§ 368-a. State reimbursement. 1. The department shall review the expenditures made by social services districts for medical assistance for needy persons, and the administration thereof, before making reimbursement. Before approving such expenditures for reimbursement, the department shall give due consideration to the results of the reviews and audits conducted by the department of health pursuant to subdivision two of section three hundred sixty-four. If approved by the department, such expenditures shall not be subject to reimbursement by the state pursuant to section one hundred fifty-three or any provision of this chapter other than this section, but shall be subject to reimbursement by the state in accordance with this section and the regulations of the department, as follows:

There shall be paid to each such district

(a) the amount of federal funds, if any, properly received or to be received on account of such expenditures;

(b) the full amount expended on behalf of the department for medical assistance furnished under this title to eligible patients in state institutions for the mentally disabled, in facilities or parts thereof for the care and treatment of drug dependent persons operated pursuant to the mental hygiene law and in other hospitals while such patients are on release from an institution in the state department of mental hygiene or from a drug abuse treatment facility or part thereof operated in compliance with applicable provisions of law and supervised by the state division of substance abuse services, to eligible veterans and their dependents in that part of the New York state home for veterans and their dependents at Oxford that has been approved pursuant to law as a nursing home and in a hospital while on release from that home for the purpose of receiving care in such hospital, in that part of a public institution operated for the care of the mentally disabled that has been approved pursuant to law as an intermediate care facility, to eligible veterans and their dependents in that part of the New York state home for veterans and their dependents at Oxford that has been approved pursuant to law as an intermediate care facility and in a hospital while on release from such intermediate care facilities for the purpose of receiving care in such hospital, and for the administration thereof, after first deducting therefrom any federal funds properly received or

to be received on account thereof;

(c) the full amount expended for medical assistance furnished under this title to eligible Indians and members of their families residing on any Indian reservation in this state, and for the administration thereof, after first deducting therefrom any federal funds properly received or to be received on account thereof;

(d) fifty per centum of the amount expended for medical assistance furnished under this title to other eligible persons, and for the administration thereof, after first deducting therefrom any federal funds properly received or to be received on account thereof.

(e) one hundred percentum of the amount expended for the development of medical assistance data systems, after first deducting therefrom any federal funds properly received or to be received on account thereof. Such reimbursement shall be available only to the extent that such projects have received federal approval and to the extent that claims for ninety percent federal aid have been approved.

(f) The full amount expended on behalf of the department for medical assistance furnished to persons described in subdivision five of section three hundred sixty-five of this article, including the administration thereof, after first deducting therefrom any federal funds properly received or to be received on account of such expenditures.

(g) Notwithstanding any other provision of law, reimbursement for the following services: care, treatment, maintenance and nursing services in nursing homes and health related care and services in intermediate care facilities provided in accordance with paragraph (b) of subdivision two of section three hundred sixty-five-a of this title; home health services provided in accordance with paragraph (d) of subdivision two of section three hundred sixty-five-a of this title; personal care services provided in accordance with paragraph (e) of subdivision two of section three hundred sixty-five-a of this title; long term home health care programs services provided in accordance with section three hundred sixty-seven-c of this title; and nursing home transition and diversion services provided in accordance with subdivision six-a of section three hundred sixty-six of this title shall be made as follows:

(i) for services provided on or after January first, nineteen hundred eighty-four through December thirty-first, nineteen hundred eighty-four, seventy-two per centum after first deducting therefrom any federal funds

properly received or to be received on account thereof;

(ii) for services provided on or after January first, nineteen hundred eighty-five through December thirty-first, nineteen hundred eighty-five, seventy-six per centum after first deducting therefrom any federal funds properly received or to be received on account thereof; and

(iii) for services provided on or after January first, nineteen hundred eighty-six through March thirty-first, nineteen hundred ninety-four, eighty per centum after first deducting therefrom any federal funds properly received or to be received on account thereof;

(iv) for services provided on or after April first, nineteen hundred ninety-four eighty-one and two hundred thirty-five thousandths per centum after first deducting therefrom any federal funds properly received or to be received on account thereof.

(h) (i) Beginning January first, nineteen hundred eighty-four, one hundred per centum of the amount expended for medical assistance for those individuals who are eligible pursuant to section three hundred sixty-six of this article as a result of a mental disability as determined by the commissioner in consultation with the commissioner of the office of mental health and the commissioner of the office for people with developmental disabilities and with the approval of the director of the budget after first deducting therefrom any federal funds properly received or to be received on account thereof.

(ii) Notwithstanding any other provision of law to the contrary, on and after the effective date of this subparagraph, the department of health shall make no further recovery or recoupment of monies that were advanced to local social services districts, during the period from April first, nineteen hundred ninety-two to the effective date of this subparagraph, to cover the medical assistance costs pursuant to this paragraph for rehabilitative services for residents of community residences licensed or operated by the office of mental health or for the office for people with developmental disabilities home and community based waiver services.

(i) The full amount expended on behalf of the department for medical assistance furnished to persons described in subdivision eight of section three hundred sixty-five of this article, including the administration thereof, after first deducting therefrom any federal funds properly received or to be received on account thereof.

(j) Notwithstanding any other provision of law, but in conjunction with the provisions of paragraph (g) of subdivision one of this section, reimbursement for the care and services provided to those persons eligible pursuant to subparagraph seven of paragraph (a) of subdivision one of section three hundred sixty-six of this title shall be seventy-five per centum after first deducting therefrom any federal funds properly received or to be received on account thereof.

(k) Notwithstanding any other provision of law, reimbursement by the state for payments made, whether by the department on behalf of a social services district pursuant to section three hundred sixty-seven-b of this article or by a social services district directly, for a supplementary bad debt and charity care adjustment component of rates of payment determined in accordance with subdivision fourteen-a of section twenty-eight hundred seven-c of the public health law for general hospital inpatient hospital services provided in accordance with paragraph (b) of subdivision two of section three hundred sixty-five-a of this article shall be limited to the amount of federal funds properly received or to be received on account of such expenditures; provided, however, that reimbursement shall be made by the state for the full amount expended for a supplementary bad debt and charity care adjustment for a general hospital operated by the state of New York or by the state university of New York, after first deducting therefrom any federal funds properly received or to be received on account of such expenditure.

(l) Effective January first, nineteen hundred ninety, one hundred per centum of the amount expended for medical assistance for those individuals who are eligible pursuant to paragraphs (n) and (o) of subdivision four of section three hundred sixty-six of this article after first deducting therefrom any federal funds properly received or to be received on account thereof.

(m) Notwithstanding any other provision of law, reimbursement by the state for payments made, whether by the department on behalf of a social services district pursuant to section three hundred sixty-seven-b of this article or by a social services district directly, for a supplementary low income patient adjustment component of rates of payment for a public general hospital determined in accordance with subdivision fourteen-d of section twenty-eight hundred seven-c of the

public health law for general hospital inpatient hospital services provided in accordance with paragraph (b) of subdivision two of section three hundred sixty-five-a of this article shall be limited to the amount of federal funds properly received or to be received on account of such expenditures; provided, however, that reimbursement shall be made by the state for the full amount expended for a supplementary low income patient adjustment for a general hospital operated by the state of New York or by the state university of New York, after first deducting therefrom any federal funds properly received or to be received on account of such expenditure.

(n) Notwithstanding any inconsistent provision of law, reimbursement for the amount expended for medical assistance furnished under this title to eligible persons pursuant to a statewide managed care plan or managed care demonstration program, or to eligible persons enrolled in any health maintenance organization or other entity authorized by law to furnish comprehensive health services pursuant to a plan, shall be reimbursed, after first deducting therefrom any federal funds properly received or to be received on account thereof, in accordance with the following schedule: (i) for services provided for the period April first, nineteen hundred ninety-four to March thirty-first, nineteen hundred ninety-nine, fifty-three and eight hundred seventy-five ten-thousandths percent thereof; and (ii) for services provided for the period April first, nineteen hundred ninety-nine to March thirty-first, two thousand three, fifty percent thereof.

(o) Notwithstanding any other provision of law, reimbursement by the state for payments made, whether by the department on behalf of a social services district pursuant to section three hundred sixty-seven-b of this article or by a social services district directly, for the component of rates of payment for a general hospital determined in accordance with paragraph (s) of subdivision eleven of section twenty-eight hundred seven-c of the public health law for general hospital inpatient hospital services provided in accordance with paragraph (b) of subdivision two of section three hundred sixty-five-a of this article shall be one hundred per centum of the amount expended for medical assistance, after first deducting therefrom any federal funds properly received or to be received on account of such expenditure.

(p) Notwithstanding any other provision of law, reimbursement by the state for payments made, whether by the department on behalf of a social services district pursuant to section three hundred sixty-seven-b of this article or by a social services district directly, for a public general hospital indigent care adjustment payment for a public general hospital determined in accordance with subdivision fourteen-f of section twenty-eight hundred seven-c of the public health law for general hospital inpatient hospital services provided in accordance with paragraph (b) of subdivision two of section three hundred sixty-five-a of this article shall be limited to the amount of federal funds properly received or to be received on account of such expenditures; provided, however, that reimbursement shall be made by the state for the full amount expended for a public general hospital indigent care adjustment for a general hospital operated by the state of New York or by the state university of New York, after first deducting therefrom any federal funds properly received or to be received on account of such expenditure.

* (q) Notwithstanding any inconsistent provision of this chapter or any other provision of law to the contrary, reimbursement for the amount expended for medical assistance furnished under this title to eligible persons for services provided by a managed long term care plan, shall be based upon a uniform average of expenditures reflecting a mix of primary, acute and long term care services. Such uniform average, or averages, will be determined by the commissioner of health and shall reflect the mix of services as applied to the amounts calculated pursuant to applicable paragraphs (g) and (n) of this subdivision, after first deducting therefrom any federal funds properly received or to be received on account of such expenditure.

* NB Repealed December 31, 2029

* (r) Notwithstanding any other provision of law, reimbursement by the state for payments made, whether by the department of health on behalf of a social services district pursuant to section three hundred sixty-seven-b of this title or by a social services district directly, for medical assistance furnished pursuant to the provisions of subparagraph one of paragraph (q) of subdivision four of section three hundred sixty-six of this title to children born on or before September thirtieth, nineteen hundred eighty-three, shall be made for the full

amount expended for such children, after first deducting therefrom any federal funds properly received or to be received on account of such expenditure.

* NB Expired April 1, 2005

* (s) Notwithstanding any other provision of law, reimbursement by the state for payments made, whether by the department of health on behalf of a social services district pursuant to section three hundred sixty-seven-b of this title or by a social services district directly, for medical assistance furnished pursuant to the provisions of subparagraph one of paragraph (t) of subdivision four of section three hundred sixty-six of this title to children, shall be made for the full amount expended for such children, after first deducting therefrom any federal funds properly received or to be received on account of such expenditure.

* NB Expired April 1, 2005

(t) (i) for services provided on or after January first, two thousand three through December thirty-first, two thousand four, fifty percent of the amount expended for health care services under section three hundred sixty-nine-ee of this article, after first deducting therefrom any federal funds properly received or to be received on account thereof;

(ii) for services provided on or after January first, two thousand five, through September thirtieth, two thousand five, seventy-five percent of the amount expended for health care services under section three hundred sixty-nine-ee of this article, after first deducting therefrom any federal funds properly received or to be received on account thereof;

(iii) for services provided on or after October first, two thousand five, through December thirty-first, two thousand five, seventy-five percent of the amount expended by the social services district consisting of the city of New York, and one hundred percent of the amount expended by all other social services districts, for health care services under section three hundred sixty-nine-ee of this article, after first deducting therefrom any federal funds properly received or to be received on account thereof; and

(iv) for services provided on or after January first, two thousand six through December thirty-first, two thousand six, and thereafter, one hundred percent of the amount expended for health care services under

section three hundred sixty-nine-ee of this article, after first deducting therefrom any federal funds properly received or to be received on account thereof.

(u) Notwithstanding any other provision of law, the full amount expended for family planning services provided to eligible persons pursuant to subparagraph eleven of paragraph (a) of subdivision one of section three hundred sixty-six of this title, after first deducting therefrom federal funds properly received or to be received on account of such expenditures.

(v) One hundred per centum of the amount expended for the administration of medical assistance furnished pursuant to subparagraphs twelve and thirteen of paragraph (a) of subdivision one of section three hundred sixty-six of this title, after first deducting any federal funds properly received or to be received on account of such expenditures.

(w) One hundred per centum of the amount expended for the administration of medical assistance furnished pursuant to paragraph (v) of subdivision four of section three hundred sixty-six of this title, after first deducting any federal funds properly received or to be received on account of such expenditures.

(x) One hundred percent of the amount expended for health care services as determined in accordance with paragraph (c) of subdivision ten of section twenty-eight hundred seven-d of the public health law, after first deducting therefrom any federal funds properly received or to be received on account thereof.

(y) One hundred percent of the amount expended for health care services as determined in accordance with paragraph (v-1) of subdivision four of section three hundred sixty-six of this title, after first deducting therefrom any federal funds properly received or to be received on account thereof.

(z) One hundred percent of the amount expended for health care services described in sections three hundred sixty-eight-d and three hundred sixty-eight-e of this title, after first deducting therefrom any federal funds properly received or to be received on account thereof.

2. (a) For the purpose of state reimbursement under this title, expenditures for administration of medical assistance for needy persons shall include expenditures for salaries of employees of local welfare

departments, except for those excluded under paragraph (b) of this subdivision; operation, maintenance and service costs; and such other expenditures, such as equipment costs, depreciation charges, and rental values, as may be approved by the department. It shall not include expenditures for capital additions or improvements.

(b) State reimbursement shall not be made for any part of the salary of a social services official, or a chief executive officer of a social services department, whose qualifications do not conform to those fixed by the department, or a city or town service officer; nor shall such reimbursement be made on the salary of a deputy commissioner, or deputy director or an employee, unless his employment is necessary for the administration of medical assistance and his qualifications conform to those fixed by the department.

(c) State reimbursement shall not be made for any part of the salary of a local medical director appointed after the effective date of this act whose qualifications do not conform to those established pursuant to section three hundred sixty-four of this title.

(d) State reimbursement shall not be made for any part of the cost of those items of care, services, supplies and equipment, and drugs which represent co-payment amounts for which a provider of medical assistance is authorized to charge a recipient in accordance with subdivision six of section three hundred sixty-seven-a of this article.

* 3. For the purpose of state reimbursement for personal care services, such reimbursement to a social services district shall be limited to expenditures for such district's allocation of the statewide need for personal care services, pursuant to section three hundred sixty-seven-d of this chapter.

* NB Expired March 31, 1985

3. (a) Claims for state reimbursement shall be made in such form and manner and at such times and for such periods as the department shall determine.

(b) When certified by the department, state reimbursement shall be paid from the state treasury upon the audit and warrant of the comptroller out of funds made available therefor.

(c) When the moneys allotted to the state by the federal department of health, education and welfare or other authorized federal agency for any

quarter shall have been received by the department of taxation and finance, the department shall, as soon as possible, certify to the comptroller the amount to which each public welfare district is entitled for such quarter and such amount shall be paid out of the state treasury after audit by the comptroller to the respective public welfare districts.

(d) The department is authorized in its discretion to make advances to public welfare districts in anticipation of the state reimbursement provided for in this section.

4. Payment of state reimbursement and advances shall be made to the fiscal officer of the public welfare district entitled thereto pursuant to the provisions of this chapter.