

1 **2024 NYSAC Legislative Conference**  
2 **NYSAC Board of Directors**  
3 **Resolution #1**

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

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

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

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16 **WHEREAS**, additionally, counties and New York City also voluntarily contribute about  
17 \$1 billion annually to draw down available federal funds to support publicly owned or  
18 supported nursing homes, clinics, and hospitals; and

19  
20 **WHEREAS**, the local share the state requires counties and New York City to pay is the  
21 highest of any state in the country; and

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

25  
26 **WHEREAS**, under the Affordable Care Act (ACA) and the COVID era the federal  
27 government provided an enhanced Medicaid matching share (eFMAP), which has saved  
28 New York state billions of dollars; and

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30 **WHEREAS**, the state has utilized a methodology that provides 80 percent of these  
31 estimated federal savings to counties in the year the costs accrue followed by a  
32 reconciliation in the following year of the remaining 20 percent of savings; and

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34 **WHEREAS**, for the first three years after enactment of the Affordable Care Act the  
35 state followed through on a relatively timely basis with the initial pass through of  
36 savings based on 80 percent of the estimated value of these federal savings to counties  
37 and New York City and the reconciling the remaining 20 percent; and

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

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43 **WHEREAS**, as of February 1, 2024, counties and New York City are waiting on seven  
44 years of unfinished reconciliations; and

1 **WHEREAS**, the only accounting counties have received from the state of the  
2 unreconciled eFMAP funds have come via FOIL requests for SFY 2017-2020; and

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4 **WHEREAS**, as of February 8, 2022, 34 counties have received responses from DOH to  
5 their FOIL inquiries and that these calculations show that up to \$232 million is owed to  
6 these counties from Affordable Care Act eFMAP reconciliations; and

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8 **WHEREAS**, the state utilized the same 80 percent pass through methodology for the  
9 distribution of federal COVID eFMAP savings provided from 2020-2024, but no  
10 reconciliations have been completed for these years; and

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12 **WHEREAS**, the New York State Association of Counties has submitted FOIL requests  
13 on behalf of all counties for federal COVID eFMAP savings distributed to counties; and

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15 **WHEREAS**, the federal COVID eFMAP savings are mandated to be shared with  
16 counties under federal law; and

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18 **WHEREAS**, the state identified at the beginning of the COVID crisis that the local  
19 share of these federal savings would be about 17.8 percent, but publicly available data  
20 indicates only about 12.7 percent has been shared with counties and this has required  
21 NYSAC to FOIL the New York State Department of Health because hundreds of millions  
22 of dollars in federal savings have yet to distributed; and

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

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

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

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