



## Department of Health

**KATHY HOCHUL**  
Governor

**MARY T. BASSETT, M.D., M.P.H.**  
Commissioner

**KRISTIN M. PROUD**  
Acting Executive Deputy Commissioner

September 14, 2022

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 #21-0074**

This State Plan Amendment is a temporary amendment in response to COVID-19 Emergency Relief.

DRAFT

State/Territory: NEW YORK

## Section 7 – General Provisions

### 7.4. Medicaid Disaster Relief for the COVID-19 National Emergency

On March 13, 2020, the President of the United States issued a proclamation that the COVID-19 outbreak in the United States constitutes a national emergency by the authorities vested in him by the Constitution and the laws of the United States, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.), and consistent with section 1135 of the Social Security Act (Act). On March 13, 2020, pursuant to section 1135(b) of the Act, the Secretary of the United States Department of Health and Human Services invoked his authority to waive or modify certain requirements of titles XVIII, XIX, and XXI of the Act as a result of the consequences COVID-19 pandemic, to the extent necessary, as determined by the Centers for Medicare & Medicaid Services (CMS), to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in the respective programs and to ensure that health care providers that furnish such items and services in good faith, but are unable to comply with one or more of such requirements as a result of the COVID-19 pandemic, may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse. This authority took effect as of 6PM Eastern Standard Time on March 15, 2020, with a retroactive effective date of March 1, 2020. The emergency period will terminate, and waivers will no longer be available, upon termination of the public health emergency, including any extensions.

The State Medicaid agency (agency) seeks to implement the policies and procedures described below, which are different than the policies and procedures otherwise applied under the Medicaid state plan, during the period of the Presidential and Secretarial emergency declarations related to the COVID-19 outbreak (or any renewals thereof), or for any shorter period described below:

*SPA effective date is February 1, 2021*

NOTE: States may not elect a period longer than the Presidential or Secretarial emergency declaration (or any renewal thereof). States may not propose changes on this template that restrict or limit payment, services, or eligibility, or otherwise burden beneficiaries and providers.

#### Request for Waivers under Section 1135

X The agency seeks the following under section 1135(b)(1)(C) and/or section 1135(b)(5) of the Act:

- a.     SPA submission requirements – the agency requests modification of the requirement to submit the SPA by March 31, 2020, to obtain a SPA effective date during the first calendar quarter of 2020, pursuant to 42 CFR 430.20.
- b. X Public notice requirements – the agency requests waiver of public notice requirements that would otherwise be applicable to this SPA submission. These requirements may include those specified in 42 CFR 440.386 (Alternative Benefit Plans), 42 CFR 447.57(c) (premiums and cost sharing), and 42 CFR 447.205 (public notice of changes in statewide methods and standards for setting payment rates).

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- c.      Tribal consultation requirements – the agency requests modification of tribal consultation timelines specified in New York State Medicaid state plan, as described below:

*New York will reduce the tribal consultation to zero days before submission to CMS. Tribal consultation will still be completed and mailed as per guidelines in New York's approved state plan.*

### Section A – Eligibility

1.      The agency furnishes medical assistance to the following optional groups of individuals described in section 1902(a)(10)(A)(ii) or 1902(a)(10)(c) of the Act. This may include the new optional group described at section 1902(a)(10)(A)(ii)(XXIII) and 1902(ss) of the Act providing coverage for uninsured individuals.

*Include name of the optional eligibility group and applicable income and resource standard.*

2.      The agency furnishes medical assistance to the following populations of individuals described in section 1902(a)(10)(A)(ii)(XX) of the Act and 42 CFR 435.218:

- a.      All individuals who are described in section 1905(a)(10)(A)(ii)(XX)

Income standard:                     

-or-

- b.      Individuals described in the following categorical populations in section 1905(a) of the Act:

Income standard:                     

3.      The agency applies less restrictive financial methodologies to individuals excepted from financial methodologies based on modified adjusted gross income (MAGI) as follows.

Less restrictive income methodologies:

State/Territory: NEW YORK

Less restrictive resource methodologies:

4.        The agency considers individuals who are evacuated from the state, who leave the state for medical reasons related to the disaster or public health emergency, or who are otherwise absent from the state due to the disaster or public health emergency and who intend to return to the state, to continue to be residents of the state under 42 CFR 435.403(j)(3).

5.        The agency provides Medicaid coverage to the following individuals living in the state, who are non-residents:

6.        The agency provides for an extension of the reasonable opportunity period for non-citizens declaring to be in a satisfactory immigration status, if the non-citizen is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the agency is unable to complete the verification process within the 90-day reasonable opportunity period due to the disaster or public health emergency.

**Section B – Enrollment**

1.        The agency elects to allow hospitals to make presumptive eligibility determinations for the following additional state plan populations, or for populations in an approved section 1115 demonstration, in accordance with section 1902(a)(47)(B) of the Act and 42 CFR 435.1110, provided that the agency has determined that the hospital is capable of making such determinations.

*Please describe the applicable eligibility groups/populations and any changes to reasonable limitations, performance standards or other factors.*

2.        The agency designates itself as a qualified entity for purposes of making presumptive eligibility determinations described below in accordance with sections 1920, 1920A, 1920B, and 1920C of the Act and 42 CFR Part 435 Subpart L.

*Please describe any limitations related to the populations included or the number of allowable PE periods.*

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3. \_\_\_\_ The agency designates the following entities as qualified entities for purposes of making presumptive eligibility determinations or adds additional populations as described below in accordance with sections 1920, 1920A, 1920B, and 1920C of the Act and 42 CFR Part 435 Subpart L. Indicate if any designated entities are permitted to make presumptive eligibility determinations only for specified populations.

*Please describe the designated entities or additional populations and any limitations related to the specified populations or number of allowable PE periods.*

4. \_\_\_\_ The agency adopts a total of \_\_\_\_ months (not to exceed 12 months) continuous eligibility for children under age enter age \_\_\_\_ (not to exceed age 19) regardless of changes in circumstances in accordance with section 1902(e)(12) of the Act and 42 CFR 435.926.
5. \_\_\_\_ The agency conducts redeterminations of eligibility for individuals excepted from MAGI-based financial methodologies under 42 CFR 435.603(j) once every \_\_\_\_ months (not to exceed 12 months) in accordance with 42 CFR 435.916(b).
6. \_\_\_\_ The agency uses the following simplified application(s) to support enrollment in affected areas or for affected individuals (a copy of the simplified application(s) has been submitted to CMS).
- a. \_\_\_\_ The agency uses a simplified paper application.
  - b. \_\_\_\_ The agency uses a simplified online application.
  - c. \_\_\_\_ The simplified paper or online application is made available for use in call-centers or other telephone applications in affected areas.

### Section C – Premiums and Cost Sharing

1. \_\_\_\_ The agency suspends deductibles, copayments, coinsurance, and other cost sharing charges as follows:

*Please describe whether the state suspends all cost sharing or suspends only specified deductibles, copayments, coinsurance, or other cost sharing charges for specified items and services or for specified eligibility groups consistent with 42 CFR 447.52(d) or for specified income levels consistent with 42 CFR 447.52(g).*

2. \_\_\_\_ The agency suspends enrollment fees, premiums and similar charges for:
- a. \_\_\_\_ All beneficiaries
  - b. \_\_\_\_ The following eligibility groups or categorical populations:

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Supersedes TN: NEW

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*Please list the applicable eligibility groups or populations.*

3.      The agency allows waiver of payment of the enrollment fee, premiums and similar charges for undue hardship.

*Please specify the standard(s) and/or criteria that the state will use to determine undue hardship.*

#### Section D – Benefits

##### Benefits:

1.      The agency adds the following optional benefits in its state plan (include service descriptions, provider qualifications, and limitations on amount, duration or scope of the benefit):

2. X The agency makes the following adjustments to benefits currently covered in the state plan:

This Disaster SPA allows Health Facilities licensed pursuant to Article 29-I of the Public Health Law to be reimbursed for care and services provided by exempt practitioners as defined under State law, working under the supervision of a professional licensed pursuant to Article 153 (psychologists), 154 (social workers) or 163 (mental health practitioners) of the State Education law. State Education law Articles 153 (§7605), 154 (§7706), and 163 (§8410) authorize exempt individuals who were previously employed in a program or service operated, regulated, funded or approved by the Office of Mental Health (OMH), the Office of Addiction Services and Supports (OASAS), the Office for People with Developmental Disabilities (OPWDD), the Office of Children and Family Services (OCFS), the Department of Corrections and Community Supervision (DOCCS), the Office of Temporary and Disability Assistance (OTDA), the New York State Office for the Aging (NYSOFA), the Department of Health (DOH) or a local government unit defined by Section 41.03 of the Mental Hygiene Law or a social services district as defined in Section 61 of the Social Services Law to practice under an exemption from licensing requirements, provided they were employed by an authorized setting as of June 24, 2022 and continue to work there or in another authorized setting.

Profession specific exemptions include the following:

1. The person is a student enrolled in a degree granting program leading to licensure of Licensed Master Social Worker (LMSW), Licensed Clinical Social Worker (LCSW), Licensed Mental Health Counselor (LMHC), Licensed Marriage and Family Therapist (LMFT), Licensed Psychotherapist (LP) or Licensed Creative Arts Therapist (LCAT) – if appropriately supervised and performing the corresponding scope of practice.

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2. A person holds a baccalaureate of social work or higher if they only perform the scope of a LMSW – if appropriately supervised.
3. A person holds a master’s degree or higher for one of the Article 163 professions – if appropriately supervised and only engaged in the practice of the corresponding scope of practice.

The identified benefits and proposed changes to the provider qualifications impacted by this change (SPA #21-0003):

1. Preventive Services / Residential Treatment (PRT) services for children under the age of 21:

- A. Skill Building
- B. Nursing Services and Medication Management
- C. Services Coordination

1.a. Practitioner / Provider Qualifications:

**Proposed change:**

PRT provides community-based preventive residential services recommended by and under the supervision and oversight of one of the following licensed practitioners operating within the scope of their practice of their State license OR can be exempt from the licensure requirement within the current SPA #21-0003 if one of the following criteria is met:

- 1) any person who is a student enrolled in a degree granting program leading to licensure of Licensed Master Social Worker (LMSW), Licensed Clinical Social Worker (LCSW), Licensed Mental Health Counselor (LMHC), Licensed Marriage and Family Therapist (LMFT), Licensed Psychotherapist (LP) or Licensed Creative Arts Therapist (LCAT) – if appropriately supervised and performing the corresponding scope of practice, NYS will allow for these practitioners, **OR**
- 2) A person holds a baccalaureate of social work or higher if they only perform the scope of a LMSW – if appropriately supervised, **OR**
- 3) A person holds a master’s degree or higher for one of the Article 163 professions – if appropriately supervised and only engaged in the practice of the corresponding scope of practice

**AND**

if previously employed in an authorized setting as of June 24, 2022, and continue to work there or in another authorized setting, is exempt from licensure and continue to practice with proof that they meet the NYS regulation for exemptions as noted.

2. Rehabilitative Services / Residential Treatment (RRT) services for children under the age of 21:

- A. Developmentally
- B. Nursing services and Medication Management
- C. Service Coordination

2.a. Practitioner / Provider Qualifications:

**Proposed Change:**

RRT provides community-based rehabilitative residential services recommended by and under the supervision and oversight of one of the following licensed practitioners operating within the scope of their practice of their State license OR can be exempt from the licensure requirement within the current SPA #21-0003 if one of the following criteria is met:

- 1) any person who is a student enrolled in a degree granting program leading to licensure of Licensed Master Social Worker (LMSW), Licensed Clinical Social Worker (LCSW), Licensed Mental Health Counselor (LMHC), Licensed Marriage and Family Therapist (LMFT), Licensed Psychotherapist (LP) or



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Licensed Creative Arts Therapist (LCAT) – if appropriately supervised and performing the corresponding scope of practice, NYS will allow for these practitioners, **OR**

2) A person holds a baccalaureate of social work or higher if they only perform the scope of a LMSW – if appropriately supervised, **OR**

3) A person holds a master’s degree or higher for one of the Article 163 professions – if appropriately supervised and only engaged in the practice of the corresponding scope of practice

**AND**

if previously employed in an authorized setting as of June 24, 2022, and continue to work there or in another authorized setting, is exempt from licensure and continue to practice with proof that they meet the NYS regulation for exemptions as noted.

Due to the workforce shortage and challenges of hiring behavioral health providers and the difficulties providing on-going services to children and families who have also faced tremendous hardships due to the pandemic, NYS will authorize exempt practitioners who meet the NYS Education law licensure exemption requirements to provide services in Article 29-I Health Facilities. It is imperative that exempt practitioners be authorized to provide these important and necessary services to children and youth who are served by the 29-I Health Facilities during this ongoing crisis. Additionally, these services are needed to maintain the health and safety of children and youth who have histories of trauma and neglect in addition to the impact of the pandemic.

NYS will pursue a permanent State Plan Amendment to take effect upon the expiration of the Public Health Emergency.

See link to state guidelines on the relevant state education law:

<http://www.op.nysed.gov/surveys/mhpsw/guidelines-implement-%20party-chapter57-laws%20of%202018.pdf>

<http://www.op.nysed.gov/surveys/mhpsw/exempt-agencies-overview.htm>

<http://www.op.nysed.gov/prof/psych/article153.htm#exempt>

<http://www.op.nysed.gov/prof/sw/article154.htm#exempt>

<http://www.op.nysed.gov/prof/mhp/article163.htm#exempt>

3.  The agency assures that newly added benefits or adjustments to benefits comply with all applicable statutory requirements, including the state wideness requirements found at 1902(a)(1), comparability requirements found at 1902(a)(10)(B), and free choice of provider requirements found at 1902(a)(23).
4.  Application to Alternative Benefit Plans (ABP). The state adheres to all ABP provisions in 42 CFR Part 440, Subpart C. This section only applies to states that have an approved ABP(s).
- a.  The agency assures that these newly added and/or adjusted benefits will be made available to individuals receiving services under ABPs.
- b.  Individuals receiving services under ABPs will not receive these newly added and/or adjusted benefits, or will only receive the following subset:

*Please describe.*

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*Telehealth:*

5.  The agency utilizes telehealth in the following manner, which may be different than outlined in the state's approved state plan:

*Drug Benefit:*

6.  The agency makes the following adjustments to the day supply or quantity limit for covered outpatient drugs. The agency should only make this modification if its current state plan pages have limits on the amount of medication dispensed.

*Please describe the change in days or quantities that are allowed for the emergency period and for which drugs.*

7.  Prior authorization for medications is expanded by automatic renewal without clinical review, or time/quantity extensions.

8.  The agency makes the following payment adjustment to the professional dispensing fee when additional costs are incurred by the providers for delivery. States will need to supply documentation to justify the additional fees.

*Please describe the manner in which professional dispensing fees are adjusted.*

9.  The agency makes exceptions to their published Preferred Drug List if drug shortages occur. This would include options for covering a brand name drug product that is a multi-source drug if a generic drug option is not available.

**Section E – Payments**

*Optional benefits described in Section D:*

1.  Newly added benefits described in Section D are paid using the following methodology:

- a.  Published fee schedules –

Effective date (enter date of change): \_\_\_\_\_

Location (list published location): \_\_\_\_\_

- b.  Other:

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*Describe methodology here.*

*Increases to state plan payment methodologies:*

2.  The agency increases payment rates for the following services:

*Please list all that apply.*

- a.  Payment increases are targeted based on the following criteria:

*Please describe criteria.*

- b. Payments are increased through:

- i.  A supplemental payment or add-on within applicable upper payment limits:

- ii.  An increase to rates as described below.

Rates are increased:

Uniformly by the following percentage: \_\_\_\_\_

Through a modification to published fee schedules –

Effective date (enter date of change): \_\_\_\_\_

Location (list published location): \_\_\_\_\_

Up to the Medicare payments for equivalent services.

By the following factors:

*Please describe.*

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*Payment for services delivered via telehealth:*

3.  For the duration of the emergency, the state authorizes payments for telehealth services that:
- a.  Are not otherwise paid under the Medicaid state plan.
  - b.  Differ from payments for the same services when provided face to face;
  - c.  Differ from current state plan provisions governing reimbursement for telehealth;

*Describe telehealth payment variation.*

- d.  Include payment for ancillary costs associated with the delivery of covered services via telehealth, (if applicable), as follows:
- i.  Ancillary cost associated with the originating site for telehealth is incorporated into fee-for-service rates.
  - ii.  Ancillary cost associated with the originating site for telehealth is separately reimbursed as an administrative cost by the state when a Medicaid service is delivered.

*Other:*

4.  Other payment changes:

**Section F – Post-Eligibility Treatment of Income**

1.  The state elects to modify the basic personal needs allowance for institutionalized individuals. The basic personal needs allowance is equal to one of the following amounts:
- a.  The individual's total income
  - b.  300 percent of the SSI federal benefit rate
  - c.  Other reasonable amount: \_\_\_\_\_
2.  The state elects a new variance to the basic personal needs allowance. (Note: Election of this option is not dependent on a state electing the option described the option in F.1. above.)

The state protects amounts exceeding the basic personal needs allowance for individuals who have the following greater personal needs:

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*Please describe the group or groups of individuals with greater needs and the amount(s) protected for each group or groups.*

**Section G – Other Policies and Procedures Differing from Approved Medicaid State Plan /Additional Information**

PRA Disclosure Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148 (Expires 03/31/2021). The time required to complete this information collection is estimated to average 1 to 2 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. Your response is required to receive a waiver under Section 1135 of the Social Security Act. All responses are public and will be made available on the CMS web site. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850. \*\*\*CMS Disclosure\*\*\* Please do not send applications, claims, payments, medical records or any documents containing sensitive information to the PRA Reports Clearance Office. Please note that any correspondence not pertaining to the information collection burden approved under the associated OMB control number listed on this form will not be reviewed, forwarded, or retained. If you have questions or concerns regarding where to submit your documents, please contact the Centers for Medicaid & CHIP Services at 410-786-3870.

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**SUMMARY**  
**SPA #22-0012**

This State Plan Amendment proposes to establish and authorize payment for Nutrition Services provided to children/youth by providers licensed under Article 29-I. Nutrition services are already reimbursed by providers under Article 25 and 28. This clarifies coverage under EPSDT in a statewide, comparable manner.

DRAFT



New York  
2(c.1.6)

**1905(a)(13) Other Diagnostic, Screening, Preventive and Rehabilitative Services**  
**1905(a)(4)(b) and 1905(r) EPSDT**

**13c. Preventive Services**

Medical Nutrition Therapy Services (continued)

Individuals authorized to provide medical nutritional therapy related to long-term dietary change, increased physical activity, and behavior change strategies for weight control; counseling and skill building to facilitate the knowledge, skill, and ability necessary for self-care includes:

1. Registered Dieticians: Is registered as a dietitian or nutritionist by a national dietetic or national nutrition association having registration standards acceptable to the department.
2. Certified Nutritionist or Certified Dietician-Nutritionist: To be eligible for certification, an individual must 18 years of age or older; passed a background check, be a licensed by New York Office of Professions, received a bachelor of arts or science or associate's degree from a university accredited by the Commission on Accreditation for Dietetics Education (CADE) that includes a major focus on professional dietetics and nutrition before licensure; and satisfactorily completed a minimum of 800 hours of supervised work experience for applicants with Bachelor's degrees and 1,600 hours of supervised work experience for applicants with Associate's degrees and passed the certification exam given by the Commission on Dietetic Registration (CDR). In addition, Associate's degree applicants must provide endorsement from three dietitian-nutritionists who are licensed by the state of New York or are registered with an acceptable national organization.

All practitioners providing Medical Nutrition Therapy services must be employed by agencies enrolled in the New York Medicaid program under Article 25, 28, or 29-1.

TN     #22-0012     Approval Date                                       
Supersedes TN   #NEW   Effective Date   July 01, 2022



New York  
2(c.1.5)

**1905(a)(13) Other Diagnostic, Screening, Preventive and Rehabilitative Services**  
**1905(a)(4)(b) and 1905(r) EPSDT**

**13c. Preventive Services**

Medical Nutrition Therapy Services

Medical nutrition therapy services are provided to children under the age of 21 when recommended by a physician or other licensed practitioner of the healing arts within the scope of their practice under State law to:

- 1) Prevent disease, disability, and other health conditions or their progression;
- 2) Prolong life; and
- 3) Promote physical and mental health and efficiency.

Medical nutrition therapy (MNT) services are covered when provided by a registered dietitian (RD), certified nutritionist (CN), or certified dietitian-nutritionist (CDN) working within their scope of practice. Medical nutrition therapy services are designed to provide medically necessary, diagnostic, therapy and counseling services for the management and prevention of nutrition related disease states. MNT involves the assessment of an individual's overall nutritional status followed by an individualized course of treatment to prevent or treat medical illness. Services must be provided under a treatment plan based on evidence-based assessment criteria and include realistic and obtainable goals. The following services are covered when provided by an RD, CN or CDN and must include coordination with the referring provider:

- a. An initial nutrition and lifestyle assessment
- b. One on one nutrition counseling, including:
  - i. Counseling related to long-term dietary change, increased physical activity, and behavior change strategies for weight control;
  - ii. Counseling and skill building to facilitate the knowledge, skill, and ability necessary for self-care; and
  - iii. Other Nutritional counseling services identified in the assessment.
- c. Follow-up intervention visits to monitor progress

Services will be provided in the home, clinic, hospital out-patient facility, or any other setting as authorized. Service limits may be exceeded based on medical necessity.

TN #22-0012

Approval Date \_\_\_\_\_

Supersedes TN #NEW

Effective Date July 01, 2022





# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

## PUBLIC NOTICE

### Deferred Compensation Board

Pursuant to the provisions of 9 NYCRR, Section 9003.2 authorized by Section 5 of the State Finance Law, the New York State Deferred Compensation Board, beginning Wednesday, June 8, 2022 is soliciting proposals from Administrative Service Agencies and Financial Organizations to provide Administrative Services, Communication Services and Financial Guidance/Advice for the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions, a plan meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto. A copy of the request for proposals may be obtained from Ben Taylor, Callan LLC, 600 Montgomery Street. San Francisco, CA 94111, (415) 974-5060, [taylorb@callan.com](mailto:taylorb@callan.com).

A copy of the RFP is also available on the Board's website: [www.deferredcompboard.ny.gov](http://www.deferredcompboard.ny.gov)

All proposals must be received electronically by Callan LLC no later than 5:00 p.m. CST on Monday, July 25, 2022. Additionally, a pdf copy must be sent to James Reeves at [james.reeves@nysdcp.com](mailto:james.reeves@nysdcp.com) by this date.

## 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 revise provisions for beneficiaries in qualifying clinical trials enrolled in Alternative Benefit Plans (ABP). The following changes are proposed:

#### Non-Institutional Services

The following is a clarification to the March 30, 2022 noticed provision for beneficiaries in qualifying clinical trials enrolled in ABP.

With clarification, the Department assures access to early and periodic screening, diagnostic and treatment (EPSDT) services in compliance with § 440.345 will continue unchanged. Tribal consultation was conducted in compliance with 5006(e) of the American Recovery and Reinvestment Act of 2009.

There is no estimated annual change to gross Medicaid expenditures as a result of this proposed amendment, since these benefits are already covered under long-standing NYS Medicaid policy.

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 for coverage and reimbursement for Medicaid services. The following changes are proposed:

#### Non-Institutional Services

Effective on or after July 1, 2022, the Medicaid State Plan will be amended to establish and authorize payment for Nutrition Services provided to children/youth by providers licensed under Article 29-I.

There is no estimated annual change to gross Medicaid expenditures as a result of this proposed amendment.

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

### Deferred Compensation Board

The New York City Deferred Compensation Plan (the "Plan") is seeking qualified vendors to provide international value equity investment management services for the International Equity Fund (the "Fund") investment option of the Plan. The objective of the Fund is to provide exposure to the broad international equity market. Qualified vendors that do not currently provide product capabilities to eVestment must submit product information to NEPC, LLC at the following e-mail address: [bvertucci@nepc.com](mailto:bvertucci@nepc.com). Please complete the submission of product information no later than 4:30 P.M. Eastern Time on June 29, 2022.

Consistent with the policies expressed by the City, proposals from certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Additionally, proposals from small and New York City-based businesses are also encouraged.

## PUBLIC NOTICE

### Department of State Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0104 Matter of MTA - NYC Transit, Two Broadway, New York, NY 10004, for a variance concerning safety requirements, including area of refuge, required number of exits, and exhaust discharge. Involved is an existing subterranean transit station, known

as the 68th Street-Hunter College Station, located at East 68th Street and Lexington Avenue, City of New York, Borough of Manhattan, State of New York.

2022-0171 Matter of Paul Davis Restoration, 1075 Buffalo Road, Rochester, NY 14624, for a variance concerning safety requirements, including basement ceiling height. Involved is an existing one-family dwelling located at 66 Carverdale Drive, Town of Brighton, County of Monroe, State of New York.

2022-0236 Matter of Thomas D. Armentano, 518 Backus Road, Webster, NY 14580, for a variance concerning safety requirements, including permanent barriers. Involved is an existing one-family dwelling located at 518 Backus Road, Town of Webster, County of Monroe, State of New York.

2022-0237 Matter of Justin Sudore, 743 Close Circle, Webster, NY 14580, for a variance concerning safety requirements, including permanent barriers. Involved is an existing one-family dwelling located at 743 Close Circle, Town of Webster, County of Monroe, State of New York.

2022-0241 Matter of Freier Building LLC, 119 Hinkleyville Road, Spencerport, NY 14559, for a variance concerning safety requirements, including required water supply. Involved is a one-family dwelling located at 1688 Clarkson Parma Town Line Road, Town of Parma, County of Monroe, State of New York.

2022-0267 Matter of Jeffrey Halsdofer, 1384 Meadow Breeze Lane, Webster, NY 14580, for a variance concerning safety requirements, including permanent barriers. Involved is an existing one-family dwelling located at 1384 Meadow Breeze Lane, Town of Webster, County of Monroe, State of New York.

## PUBLIC NOTICE

### Department of State Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0264 Matter of Elsasser Expediting Services, John Roy, 1134B, Route 25, Selden, NY 11784, for a variance concerning safety requirements, including the ceiling height and the height under a girder/soffit. Involved is an existing one-family dwelling located at 328 Miller Place Road, Miller Place, Town of Brookhaven, 11764, County of Suffolk, State of New York.

2022-0266 Matter of Thomas Sigismonti, 20 Cypress Street, Floral Park, NY 11001, for a variance concerning safety requirements, including the ceiling height and the height under a girder/soffit. Involved is an existing one-family dwelling located at 20 Cypress Street, Village of Floral Park, 11001, County of Nassau, State of New York.

## PUBLIC NOTICE

### Department of State Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0270 in the Matter of Get My Co Corp, Timothy Lener, 57 Wheeler Ave., Suite 203, Pleasantville, NY 10570, for a variance

**SUMMARY**  
**SPA #22-0075**

This State Plan Amendment proposes to increase salaries for home care workers beginning October 1, 2022.

DRAFT

New York  
4(8)(1)(b)

**1905(a)(7) Home Health Care Services**

iii. Minimum wage funds to be recouped or additional funds to be received by the provider. (This information will be completed by the provider.) This will be the difference between the amount paid to the provider for the Medicaid share of the minimum wage law increase requirement and the corresponding amount the provider determined it was actually obligated to pay.

iv. The State agency will review providers' submissions for accuracy and reasonableness following which it will process associated payments and recoupmets via retroactive per unit rate adjustments as quickly as practical thereafter.

The agency's Chief Executive Officer or Chief Financial Officer must sign an Attestation verifying the data that is supplied in the survey.

Effective October 1, 2022, the minimum wage for a home care aide will be increased by two dollars and applicable fringe, and effective October 1, 2023 it will be increased by an additional dollar and applicable fringe for a total of three dollars and applicable fringe.

CHHA provider rates are available on the following website:

[www.health.ny.gov/facilities/long\\_term\\_care/reimbursement/chha/](http://www.health.ny.gov/facilities/long_term_care/reimbursement/chha/)

DRAFT

TN #22-0075

Approval Date \_\_\_\_\_

Supersedes TN #17-0009

Effective Date October 1, 2022





**New York  
6(a)(4)**

**1905(a)(24) Personal Care Services**

1. Total annual minimum wage funding paid to the provider (as determined from the minimum wage add-on to claims paid for services rendered in the prior calendar year) for the Medicaid share of the minimum wage law increase requirement. (This information will be supplied by the Department of Health.) Medicaid's share is the percentage of minimum wage costs that are attributable to Medicaid services based on the proportion of Medicaid services to a provider's total services.
2. Medicaid's share of the total amount the provider was obligated to pay to bring salaries up to the minimum wage for the calendar year. (This information will be completed by the provider.)
3. Minimum wage funds to be recouped or additional funds to be received by the provider. (This information will be completed by the provider.) This will be the difference between the amount paid to the provider for the Medicaid share of the minimum wage law increase requirement and the corresponding amount the provider determined it was actually obligated to pay.
4. The State agency will review providers' submissions for accuracy and reasonableness, following which it will process associated payments and recoupments via retroactive per unit rate adjustments as quickly as practical thereafter.

The agency's Chief Executive Officer or Chief Financial Officer must sign an Attestation verifying the data that is supplied in the survey.

Effective October 1, 2022, the minimum wage for a home care aide will be increased by two dollars and applicable fringe, and effective October 1, 2023 it will be increased by an additional dollar and applicable fringe for a total of three dollars and applicable fringe.

TN #22-0075 Approval Date \_\_\_\_\_

Supersedes TN #17-0026 Effective Date October 1, 2022

**Public Notice**  
**NYS 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**

The following is a clarification to the June 29, 2022, noticed provision for Home Care Wage increase.

With clarification, the estimated net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2022-23 is \$41.3 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

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3220 Northern Boulevard

Long Island City, New York 11101

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Staten Island, New York 10301

For further information and to review and comment, please contact:

New York State Department of Health  
Division of Finance and Rate Setting  
99 Washington Ave  
One Commerce Plaza  
Suite 1432  
Albany, New York 12210  
[spa\\_inquiries@health.ny.gov](mailto:spa_inquiries@health.ny.gov)

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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 enacted statutory provisions. The following changes are proposed:

**Non-Institutional Services**

Effective on or after July 1, 2022, the Department of Health will adjust rates statewide to reflect a five percent increase for the following Office of Mental Health services: Continuing Day Treatment (CDT), Day Treatment for Children and Partial Hospitalization (PH).

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to the July 1, 2022, five percent increase for the Continuing Day Treatment (CDT), Day Treatment for Children and Partial Hospitalization (PH) services is \$1.3 million. The amount is contained in the budget for State Fiscal Year 2023.

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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Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY  
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 enacted statutory provisions. The following changes are proposed:

**Non-Institutional Services**

Beginning October 1, 2022, the minimum wage for a home care aide shall be increased by \$2.00 and beginning October 1, 2023, the minimum wage shall be increased by an additional \$1.00.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2022-23 is \$20.7 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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Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY  
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 for coverage and reimbursement for Medicaid services. The following changes are proposed:

**Non-Institutional Services**

Effective on or after July 1, 2022, the Medicaid State Plan will be amended to authorize payment for Psychologist services provided to children/youth by agencies designated under the Child and Family Treatment and Support Services designation process.

There is no estimated annual change to gross Medicaid expenditures as a result of this proposed amendment.

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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**SUMMARY**  
**SPA #22-0076**

This State Plan Amendment proposes to remove the "Behavioral Health Utilization Controls" payment reductions for OPWDD Article 16 Clinics per the enacted 2023 Budget.

DRAFT

New York  
2(w) (ii)

**1905(a)(9) Clinic Services**

Beginning state fiscal year 2014-2015, and each subsequent state fiscal year thereafter, the utilization look-back period ~~shall~~ will be the period used in the preceding state fiscal year advanced by twelve months.

For the period April 1, 2011, through March 31, 2012, OPWDD ~~may~~ will waive the reimbursement rate reductions described here, provided, however, that the waiver will be subject to retroactive revocation upon a determination by OPWDD, in consultation with the Department of Health, that the clinic has not complied with the terms of such waiver. Such terms are:

- (i) In order to receive a waiver, a clinic must submit to OPWDD a request for a waiver and a utilization reduction plan. OPWDD's decision on the waiver will be based on whether the clinic's utilization reduction plan shows a reduction in the clinic's planned state fiscal year 2011-2012 Medicaid visits by an amount equal to the paid visits in excess of the utilization thresholds and whether the clinic is operating in conformance with all applicable statutes, rules and regulations. For purposes of this section, a clinic's planned state fiscal year 2011-2012 visits cannot exceed its paid Medicaid visits in calendar year 2010.
- (ii) OPWDD will compare the actual paid and planned visits between April 1, 2011, and March 31, 2012, for each clinic granted a waiver. If a clinic fails to achieve the reduction in utilization in accordance with its utilization reduction plan, OPWDD will revoke the waiver and reduce the clinic's reimbursement rates for state fiscal year 2011-12 as computed in accordance with the provisions of this section, provided, however, that such reduction computation will incorporate and reflect any utilization reduction that the clinic did achieve while operating under the waiver.

Effective 07/01/2022, the Behavioral Health Utilization Controls will be sunset for Article 16 clinics licensed by OPWDD.

(Medicaid) State Plan for non-institutional services to revise provisions of the Ambulatory Patient Group (APG) reimbursement methodology. The following changes are proposed:

#### Non-Institutional Services

Effective on or after July 1, 2022, the Ambulatory Patient Group (APG) reimbursement methodology is revised to include recalculated weight and component updates in order to maintain consistent reimbursement for APG payments. Also, rates of reimbursement are being established for Licensed Mental Health Counselors and Licensed Marriage and Family Therapists in hospital outpatient departments and freestanding clinics.

The estimated annual change to gross Medicaid expenditures as a result of this proposed amendment is \$3,603,802.

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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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 enacted statutory provisions. The following changes are proposed:

#### Non-Institutional Services

Effective on or after July 1, 2022, the "Behavioral Health Utilization Controls" will be removed and the payment reduction for OPWDD Article 16 Clinics will no longer be applied.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2022/2023 is \$368,218.

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 enacted statutory provisions. The following changes are proposed:

#### Non-Institutional Services

Effective for dates of service on or after July 1, 2022, the Department of Health will increase Comprehensive Psychiatric Emergency Program (CPEP) reimbursement including fees paid for full emergency visits, triage and referral visits and extended observation bed services. This investment will result in a full annual projected increase in gross Medicaid expenditures of \$20,000,000. This State Plan Amendment is necessary to adequately reimburse CPEP programs for providing these services and better meet the community's mental health needs.

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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**SUMMARY**  
**SPA #22-0077**

This State Plan Amendment proposes to amend the State Plan to add Licensed Psychologist to the provider qualification under Other Licensed Practitioners (OLP) by agencies designated under the Child and Family Treatment and Support Services (CFTSS) designation process.

DRAFT



New York  
2(xv)(1)

**1905(a)(6) Medical Care, or any Other Type of Remedial Care**  
**1905(a)(4)(B) and 1905(r) EPSDT**

6.d(i). **Other Licensed Practitioners (EPSDT only).** A non-physician licensed behavioral health practitioner (NP-LBHP) who is licensed in the State of New York operating within the scope of practice defined in State law and in any setting permissible under State practice law.

NP-LBHPs include individuals licensed and able to practice independently as a:

- Licensed Psychoanalyst
- Licensed Clinical Social Worker (LCSW)
- Licensed Marriage & Family Therapist; or
- Licensed Mental Health Counselor
- Licensed Creative Arts Therapist
- Licensed Psychologist

An NP-LBHP also includes the following individuals who are licensed to practice under supervision or direction of a Licensed Clinical Social Worker (LCSW), a Licensed Psychologist, or a Psychiatrist:

- Licensed Master Social Worker (LMSW)

In addition to licensure, service providers that offer addiction services must demonstrate competency as defined by state law and regulations. Any practitioner above must operate within a child serving agency that is licensed, certified, designated and/or approved by OCFS, OMH, OASAS or DOH or its designee, in settings permissible by that designation.

Inpatient hospital visits by these licensed practitioners are limited to those ordered by the child's physician. Visits to nursing facilities are allowed for licensed professionals other than social workers if a Preadmission Screening and Resident Review (PASRR) indicates it is medically necessary treatment. Social worker visits are included in the Nursing Facility Visit and may not be billed separately. Visits to ICF-IDD facilities are non-covered. All NP-LBHP services provided while a person is a resident of an (Institution for Mental Diseases) (IMD), such as a free standing psychiatric hospital or psychiatric residential treatment facility, are part of the institutional service and not otherwise reimbursable by Medicaid.

Non-physician licensed behavioral health practitioners (NP-LBHPs) will assess the child prior to developing a treatment plan for the child. Authorization of the treatment plan is required by the DOH or its designee. Evidence-based practices (EBPs) require approval, designations, and fidelity reviews on an ongoing basis as determined necessary by New York State. Treatment services must be part of a treatment plan including goals and activities necessary to correct or ameliorate conditions discovered during the initial assessment visits.

**Assurances:** The State assures that all NP-LBHP services are provided to, or directed exclusively toward the treatment of, the Medicaid eligible individual in accordance with section 1902(a)(10)(A)(i) of the Act.

The State assures that NP-LBHP services do not include and FFP is not available for any of the following.

- A. educational, vocational and job training services;
- B. room and board;
- C. habilitation services;
- D. services to inmates in public institutions as defined in 42 CFR § 435.1010;
- E. services to individuals residing in institutions for mental diseases as describe in 42 CFR § 435.1009;
- F. recreational and social activities; and
- G. services that must be covered elsewhere in the state Medicaid plan.

TN # #22-0077

Approval Date \_\_\_\_\_

Supersedes TN # 20-0018

Effective Date July 1, 2022

New York  
2(xv)(1)

**1905(a)(6) Medical Care, or any Other Type of Remedial Care**  
**1905(a)(4)(B) and 1905(r) EPSDT**

6.d(i). **Other Licensed Practitioners (EPSDT only).** A non-physician licensed behavioral health practitioner (NP-LBHP) who is licensed in the State of New York operating within the scope of practice defined in State law and in any setting permissible under State practice law.

NP-LBHPs include individuals licensed and able to practice independently as a:

- Licensed Psychoanalyst
- Licensed Clinical Social Worker (LCSW)
- Licensed Marriage & Family Therapist; or
- Licensed Mental Health Counselor
- Licensed Creative Arts Therapist
- Licensed Psychologist

An NP-LBHP also includes the following individuals who are licensed to practice under supervision or direction of a Licensed Clinical Social Worker (LCSW), a Licensed Psychologist, or a Psychiatrist:

- Licensed Master Social Worker (LMSW)

In addition to licensure, service providers that offer addiction services must demonstrate competency as defined by state law and regulations. Any practitioner above must operate within a child serving agency that is licensed, certified, designated and/or approved by OCFS, OMH, OASAS or DOH or its designee, in settings permissible by that designation.

Inpatient hospital visits by these licensed practitioners are limited to those ordered by the child's physician. Visits to nursing facilities are allowed for licensed professionals other than social workers if a Preadmission Screening and Resident Review (PASRR) indicates it is medically necessary treatment. Social worker visits are included in the Nursing Facility Visit and may not be billed separately. Visits to ICF-IDD facilities are non-covered. All NP-LBHP services provided while a person is a resident of an (Institution for Mental Diseases) (IMD), such as a free standing psychiatric hospital or psychiatric residential treatment facility, are part of the institutional service and not otherwise reimbursable by Medicaid.

Non-physician licensed behavioral health practitioners (NP-LBHPs) will assess the child prior to developing a treatment plan for the child. Authorization of the treatment plan is required by the DOH or its designee. Evidence-based practices (EBPs) require approval, designations, and fidelity reviews on an ongoing basis as determined necessary by New York State. Treatment services must be part of a treatment plan including goals and activities necessary to correct or ameliorate conditions discovered during the initial assessment visits.

**Assurances:** The State assures that all NP-LBHP services are provided to, or directed exclusively toward the treatment of, the Medicaid eligible individual in accordance with section 1902(a)(10)(A)(i) of the Act.

The State assures that NP-LBHP services do not include and FFP is not available for any of the following.

- A. educational, vocational and job training services;
- B. room and board;
- C. habilitation services;
- D. services to inmates in public institutions as defined in 42 CFR § 435.1010;
- E. services to individuals residing in institutions for mental diseases as describe in 42 CFR § 435.1009;
- F. recreational and social activities; and
- G. services that must be covered elsewhere in the state Medicaid plan.

TN # #22-0077 Approval Date \_\_\_\_\_

Supersedes TN # 20-0018 Effective Date July 1, 2022

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  
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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 enacted statutory provisions. The following changes are proposed:

**Non-Institutional Services**

Effective on or after July 1, 2022, the Department of Health will adjust rates statewide to reflect a five percent increase for the following Office of Mental Health services: Continuing Day Treatment (CDT), Day Treatment for Children and Partial Hospitalization (PH).

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to the July 1, 2022, five percent increase for the Continuing Day Treatment (CDT), Day Treatment for Children and Partial Hospitalization (PH) services is \$1.3 million. The amount is contained in the budget for State Fiscal Year 2023.

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 enacted statutory provisions. The following changes are proposed:

**Non-Institutional Services**

Beginning October 1, 2022, the minimum wage for a home care aide shall be increased by \$2.00 and beginning October 1, 2023, the minimum wage shall be increased by an additional \$1.00.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2022-23 is \$20.7 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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The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services for coverage and reimbursement for Medicaid services. The following changes are proposed:

**Non-Institutional Services**

Effective on or after July 1, 2022, the Medicaid State Plan will be amended to authorize payment for Psychologist services provided to children/youth by agencies designated under the Child and Family Treatment and Support Services designation process.

There is no estimated annual change to gross Medicaid expenditures as a result of this proposed amendment.

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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The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for institutional services. The following changes are proposed:

### Institutional Services

Effective on or after July 1, 2022, Residential Treatment Facilities (RTF) rates will be adjusted to allow for more accurate representation of the needed resources and actual costs of service provision in these facilities via an update to the rate setting methodology. These updates will allow for preservation of needed capacity and better alignment of certain cost components reflected in the reimbursement methodology, including changes to preserve access, and removing certain outside medical costs that are currently included in the RTF per diem rate.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2022/2023 is \$15,000,000.

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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Consistent with the policies expressed by the City, proposals from certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Additionally, proposals from small and New York City-based businesses are also encouraged.

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**SUMMARY**  
**SPA #22-0078**

This State Plan Amendment proposes to respond to recent public criticism related to challenges involving maintaining required levels of staff, the Residential Treatment Facility (RTF) placement process and reimbursement levels. The Office of Mental Health is seeking to invest in staffing at RTFs to aid with the placement process and maintain beds for children who need placements by adjusting the RTF methodology to allow for more accurate representation of the needed resources and actual costs of service provision in these facilities.

DRAFT

## New York

3

**1905(a)(16) Inpatient Psychiatric Hospital – PRTE****B. RESIDENTIAL TREATMENT FACILITIES FOR CHILDREN AND YOUTH**

Medicaid rates for Residential Treatment Facilities for Children and Youth (“RTFs”) are established prospectively, based upon actual costs and patient days as reported on cost reports for the fiscal year two years prior to the rate year. The RTF fiscal year and rate year are for the twelve months July 1 through June 30. Alternate Cost Reports ~~may~~ will be utilized to align with appealed rate periods until such time that the appealed information would be fully reflected in the facilities annual cost report. Actual patient days are subject to a maximum utilization of 96 percent and a minimum utilization of 90 percent. The minimum utilization requirements will be waived in full or in part by the Commissioner of the Office of Mental Health (OMH) if provider visit volume falls below 90% due to circumstances beyond provider control, including, but not limited to natural, environmental, and public health emergencies and if it is demonstrated to the satisfaction of the Commissioner that waiver is appropriate.

**1. OPERATING COSTS**

Allowable operating costs are subject to the review and approval of the ~~Office of Mental Health~~ OMH and effective on or after July 1, 2022, will exclude eligible outpatient medical, dental, vision, diagnostics/radiology, laboratory, occupational, physical and speech therapy, substance abuse treatment, neuropsychological/developmental testing and medical equipment which will be reimbursed using the Fee-for-Service Program administered by the New York Department of Health. The Fee-for-Service Program will be utilized for the purchase of the above eligible services commencing on the date the child is determined to be Medicaid eligible. The cost of those medical services provided to the child before the determination of Medicaid eligibility will be the responsibility of the RTF and considered an allowable cost in the development of the provider's reimbursement rate for inpatient stays. In determining the allowability of costs, the ~~Office of Mental Health~~ OMH reviews the categories of cost, described below, with consideration given to the special needs of the patient population to be served by the RTF. The categories of costs include:

- (i) Clinical/Direct Care (C/DC). This category of costs includes salaries and fringe benefits for clinical and direct care staff.
- (ii) Administration, Maintenance and Supports (AMS). This category of costs includes the costs associated with administration, maintenance and child support.
- (iii) Purchased Health Services (PHS). This category of costs includes clinical services such as dental services, purchased on a contractual basis and not subject to the clinical standard if the services are not uniformly provided by all RTFs and thus not considered by the Commissioner in the establishment of the approved staffing levels.

On or after July 1, 2022, operating rates of payment will be adjusted by a length of stay (LOS) adjustment. The LOS adjustment will be a percentage increase or decrease in the operating component of the payment dependent on the duration of an individual recipient's care episode. The level and duration of rate payment increases for the early portions of a care episode and the level and duration of the payment rate decreases for extend portions of care episodes will be structure to achieve clinical goals and budget neutrality based on historical utilization data. Modifications will be made annually to adjust to changing utilization patterns and programmatic goals.

~~Allowable per diem operating costs in the category of C/DC are limited to the lesser of the reported costs or the amount derived from the number of clinical staff approved by the Commissioner multiplied by a standard salary and fringe benefit amount.~~

TN #22-0078 \_\_\_\_\_

Approval Date \_\_\_\_\_

Supersedes TN #20-0062 \_\_\_\_\_

Effective Date July 1, 2022 \_\_\_\_\_

New York  
3(a)

**1905(a)(16) Inpatient Psychiatric Hospital – PRTF**

Allowable per diem operating costs in the category of C/DC are limited to the lesser of the reported costs or the amount derived from the number of clinical staff approved by the Commissioner multiplied by a standard salary and fringe benefit amount.

Allowable per diem operating costs in the category of other than clinical care are limited to the lesser of the reported costs or a standard amount.

The standard amounts for the C/DC and AMS categories are computed as follows. For RTFs located in the New York City metropolitan statistical area and Nassau and Suffolk counties the standard is: the sum of 50 percent of the provider costs, 25 percent of the average per diem cost for all RTFs in this geographic area and ~~50~~ 25 percent of the average per diem cost for all RTFs in the state; increased by seven and one half percent. For RTFs located outside the New York City metropolitan statistical area and Nassau and Suffolk counties the standard is: the sum of 50 percent of the provider costs, 25 percent of the average per diem cost for all RTFs located outside the New York City metropolitan statistical area and Nassau and Suffolk Counties and ~~50~~ 25 percent of the average per diem cost for all RTFs in the state; increased by seven and one half percent.

On or after July 1, 2022, The State will increase the rates of payment to include necessary costs for additional staff, as approved by the OMH, which are not included in the historical cost reports utilized to develop the rates. The new costs will support additional staff being added to existing PRTFS who are necessary to meet updated programmatic needs and standards. The additional staff will include, but not be limited to, clinical, direct care, transition, intake, and permanency/family connections specialist. Cost adjustments for prospective staff will be based on OMH approved Staffing Plans and applicable Costs Report data, or Bureau of Labor Statistic Wage data when appropriate Cost Report data is not available. Costs will be trended to the to appropriate period and added to the applicable cost basis until such a time when the Department of Health has determined costs associated with the additional staff are reflected in the cost reports used for rate setting.









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**SUMMARY**  
**SPA #22-0079**

This State Plan Amendment proposes to revise the State Plan to reflect a five percent rate increase for OMH licensed Continuing Day Treatment, Day Treatment for Children and Partial Hospitalization services.

DRAFT

New York  
3(j.1a)

1905(a)(9) Clinic Services

**Regional Continuing Day Treatment Rates for Freestanding Clinic (Non-State Operated)**

The agency's fee schedule rate was set as of ~~April 1, 2022~~ July 1, 2022 and is effective for services provided on or after that date. All rates are published on the State's website at:

[https://omh.ny.gov/omhweb/medicaid\\_reimbursement/excel/cdt-base-rate.xlsx](https://omh.ny.gov/omhweb/medicaid_reimbursement/excel/cdt-base-rate.xlsx)

DRAFT

TN #22-0079

Approval Date \_\_\_\_\_

Supersedes TN #22-0061

Effective Date July 1, 2022

**New York  
3(j.2)**

**1905(a)(9) Clinic Services**

**Continuing Day Treatment Services:**

**Reimbursement Methodology for Outpatient Hospital Services**

**Definitions:**

- **Group Collateral** - A unit of service in which services are provided to collaterals of more than one individual at the same time. Group Collateral Visit will not include more than 12 individuals and collaterals. Reimbursement for group collateral visits of 30 minutes or more is provided for each individual for whom at least one collateral is present.
- **Units of Service** - Half Day – Minimum two hours  
                                   Full Day – Minimum four hours  
                                   Collateral Visit – minimum of 30 minutes  
                                   Preadmission and Group Collateral Visits – minimum of one hour  
                                   Crisis Visit – any duration

Cumulative hours are calculated on a monthly basis. A Half Day visit counts as two hours and a Full Day counts as four hours towards an individual's monthly cumulative hours. Time spent during a crisis, collateral, group collateral, or preadmission visit is excluded from the calculation of monthly cumulative hours. Time spent during a crisis, collateral, group collateral, or preadmission visit is also excluded from the minimum service hours necessary for Half Day and Full Day visits.

When the hours of any single visit include more than one rate because the individual surpassed the monthly utilization amount within a single visit, reimbursement is at the rate applicable to the first hour of such visit.

The agency's fee schedule rate was set as of ~~April 1, 2022~~ July 1, 2022 and is effective for services provided on or after that date. All rates are published on the State's website at: [https://omh.ny.gov/omhweb/medicaid\\_reimbursement/excel/cdt-base-rate.xlsx](https://omh.ny.gov/omhweb/medicaid_reimbursement/excel/cdt-base-rate.xlsx)

New York  
3k(1a)

1905(a)(9) Clinic Services

Regional Partial Hospitalization Rates for Freestanding Clinic and Outpatient Hospital  
Partial Hospitalization Services ~~effective April 1, 2022~~

The agency's fee schedule rate was set as of ~~April 1, 2022~~ July 1, 2022 and is effective for services provided on or after that date. All rates are published on the State's website at:

[https://omh.ny.gov/omhweb/medicaid\\_reimbursement/excel/partial-hospitalization.xlsx](https://omh.ny.gov/omhweb/medicaid_reimbursement/excel/partial-hospitalization.xlsx)

DRAFT

TN #22-0079

Approval Date \_\_\_\_\_

Supersedes TN #22-0061

Effective Date July 1, 2022







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**Non-Institutional Services**

Effective on or after July 1, 2022, the Department of Health will adjust rates statewide to reflect a five percent increase for the following Office of Mental Health services: Continuing Day Treatment (CDT), Day Treatment for Children and Partial Hospitalization (PH).

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to the July 1, 2022, five percent increase for the Continuing Day Treatment (CDT), Day Treatment for Children and Partial Hospitalization (PH) services is \$1.3 million. The amount is contained in the budget for State Fiscal Year 2023.

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Beginning October 1, 2022, the minimum wage for a home care aide shall be increased by \$2.00 and beginning October 1, 2023, the minimum wage shall be increased by an additional \$1.00.

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**SUMMARY**  
**SPA #22-0080**

This State Plan Amendment proposes to add programmatic and fiscal detail to the State Plan and increase Comprehensive Psychiatric Emergency Program (CPEP) reimbursement rates, including triage and referral visit, full emergency visit, and extended observation bed services.

DRAFT

New York  
3(d)(B)

**1905(a)(30) Other Medical Care**

**24.e. Emergency hospital services.**

Comprehensive Psychiatric Emergency Program (CPEP) Services are Emergency Hospital Services necessary to prevent the death or serious impairment of the health of a beneficiary. Comprehensive Psychiatric Emergency Program Services are provided by hospitals licensed under Article 28 of the Public Health Law and Article 31 of the Mental Hygiene Law and are delivered in accordance with 42 C.F.R. § 440.170(e). CPEP Services are provided 24 hours per day, seven days per week and include crisis intervention, crisis outreach, and extended observation bed services in hospital emergency departments. Crisis Outreach Services are also provided outside the emergency department.

Crisis intervention services are provided in full emergency visits or as triage and referral services. Full emergency visits provide assessment and comprehensive psychiatric treatment to stabilize and treat a psychiatric emergency. Triage and referral services provide assessment, treatment and discharge planning, and referral and linkage to appropriate sub-acute services.

Crisis Outreach Services include assessment, therapeutic communication, coordination with identified supports, psychiatric consultation, safety planning, referral, linkage, peer services, and mobile crisis services.

Extended observation beds are located in or adjacent to the emergency room of a Comprehensive Psychiatric Emergency Program designed to provide, for a period up to 72 hours, a safe environment for an individual who, in the opinion of the examining physicians, requires extensive evaluation, assessment, or stabilization of the person's acute psychiatric symptoms.

Limitations on amount, duration and scope of CPEP services are as follows:

1. Beneficiaries will be limited to one CPEP Crisis intervention service per calendar day.
2. Beneficiaries will be limited to one Crisis Outreach Service and one Crisis Intervention Service per calendar day.

TN #22-0080

Approval Date \_\_\_\_\_

Supersedes TN #NEW

Effective Date July 1, 2022

New York  
3(d)(B)

**1905(a)(30) Other Medical Care**

23e. Comprehensive Psychiatric Emergency Program (CPEP) Services are Emergency Hospital Services necessary to prevent the death or serious impairment of the health of a beneficiary. Comprehensive Psychiatric Emergency Program Services are provided by hospitals licensed under Article 28 of the Public Health Law and Article 31 of the Mental Hygiene Law and are delivered in accordance with 42 C.F.R. § 440.170(e). CPEP Services are provided 24 hours per day, seven days per week and include crisis intervention, crisis outreach, and extended observation bed services in hospital emergency departments. Crisis Outreach Services are also provided outside the emergency department

Crisis intervention services are provided in full emergency visits or as triage and referral services. Full emergency visits provide assessment and comprehensive psychiatric treatment to stabilize and treat a psychiatric emergency. Triage and referral services provide assessment, treatment and discharge planning, and referral and linkage to appropriate sub-acute services.

Crisis Outreach Services include assessment, therapeutic communication, coordination with identified supports, psychiatric consultation, safety planning, referral, linkage, peer services, and mobile crisis services.

Extended observation beds are located in or adjacent to the emergency room of a Comprehensive Psychiatric Emergency Program designed to provide, for a period up to 72 hours, a safe environment for an individual who, in the opinion of the examining physicians, requires extensive evaluation, assessment, or stabilization of the person's acute psychiatric symptoms.

Limitations on amount, duration and scope of CPEP services are as follows:

1. Beneficiaries will be limited to one Crisis Intervention Service in one calendar day.
2. Beneficiaries will be limited to one Crisis Outreach Service and one Crisis Intervention Service in one calendar day.

TN #22-0080

Approval Date \_\_\_\_\_

Supersedes TN #NEW

Effective Date July 1, 2022

New York  
5(b)

**1905(a)(30) Other medical care**

**Comprehensive Psychiatric Emergency Program (CPEP)**

**Reimbursement:**

Comprehensive Psychiatric Emergency Program (CPEP) services are reimbursed on a daily basis. A CPEP provider may receive reimbursement for one Triage and Referral visit or one Full Emergency visit service in one calendar day. A provider may be reimbursed for one Crisis Outreach Service and either one Triage and Referral visit or one Full Emergency Visit per individual, per one calendar day.

Extended Observation Bed services (EOB) will be reimbursed on a daily basis subject to the following conditions:

- Reimbursement is available only for the calendar day after the calendar day in which the Full or Triage and Referral visit is completed.
- The EOB rate may only be claimed when a person has been present in the CPEP for more than 24 hours.
- If the individual is admitted to a psychiatric inpatient unit from an EOB, the stay will be reimbursed under the inpatient psychiatric inpatient unit methodology, beginning on the first day of admission to the EOB.

Effective July 1, 2022, statewide fees for Comprehensive Psychiatric Emergency Program Services are as follows:

[https://omh.ny.gov/omhweb/medicaid\\_reimbursement/](https://omh.ny.gov/omhweb/medicaid_reimbursement/)

**Eyeglasses and Other Visual Services**

Fee schedule developed by Department of Health and approved by Division of the Budget.

**Hearing Aid Supplies and Services**

Fee schedule developed by Department of Health and approved by Division of the Budget.

**Prosthetic and Orthotic Appliances**

Payments are limited to the lower of the usual and customary charge to the general public or fee schedule developed by Department of Health and approved by the Division of the Budget.

**Comprehensive Psychiatric Emergency Programs**

~~Flat fee developed by OMH and approved by the Division of the Budget.~~

TN#: 22-0080

Approval Date: \_\_\_\_\_

Supersedes TN#: 06-53

Effective Date: July 1, 2022

(Medicaid) State Plan for non-institutional services to revise provisions of the Ambulatory Patient Group (APG) reimbursement methodology. The following changes are proposed:

#### Non-Institutional Services

Effective on or after July 1, 2022, the Ambulatory Patient Group (APG) reimbursement methodology is revised to include recalculated weight and component updates in order to maintain consistent reimbursement for APG payments. Also, rates of reimbursement are being established for Licensed Mental Health Counselors and Licensed Marriage and Family Therapists in hospital outpatient departments and freestanding clinics.

The estimated annual change to gross Medicaid expenditures as a result of this proposed amendment is \$3,603,802.

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 enacted statutory provisions. The following changes are proposed:

#### Non-Institutional Services

Effective on or after July 1, 2022, the "Behavioral Health Utilization Controls" will be removed and the payment reduction for OPWDD Article 16 Clinics will no longer be applied.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2022/2023 is \$368,218.

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 enacted statutory provisions. The following changes are proposed:

#### Non-Institutional Services

Effective for dates of service on or after July 1, 2022, the Department of Health will increase Comprehensive Psychiatric Emergency Program (CPEP) reimbursement including fees paid for full emergency visits, triage and referral visits and extended observation bed services. This investment will result in a full annual projected increase in gross Medicaid expenditures of \$20,000,000. This State Plan Amendment is necessary to adequately reimburse CPEP programs for providing these services and better meet the community's mental health needs.

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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*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

**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, 2022, the Department of Health will adjust rates statewide to reflect a five percent increase for the following Office of Mental Health services: Continuing Day Treatment (CDT), Day Treatment for Children and Partial Hospitalization (PH).

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to the July 1, 2022, five percent increase for the Continuing Day Treatment (CDT), Day Treatment for Children and Partial Hospitalization (PH) services is \$1.3 million. The amount is contained in the budget for State Fiscal Year 2023.

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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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

**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

Beginning October 1, 2022, the minimum wage for a home care aide shall be increased by \$2.00 and beginning October 1, 2023, the minimum wage shall be increased by an additional \$1.00.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2022-23 is \$20.7 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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*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

**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 for coverage and reimbursement for Medicaid services. The following changes are proposed:

Non-Institutional Services

Effective on or after July 1, 2022, the Medicaid State Plan will be amended to authorize payment for Psychologist services provided to children/youth by agencies designated under the Child and Family Treatment and Support Services designation process.

There is no estimated annual change to gross Medicaid expenditures as a result of this proposed amendment.

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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**SUMMARY**  
**SPA #22-0081**

This State Plan Amendment proposes for freestanding clinic and ambulatory surgery center services to update the Ambulatory Patient Group (APG) methodology to reflect the recalculated weight and component updates that will become effective on or after July 1, 2022, and begin the Licensed Mental Health Counselors (LMHCs) services and Licensed Marriage and Family Therapists (LMFTs) services effective for dates of service on and after July 1, 2022.

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**New York**  
**2(p)(i)**

~~Effective for dates of service on and after September 1, 2009, payments to freestanding clinics for the following services shall be based on fees or rates established by the Department of Health: (1) wheelchair evaluations, (2) eyeglass dispensing, and (3) individual psychotherapy services provided by licensed social workers to persons under the age of 21, and to persons requiring such services as a result of or related to pregnancy or giving birth, and (4) individual psychotherapy services provided by licensed social workers at freestanding clinics that provided, billed for, and received payment for these services between January 1, 2007 through December 31, 2007. Except as otherwise noted in the plan, state-developed fee schedule rates are the same for both governmental and private providers. A link to the APG alternative rates for all periods is available in the APG Reimbursement Methodology—Freestanding Clinics section.~~

~~VII.—Rates for services provided in freestanding clinic and ambulatory surgery center facilities located outside of New York State shall be as follows:~~

- ~~—APG rates in effect for similar services for providers located in the downstate region of New York State shall apply to services provided by out-of-state providers located in the New Jersey counties of Sussex, Passaic, Bergen, Hudson, Essex, Union, Middlesex and Monmouth; in the Pennsylvania county of Pike; and in the Connecticut counties of Fairfield and Litchfield; and rates in effect for similar services for providers located in the upstate region of New York State shall apply to all other out-of-state providers.~~
- ~~—In the event the Department determines that an out-of-state provider is providing services which are not available within New York State, the Department may negotiate payment rates and conditions with such a provider up to, but not in excess of, the provider's usual and customary charges. Prior approval by the Department shall be required with regard to services provided by such providers.~~
- ~~—For the purpose of APG reimbursement to out-of-state providers, the downstate region of New York State shall consist of the New York counties of Bronx, New York, Kings, Queens, Richmond, Nassau, Suffolk, Westchester, Rockland, Orange, Putnam and Dutchess, and the upstate region of New York State shall consist of all other New York counties.~~

**System updating**

The following elements of the APG reimbursement system shall be updated no less frequently than annually:

- ~~● the listing of reimbursable APGs and the relative weight assigned to each APG;~~
- ~~● the base rates;~~
- ~~● the applicable [ICD-9-CM] ICD-10-CM codes utilized in the APG software system;~~
- ~~● the applicable CPT-4/HCPCS codes utilized in the APG software system; and~~
- ~~● the APG software system.~~

TN     #22-0081    

Approval Date                                     

Supersedes TN   #15-0013  

Effective Date   July 1, 2022

SPA 22-0081  
Attachment A  
Annotated Pages

Annotated Page: 2(p)(i)

DRAFT









# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

## NOTICE OF PUBLIC HEARING Department of State Committee on Open Government

Pursuant to Chapter 56 of the Laws of 2022, the Committee on Open Government hereby gives notice of a public hearing:

Time and Date: July 1, 2022 at 10:00 a.m.

Place: One Commerce Plaza, 99 Washington Avenue, Suite 1112, Albany, NY 12231 and will stream the hearing by WebEx using a link and credentials to be posted on the Committee website ([www.opengovernment.ny.gov](http://www.opengovernment.ny.gov)).

Purpose: To hear all interested parties and citizens regarding the adoption of proposed Resolution No. 1 of 2022, relating to the authorization of members of the Committee to attend meetings by videoconferencing under extraordinary circumstances.

Further information, including access to a copy of said proposed resolution is available at [www.opengovernment.ny.gov](http://www.opengovernment.ny.gov) or will be mailed upon request by calling (518) 474-2518. Written testimony may be mailed to "Committee on Open Government, 99 Washington Avenue, Suite 650, Albany, NY 12231" or e-mailed to [coog@dos.ny.gov](mailto:coog@dos.ny.gov).

For further information, contact: Kristin O'Neill, One Commerce Plaza, 99 Washington Ave., Ste. 650, Albany, NY 12231, (518) 474-2551, [kristin.oneill@dos.ny.gov](mailto:kristin.oneill@dos.ny.gov)

## PUBLIC NOTICE Department of Agriculture and Markets

In the Matter of Resuming Activities under the Sour Cherry Marketing Order Pursuant to Sections 16-Y and 16-Z of Urban Development Corporation Act 174/68 and Section 202.13 of Title One of the Official Compilation of Codes, Rules and Regulations of the State of New York

NOTICE OF SUSPENSION REMOVAL

As provided in section 16-Y(3)(e) of the Urban Development Corporation Act 174/68 ("UDCA"), the Commissioner of the Department of Agriculture and Markets, pursuant to a delegation of authority issued by the president of Empire State Development ("ESD"), issued an order suspending the activities of the Sour Cherry Marketing Order for a period through the 2021-22 growing and marketing season.

The Commissioner of the Department of Agriculture and Markets, pursuant to that same delegation of authority, is authorized to lift such a suspension prior to the conclusion of such growing and marketing season and resume SCMO activities if, in consultation with the SCMO Advisory Committee, it is deemed appropriate.

### FINDINGS AND ORDER

After consulting with the SCMO Advisory Committee, I hereby find that SCMO activities should be resumed prior to July 1st, 2022 to conduct marketing activities prior to the end of the previously ordered suspension period to permit the use of unspent SCMO funding for the benefit of New York's sour cherry industry.

BASED UPON THE FOREGOING, I, Richard A. Ball, duly delegated by the President of ESD to make the following determination pursuant to UDCA section 16-Y (3)(e), hereby lift the current suspension of the operation of the Sour Cherry Marketing Order.

Richard A. Ball, Commissioner

## PUBLIC NOTICE Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for July 2022 will be conducted on July 20 and July 21 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY with live coverage available at <https://www.cs.ny.gov/commission/>.

For further information, contact: Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. One, Albany, NY 12239, (518) 473-6598.

## 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 revise provisions of the Ambulatory Patient Group (APG) reimbursement methodology. The following changes are proposed:

**Non-Institutional Services**

Effective on or after July 1, 2022, the Ambulatory Patient Group (APG) reimbursement methodology is revised to include recalculated weight and component updates in order to maintain consistent reimbursement for APG payments. Also, rates of reimbursement are being established for Licensed Mental Health Counselors and Licensed Marriage and Family Therapists in hospital outpatient departments and freestanding clinics.

The estimated annual change to gross Medicaid expenditures as a result of this proposed amendment is \$3,603,802.

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 enacted statutory provisions. The following changes are proposed:

**Non-Institutional Services**

Effective on or after July 1, 2022, the "Behavioral Health Utilization Controls" will be removed and the payment reduction for OPWDD Article 16 Clinics will no longer be applied.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2022/2023 is \$368,218.

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 enacted statutory provisions. The following changes are proposed:

**Non-Institutional Services**

Effective for dates of service on or after July 1, 2022, the Department of Health will increase Comprehensive Psychiatric Emergency Program (CPEP) reimbursement including fees paid for full emergency visits, triage and referral visits and extended observation bed services. This investment will result in a full annual projected increase in gross Medicaid expenditures of \$20,000,000. This State Plan Amendment is necessary to adequately reimburse CPEP programs for providing these services and better meet the community's mental health needs.

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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Richmond County, Richmond Center



**SUMMARY**  
**SPA #22-0082**

This State Plan Amendment proposes for hospital-based clinic and ambulatory surgery services, including emergency room services, to update the Ambulatory Patient Group (APG) methodology to reflect the recalculated weight and component updates that will become effective on or after July 1, 2022, and begin the Licensed Mental Health Counselors (LMHCs) services and Licensed Marriage and Family Therapists (LMFTs) services effective for dates of service on and after July 1, 2022.

DRAFT

New York  
1(e)(2)

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

APG Reimbursement Methodology – Hospital Outpatient

The following links direct users to the various definitions and factors that comprise the APG reimbursement methodology, which can also be found in aggregate on the APG website at [http://www.health.ny.gov/health\\_care/medicaid/rates/apg/index.htm](http://www.health.ny.gov/health_care/medicaid/rates/apg/index.htm). In addition, prior period information associated with these links is available upon request to the Department of Health.

Contact Information:

[http://www.health.ny.gov/health\\_care/medicaid/rates/apg/index.htm](http://www.health.ny.gov/health_care/medicaid/rates/apg/index.htm) Click on "Contacts."

3M APG Crosswalk, version 3.17; updated as of ~~01/01/22 and 04/01/22~~ 07/01/22 and 10/01/22:

[http://www.health.ny.gov/health\\_care/medicaid/rates/crosswalk/index.htm](http://www.health.ny.gov/health_care/medicaid/rates/crosswalk/index.htm)

~~<http://dashboard.emedny.org/CrossWalk/html/cwAgreement.html>~~ <https://www.emedny.org/Crosswalk/>

Click on "Accept" at bottom of page to gain access.

APG Alternative Payment Fee Schedule; updated as of ~~01/01/11~~ 07/01/22:

[http://www.health.ny.gov/health\\_care/medicaid/rates/methodology/index.htm](http://www.health.ny.gov/health_care/medicaid/rates/methodology/index.htm) Click on "Alternative Payment Fee Schedule."

APG Consolidation Logic; logic is from the version of 4/01/08, updated as of ~~01/01/22 and 04/01/22~~ 07/01/22 and 10/01/22:

[http://www.health.ny.gov/health\\_care/medicaid/rates/bundling/](http://www.health.ny.gov/health_care/medicaid/rates/bundling/) Click on "2022"

APG 3M Definitions Manual Versions; updated as of ~~01/01/22 and 04/01/22~~ 07/01/22 and 10/01/22:

[http://www.health.ny.gov/health\\_care/medicaid/rates/crosswalk/index.htm](http://www.health.ny.gov/health_care/medicaid/rates/crosswalk/index.htm)

APG Investments by Rate Period; updated as of 01/01/11:

[http://www.health.ny.gov/health\\_care/medicaid/rates/methodology/index.htm](http://www.health.ny.gov/health_care/medicaid/rates/methodology/index.htm) Click on "Investments by Rate Period."

APG Relative Weights; updated as of ~~01/01/22~~ 07/01/22:

[http://www.health.ny.gov/health\\_care/medicaid/rates/methodology/index.htm](http://www.health.ny.gov/health_care/medicaid/rates/methodology/index.htm) Click on "Weights, Proc Weights, and APG Fee Schedule Amounts" file.

Associated Ancillaries; updated as of 01/01/20:

[http://www.health.ny.gov/health\\_care/medicaid/rates/apg/index.htm](http://www.health.ny.gov/health_care/medicaid/rates/apg/index.htm) Click on "Ancillary Policy."

TN #22-0082

Approval Date

Supersedes TN #22-0010

Effective Date July 1, 2022





# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

## NOTICE OF PUBLIC HEARING Department of State Committee on Open Government

Pursuant to Chapter 56 of the Laws of 2022, the Committee on Open Government hereby gives notice of a public hearing:

Time and Date: July 1, 2022 at 10:00 a.m.

Place: One Commerce Plaza, 99 Washington Avenue, Suite 1112, Albany, NY 12231 and will stream the hearing by WebEx using a link and credentials to be posted on the Committee website ([www.opengovernment.ny.gov](http://www.opengovernment.ny.gov)).

Purpose: To hear all interested parties and citizens regarding the adoption of proposed Resolution No. 1 of 2022, relating to the authorization of members of the Committee to attend meetings by videoconferencing under extraordinary circumstances.

Further information, including access to a copy of said proposed resolution is available at [www.opengovernment.ny.gov](http://www.opengovernment.ny.gov) or will be mailed upon request by calling (518) 474-2518. Written testimony may be mailed to "Committee on Open Government, 99 Washington Avenue, Suite 650, Albany, NY 12231" or e-mailed to [coog@dos.ny.gov](mailto:coog@dos.ny.gov).

For further information, contact: Kristin O'Neill, One Commerce Plaza, 99 Washington Ave., Ste. 650, Albany, NY 12231, (518) 474-2551, [kristin.oneill@dos.ny.gov](mailto:kristin.oneill@dos.ny.gov)

## PUBLIC NOTICE Department of Agriculture and Markets

In the Matter of Resuming Activities under the Sour Cherry Marketing Order Pursuant to Sections 16-Y and 16-Z of Urban Development Corporation Act 174/68 and Section 202.13 of Title One of the Official Compilation of Codes, Rules and Regulations of the State of New York

NOTICE OF SUSPENSION REMOVAL

As provided in section 16-Y(3)(e) of the Urban Development Corporation Act 174/68 ("UDCA"), the Commissioner of the Department of Agriculture and Markets, pursuant to a delegation of authority issued by the president of Empire State Development ("ESD"), issued an order suspending the activities of the Sour Cherry Marketing Order for a period through the 2021-22 growing and marketing season.

The Commissioner of the Department of Agriculture and Markets, pursuant to that same delegation of authority, is authorized to lift such a suspension prior to the conclusion of such growing and marketing season and resume SCMO activities if, in consultation with the SCMO Advisory Committee, it is deemed appropriate.

### FINDINGS AND ORDER

After consulting with the SCMO Advisory Committee, I hereby find that SCMO activities should be resumed prior to July 1st, 2022 to conduct marketing activities prior to the end of the previously ordered suspension period to permit the use of unspent SCMO funding for the benefit of New York's sour cherry industry.

BASED UPON THE FOREGOING, I, Richard A. Ball, duly delegated by the President of ESD to make the following determination pursuant to UDCA section 16-Y (3)(e), hereby lift the current suspension of the operation of the Sour Cherry Marketing Order.

Richard A. Ball, Commissioner

## PUBLIC NOTICE Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for July 2022 will be conducted on July 20 and July 21 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY with live coverage available at <https://www.cs.ny.gov/commission/>.

For further information, contact: Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. One, Albany, NY 12239, (518) 473-6598.

## 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 revise provisions of the Ambulatory Patient Group (APG) reimbursement methodology. The following changes are proposed:

**Non-Institutional Services**

Effective on or after July 1, 2022, the Ambulatory Patient Group (APG) reimbursement methodology is revised to include recalculated weight and component updates in order to maintain consistent reimbursement for APG payments. Also, rates of reimbursement are being established for Licensed Mental Health Counselors and Licensed Marriage and Family Therapists in hospital outpatient departments and freestanding clinics.

The estimated annual change to gross Medicaid expenditures as a result of this proposed amendment is \$3,603,802.

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 enacted statutory provisions. The following changes are proposed:

**Non-Institutional Services**

Effective on or after July 1, 2022, the "Behavioral Health Utilization Controls" will be removed and the payment reduction for OPWDD Article 16 Clinics will no longer be applied.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2022/2023 is \$368,218.

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:

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Long Island City, New York 11101

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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 enacted statutory provisions. The following changes are proposed:

**Non-Institutional Services**

Effective for dates of service on or after July 1, 2022, the Department of Health will increase Comprehensive Psychiatric Emergency Program (CPEP) reimbursement including fees paid for full emergency visits, triage and referral visits and extended observation bed services. This investment will result in a full annual projected increase in gross Medicaid expenditures of \$20,000,000. This State Plan Amendment is necessary to adequately reimburse CPEP programs for providing these services and better meet the community's mental health needs.

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

**SUMMARY**  
**SPA #22-0085**

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  
136(b)**

**1905(a)(1) Inpatient Hospital Services**

b. Temporary rate adjustments have been approved for the following hospital providers in the amounts and for the effective periods listed:

**Hospitals:**

<b>Provider Name</b>	<b>Gross Medicaid Rate Adjustment</b>	<b>Rate Period Effective</b>
<u>Auburn Community Hospital</u>	\$541,888	09/01/2022 – 09/30/2022
	\$541,888	10/01/2022 – 12/31/2022
	\$541,889	01/01/2023 – 03/31/2023
	\$406,416	04/01/2023 – 06/30/2023
	\$406,416	07/01/2023 – 09/30/2023
	\$406,416	10/01/2023 – 12/31/2023
	\$406,417	01/01/2024 – 03/31/2024
	\$406,416	04/01/2024 – 06/30/2024
	\$406,416	07/01/2024 – 09/30/2024
	\$406,416	10/01/2024 - 12/31/2024
\$406,417	01/01/2025 – 03/31/2025	
Beth Israel Medical Center	\$15,000,000	11/01/2014 – 03/31/2015
	\$33,200,000	04/01/2015 – 03/31/2016
	\$33,200,000	04/01/2016 – 03/31/2017
Brookdale University Hospital and Medical Center	\$14,000,000	02/01/2014 – 03/31/2014
Brooklyn Hospital Center	\$5,000,000	02/01/2014 – 03/31/2014
	\$5,000,000	04/01/2014 – 03/31/2015
Canton Potsdam Hospital/EJ Noble	\$2,000,000	01/01/2014 – 03/31/2014
	\$400,000	04/01/2014 – 03/31/2015
Catskill Regional Medical Center	\$889,105	01/01/2014 – 03/31/2014
	\$1,040,305	04/01/2014 – 03/31/2015
	\$1,164,505	04/01/2015 – 03/31/2016
Champlain Valley Physicians Hospital Medical Center	\$1,450,852	05/01/2017 - 03/31/2018
	\$ 981,422	04/01/2018 - 03/31/2019
	\$ 660,708	04/01/2019 - 03/31/2020
Eastern Niagara Hospital	\$1,425,000	07/01/2018 – 03/31/2019
	\$1,575,000	04/01/2019 – 03/31/2020
	\$666,667	08/19/2021 – 09/30/2021
	\$666,667	10/01/2021 – 12/31/2021
	\$666,667	01/01/2022 – 03/31/2022
	\$1,000,000	04/01/2022 – 06/30/2022
	\$1,000,000	07/01/2022 – 09/30/2022

\*Denotes this provider is a Critical Access Hospital (CAH).

TN #22-0085

Approval Date \_\_\_\_\_

Supersedes TN #21-0056

Effective Date September 1, 2022



New York  
136(c.3)**1905(a)(1) Inpatient Hospital Services****Hospitals (Continued):**

Provider Name	Gross Medicaid Rate Adjustment	Rate Period Effective
Soldiers & Sailors Memorial Hospital	\$ 19,625	02/01/2014 – 03/31/2014
	\$ 117,252	04/01/2014 – 03/31/2015
	\$ 134,923	04/01/2015 – 03/31/2016
South Nassau Communities Hospital	\$3,000,000	11/01/2014 – 03/31/2015
	\$1,000,000	04/01/2015 – 03/31/2016
	\$4,000,000	07/01/2018 – 03/31/2019
	\$4,000,000	04/01/2019 – 03/31/2020
	\$4,000,000	04/01/2020 – 03/31/2021
Strong Memorial Hospital	\$4,163,227	04/01/2018 – 03/31/2019
	\$4,594,780	04/01/2019 – 03/31/2020
	\$4,370,030	04/01/2020 – 03/31/2021
	\$1,153,579	01/01/2020 - 03/31/2020
	\$2,588,381	04/01/2020 - 03/31/2021
	\$2,235,555	04/01/2021 – 03/31/2022
	\$ 806,648	09/01/2022 – 09/30/2022
	\$ 806,648	10/01/2022 – 12/31/2022
	\$ 806,648	01/01/2023 – 03/31/2023
	\$ 254,735	04/01/2023 – 06/30/2023
	\$ 254,735	07/01/2023 – 09/30/2023
	\$ 254,735	10/01/2023 – 12/31/2023
	\$ 254,735	01/01/2024 – 03/31/2024
	\$ 139,869	04/01/2024 – 06/30/2024
	\$ 139,869	07/01/2024 – 09/30/2024
\$ 139,869	10/01/2024 – 12/31/2024	
\$ 139,869	01/01/2025 – 03/31/2025	
Wyckoff Heights Medical Center	\$1,321,800	01/01/2014 – 03/31/2014
	\$1,314,158	04/01/2014 – 03/31/2015
	\$1,344,505	04/01/2015 – 03/31/2016
	\$970,000	03/01/2022 – 03/31/2022
	\$970,000	04/01/2022 – 06/30/2022
	\$970,000	07/01/2022 – 09/30/2022
	\$970,000	10/01/2022 – 12/31/2022
\$970,000	01/01/2023 – 03/31/2023	

\*Denotes this provider is a Critical Access Hospital (CAH)

# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

## PUBLIC NOTICE City of Batavia

The City of Batavia is requesting proposals from qualified administrative services agencies, and/or financial organizations relating to administration, trustee services and/or funding of a deferred compensation plan for employees of The City of Batavia meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

*A copy of the proposal questionnaire may be obtained from:* City of Batavia Human Resources Department, Dawn Fairbank, e-mail: [fairbank@batavianewyork.com](mailto:fairbank@batavianewyork.com)

All proposals must be submitted no later than 4:30 p.m. on Friday, September 30th.

## PUBLIC NOTICE Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for September 2022 will be conducted on September 14 and September 15 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY with live coverage available at <https://www.cs.ny.gov/commission/>

*For further information, contact:* Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Building One, Albany, NY 12239, (518) 473-6598

## PUBLIC NOTICE City of Dunkirk

The City of Dunkirk is requesting proposals from qualified administrative services agencies, and/or financial organizations relating to

administration, trustee services and/or funding of a deferred compensation plan for employees of The City of Dunkirk meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

*A copy of the proposal questionnaire may be obtained from:* Carol A. Oliveira, Chairperson, Deferred Compensation Committee, City of Dunkirk [coliveira@cityofdunkirk.com](mailto:coliveira@cityofdunkirk.com)

All proposals must be submitted no later than 4:30 p.m. on September 30, 2022.

## 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 as authorized by § 2826 of New York Public Health Law. The following changes are proposed:

### Institutional Services

Effective on or after September 1, 2022, noticed provision for 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 two Hospitals:

- Auburn Community Hospital with aggregate payment amounts totaling up to \$1,625,665 for the period September 1, 2022, through March 31, 2023, and \$1,625,665 for the period April 1, 2023, through March 31, 2024, and \$1,625,665 for the period April 1, 2024, through March 31, 2025.

- Strong Memorial Hospital with aggregate payment amounts totaling up to \$2,419,944 for the period September 1, 2022, through March 31, 2023, and \$1,018,940 for the period April 1, 2023, through March 31, 2024, and \$559,476 for the period April 1, 2024, through March 31, 2025.

The estimated net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2022/2023 is \$4,045,609. The Medicaid expenditures attributable to state fiscal year 2023/2024 and state fiscal year 2024/2025 are \$2,644,605 and \$2,185,141, respectively.

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

## 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 as authorized by § 2826 of New York Public Health Law. The following changes are proposed:

### Institutional Services

Effective on or after September 1, 2022, noticed provision for 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:

- St. John's Episcopal Health – South Shore payment amounts totaling up to \$34,277,881 for the period September 1, 2022, through March 31, 2023, and \$31,359,293 for the period April 1, 2023, through March 31, 2024, and \$24,300,659 for the period April 1, 2024, through March 31, 2025.

The estimated net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2022/2023 is \$34,277,881. The Medicaid expenditures attributable to state fiscal year 2023/2024 and state fiscal year 2024/2025 are \$31,359,293 and \$24,300,659, respectively.

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:

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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

## PUBLIC NOTICE

Department of State

F-2022-0298

Date of Issuance – August 31, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at <https://dos.ny.gov/system/files/documents/2022/08/f-2022-0298.pdf>

In F-2022-0298 or the "Ocean Hampton Dredging & Bulkhead Project", the applicant – Ocean Hampton, LLC – proposes to dredge and remove silt to a 15 foot depth at Mean Low Water. This depth will match the adjacent Federal Channel. The applicant also proposes in-place replacement of the existing timber bulkhead with a steel bulkhead. Proposed removal of the rip rap seawall and existing docks. Approximately 4,100 cubic yards of dredge material is proposed to be removed. A dredge will remove the material to design depths and place material into a barge that allows for material to settle-out and have clean surface seawater returned to the waterway. When the barge is filled, the excavator will remove the material and place it an upland clearing for further dewatering and testing for disposal at an off-site location. If the material is contaminated, the dredged material will be towed in barge directly to "Clean Earth" which is an approved contaminated waste disposal facility located in New Jersey.

The proposed project is located at 3564 Hampton Road in the Town of Hempstead, Nassau County on Hog Island Channel. The purpose of the proposed project is to "dredge an area seaward of an existing functional wooden bulkhead on Hogs Island Channel in order to accommodate the drafts of sea barges that need to be berthed and loaded from the upland property. Replacing the functional bulkhead and extending it in place of functional rip-rap seawall that will be removed".

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, September 30, 2022.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: [CR@dos.ny.gov](mailto:CR@dos.ny.gov)

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State

F-2022-0417

Date of Issuance – August 31, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of

**SUMMARY**  
**SPA #22-0086**

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

SPA 22-0086  
Attachment A  
Annotated Pages

Annotated Page: 136(c.2)

DRAFT

New York  
136(c.2)~~Hospitals (Continued):~~

<del>Provider Name</del>	<del>Gross Medicaid Rate Adjustment</del>	<del>Rate Period Effective</del>
<del>Richmond University Medical Center</del>	<del>\$8,897,955</del>	<del>01/01/2013 — 03/31/2013</del>
	<del>\$2,355,167</del>	<del>04/01/2013 — 03/31/2014</del>
	<del>\$1,634,311</del>	<del>04/01/2014 — 03/31/2015</del>
	<del>\$9,966,329</del>	<del>07/01/2018 — 03/31/2019</del>
	<del>\$9,869,000</del>	<del>04/01/2019 — 03/31/2020</del>
	<del>\$9,711,500</del>	<del>04/01/2020 — 03/31/2021</del>
<del>St. Barnabas Hospital</del>	<del>\$ 2,588,278</del>	<del>01/01/2013 — 03/31/2013</del>
	<del>\$ 1,876,759</del>	<del>04/01/2013 — 03/31/2014</del>
	<del>\$ 1,322,597</del>	<del>04/01/2014 — 03/31/2015</del>
	<del>\$ 2,500,000</del>	<del>01/01/2017 — 03/31/2017</del>
	<del>\$10,000,000</del>	<del>04/01/2017 — 03/31/2018</del>
	<del>\$10,000,000</del>	<del>04/01/2018 — 03/31/2019</del>
	<del>\$ 7,500,000</del>	<del>04/01/2019 — 12/31/2019</del>
	<del>\$12,000,000</del>	<del>07/01/2018 — 03/31/2019</del>
	<del>\$12,000,000</del>	<del>10/03/2019 — 03/31/2020</del>
	<del>\$12,000,000</del>	<del>04/01/2020 — 03/31/2021</del>
<del>\$12,000,000</del>	<del>04/01/2021 — 03/31/2022</del>	
<del>St. John's Episcopal Health South</del>	<del>\$1,022,650</del>	<del>03/01/2022 — 03/31/2022</del>
<del>St. John's Riverside St. John's Division</del>	<del>\$1,300,000</del>	<del>07/01/2018 — 03/31/2019</del>
	<del>\$ 700,000</del>	<del>04/01/2019 — 03/31/2020</del>
	<del>\$ 500,000</del>	<del>04/01/2020 — 03/31/2021</del>
	<del>\$1,500,000</del>	<del>04/01/2021 — 03/31/2022</del>
	<del>\$1,298,171</del>	<del>03/01/2022 — 03/31/2022</del>
	<del>\$1,467,957</del>	<del>04/01/2022 — 06/30/2022</del>
	<del>\$1,467,957</del>	<del>07/01/2022 — 09/30/2022</del>
	<del>\$1,467,957</del>	<del>10/01/2022 — 12/31/2022</del>
<del>\$1,467,958</del>	<del>01/01/2023 — 03/31/2023</del>	
<del>St. Joseph's Hospital Health Center</del>	<del>\$4,000,000</del>	<del>04/01/2020 — 03/31/2021</del>
<del>St. Joseph's Medical Center</del>	<del>\$1,500,000</del>	<del>04/01/2021 — 03/31/2022</del>
	<del>\$ 300,000</del>	<del>03/01/2022 — 03/31/2022</del>
	<del>\$ 300,000</del>	<del>04/01/2022 — 06/30/2022</del>
	<del>\$ 300,000</del>	<del>07/01/2022 — 09/30/2022</del>
	<del>\$ 300,000</del>	<del>10/01/2022 — 12/31/2022</del>
	<del>\$ 300,000</del>	<del>01/01/2023 — 03/31/2023</del>

\*Denotes this provider is a Critical Access Hospital (CAH)

New York  
136(c.2)1905(a)(1) Inpatient Hospital ServicesHospitals (Continued):

<u>Provider Name</u>	<u>Gross Medicaid Rate Adjustment</u>	<u>Rate Period Effective</u>
<u>Richmond University Medical Center</u>	<u>\$8,897,955</u>	<u>01/01/2013 – 03/31/2013</u>
	<u>\$2,355,167</u>	<u>04/01/2013 – 03/31/2014</u>
	<u>\$1,634,311</u>	<u>04/01/2014 – 03/31/2015</u>
	<u>\$9,966,329</u>	<u>07/01/2018 – 03/31/2019</u>
	<u>\$9,869,000</u>	<u>04/01/2019 – 03/31/2020</u>
	<u>\$9,711,500</u>	<u>04/01/2020 – 03/31/2021</u>
<u>St. Barnabas Hospital</u>	<u>\$ 2,588,278</u>	<u>01/01/2013 – 03/31/2013</u>
	<u>\$ 1,876,759</u>	<u>04/01/2013 – 03/31/2014</u>
	<u>\$ 1,322,597</u>	<u>04/01/2014 – 03/31/2015</u>
	<u>\$ 2,500,000</u>	<u>01/01/2017 – 03/31/2017</u>
	<u>\$10,000,000</u>	<u>04/01/2017 – 03/31/2018</u>
	<u>\$10,000,000</u>	<u>04/01/2018 – 03/31/2019</u>
	<u>\$ 7,500,000</u>	<u>04/01/2019 – 12/31/2019</u>
	<u>\$12,000,000</u>	<u>07/01/2018 – 03/31/2019</u>
	<u>\$12,000,000</u>	<u>10/03/2019 – 03/31/2020</u>
	<u>\$12,000,000</u>	<u>04/01/2020 – 03/31/2021</u>
	<u>\$12,000,000</u>	<u>04/01/2021 – 03/31/2022</u>
<u>St. John's Episcopal-South Shore</u>	<u>\$1,022,650</u>	<u>03/01/2022 – 03/31/2022</u>
	<u>\$11,425,960</u>	<u>09/01/2022 – 09/30/2022</u>
	<u>\$11,425,960</u>	<u>10/01/2022 – 12/31/2022</u>
	<u>\$11,425,961</u>	<u>01/01/2023 – 03/31/2023</u>
	<u>\$7,839,823</u>	<u>04/01/2023 – 06/30/2023</u>
	<u>\$7,839,823</u>	<u>07/01/2023 – 09/30/2023</u>
	<u>\$7,839,823</u>	<u>10/01/2023 – 12/31/2023</u>
	<u>\$7,839,824</u>	<u>01/01/2024 – 03/31/2024</u>
	<u>\$6,075,164</u>	<u>04/01/2024 – 06/30/2024</u>
	<u>\$6,075,165</u>	<u>07/01/2024 – 09/30/2024</u>
	<u>\$6,075,165</u>	<u>10/01/2024 – 12/31/2024</u>
<u>\$6,075,165</u>	<u>01/01/2025 – 03/31/2025</u>	
<u>St. John's Riverside-St. John's Division</u>	<u>\$1,800,000</u>	<u>07/01/2018 – 03/31/2019</u>
	<u>\$ 700,000</u>	<u>04/01/2019 – 03/31/2020</u>
	<u>\$ 500,000</u>	<u>04/01/2020 – 03/31/2021</u>
	<u>\$1,500,000</u>	<u>04/01/2021 – 03/31/2022</u>
	<u>\$1,298,171</u>	<u>03/01/2022 – 03/31/2022</u>
	<u>\$1,467,957</u>	<u>04/01/2022 – 06/30/2022</u>
	<u>\$1,467,957</u>	<u>07/01/2022 – 09/30/2022</u>
	<u>\$1,467,957</u>	<u>10/01/2022 – 12/31/2022</u>
<u>\$1,467,958</u>	<u>01/01/2023 – 03/31/2023</u>	

\*Denotes this provider is a Critical Access Hospital (CAH)

New York  
136(c.2.a)1905(a)(1) Inpatient Hospital ServicesHospitals (Continued):

<u>Provider Name</u>	<u>Gross Medicaid Rate Adjustment</u>	<u>Rate Period Effective</u>
<u>St. Joseph's Hospital Health Center</u>	<u>\$4,000,000</u>	<u>04/01/2020 – 03/31/2021</u>
	<u>\$1,500,000</u>	<u>04/01/2021 – 03/31/2022</u>
	<u>\$ 300,000</u>	<u>03/01/2022 – 03/31/2022</u>
<u>St. Joseph's Medical Center</u>	<u>\$ 300,000</u>	<u>04/01/2022 – 06/30/2022</u>
	<u>\$ 300,000</u>	<u>07/01/2022 – 09/30/2022</u>
	<u>\$ 300,000</u>	<u>10/01/2022 – 12/31/2022</u>
	<u>\$ 300,000</u>	<u>01/01/2023 – 03/31/2023</u>

\*Denotes this provider is a Critical Access Hospital (CAH)

DRAFT



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

### 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 as authorized by § 2826 of New York Public Health Law. The following changes are proposed:

#### Institutional Services

Effective on or after September 1, 2022, noticed provision for 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:

- St. John's Episcopal Health – South Shore payment amounts totaling up to \$34,277,881 for the period September 1, 2022, through March 31, 2023, and \$31,359,293 for the period April 1, 2023, through March 31, 2024, and \$24,300,659 for the period April 1, 2024, through March 31, 2025.

The estimated net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2022/2023 is \$34,277,881. The Medicaid expenditures attributable to state fiscal year 2023/2024 and state fiscal year 2024/2025 are \$31,359,293 and \$24,300,659, respectively.

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

### PUBLIC NOTICE

Department of State

F-2022-0298

Date of Issuance – August 31, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at <https://dos.ny.gov/system/files/documents/2022/08/f-2022-0298.pdf>

In F-2022-0298 or the "Ocean Hampton Dredging & Bulkhead Project", the applicant – Ocean Hampton, LLC – proposes to dredge and remove silt to a 15 foot depth at Mean Low Water. This depth will match the adjacent Federal Channel. The applicant also proposes in-place replacement of the existing timber bulkhead with a steel bulkhead. Proposed removal of the rip rap seawall and existing docks. Approximately 4,100 cubic yards of dredge material is proposed to be removed. A dredge will remove the material to design depths and place material into a barge that allows for material to settle-out and have clean surface seawater returned to the waterway. When the barge is filled, the excavator will remove the material and place it an upland clearing for further dewatering and testing for disposal at an off-site location. If the material is contaminated, the dredged material will be towed in barge directly to "Clean Earth" which is an approved contaminated waste disposal facility located in New Jersey.

The proposed project is located at 3564 Hampton Road in the Town of Hempstead, Nassau County on Hog Island Channel. The purpose of the proposed project is to "dredge an area seaward of an existing functional wooden bulkhead on Hogs Island Channel in order to accommodate the drafts of sea barges that need to be berthed and loaded from the upland property. Replacing the functional bulkhead and extending it in place of functional rip-rap seawall that will be removed".

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, September 30, 2022.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

### PUBLIC NOTICE

Department of State

F-2022-0417

Date of Issuance – August 31, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of