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Governor Presented State of the State and Executive Budget

Last week, Governor Cuomo presented a combined [State of the State](#) and release of the 2019-2020 Executive Budget proposal. The Governor has proposed a \$175.1 billion budget for SFY 2020, which increases state spending by less than 2% over SFY 2019. The budget plan proposes to include a **\$1 billion increase in state education aid** and **\$568 million in new Medicaid spending**. Federal, State and local Medicaid spending is expected to be \$73.9 billion in SFY 2020, an increase of \$1.3 billion from SFY 2019.

Some highlights in the governor's proposed budget include:

- Establishing a Commission on Universal Access to Health Care
- Mandated coverage for medically necessary fertility preservation and IVF services
- Codifying the Affordable Care Act (ACA) and the NY State of Health Marketplace
- Enacting the Reproductive Health Act and the Contraceptive Coverage Care Act
- Enhance OMIG's authority to recover overpayments and preserve program integrity within the Medicaid Managed Care and Managed Long Term Care programs and
- Legalizing, regulating and taxing the adult use of recreational marijuana

The Legislature will now begin their process of reviewing the detailed proposals and conduct [joint budget hearings](#) to make their recommendations and suggested revisions.

December 2018 Medicaid Update

DOH has released the December 2018 edition of its monthly [Medicaid Update](#) publication.

Some of the highlights include:

- **Reminder: Ordering, Prescribing, Referring, Attending (OPRA) Prescription Requirements for Unlicensed Providers Only - Attention Pharmacy Providers:** A provision of the Affordable Care Act (ACA) and federal regulations (42CFR 455.410) requires enrollment in NYS Medicaid for physicians and other healthcare professionals when OPRA services are provided under the Medicaid state plan or under a waiver of the state plan. The requirement also applies to licensed providers prescribing for Medicaid beneficiaries residing in Long Term Care facilities and for services rendered through Medicaid Managed Care (MMC).
- **Pharmacies are reminded that the OPRA override (effective January 1, 2014 through August 2014) was temporary to allow licensed physicians adequate time to enroll in the NYS Medicaid program. The use of an override to bypass a rejected claim notification for a non-enrolled licensed prescriber, is not permitted. Pharmacies should not attempt to override when presented with a rejection notice for a non-enrolled licensed provider on their own. All overrides are subject to recovery payments. The OPRA override should be used only for unlicensed providers legally able to prescribe. For more information click [here](#).**
- **Children's Medicaid Health and Behavioral Health System Transformation - Beginning January 1, 2019, contingent on anticipated federal approval, coverage becomes available in fee-for-service (FFS) Medicaid and Medicaid Managed Care (MMC) for three new Medicaid services, collectively titled Children and Families Treatment and Support Services (CFTSS):**

Other Licensed Practitioners (OLP) which includes:

- Licensed Evaluation/Assessment, including Treatment Planning
- Psychotherapy
- Crisis Intervention Activities

Community Psychiatric Support and Treatment (CPST) which includes:

- Intensive Interventions (counseling)
- Crisis Avoidance (counseling)
- Intermediate Term Crisis Management (counseling)
- Rehabilitative Psychoeducation (not involving counseling)
- Strengths Based Service Planning (not involving counseling)
- Rehabilitative Supports (not involving counseling)

Psychological Rehabilitation Supports (PSR), which includes promoting personal and community competence in the following areas:

- Social and Interpersonal Skills
- Daily Living Skills
- Community Integration

For more information regarding provider designation click [here](#), or for more information regarding billing CFTSS click [here](#).

Attorney General James Announces \$9 Million Settlement With Downstate Orthodontist Chain

Attorney General Letitia James, last week announced \$9 million settlement with an orthodontic practice for allowing uncertified staff to perform orthodontic procedures which were billed to Medicaid for reimbursement. The business chain operates twelve locations throughout New York State, including all five boroughs, and Nassau and Rockland County.

The chain was found to have billed millions of dollars to Medicaid for services performed by employees not certified by the New York State Education Department (NYSED).

The settlement agreement requires the chain to enter into a corporate integrity agreement in order to ensure future regulatory compliance, or the chain can retain an independent monitor that would report compliance back to the State. The \$9 million settlement to be paid to the state Medicaid program consists of \$4.5 million as restitution and \$4.5 million in penalties. The state's Medicaid Fraud Control Unit (MFCU), a division within the Attorney General's Criminal Justice Division, assisted the special assistant AG in conducting the investigation and did not uncover any evidence that patients were injured in the violations.

Regulatory Update

Department of Health

N/A This week

DFS

N/A This week

Legislative Update

The Legislature will be in session Tuesday and Wednesday this week and have announced their [joint budget hearing schedule](#).

Calendar

Thursday, January 24,
2019

Meeting of the Public Health and Health Planning Council's
Committee on Establishment and Project Review (EPRC)
10:00 a.m.
New York State Department of Health Offices at 90 Church
Street, 4th Floor, Rooms 4A and 4B, NYC

Friday, January 25,
2019

Spinal Cord Injury Research Board
1:00 p.m. - 4:00 p.m.
90 Church Street, 4th Floor Conference Room B, New York,
NY

Tuesday February 5,
2019

2019 Health and Medicaid Joint Legislative Hearing
9:30 a.m.
Hearing Room B, Legislative Office Building, Albany

Thursday, February
14, 2019

The Bureau of Tobacco Control and The New York State
Tobacco Use Prevention and Control Advisory Board -- Video
conference

9:00 a.m. to 3:00 p.m.

ESP Corning Tower Building, 2876A Conference Room,
Albany, NY

The Drug Utilization Review Board (DURB)

9:00 a.m. to 4:00 p.m.

QUICK LINKS

[NYS Department of Health](#) --- [NYS DOH –Meetings, Hearings & Special Events](#) --- [Medicaid Redesign Team](#) --- [Senate Health Committee Website](#) --- [Assembly Health Committee Updates](#) --- [NYS Division of Budget](#)

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