

Cost of Examinations - Medicaid (Technical Amendment of Citation)

Effective date: 4/20/11

Pursuant to the authority vested in the Commissioner of Health by section 368-a (1)(f) of the Social Services Law, section 360-5.5 of Title 18 (Social Services) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, to be effective upon publication of a Notice of Adoption in the New York State Register, to read as follows:

Section 201(1)(v) of the Public Health Law designates the Department as the single State agency responsible for implementing the Medicaid program in this State, and requires the Department to promulgate any necessary regulations which are consistent with federal and State law. The site of statutory authority for claiming medical assistance expenditures as administrative is found at SSL 368-a (1)(f).

Section 360-5.5 is amended to read as follows:

The cost of examinations, consultations, completion of medical forms, and tests requested by MA-only disability review teams must be paid by the local agency. Reimbursement is available for these services as an administrative expense in accordance with section [595.3(b)] 609.5(b) of this Title.

## NOTICE OF CONSENSUS RULEMAKING

### **Statutory Authority:**

Social Services Law 365(1) is the site of statutory authority that establishes responsibility for furnishing medical assistance to persons residing in a public welfare district's territory. The site of statutory authority for claiming medical assistance expenditures as administrative is found at SSL 368-a(1)(f).

### **Basis:**

Regulation 18 of NYCRR 360-5.5 states, "The cost of examinations, consultations, completion of medical forms, and tests requested by MA-only disability review teams must be paid by the local agency. Reimbursement is available for these services as an administrative expense in accordance with section [595.3(b)] of this Title." The reference to 18 NYCRR 595.3(b) was repealed on March 31, 1987, effective July 1, 1988. It was to be replaced by 18 NYCRR 609.5(b), which was filed on June 10, 1988, effective July 1, 1988. This change was apparently overlooked when the fiscal regulations were revised. The revision to Regulation 18 NYCRR 360-5.5 is a technical correction. It is non-controversial and should not generate public comment. A consensus regulation is warranted since this technical correction merely complies with fiscal regulations.

## **JOB IMPACT STATEMENT**

A Job Impact Statement is not required. The proposed regulatory amendment will not have an adverse impact on jobs and employment opportunities.

The proposed regulatory amendment is required to comply with the provision of Section 368-a (1)(f) of Social Services Law concerning statutory authority for claiming medical assistance expenditures as administrative.