

1 **NYSAC 2021 Fall Seminar**
2 **Standing Board of Directors**
3 **Resolution #2**

4 **Resolution Calling on the Governor to Complete Affordable Care Act**
5 **Enhanced Federal Medicaid Assistance Percentage Reconciliations that are**
6 **Years Overdue and Immediately Release the Federal Funds Owed to**
7 **Counties and New York City**

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**, the locally required share of Medicaid funding paid in New York is the
13 highest of any state in the country; and

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

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

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

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

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

27 **WHEREAS**, the last completed reconciliation and transfer of federal savings owed to
28 counties was for state fiscal year 2015-16; and

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

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

1 **WHEREAS**, DOH has been providing detailed responses to county FOIL inquiries and
2 initial responses indicate, if current trends continue, that well over \$1 billion in federal
3 funding is owed to counties and New York City for SFY's 2017, 2018, 2019 and 2020;
4 and

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

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

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

17 **BE IT FURTHER RESOLVED**, the state should also renew its practice of providing
18 timely notice to counties of coming year Medicaid costs so they can appropriately budget
19 those savings for local taxpayers and to preserve highly desired local quality of life
20 services provided in our communities; 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**, that NYSAC shall forward copies of this resolution to
24 Governor Kathy Hochul, the New York State Legislature, the New York State
25 Congressional Delegation, and all others deemed necessary and proper.