I. Introduction

On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5) into law, representing approximately \$87 billion in Federal funds to help States, D.C. and Territories meet the health care needs for their Medicaid populations during the recession period (October 1, 2008 thru December 31, 2011).

The purpose of this report is to identify how the: increased Federal dollars are used; and, the States are meeting the conditions and requirements under section 5001 of ARRA.

II. State Information:		
1. State:		New York
2. State Organizational C	Component:	Department of Health
3. State Contact Info:	Name:	Robert W Reed
	Address:	GNARESP Corning Tower
		Albany, NY
	E-Mail:	rwr01@health.state.ny.us
	Telephone:	518-474-8565
4. Date Submitted:		9/21/2010
5. Report Period:	From ((mm/dd/yyyy): 1/1/2009
	To ((mm/dd/yyyy): 3/31/2009
6.a. Attestation (signatur	re):	Windysanders
6.b. Office of Governor	Reviewer:	Wendy E. Saunders
7. Did your State draw doperiod?	own increased	Federal dollars as provided under the ARRA for the reporting
Yes Yes		No
If you marked "Yes", plea	ase complete t	the remaining guestions.
		a brief explanation why your State did not use the increased Federal ing questions that are still relevant.
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	New York	From (mm/dd/yyyy):	Report Period: 1/1/2009		
	State of the second	To (mm/dd/yyyy):	3/31/2009		
	Plan Use of Increased FMAP	BASE OR THE SPANISHES			
the increa	scribe how the State is using the freed up State funds associate ased FMAP available under the ARRA provision. For this purpo t to the difference between the amount of available Federal fun f the available Federal funds at the regular (non-increased) FMA	se, the amount of "free ds at the increased FM	d up State funds" is		
Indicate a	Il that apply:				
1. Uses re	elated to the health care programs in the State:				
A.	Medicaid		Estimated Amounts:		
	a) Cover increased caseload b) Ensure prompt pay requirements are met		\$		
	c) Maintain current populations and avoid cuts to eligibility d) Maintain current benefits and avoid reductions in bebefits				
	e) Expand benefits and / or increase provider rates		\$		
	 f) Expand eligibility / coverage g) Other. Please explain and provide any attachments if necessary 	essary	\$ - \$ 1,102,814,358		
В.	Other Health Care Related (Non-Medicaid)		Estimated Amounts:		
	Describe:		\$		
2. Non-He	ealth Care Related Uses (Describe):		Estimated Amounts:		
			3		
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	be the funding process with respect to expenditures during the				
State fund	nds related to the increased FMAP under ARRA and non-Feder Is and accounts which are involved in the funding process for th	e Medicaid program ar			
	sed Federal FMAP funds and the non-Federal shara funds flow	and/or are deposited.	LIE.		
see attacr	ned Medicald Funding Process tab				
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FY 2009 a		tions ons used in developing	your FY 2010 budget	Estimates for FY 2009	Collections \$53.8 Actual
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Please see tab "2009-10 Enacted Budget Fin Plan" which includes a chart illustrating planned program cuts which were averted through the availability of enhanced FMAP for the period 10/1/08-3/31/10. Information extracted from the 2009-10 Enacted Budget Financial Plan.

5. Please include any other information/narrative not addressed in the questions above which would highlight the State's use of FMAP stimulus funds:

State:	New York				Report Period: From (mm/dd/yyyy): To (mm/dd/yyyy):	1/1/2009 3/31/2009
IV. Medicaid Enrollment						
		orting period by population:				
Table 1: Medicaid Enrol	Iment/Eligibility Da	ta				
1.a. Eligibility Group	Enrollment 9/30/2008 /1	1.b. Eligibility Group	Enrollment In Report Period /2	Eligibility Months /3	Average Eligibility Months Col F ÷ 3	
- A _	В	D	E	- F	G	
Aged (65 and Older)	514,056.00	Aged (65 and Older)	536,409.00	1,561,615.00	520,538.33	
Disabled/Blind	613,756.00	Disabled/Blind		1,866,748.00	622,249.33	
Pregnant Women	67,500.00	Pregnant Women	76,000.00		68,000.00	
Children	1,651,600.00	Children		5,007,464.00	1,669,154.67	
Other Adults	1,394,393.00	Other Adults		4,402,172.00	1,467,390.67	
Total:	4,241,305.00	Total:	4,553,762.00	############	4,347,333.00	
 Describe Significant Ch Were there any policy 		t/Eligibility (+/- 5.0%) have contributed to the increa	ase/decrease? If	yes, please exp	olain below.	
NA						
2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2						APRICE A
				All Taranta and Annual		
2.b. Which population(s)	have decreased gr	eater than 5%? Identify popul	ation(s) and indic	ate reason(s) fo	or decrease.	
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State:	New York	Report P	eriod:
		From (mm/dd/yyyy):	1/1/2009
		To (mm/dd/yyyy):	3/31/2009
V. Maintenar	nce of Effort		

1.A. Rainy Day/Reserve Funds. Please report the ending balance of the State's Rainy Day and/or Reserve Funds for each Report quarter. If there was an increase from the previous quarter, please explain the source of funds and attach any additional information, as necessary.

Rainy Day/ Reserve Fund*	Ending Balance 9/30/2008	Ending Balance Report Qtr	Change
Tax Stabilization	\$0	\$1,031,000,000	\$1,031,000,000
Rainy Day	\$175,000,000	\$175,000,000	\$0
Contingency	\$21,000,000	\$21,000,000	\$0
Refund Reserve	\$0	\$576,000,000	\$576,000,000
Market Market Const.	TOTAL CONTROL OF THE PARTY OF T		\$0
ni sviskuu atkinin	n Admichastyra o o		\$0
	PHILIPPING WATER	Minima syntax ostronom	\$0
Alia de la Conferencia del Conferencia de la Con	Name with the state of the	neuvel General montes des	\$0
		te asii o u mooduul Sh	\$0
Total:	\$196,000,000	\$1,803,000,000	\$1,607,000,000

^{*} Identify/List (If more space needed, include on attachment)

1.B. What are the constitutional and statutory provisions concerning the funding of your rainy day fund?"

Funds in reserve may be temporarily loaned during any fiscal year in the anticipation of the receipt of revenues. Any amounts loaned must be repaid during same fiscal year. See attached language

1.C. Please describe the mechanism that your state uses to assure that increased FMAP funds are not deposited into your rainy day fund.

The Office of State Comptroller had adjusted the State accounting system to track receipt of the increased FMAP. Additionally, DOH has been utilizing the CMS 37 and CMS 64 to track the increased FMAP.

2a . Prompt Pay. In Table 3, please report on the number of days and amount of increased FMAP dollars lost as a result of the State's failure to meet the prompt payment requirements, if any. For this purpose, Table 4 provides a running total for each quarter throught the Report Quarter, Do not complete for future quarters.

Table 3: Prompt Pay	Violations		(C. Severano, Pale	821 H 2023 M 189 M 20		MENTAL PROPERTY.	KON THE BUILDING	MATERIAL SEPARATES	STATE OF THE PARTY.	
FFY	Quar	ter 1	Quar	ter 2	Qu	arter 3	Qua	rter 4	To	otal
	Days	Amount	Days	Amount	Days	Amount	Days	Amount	Days	Amount
2009	CALIFORNIA CONTRACTOR O	\$0	0	\$0	DOMESTIC DESCRIPTION	N. W. A. S.	MUNICIPAL PROPERTY.	#77:3v8:25:510:55:co	: C	\$0
2010	KARIMIDZ SERVERUH	CONTRACTOR DESIGNATION	AND ASSESSED BY	New Balling	THE REPORT OF THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO	A SAMADER AND A SAME		Associated the state and	C	\$0
2011		SCHOOL SALES FROM	TAISE/ALVAIE	RETURNATIONS	A CVA SUITE	CONTRACTOR OF TAXABLE	PATTALIBRA IIVES &	QELICA III III AIRO	C	\$0
Total:	0	\$0	0	\$0		0 \$0		\$0	andon assent	\$0

			FC.								,
2b	. Indicate each date(s)) of noncompliance f	or prompt pay dur	ing the Report Perio	d/Quarter (mm/dd/yy):						
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3. Political Subdivisions. With respect to political subdivisions that are required to contribute to the non-Federal share of the State's Medicaid expenditures, please provide a list of each of political subdivisions and required percentage of non-Federal share contribution on the percentage political subdivisions are required to contribute toward the non-federal share of Medicaid expenditures. If political subdivisions are not required to contribute toward the non-Federal share of Medicaid expenditures, please indicate as such.

Table 4: Political Subdivisions Contribution Percent Political Subdivision *	Percentage Required	Percentage Required
	September 30, 2008 (x.x%)	Report Quarter (x.x%)
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	AND MARKET WELL STREET, THE RESIDENCE OF THE PARTY OF THE	
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Identify/List (If more space needed, include on attachment)

State:	New York						rt Period:
						From (mm/dd/yyyy): To (mm/dd/yyyy):	1/1/20 3/31/20
/. Maintenar	ice of Effort (Co	ont'd)					
. Restrictive	Eligibility. Ple	ase report an					es that are more restrict
	in effect on July	/ 1, 2008. Pro	ovide a descrip	otion of the cha	nges(s), the et	fective date, and impac	
VA							
			Moteral Setu				
b. Please co	mplete the char	below indica	ting the increa	sed FMAP doll	ar amounts lo	st as a result of such ch	anges, if any:
Table S. Ellei	hillity Dontsletic	(\$000a)					
FFY	bility Restriction Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total		
2009	\$0	\$0			\$0		
2010					\$0		
2011	\$0	\$0	\$0	\$0	\$0 \$0		
otal:	\$0	ψU	3 0	1 201	90		
c. Reinstate	ment of Eligibli	ty - If applical	ble, specify the	e date (and Qua	arter) that the	State reinstated eligiblit	y standards,
	s, or procedures,						
IA							
			iorasyriidea alka				water in the second second second second
able 6.	reinstatemen	t of eligibility	provisions		or become e	eligible as a result of	
	Rein	stated Provis	sion (Describ	e)			No. of Individuals
				=			
	2 2		125				
				- III 2- I	- 4		
						istance provided to indi	
ate and impa		ras that were	nigner than th	ose in effect on	July 1, 2008.	Provide a description of	of the change, the effec
IA	STINITURE DAS					King the State of State of	
						7	
	y communication and hardest						
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							excluded from increaseds in effect on July 1, 200
			, to oligi	,		g what was	5.100. Cir oury 1, 200
able 7.	Number of ne	w eligible in	dividuals dur	ing period that	became elig	lble as a result of Incr	eased
	Income eligib	llity standard	ds, and relate	d lost FMAP			
1'0 L SO-11	Increased Ell	glbility Incon	ne Standard ((Describe)		No. of Individuals	Lost FMAP (\$000s)
IA .							
					11050 / 1204	dost was worder	

OMB Number: 0938-1073

State:

New York

Report Period:

From (mm/dd/yyyy): 1/1/2009 To (mm/dd/yyyy): 3/31/2009

VI. Comments
III. State Plan Use of Increased FMAP
Item 1. A (g) Other
III. State Plan Use of Increased FMAP Item 1. A (g) Other The increased FMAP allows NYS to cover Medicaid caseload increases resulting from the continued economic downtum, allows the state to continue to provide services and benefits to eligibles without any reductions and alleviates the need for more cost containment beyond that enacted in the state's budget for the fiscal year.
budget for the fiscal year.
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Medicaid Funding Process

Section II Item 3.

The following is a listing of the state accounts used to support the non-federal share of Medicaid expenditures:

Fund Title

- General Fund Local Assistance Account
- Fund 179 Escrow Account
- 061/04 HCRA Medical Assistance Account
- 061/IN HCRA Indigent Care Fund
- Medicaid Recoveries Health Facilities
- 339/YV State Special Revenue Fund Medicaid Provider Assessment

Medicaid claims are funded using a combination of federal, state and local funds. The shares funding for each claim is determined using a combination of eligibility group, type of service and other factors. The necessary federal, state and local funds are deposited into an escrow account (Fund 179) to fund checks issued to providers. Federal funds including ARRA's increased FMAP are drawn in accordance with CMIA requirements and deposited into the 179 account. The local funds are received electronically each week from localities and deposited into the 179 account. State funds are also moved into this account. The decision regarding which state appropriations to use are determined each week by the Department of Health in consultation with the Division of the Budget.

State share funding appropriations were not reduced, despite the increased FMAP. However, the increased FMAP allowed NYS to cover Medicaid caseload increases resulting from the economic downtown, allowed the State to continue to provide services and benefits to eligibles without any reductions and alleviated the need for more cost containment beyond that enacted in the State's budget for the fiscal year.

FMAP FISCAL RELIEF DISTRIBUTE STATE FISCAL YEARS 2008-09 AND (millions of dollars)		
musidation to a comparation of the management	2)111111111	c orași
NYC AIM Funding Restoration		328
Human Services Restorations:		126
Redirect SSI COLA	84	
Community Optional Preventive Services	29	
Homeless Prevention Program	5	
Single Room Occupancy Program	2	
Neighborhood & Rural Preservation Caseload Reduction	2	100
NY/NY III Bed Reduction	2	
HIV Welfare to Work	1	
LITA AAGUSTA CO AAOUK	Total III	
Mental Hygiene Restorations:		38
January 2009 Human Services COLA Reduction	16	
Sheltered Employment/Day Habilitation	11	
OASAS AIDS/Case Management Services	4	
Unified Services	3	
Other Mental Health	4	10 5 W
Medicaid Enrollment/Utilization Increases:		750
HCRA Shortfall		282
Health Care Restorations:		981
Hospitals	393	
Nursing Homes	174	
Home Care	133	
Insurance	112	
Pharmacy	72	
Other	97	
Rejected Tax/Fee Increases:		1,271
Gap Closing		1.225
TOTAL FMAP AVAILABLE (October 2009 - March 20	10)	5.001

With one important exception, FMAP has no impact on the State's All Funds spending levels, since every dollar saved in the General Fund is offset by a corresponding increase in Federal Funds. However, since all Federal Medicaid payments must flow through the State's Financial Plan, the increase in FMAP results in an increase in the "pass-through" of more Federal aid to counties and New York City, which contribute to the financing of the State's Medicaid program. This pass-through amount totaled \$440 million in 2008-09 and is projected at \$1.4 billion in 2009-10. See "Spending Levels" herein for a discussion of the impact of Federal aid on State All Funds spending in 2009-10.

As of 09/01/2010 04:52PM, the Laws database is current through 2010 Chapters 1-59, 61-418, 419-445, 447-481 State Finance

- § 92-cc. Rainy day reserve fund. 1. There is hereby established in the state treasury a fund to be known as the "rainy day reserve fund". Such fund shall consist of moneys deposited therein and monies shall be withdrawn from such fund only for the purposes as provided therein.
- 2. Such fund shall have a maximum balance not to exceed three per centum of the aggregate amount projected to be disbursed from the general fund during the fiscal year immediately following the then-current fiscal year.
- 3. a. The amounts available in such reserve may be used if the following conditions are met:
- (i) Economic downturn. The commissioner of labor shall calculate and publish, on or before the fifteenth day of each month, a composite index of business cycle indicators. Such index shall be calculated using monthly data on New York state employment, total manufacturing hours worked, and unemployment prepared by the department of labor or its successor agency, and total sales tax collected net of law changes, prepared by the department of taxation and finance or its successor agency. Such index shall be constructed in accordance with the procedures for calculating composite indexes issued by the conference board or its successor organization, and adjusted for seasonal variations in accordance with the procedures issued by the census bureau of the United States department of commerce or its successor agency. If the composite index declines for five consecutive months, the commissioner of labor shall notify the governor, the speaker of the assembly, the temporary president of the senate, and the minority leaders of the assembly and the senate. Upon such notification, the director of the budget may authorize and direct the comptroller to transfer from the rainy day reserve fund to the general fund such amounts as the director of the budget deems necessary to meet the requirements of the state financial plan. The authority to transfer funds under the provisions of this subdivision shall lapse when the composite index shall have increased for five consecutive months or twelve months from the original notification of the commissioner of labor, whichever occurs earlier. Provided, however, that for every additional and consecutive monthly decline succeeding the five month decline so noted by the commissioner of labor, the twelve month lapse date shall be extended by one additional month; or
- (ii) Catastrophic events. In the event of a need to repel invasion, suppress insurrection, defend the state in war, or to respond to any other emergency resulting from a disaster, including but not limited to, a disaster caused by an act of terrorism, the director of the budget may authorize and direct the comptroller to transfer from the rainy day reserve fund to the general fund such amounts as the director of the budget deems necessary to meet the requirements of the state financial

plan.

- b. Prior to authorizing any transfer from the rainy day reserve fund pursuant to the provisions of this section, the director of the budget shall notify the speaker of the assembly, the temporary president of the senate, and the minority leaders of the assembly and the senate. Such letter shall specify the reasons for the transfer and the amount thereof. Any amounts transferred from the rainy day reserve fund to the general fund shall be subject to all the repayment provisions of this section.
- 4. Any transfer authorized in subdivision three of this section shall be repaid in cash within a period of three years after the date that such authority to transfer funds under the provisions of this subdivision lapses, provided however that any transfer authorized as a result of a catastrophic event shall be subject to repayment provisions to be proposed by the governor and implemented by appropriation or transfer of funds.
- 5. Moneys in the rainy day reserve fund may be temporarily loaned to the general fund during any fiscal year in anticipation of the receipt of revenues from taxes, fees and other sources required to be paid into the general fund during such fiscal year. Moneys so temporarily loaned shall be repaid in cash during the same fiscal year.

STATE REPORT ON THE USE OF INCREASED FMAP SECTION 5001 OF ARRA

3. Political Subdivisions

Since the beginning of Medicaid in 1966, New York State has required its political subdivisions to contribute to the nonfederal share of the program. These political subdivisions are New York City and the 57 counties outside of New York City (a listing of these localities is attached). Initially localities were required to finance fifty percent of the nonfederal share of the program. Over the course of the next several decades, New York State has implemented several measures that reduced the local share of the program; these include a reduction in local shares tor long term care services to 20 percent of the nonfederal share, the elimination of the local share for Family Health Plus eligibles and, starting in January 2006, the capping of the local share of Medicaid program and administrative costs.

The capping of the local share was authorized by New York State's Chapter 58 of the Laws of 2005. This law established calendar year 2005 as the base year against which annual non-compounded increases were authorized. These increases, three and a half percent the first year subsequently reduced to three percent for all future years starting in 2008. These cap amounts were computed on a state fiscal year with localities required to make weekly payments to the state. Chapter 58 also requires that the state perform an annual reconciliation of what localities paid under the cap to what they would have paid under the old shares funding methodology. If localities paid more under the cap than they would have paid under the old methodology, then they were refunded the difference. This annual reconciliation essentially held localities harmless from paying more under the cap than they would have paid absent the cap. Consequently, the local share portion of Medicaid costs tor the state fiscal year is not determined until after the completion of the annual reconciliation.

The American Recovery and Reinvestment Act (ARRA) requires that, in states were political subdivisions are required to pay a portion of the nonfederal share, this percentage can not be greater after the application of the increased Federal Medical Percentage (FMAP) than the percentage they would have paid absent the increased FMAP. Although ARRA is written on the basis of a quarterly test to determine the local percentage of the nonfederal share, NYS law establishes local share as an annual lump sum for a state fiscal year, not on a percentage basis, or a quarterly basis. To comply with ARRA, New York State, through the annual reconciliation process stated above, calculated the local percentage of the nonfederal share of those costs covered by the increased FMAP both before and after the application of the increase. Any locality where the local percentage was higher after the FMAP increase received a refund from the state for the overage to ensure that each locality was in compliance with the ARRA requirement.

The reconciliation for state fiscal year 2008-09 was the first time that New York State implemented this requirement of the ARRA. Subsequent to the completion of that reconciliation, the DHHS Office of the Inspector General conducted an audit of New York's compliance with this ARRA provision. That audit found that the state's actions were in compliance and no political subdivision had paid more under ARRA than in the prior period.

Similarly, benchmarking for the State fiscal year ending 3/31/10 will be completed by September 30, 2010.

The attached listing of localities provides the local percentage for SFY 2008-09 Medicaid expenditures both before and after the FMAP increase. All localities met this ARRA provision for all quarters for State fiscal year ending 3/31/09.

DISTRICT	Percentage Required September 30, 2008 (x.x%)	Actual Percentage for SFY Ending 3/31/09
ALBANY	25.232968%	25.232968%
ALLEGANY	26.054423%	26.054423%
BROOME	23.917560%	23.917560%
CATTARAUGUS	29.689870%	29.689870%
CAYUGA	27.511862%	27.511862%
CHAUTAUQUA	26.608418%	26.608418%
CHEMUNG	26.544388%	
		26.544388%
CHENANGO	21.332802%	21.332802%
CLINTON	25.903840%	25.903840%
COLUMBIA	25.299016%	25.299016%
CORTLAND	24.580770%	24.580770%
DELAWARE	22.363073%	22.363073%
DUTCHESS	20.421129%	20.421129%
ERIE	26.869817%	26.869817%
ESSEX	19.391991%	19.391991%
FRANKLIN	23.041119%	23.041119%
FULTON	21.071823%	21.071823%
GENESEE	30.501900%	30.501900%
GREENE	24.178343%	
		24.178343%
HAMILTON	17.665901%	17.665901%
HERKIMER	22.227415%	22.227415%
JEFFERSON	25.033437%	25.033437%
EWIS	31.459555%	30.670403%
LIVINGSTON	23.304211%	23.304211%
MADISON	21.172507%	21.172507%
MONROE	26.846990%	26.846990%
MONTGOMERY	21.560720%	21.560720%
NASSAU	26.716211%	26.595165%
NAGARA	27.753601%	27.753601%
NEIDA	23.481400%	23.481400%
ONONDAGA		HEADER AND LESS HEADER AND
	28.948858%	28.948858%
NTARIO	21.843505%	21.843505%
DRANGE	27.142121%	27.142121%
RLEANS	29.690805%	29.690805%
DSWEGO	27.466379%	27.466379%
OTSEGO	26.303176%	26.303176%
PUTNAM	17.559318%	17.559318%
RENSSELAER	30.730922%	30.730922%
ROCKLAND	24.307585%	24.307585%
ST. LAWRENCE	22.809852%	22.809852%
SARATOGA	EXPLICATION OF THE PROPERTY OF	
	25.978811%	25.978811%
CHENECTADY	27.729828%	27.729828%
SCHOHARIE	23.370565%	23.370565%
SCHUYLER	21.368097%	21.368097%
ENECA	22.085373%	22.085373%
STEUBEN	28.024955%	27.809055%
SUFFOLK	23.412599%	23.412599%
ULLIVAN	20.559469%	20.559469%
IOGA	25.377003%	25.377003%
OMPKINS	21.803124%	21.803124%
ILSTER		
	22.468776%	22.468776%
VARREN	25.846842%	25.679452%
VASHINGTON	24.632535%	24.632535%
VAYNE	24.691825%	24.691825%
WESTCHESTER	24.925689%	24.925689%
MYOMING	27.857670%	27.393007%
ATES	22.629195%	22.629195%
7150		