



## Department of Health

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

**LISA J. PINO, M.A., J.D.**  
Executive Deputy Commissioner

July 1, 2021

Dear Administrator/Director of Nursing:

This letter provides information regarding changes to the Minimum Data Set (MDS) data collection periods effective beginning with the July 2021 Medicaid reimbursement rates.

**NEW:** In accordance with recently adopted regulation, *10 NYCRR 86-2.40 (m)*, <https://regs.health.ny.gov/content/section-86-240-statewide-prices-non-capital-reimbursement> the following changes have been made to the MDS process:

- The census dates in January and July have been eliminated.
- The case mix index is now calculated using an **AVERAGE** of ALL Medicaid assessments.
- The case mix index for the July 2021 rates will include ALL assessments submitted to CMS from **October 1, 2020 through March 31, 2021**.
- Facilities will no longer select residents to include in the census.
- Consistent with past practice, facilities will continue to review and make necessary updates (payor source, TBI, BMI, Dementia, Authorized Specialty) to their file on the HCS.
- The 5% cap on case mix index increases or decreases from the previous rate period has been eliminated.
- The MDS Certification form has been amended and continues to be required. The Certification form required for reporting starting in July, 2021 accompanies this letter.
  - Please note, if your certification is not received by July 30, 2021, the Department will use your facility's prior case mix index to calculate rates.
  - Additionally, Public Health Law §12 authorizes the Department to access a penalty of up to \$2,000 for each violation of any regulation. The Department considers each day that a certification is not submitted by the due date to be a separate violation of 10 NYCRR 86-2.40 (m).

**The Department will be holding a webinar on Wednesday, July 7, 2021 at 1pm to present the new process. This presentation (New Process - MDS for Reimbursement) will also be posted on HCS. Additional details will be forthcoming.**

The table below provides a high level timeline for the collection process:

Date	Task	Owner
July 8, 2021	Load MDS data to Health Commerce System (HCS)	DOH
July 8 through July 23, 2021	Review census data (update payer, BMI, TBI, DEM, and Specialty) and make changes if necessary	Providers
Immediately following submission of MDS data; <b>NO LATER THAN 7 DAYS AFTER MDS SUBMISSION</b>	Submit MDS Certifications electronically to DOH	Providers
July 30, 2021	Final date for Department to <u>RECEIVE</u> Certifications	Providers

The facility certification is **due no later than seven (7) calendar days after submission**. Please ensure your updates are done prior to July 23, 2021 in order to meet the certification deadline.

If you have any questions, please send an email to [MDSBRHCR@health.ny.gov](mailto:MDSBRHCR@health.ny.gov) and Michelle Santos or James (Conor) Petter will respond to your questions.

Sincerely,



Laura Rosenthal, Director  
Bureau of Residential Health Care Reimbursement  
Division of Finance and Rate Setting  
Office of Health Insurance Programs

Enclosure: *Certification Required under 10 NYCRR §86-2.40  
Attesting that MDS Data is Complete and Accurate*