



# Department of Health

**KATHY HOCHUL**  
Governor

**JAMES V. McDONALD, M.D., M.P.H.**  
Commissioner

**MEGAN E. BALDWIN**  
Acting Executive Deputy Commissioner

August 10, 2023

Dear Health Clinic Administrator:

Pursuant to our tribal consultation policy, enclosed please find a summary of each proposed amendment to the New York State Plan. We encourage you to review the enclosed information and use the link below to also view the plan pages and Federal Public Notices for each proposal. Please provide any comments or request a personal meeting to discuss the proposed changes within two weeks of the date of this letter.

[https://www.health.ny.gov/regulations/state\\_plans/tribal/](https://www.health.ny.gov/regulations/state_plans/tribal/)

We appreciate the opportunity to share this information with you and if there are any comments or concerns, please feel free to contact Regina Deyette, Medicaid State Plan Coordinator, Office of Health Insurance Programs at 518-473-3658.

Sincerely,

/S/

Amir Bassiri  
Medicaid Director  
Office of Health Insurance Programs

Enclosures

cc: Sean Hightower  
US Dept. of Health and Human Services

Nancy Grano  
CMS Native American Contact

Michele Hamel  
NYSDOH American Indian Health Program

**SUMMARY**  
**SPA #23-0091**

This State Plan Amendment proposes to assist hospitals by providing a temporary rate adjustment under the closure, merger, consolidation, acquisition, or restructuring of a health care provider.

DRAFT

New York  
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Hospital-Based Outpatient Services (Continued):

1905(a)(2)(A) Outpatient Hospital Services

Provider Name	Gross Medicaid Rate Adjustment	Rate Period Effective
Ellis Hospital	\$12,000,000	01/01/2023 – 03/31/2023
	\$3,000,000	04/01/2023 – 06/30/2023
	\$3,000,000	07/01/2023 – 09/30/2023
	\$3,000,000	10/01/2023 – 12/31/2023
	\$3,000,000	01/01/2024 – 03/31/2024
	\$12,000,000	04/01/2024 – 03/31/2025
<b>Faxton-St. Luke’s Healthcare</b>		
	\$9,358,757	01/01/2023 – 03/31/2023
Jamaica Hospital Medical Center	\$2,600,000	03/01/2022 – 03/31/2022
	\$ 650,000	04/01/2022 – 06/30/2022
	\$ 650,000	07/01/2022 – 09/30/2022
	\$ 650,000	10/01/2022 – 12/31/2022
	\$ 650,000	01/01/2023 – 03/31/2023
<b>Kenmore Mercy Hospital</b>		
	\$4,124,905	02/01/2023 – 03/31/2023
Maimonides Medical Center	\$4,387,492	03/01/2022 – 03/31/2022
	\$ 780,702	04/01/2022 – 06/30/2022
	\$ 780,702	07/01/2022 – 09/30/2022
	\$ 780,703	10/01/2022 – 12/31/2022
	\$ 780,703	01/01/2023 – 03/31/2023
	\$ 459,881	04/01/2023 – 06/30/2023
	\$ 459,881	07/01/2023 – 09/30/2023
	\$ 459,881	10/01/2023 – 12/31/2023
\$ 459,881	01/01/2024 – 03/31/2024	
<b>Mercy Hospital of Buffalo</b>		
	\$4,459,280	02/01/2023 – 03/31/2023
<b>Mount St. Mary’s Hospital</b>		
	\$13,500,000	07/01/2023 – 09/30/2023
<b>Oishei Children’s Hospital</b>		
	\$ 25,000,000	12/01/2022 - 03/31/2023
Oswego Hospital	\$374,854	04/01/2020—03/31/2021
	\$8,190,593	01/01/2023 – 03/31/2023
	\$5,277,476	04/01/2023 – 03/31/2024
	\$2,864,087	04/01/2024 – 03/31/2025
<b>St. Elizabeth Medical Center</b>		
	\$5,050,152	01/01/2023 – 03/31/2023

TN #23-0091

Approval Date

Supersedes TN #23-0013-A

Effective Date July 1, 2023

**PUBLIC NOTICE**

**Department of Health**

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to comply with enacted statutory provisions. The following changes are proposed:

**Non-Institutional Services**

Effective on or after July 1, 2023, the Department of Health will adjust rates statewide to reflect a twenty-five percent rate increase for Day Treatment for Children services licensed by the Office of Mental Health.

The estimated net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2024 is \$3.3 million and for state fiscal year 2025 is \$4.4 million.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County  
250 Church Street  
New York, New York 10018

Queens County, Queens Center  
3220 Northern Boulevard  
Long Island City, New York 11101

Kings County, Fulton Center  
114 Willoughby Street  
Brooklyn, New York 11201

Bronx County, Tremont Center  
1916 Monterey Avenue  
Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

*For further information and to review and comment, please contact:*  
Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, [spa\\_inquiries@health.ny.gov](mailto:spa_inquiries@health.ny.gov)

**PUBLIC NOTICE**

**Department of Health**

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to comply with PHL 2999-DD and SSL § 367-u. The following changes are proposed:

**Non-Institutional Services**

Effective on or after July 1, 2023, the State proposes to establish a fee to allow freestanding clinics, also known as diagnostic and treatment centers (DTCs), to be reimbursed when there is no on-site presence at the DTC. The State will reimburse DTCs for services furnished via telehealth when neither the provider nor the Medicaid member is on-site.

The estimated net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the 2023-2024 budget is \$0.29 million.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

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**PUBLIC NOTICE**

**Department of Health**

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services as authorized by § 2826 of New York Public Health Law. The following changes are proposed:

**Non-Institutional Services**

Effective on or after July 1, 2023, temporary rate adjustments have been approved for services related to providers that are undergoing closure, merger, consolidation, acquisition or restructuring themselves or other health care providers. The temporary rate adjustments have been reviewed and approved for the following Hospital:

- Mount St. Mary's Hospital with payment amounts totaling up to \$13,500,000 for the period July 1, 2023, through September 30, 2023.

The estimated net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2023-2024 is \$13.5 Million.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

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12210, spa\_inquiries@health.ny.gov

## PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to comply with PHL 2999-D and SSL § 367-u. The following changes are proposed:

### Non-Institutional Services

Effective on or after July 1, 2023, the State proposes to establish a fee to allow outpatient hospital departments to bill when there is no on-site presence at the clinic. The State will reimburse outpatient hospital departments for services furnished via telehealth when neither the provider nor the Medicaid member is on-site. This fee will replace billing of the professional component for these services.

The estimated net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the 2023-2024 budget is \$0.16 million.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

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## PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for institutional services to comply with Parts DD and E of Chapter 57 of the Laws of 2023. The following changes are proposed:

### Non-Institutional Services

Effective for dates of service on or after July 1, 2023, the Department of Health will adjust outpatient rates for hospital providers for services under Article 28 of the Public Health Law, by an additional six and one-half percent (6.5%) across the board increase to the operating portion of the rates.

The estimated net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2023-2024 is \$23.8 million.

### Institutional Services

Effective for dates of service on or after July 1, 2023, the Department of Health will increase fees paid to reimburse Comprehensive Psychiatric Emergency Program (CPEP) extended observation bed (EOB) services. This State Plan Amendment is necessary to adequately reimburse CPEP EOB programs for providing these services and better meet the community's mental health needs.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to this initiative \$6,000.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

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## PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to comply with NYS Education Law Article 137 Sections 6801, 6801-A, 6802 and 6806. The following changes are proposed: