

1 **2022 NYSAC Legislative Conference**  
2 **NYSAC Board of Directors**  
3 **Resolution #2**

4 **Resolution Calling on the Governor to Complete Affordable Care Act**  
5 **Enhanced Federal Medical Assistance Percentage Reconciliations that are**  
6 **Years Overdue and Provide a Full Accounting of Funds Owed to Counties**  
7 **and New York City and a Schedule for Release of these Federal Funds**

8 **WHEREAS**, the funding to support the Medicaid program is provided by a  
9 combination of federal, state and local resources; and

10 **WHEREAS**, the state requires the counties and New York City to contribute \$7.6  
11 billion annually to pay for the federal and state defined and controlled program; and

12 **WHEREAS**, additionally, counties and New York City also voluntarily contribute about  
13 \$1 billion annually to draw down available federal funds to support publicly owned or  
14 supported nursing homes, clinics, and hospitals; and

15 **WHEREAS**, the local share the state requires counties and New York City to pay is the  
16 highest of any state in the country; and

17 **WHEREAS**, this large local funding share for Medicaid and other state programs is a  
18 major contributor to New York's high local tax burden compared to other states; and

19  
20 **WHEREAS**, under the Affordable Care Act (ACA) the federal government provided an  
21 enhanced Medicaid matching share (eFMAP), which has saved New York state billions  
22 of dollars; and

23 **WHEREAS**, the state is required under federal law to share these savings with counties  
24 and New York City based on the proportionate share localities pay of the nonfederal  
25 match; and

26 **WHEREAS**, the state has utilized a methodology that provides 80 percent of these  
27 estimated federal savings to counties in the year the costs accrue; and

28 **WHEREAS**, the balance of savings owed to counties is required to be reconciled  
29 annually to ensure the withheld savings are transferred to county budgets and local  
30 taxpayers, as well as meeting the intent of federal law; and

31 **WHEREAS**, for the first three years after enactment of the Affordable Care Act the  
32 state followed through on a relatively timely basis with the initial pass through of  
33 savings based on 80 percent of the estimated value of these federal savings to counties  
34 and New York City and when actual data became available after the close of the state  
35 fiscal year the final 20 percent was reconciled; and

1 **WHEREAS**, the last completed reconciliation and transfer of federal savings owed to  
2 counties was for state fiscal year 2015-16 with the reconciliation being implemented in  
3 December of 2020; and

4 **WHEREAS**, for each of these completed reconciliations of the final 20 percent of  
5 federal savings nearly all counties received additional federal savings based on the final  
6 data and caseload numbers; and

7 **WHEREAS**, as of February 8, 2022, counties and New York City are waiting on five  
8 years of final reconciliations for SFY's 2017, 2018, 2019, 2020 and 2021; and

9 **WHEREAS**, individual counties and NYSAC have made numerous requests, over  
10 multiple years, regarding the status of outstanding Medicaid ACA eFMAP  
11 reconciliations and the federal funds withheld from counties; and

12 **WHEREAS**, due to the lack of a meaningful response from state officials, dozens of  
13 counties have submitted Freedom of Information Law (FOIL) requests to the New York  
14 State Department of Health (DOH); and

15 **WHEREAS**, as of February 8, 2022, 34 counties have received responses from DOH to  
16 their FOIL inquiries and that these calculations show that up to \$232 million could be  
17 owed to these counties, and when these 34 responses are extrapolated statewide for all  
18 counties and New York City that over \$1.7 billion in federal funding could be owed to  
19 counties and New York City for SFY's 2017, 2018, 2019 and 2020; and

20 **WHEREAS**, because the state is withholding these federal funds it requires counties  
21 and New York City to reserve funds locally to make up for the loss, meaning local taxes  
22 have been kept higher than they need to be over multiple years, or local services are  
23 scaled back or eliminated; and

24 **WHEREAS**, in the years leading up to the last completed ACA eFMAP reconciliation,  
25 counties were provided an estimate of their coming year Medicaid costs by September,  
26 in time to incorporate the savings in their budgets, which ceased when regular  
27 reconciliations ended.

28 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
29 Counties (NYSAC) urges the Governor to complete these unfinished reconciliations as  
30 soon as possible and to provide counties and New York City a full accounting of the  
31 federal funds owed, and to take immediate steps to release the funds to localities; and

32 **BE IT FURTHER RESOLVED**, the state should also renew its practice of providing  
33 timely notice to counties of coming year Medicaid costs so they can appropriately budget  
34 those savings for local taxpayers and to preserve highly desired local quality of life  
35 services provided in our communities; and

36 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
37 of New York State encouraging member counties to enact similar resolutions; and

1 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
2 Governor Kathy Hochul, the New York State Legislature, the New York State  
3 Congressional Delegation, and all others deemed necessary and proper.