

Medicaid Provider Enrollment

Effective date: 4/13/16

Pursuant to the authority vested in the Commissioner of Health by sections 363-a and 364 of the Social Services Law, section 504.5 of Title 18 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:

Paragraphs (8) and (10) of subdivision (a) of section 504.5 are amended to read as follows:

(8) [an] a pending indictment for, or prior conviction of, any crime relating to the furnishing of, or billing for, medical care, services or supplies or which is considered an offense involving theft or fraud or an offense against public administration or against public health and morals;

(10) a [current] pending indictment for, or prior conviction of, [a] any crime relating to the furnishing of or billing for medical care, services or supplies, or a determination of having engaged in an unacceptable practice in the medical assistance program;

NOTICE OF CONSENSUS RULEMAKING

Statutory Authority:

The Commissioner of Health is authorized by section 363-a of the Social Services Law to make such regulations, not inconsistent with law, as may be necessary to implement the Medicaid program within New York State.

Basis:

Among the factors that the Commissioner must take into consideration in deciding whether to allow a provider to enroll in the Medicaid program is that the provider has an indictment for, or prior conviction of, any crime related to the furnishing of or billing for medical care, services, or supplies.

The proposed regulation would bring uniformity to the language of two provisions in section 504.5, and make clear that the regulation is referring to pending indictments. In addition, the proposed regulation would replace the term “current indictment” with “pending indictment”, to conform to terminology used in the Criminal Procedure Law, thus reducing the possibility of any confusion caused by the use of inconsistent language.

Because these amendments make technical changes, it is expected that no person is likely to object to their adoption.

JOB IMPACT STATEMENT

No job impact statement is required pursuant to section 201-a (2)(a) of the State Administrative Procedures Act. It is apparent, from the nature of the proposed amendment, that it will not have a substantial adverse impact on jobs and employment opportunities.