§ 4013. Hospice worker recruitment and retention program. 1. The commissioner shall, subject to the provisions of subdivision two of this section, increase medical assistance rates of payment by up to three percent for hospice services provided on and after December first, two thousand two, for purposes of improving recruitment and retention of non-supervisory workers or workers with direct patient care responsibility.

2. Hospice services providers which have their rates adjusted pursuant to this section shall use such funds for the purposes of recruitment and retention of non-supervisory workers or workers with direct patient care responsibility only and are prohibited from using such funds for any other purposes. Funds provided pursuant to this section are not intended to supplant support provided by a local government. Each such provider shall submit, at a time and in a manner to be determined by the commissioner, a written certification attesting that such funds will be used solely for the purpose of recruitment and retention of non-supervisory workers or workers with direct patient care responsibility. The commissioner is authorized to audit each such provider to ensure compliance with the written certification required by this subdivision and shall recoup all funds determined to have been used for purposes other than recruitment and retention of non-supervisory workers or workers with direct patient care responsibility. Such recoupment shall be in addition to any other penalties provided by law.