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State/Territory Name: **NEW YORK**

State Plan Amendment (SPA) #: **11-0016-C**

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-26-12
Baltimore, MD 21244-1850



Financial Management Group

DEC 17 2019

Jason A. Helgerson
State Medicaid Director
Deputy Commissioner
Office of Health Insurance Programs
NYS Department of Health
Corning Tower, (OCP – 1211)
Albany, NY 12237

RE: TN 11-0016-C

Dear Commissioner Helgerson:

We have received the proposed amendment to Attachment 4.19-A of your Medicaid State plan submitted under transmittal number (TN) 11-0016-C. Effective April 1, 2012, this amendment maintains supplemental payments to private hospitals for state fiscal years 2013 and 2014.

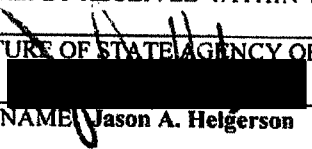
We conducted our review of the submittal according to the statutory requirements at sections 1902(a)(2), 1902(a)(13), 1902(a)(30), 1903(a) and 1923 of the social Security Act and the regulations at 42 CFR 447 Subpart C. This letter is to inform you that New York 11-0016-C is approved effective April 1, 2012. We are enclosing the CMS-179 and the approved plan page.

If you have any questions, please contact Betsy Pinho at (518) 396-3810 ext. 111.

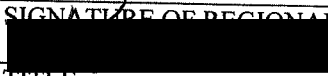
Sincerely,

A black rectangular box redacting the signature of Kristin Fan.

Kristin Fan
Director

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL		1. TRANSMITTAL NUMBER: #11-0016-C	2. STATE New York
FOR: HEALTH CARE FINANCING ADMINISTRATION		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR HEALTH CARE FINANCING ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES		4. PROPOSED EFFECTIVE DATE April 1, 2012	
5. TYPE OF PLAN MATERIAL (Check One): <input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)			
6. FEDERAL STATUTE/REGULATION CITATION: Section 1902(a) of the Social Security Act, and 42 CFR 447		7. FEDERAL BUDGET IMPACT: (in thousands) a. FFY 04/01/12-09/30/12 \$70,444.71 b. FFY 10/01/12-09/30/13 \$145,159.90 c. FFY 10/01/13-03/31/14 \$ 74,715.18	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Attachment 4.19-A: Page 161(1)		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): Attachment 4.19-A: Page 161(1)	
10. SUBJECT OF AMENDMENT: 2012 & 2013 Voluntary UPL Payments (FMAP = 50%)			
11. GOVERNOR'S REVIEW (Check One): <input checked="" type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="checkbox"/> OTHER, AS SPECIFIED: <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL			
12. SIGNATURE OF STATE AGENCY OFFICIAL: 		16. RETURN TO: New York State Department of Health Division of Finance & Rate Setting 99 Washington Ave - One Commerce Plaza Suite 1460 Albany, NY 12210	
13. TYPED NAME: Jason A. Helgeson			
14. TITLE: Medicaid Director Department of Health			
15. DATE SUBMITTED: March 31, 2011			

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED:	18. DATE APPROVED: DEC 17 2015
PLAN APPROVED - ONE COPY ATTACHED	
19. EFFECTIVE DATE OF APPROVED MATERIAL: APR 01 2012	20. SIGNATURE OF REGIONAL OFFICIAL: 
21. TYPED NAME: Krustin FAN	22. TITLE: Director, FMC
23. REMARKS:	

**New York
161(1)**

Voluntary Supplemental Inpatient Payments

Effective for the period July 1, 2010 through March 31, 2011, additional inpatient hospital payments are authorized to voluntary sector hospitals, excluding government general hospitals, for inpatient hospital services after all other medical assistance payments, of \$235.5M for the period July 1, 2010 through March 31, 2011 and \$314M for the period April 1, 2011 through March 31, 2012 and \$281,778,852 for the period April 1, 2012 through March 31, 2013; and \$298,860,732 for the period April 1, 2013 through March 31, 2014 subject to the requirements of 42 CFR 447.272 (upper payment limit) . Such payments may be added to rates of payment, made as aggregate payments or paid monthly to eligible voluntary sector owned or operated general hospitals, excluding government general hospitals.

Eligibility to receive such additional payments, and the allocation amount paid to each hospital, will be based on data from the period two years prior to the rate year, as reported on the Institutional Cost Report (ICR) submitted to the Department as of October 1 of the prior rate year.

- (a) Thirty percent of such payments will be allocated to safety net hospitals based on each eligible hospital's proportionate share of all eligible safety net hospitals' Medicaid discharges for inpatient hospital services, including both Medicaid fee-for-service and managed care discharges for acute and exempt services;
 - (i) Safety net hospitals are defined as non-government owned or operated hospitals which provide emergency room services having either: a Medicaid share of total inpatient hospital discharges of at least 35%, including both fee-for-service and managed care discharges for acute and exempt services; or a Medicaid share of total discharges of at least 30%, including both fee-for-service and managed care discharges for acute and exempt services, and also providing obstetrical services.
- (b) Seventy percent of such payments will be allocated to eligible general hospitals, which provide emergency room services, based on each such hospital's proportionate share of all eligible hospitals' Medicaid discharges for inpatient hospital services, including both Medicaid fee-for-service and managed care discharges for acute and exempt services;
- (c) No [eligible general hospital's annual] payment [amount] will be made to an otherwise eligible hospital if they did not receive an Indigent Care Pool (ICP) payment and the annual payment amount to eligible hospitals will not exceed the lower of [the sum of the annual amounts due that hospital in accordance with the Medicaid Disproportionate Share Section, the Supplemental Indigent Care Distributions Section, and the High Need Indigent Care Adjustment Pool Section of this Attachment, or] the hospital's facility specific projected disproportionate share hospital payment ceiling; [established pursuant to federal law. Payment amounts to eligible hospitals pursuant to paragraphs (a) and (b) of this section in excess of the lower of such sum or payment ceiling will be reallocated to eligible hospitals that do not have excess payment amounts. Such reallocations will be proportional to each such hospital's aggregate payment amount pursuant to paragraphs (a) and (b) of this section to the total of all payment amounts for such eligible hospitals; and] or, the Medicaid customary charge limit at 42 CFR 447.271.
- (d) [These payments will be included in Medicaid revenues for the purpose of computing each general hospital's disproportionate share limitations.] Any amounts calculated under paragraphs (a) and (b) but not paid to a hospital because of the requirements in paragraph (c) will be allocated proportionately to those eligible general hospitals that provide emergency room services and which would not be precluded by paragraph (c) from receiving such additional allocations.

TN #11-0016 -C _____

Supersedes TN #10-0020-A _____

Approval Date _____

Effective Date _____

DEC 17 2015

APR 01 2012