



Summary of Legislation Enacted in 2019

This summary briefly discusses Social Services Law changes that were part of the 2019-2020 New York State budget.

Amended Social Services Law provisions

Managed Care Compliance Program Requirements

Social Services Law § 363-d was amended to make clear that if an MCO's compliance program meets federal requirements, then it shall be considered in compliance with State requirements.

[SOS §363-d, in Part V of Chapter 57 of the Laws of 2019]

Encounter Data Penalty

Social Services Law § 364-j(32) was amended to clarify that in cases of fraud or abuse related to encounter data OMIG is permitted to impose additional penalties.

[SOS §364-j(32), in Part V of Chapter 57 of the Laws of 2019]

Recovery of Overpayments Paid by the MA Program

Social Services Section § 364-j added new subdivision 34 clarifying that payments made by a Managed Care Organization (MCO), or Managed Long Term Care Plan (MLTC), to subcontractors and network providers are, in fact, Medicaid payments.

[SOS §364-j(34), in Part V of Chapter 57 of the Laws of 2019]

Recovery of Overpayments from Network Providers

Social Services Law §364-j added new subdivision 35 to authorize the State to recover overpayments from an MCO's network providers and subcontractors.

[SOS §364-j (35), in Part V of Chapter 57 of the Law of 2019]

Medicaid Program Integrity Reviews

Social Services Law §364-j added new subdivision 36 granting OMIG the authority to conduct annual reviews of an MCO's contractual performance of its program integrity obligations, and allow OMIG to recover up to 2 percent of the administrative component of State payments to an MCO – in the event OMIG determines the organization has not met its program-integrity obligations.

[SOS §364-j(36), in Part V of Chapter 57 of the Laws of 2019]

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