subject to approval by the state director of the budget, for purposes of enabling such hospice to provide care and services to persons with special needs, after a determination that such care cannot be appropriately provided at the rates of payment established pursuant to federal criteria.

2. "Persons with special needs" as used herein shall include persons with acquired immune deficiency syndrome and other illnesses or conditions, which require a more costly or intensive level of care than typically provided, and persons receiving care in a hospice residence. Such other illnesses or conditions shall be specified in regulation by the state hospital review and planning council.

3. In order for a hospice to obtain additional medicaid payment as provided for in this section, the hospice shall submit cost information as required by the commissioner, in consultation with the commissioner of social services, which justifies additional medicaid expenditures, including a demonstration that adequate care to persons with special needs cannot be provided within the rates of payment established pursuant to federal criteria. In addition to demonstrating that the hospice is certified and in good standing with all applicable regulations and requirements, the hospice shall also demonstrate that it shall:

(a) utilize such additional payment to provide services to persons with special needs;

(b) shall undertake reasonable efforts to maintain financial support from public and community contributed funding sources;

(c) shall make every reasonable effort to collect payments for services from third party insurance payers, governmental payers and self-paying patients; and

(d) shall establish a reasonable relationship between costs and charges, or establish charges at approximate costs.

4. The commissioner, in consultation with the commissioner of social

services, is authorized to submit for approval and adoption by the state hospital review and planning council such regulations as necessary to effectuate the provisions of this section.

5. The commissioner shall establish a rate for persons receiving care in a hospice residence, and may by regulation specify additional standards necessary to ensure that the provisions of this section promote medical assistance recipients access to hospice residence care including; (a) that such recipients are otherwise unable to appropriately receive hospice care in their own home; and (b) the provision of supplemental financial assistance will promote the efficient delivery of appropriate, quality, cost-effective services.