

1 **2020 NYSAC Legislative Conference**
2 **NYSAC Standing Committee on Children with Special Needs**
3 **Resolution #2**

4 **Resolution Urging the Department of Health and the Division of Budget to**
5 **Require Providers to Maximize Reimbursement from All Third-Party**
6 **Payers**

7 **WHEREAS**, prior to 2013, counties funded 100% of the cost of the state’s Early
8 Intervention Program and then sought reimbursement beginning in the following
9 county fiscal year as required under state law; and

10 **WHEREAS**, the state implemented a State Fiscal Agent administrative model in April
11 2013 that centralized billing and contracting at the state level, rather than at the county
12 level; and

13 **WHEREAS**, the State Fiscal Agent used their own administrative and reimbursement
14 information technology system to collect funds from counties and make payments to
15 providers due to limitations with the New York State Department of Health’s Early
16 Intervention System (NYEIS); and

17 **WHEREAS**, recent problems have arisen under the State Fiscal Agent platform related
18 to service providers filing for payment from insurance companies in the first instance as
19 the law requires providers, service coordinators and the state fiscal agent when insurers
20 ask for more information; and

21 **WHEREAS**, any extensive delay in providing such information to insurance companies
22 can result in a denial by the insurance company due to untimely filing, causing these
23 claims to fall to the state and counties to pay; and

24 **WHEREAS**, we continue to support proposals from the Governor that prioritize and
25 require providers to enforce current insurance regulations regarding payment of Early
26 Intervention service claims in an attempt to increase commercial insurance collections;
27 and

28 **WHEREAS**, the State has implemented health insurance benefit changes in its Child
29 Health Plus program that will likely reduce third party billing opportunities, resulting in
30 higher costs for counties in the Early Intervention Program; and

31 **WHEREAS**, under the statewide fiscal agent model counties remain concerned about
32 program integrity efforts pursued by the fiscal agent and the Department of Health
33 (DOH) through audits, and believe that third party collections are not being maximized
34 based on the increasing drawdown of funds out of the escrow for many counties far in
35 excess of what has been budgeted or caseload changes suggest should be the case; and

36 **WHEREAS**, while counties have been advised by DOH that they can pursue their own
37 audits and collections to ensure program integrity, counties have no effective
38 mechanism under the law, or leverage with providers or the State Fiscal Agent, to

1 recoup any audit findings as counties do not hold the provider contracts or have the
2 ability to withhold payments as a way to recoup funds.

3 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
4 Counties (NYSAC) calls on the Governor and the State Legislature to implement policies
5 and procedures to ensure that provider claims are filed in a timely manner to
6 commercial insurance providers and Medicaid; and

7 **BE IT FURTHER RESOLVED**, we also ask that as part of these system enhancement
8 proposals, Medicaid revisit the Retro Re-Billing Process where the State identifies all
9 claims that the counties and state pay including but not limited to waived services and
10 resubmit those to Medicaid to identify if a child's coverage changed. We ask that
11 Medicaid instead pay the claims in first instance, so that counties don't have to pay
12 upfront and then receive these monies many years later; and

13 **BE IT FURTHER RESOLVED**, the State Fiscal Agent must implement systematic
14 changes to the billing system to track claims and, as outlined in the Governor's Budget
15 for 2016-17, ensure the state's fiscal agent help providers exhaust all appeals in a timely
16 manner before moving on to the next payer of record; and

17 **BE IT FURTHER RESOLVED**, the State should carefully review all benefit changes
18 in state supported public health insurance programs such as Medicaid and Child Health
19 Plus to ensure new costs are not shifted to county public health programs when current
20 benefits are eliminated or modified; and

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

23 **BE IT FURTHER RESOLVED**, the New York State Association of Counties shall
24 forward copies of this resolution to Governor Andrew M. Cuomo, the New York State
25 Legislature and all others deemed necessary.