I. Introduction

On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5) into law, representing approximately \$87 billion in Federal funds to help States, D.C. and Territories meet the health care needs for their Medicaid populations during the recession period (October 1, 2008 thru December 31, 2011).

The purpose of this report is to identify how the: increased Federal dollars are used; and, the States are meeting the conditions and requirements under section 5001 of ARRA.

. State Organizational	0	New York	
. Otato Organizational	Component:	Department of Health	
State Contact Info:	Name:	Robert W Reed	
	Address:	GNARESP Corning Tower	
	E 14 7	Albany, NY	
	E-Mail: Telephone:	rwr01@health.state.ny.us 518-474-8565	
	relepitorie.	010-14-0300	
Date Submitted:		9/21/2010	
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	To (i	mm/dd/yyyy): 9/30/2009	
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b. Office of Governor	Reviewer.	Wendy E. Saunders	
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OMB Number: 0938-1073 Page 1

	Report Period:			New York	State:
	7/1/2009 9/30/2009	From (mm/dd/yyyy): To (mm/dd/yyyy):			
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			re programs in the State:	related to the health care	I. Uses re
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	nd into/through which		n are involved in the funding process nds and the non-Federel share funds		
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Please see tab "2009-10 Enacted Budget Fin Plan" which includes a chart illustrating planned program cuts which were averted through the availability of enhanced FMAP for the period 10/1/08-3/31/10. Information extracted from the 2009-10 Enacted Budget Financial Plan.

State:	New York				Report Period: From (mm/dd/yyyy): To (mm/dd/yyyy):	7/1/2009 9/30/2009
IV. Medicaid Enrollment						
Please provide enrollm	nent data for the repo	orting period by population:				
Table 1: Medicaid Enrol	Iment/Eligibility Da	ta :				
1.a. Eligibility Group	Enrollment 9/30/2008 /1	1.b. Eligibility Group	Enrollment In Report Period /2	Eligibility Months /3	Average Eligibility Months Col F ÷ 3	
Α	В	D	E	F	G	
Aged (65 and Older)	514,056.00	Aged (65 and Older)	548,420.00	1,595,585.00	531,861.67	
Disabled/Blind	613,756.00	Disabled/Blind		1,888,259.00	629,419.67	
Pregnant Women	67,500.00	Pregnant Women	76,000.00		68,000.00	
Children	1,651,600.00	Children		5,184,313.00	1,728,104.33	
Other Adults	1,394,393.00	Other Adults		4,728,051.00	1,576,017.00	
Total:	4,241,305.00	Total: eline number of unduplicated		***************************************	4,533,402.67	
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8) have decreased gr	eater than 5%? Identify popul	lation(s) and indic	ate reason(s) fo	or decrease.	
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State:	New York	Report Period:	
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1.A. Rainy Day/Reserve Funds. Please report the ending balance of the State's Rainy Day and/or Reserve Funds for each Report quarter. If there was an increase from the previous quarter, please explain the source of funds and attach any additional information, as necessary.

Rainy Day/ Reserve Fund*	Ending Balance 9/30/2008	Ending Balance Report Qtr	Change
Tax Stabilization	\$0	\$0	\$0
Rainy Day	\$175,000,000	\$0	-\$175,000,000
Contingency	\$21,000,000	\$0	-\$21,000,000
Refund Reserve	\$0	\$0	\$0
E 114			\$0
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Total:	\$196,000,000	\$0	-\$196,000,000

^{*} Identify/List (If more space needed, include on attachment)

1.B. What are the constitutional and statutory provisions concerning the funding of your rainy day fund?"

Funds in reserve may be temporarily loaned during any fiscal year in the anticipation of the receipt of revenues. Any amounts loaned must be repaid during same fiscal year. See attached language.

1.C. Please describe the mechanism that your state uses to assure that increased FMAP funds are not deposited into your rainy day fund.

The Office of State Comptroller had adjusted the State accounting system to track receipt of the increased FMAP. Additionally, DOH has been utilizing the CMS 37 and CMS 64 to track the increased FMAP.

2a . Prompt Pay. In Table 3, please report on the number of days and amount of increased FMAP dollars lost as a result of the State's failure to meet the prompt payment requirements, if any. For this purpose, Table 4 provides a running total for each quarter throught the Report Quarter, Do not complete for future quarters.

FFY	Quarte	er 1	Quarte	er 2	Quarte	er 3	Quart	ter 4	Tota	d -
	Days	Amount	Days	Amount	Days	Amount	Days	Amount	Days	Amount
2009	Devi, versas projection of	\$0	0	\$0	0	\$0	0	\$0	0	\$
2010	of carry produce and crossillation by		AND THE PROPERTY OF				Company Charles		0	3
2011			CHARLES IN	ENCORPE CARTE		MORE THAN IN			0	\$
otai:	0	\$0	0	\$0	0	\$0	0	\$0	0	- S

2b. Indicate each date(s) of noncompliance for prompt pay du	ring the Report Period/Quarter (mm/dd/yy):	100		
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3. Political Subdivisions. With respect to political subdivisions that are required to contribute to the non-Federal share of the State's Medicaid expenditures, please provide a list of each of political subdivisions and required percentage of non-Federal share contribution on the percentage political subdivisions are required to contribute toward the non-federal share of Medicaid expenditures. If political subdivisions are not required to contribute toward the non-Federal share of Medicaid expenditures, please indicate as such.

Table 4: Political Subdivisions Contribution Percental Political Subdivision *	Percentage Required September 30, 2008 (x.x%)	Percentage Required Report Quarter (x.x%)
Please See Pol Sub Attach 1 and 2		
		allowers and a particular of the
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IA .					WATER S	N. B. Charles II. G.		
								PROPERTY OF THE
tb. Please c	complete the char	t below indicatin	ng the increa	sed FMAP dolla	ar amounts k	est as a result of such ch	anges, if any	
		3100		as Hiving			12.48.000	
FFY	gibility Restriction	Quarter 2	Quarter 3	Quarter 4	Total			
2009	\$0	\$0	\$0	\$0	\$0			
2010		Manager 1 10 10 10 12	NOTE ON EAST		\$0	The state of the s		
2011 Total:	\$0	\$0	\$0	\$0	\$0 \$0			
i Ulai.	\$ 0	Ψυ	φυ	ΨU	φυ			
					,	State reinstated eligiblit	y standards,	
	es, or procedures	, respectively, u	nder such pl	an (or waiver)	s in effect o	1 July 1, 2008.		
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d Deinstel	lement of Eligibl	ity \A/ith roopo	at to the oligi	hility provinions	that were re	instated, indicate, by pro	wision the n	ımber of
Table 6.	reinstatemer	nt of eligibility p	provisions		or become	eligible as a result of	No of In	dividuals
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E a Evnand	led Eligibility Di	ease report any	changes un	der Title XIX fo	or medical as	sistance provided to ind	ividuals deter	mined
eligible under date and imp	r eligibility standa	rds that were hi	gher than the	ose in effect on	July 1, 2008	. Provide a description	of the change	, the effective
VA AV	en (austronaus)						o existing	in sandy (Since
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						les that are covered but		
MAP payme	ents because the	expansion is su	bject to eligi	blity income sta	ndards that	are higher than what was	s in effect on	July 1, 2008
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Table 7.		ew eligible indi bility standards			Decame en	gible as a result of inci	reaseu	
		ligibility Income				No. of Individuals	Lost FM/	NP (\$000s)
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				on South			Market Company	What were a sou
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OMB Number: 0938-1073 Page 5

New York State: Report Period: From (mm/dd/yyyy): 7/1/2009 To (mm/dd/yyyy): 9/30/2009 VI. Comments III. State Plan Use of Increased FMAP Item 1. A (g) Other The increased FMAP allows NYS to cover Medicaid caseload increases resulting from the continued economic downturn, allows the state to continue to provide services and benefits to eligibles without any reductions and alleviates the need for more cost containment beyond that enacted in the state's budget for the fiscal year. V. Maintenance of Effort Item 1. A. Table 2. Rainy Day/Reserve Fund September 30, 2009 reserve fund balances are at \$0. This is due to State Finance Law allowing for these funds to be used for other purposes, such as covering cash shortfalls or other deficits, as long as the funds are returned by the close of the fiscal year. On an accrual basis, these account totals would be as follows: Tax Stabilization \$1,031,000,000 Rainy Day \$21,000,000 Contingency \$175,000,000 Refund Reserve \$978,000,000

Medicaid Funding Process

Section II Item 3.

The following is a listing of the state accounts used to support the non-federal share of Medicaid expenditures:

Fund Title

- General Fund Local Assistance Account
- Fund 179 Escrow Account
- 061/04 HCRA Medical Assistance Account
- 061/IN HCRA Indigent Care Fund
- Medicaid Recoveries Health Facilities
- 339/YV State Special Revenue Fund Medicaid Provider Assessment

Medicaid claims are funded using a combination of federal, state and local funds. The shares funding for each claim is determined using a combination of eligibility group, type of service and other factors. The necessary federal, state and local funds are deposited into an escrow account (Fund 179) to fund checks issued to providers. Federal funds including ARRA's increased FMAP are drawn in accordance with CMIA requirements and deposited into the 179 account. The local funds are received electronically each week from localities and deposited into the 179 account. State funds are also moved into this account. The decision regarding which state appropriations to use are determined each week by the Department of Health in consultation with the Division of the Budget.

State share funding appropriations were not reduced, despite the increased FMAP. However, the increased FMAP allowed NYS to cover Medicaid caseload increases resulting from the economic downtown, allowed the State to continue to provide services and benefits to eligibles without any reductions and alleviated the need for more cost containment beyond that enacted in the State's budget for the fiscal year.

FMAP FISCAL RELIEF DISTRIBUTE STATE FISCAL YEARS 2008-09 AND 2		
(millions of dollars)		(4) (2) (5)
NYC AIM Funding Restoration		32
Human Services Restorations:		120
Redirect SSI COLA	84	
Community Optional Preventive Services	29	
Homeless Prevention Program	5	
Single Room Occupancy Program	2	
Neighborhood & Rural Preservation	2	
Caseload Reduction	2	
NY/NY III Bed Reduction	1	
HIV Welfare to Work	1	
Mental Hygiene Restorations:		34
January 2009 Human Services COLA Reduction	16	
Sheltered Employment/Day Habilitation	11	
OASAS AIDS/Case Management Services	4	
Unitied Services	3	
Other Mental Health	4	
Medicaid Enrollment/Utilization Increases:		750
HCRA Shortfall		282
Health Care Restorations:		981
Hospitals	393	
Nursing Homes	174	
Home Care	133	
Insurance	112	
Pharmacy	72	
Other	97	
Rejected Tax/Fee Increases:		1,271
Gap Closing		1,22
TOTAL FMAP AVAILABLE (October 2009 - March 20	10)	5,002

With one important exception, FMAP has no impact on the State's All Funds spending levels, since every dollar saved in the General Fund is offset by a corresponding increase in Federal Funds. However, since all Federal Medicaid payments must flow through the State's Financial Plan, the increase in FMAP results in an increase in the 'pass-through' of more Federal aid to counties and New York City, which contribute to the financing of the State's Medicaid program. This pass-through amount totaled \$440 million in 2008-09 and is projected at \$1.4 billion in 2009-10. See "Spending Levels" herein for a discussion of the impact of Federal aid on State All Funds spending in 2009-10.

As of 09/01/2010 04:52PM, the Laws database is current through 2010 Chapters 1-59, 61-418, 419-445, 447-481 State Finance

- § 92-cc. Rainy day reserve fund. 1. There is hereby established in the state treasury a fund to be known as the "rainy day reserve fund". Such fund shall consist of moneys deposited therein and monies shall be withdrawn from such fund only for the purposes as provided therein.
- 2. Such fund shall have a maximum balance not to exceed three per centum of the aggregate amount projected to be disbursed from the general fund during the fiscal year immediately following the then-current fiscal year.
- 3. a. The amounts available in such reserve may be used if the following conditions are met:
- (i) Economic downturn. The commissioner of labor shall calculate and publish, on or before the fifteenth day of each month, a composite index of business cycle indicators. Such index shall be calculated using monthly data on New York state employment, total manufacturing hours worked, and unemployment prepared by the department of labor or its successor agency, and total sales tax collected net of law changes, prepared by the department of taxation and finance or its successor agency. Such index shall be constructed in accordance with the procedures for calculating composite indexes issued by the conference board or its successor organization, and adjusted for seasonal variations in accordance with the procedures issued by the census bureau of the United States department of commerce or its successor agency. If the composite index declines for five consecutive months, the commissioner of labor shall notify the governor, the speaker of the assembly, the temporary president of the senate, and the minority leaders of the assembly and the senate. Upon such notification, the director of the budget may authorize and direct the comptroller to transfer from the rainy day reserve fund to the general fund such amounts as the director of the budget deems necessary to meet the requirements of the state financial plan. The authority to transfer funds under the provisions of this subdivision shall lapse when the composite index shall have increased for five consecutive months or twelve months from the original notification of the commissioner of labor, whichever occurs earlier. Provided, however, that for every additional and consecutive monthly decline succeeding the five month decline so noted by the commissioner of labor, the twelve month lapse date shall be extended by one additional month; or
- (ii) Catastrophic events. In the event of a need to repel invasion, suppress insurrection, defend the state in war, or to respond to any other emergency resulting from a disaster, including but not limited to, a disaster caused by an act of terrorism, the director of the budget may authorize and direct the comptroller to transfer from the rainy day reserve fund to the general fund such amounts as the director of the budget deems necessary to meet the requirements of the state financial

plan.

- b. Prior to authorizing any transfer from the rainy day reserve fund pursuant to the provisions of this section, the director of the budget shall notify the speaker of the assembly, the temporary president of the senate, and the minority leaders of the assembly and the senate. Such letter shall specify the reasons for the transfer and the amount thereof. Any amounts transferred from the rainy day reserve fund to the general fund shall be subject to all the repayment provisions of this section.
- 4. Any transfer authorized in subdivision three of this section shall be repaid in cash within a period of three years after the date that such authority to transfer funds under the provisions of this subdivision lapses, provided however that any transfer authorized as a result of a catastrophic event shall be subject to repayment provisions to be proposed by the governor and implemented by appropriation or transfer of funds.
- 5. Moneys in the rainy day reserve fund may be temporarily loaned to the general fund during any fiscal year in anticipation of the receipt of revenues from taxes, fees and other sources required to be paid into the general fund during such fiscal year. Moneys so temporarily loaned shall be repaid in cash during the same fiscal year.

STATE REPORT ON THE USE OF INCREASED FMAP SECTION 5001 OF ARRA

3. Political Subdivisions

Since the beginning of Medicaid in 1966, New York State has required its political subdivisions to contribute to the nonfederal share of the program. These political subdivisions are New York City and the 57 counties outside of New York City (a listing of these localities is attached). Initially localities were required to finance fifty percent of the nonfederal share of the program. Over the course of the next several decades, New York State has implemented several measures that reduced the local share of the program; these include a reduction in local shares tor long term care services to 20 percent of the nonfederal share, the elimination of the local share for Family Health Plus eligibles and, starting in January 2006, the capping of the local share of Medicaid program and administrative costs.

The capping of the local share was authorized by New York State's Chapter 58 of the Laws of 2005. This law established calendar year 2005 as the base year against which annual non-compounded increases were authorized. These increases, three and a half percent the first year subsequently reduced to three percent for all future years starting in 2008. These cap amounts were computed on a state fiscal year with localities required to make weekly payments to the state. Chapter 58 also requires that the state perform an annual reconciliation of what localities paid under the cap to what they would have paid under the old shares funding methodology. If localities paid more under the cap than they would have paid under the old methodology, then they were refunded the difference. This annual reconciliation essentially held localities harmless from paying more under the cap than they would have paid absent the cap. Consequently, the local share portion of Medicaid costs tor the state fiscal year is not determined until after the completion of the annual reconciliation.

The American Recovery and Reinvestment Act (ARRA) requires that, in states were political subdivisions are required to pay a portion of the nonfederal share, this percentage can not be greater after the application of the increased Federal Medical Percentage (FMAP) than the percentage they would have paid absent the increased FMAP. Although ARRA is written on the basis of a quarterly test to determine the local percentage of the nonfederal share, NYS law establishes local share as an annual lump sum for a state fiscal year, not on a percentage basis, or a quarterly basis. To comply with ARRA, New York State, through the annual reconciliation process stated above, calculated the local percentage of the nonfederal share of those costs covered by the increased FMAP both before and after the application of the increase. Any locality where the local percentage was higher after the FMAP increase received a refund from the state for the overage to ensure that each locality was in compliance with the ARRA requirement.

The reconciliation for state fiscal year 2008-09 was the first time that New York State implemented this requirement of the ARRA. Subsequent to the completion of that reconciliation, the DHHS Office of the Inspector General conducted an audit of New York's compliance with this ARRA provision. That audit found that the state's actions were in compliance and no political subdivision had paid more under ARRA than in the prior period.

Similarly, benchmarking for the State fiscal year ending 3/31/10 will be completed by September 30, 2010.

The attached listing of localities provides the local percentage for SFY 2008-09 Medicaid expenditures both before and after the FMAP increase. All localities met this ARRA provision for all quarters for State fiscal year ending 3/31/09.

DISTRICT	Percentage Required September 30, 2008 (x.x%)	Actual Percentage for SFY Ending 3/31/09
ALBANY	25.232968%	25.232968%
ALLEGANY	26.054423%	26.054423%
BROOME	23.917560%	23.917560%
CATTARAUGUS	29.689870%	29.689870%
CAYUGA	27.511862%	27.511862%
CHAUTAUQUA	26.608418%	26.608418%
CHEMUNG	26.544388%	26.544388%
CHENANGO	21.332802%	21.332802%
CLINTON	25.903840%	25.903840%
COLUMBIA	25.299016%	25.299016%
CORTLAND	24.580770%	24.580770%
DELAWARE	22.363073%	22.363073%
DUTCHESS	20.421129%	20.421129%
ERIE	26.869817%	26.869817%
ESSEX	19.391991%	19.391991%
FRANKLIN	23.041119%	23.041119%
FULTON	21.071823%	21.071823%
GENESEE	30.501900%	30.501900%
GREENE	24.178343%	24.178343%
HAMILTON	17.665901%	17.665901%
HERKIMER	22.227415%	22.227415%
JEFFERSON	25.033437%	25.033437%
LEWIS	31.459555%	30.670403%
LIVINGSTON	23.304211%	23.304211%
MADISON	21.172507%	21.172507%
MONROE		
MONTGOMERY	26.846990%	26.846990%
	21.560720%	21.560720%
NASSAU	26.716211%	26.595165%
NIAGARA	27.753601%	27.753601%
ONEIDA	23.481400%	23.481400%
ONONDAGA	28.948858%	28.948858%
ONTARIO	21.843505%	21.843505%
DRANGE	27.142121%	27.142121%
ORLEANS	29.690805%	29.690805%
OSWEGO	27.466379%	27.466379%
OTSEGO	26.303176%	26.303176%
PUTNAM	17.559318%	17.559318%
RENSSELAER	30.730922%	30.730922%
ROCKLAND	24.307585%	24.307585%
ST. LAWRENCE	22.809852%	22.809852%
SARATOGA	25.978811%	25.978811%
SCHENECTADY	27.729828%	27.729828%
SCHOHARIE	23.370565%	23.370565%
SCHUYLER	21.368097%	21.368097%
SENECA	22.085373%	22.085373%
STEUBEN	28.024955%	27.809055%
SUFFOLK	23.412599%	23.412599%
SULLIVAN	20.559469%	20.559469%
TIOGA	25.377003%	25.377003%
TOMPKINS	21.803124%	21.803124%
JLSTER	22.468776%	22.468776%
WARREN	25.846842%	
		25.679452%
WASHINGTON	24.632535%	24.632535%
WAYNE	24.691825%	24.691825%
WESTCHESTER	24.925689%	24.925689%
WYOMING	27.857670%	27.393007%
YATES	22.629195%	22.629195%
NEW YORK CITY	34.652877%	34.630169%