



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

March 2, 2022

Dear Administrator,

This letter provides you with information regarding the resolution of operating and capital rate appeals for rate years 2009 through 2021.

Capital and Operating Rate Appeals

Over the past several months, the Department reviewed over 4,000 open rate appeals for rate years 2009 through 2021. Please note that there are still remaining open appeals under review and those will be processed at a later date.

The impacts associated with rate periods effective December 31, 2020 and prior have been calculated using the appropriate patient days (includes both fee-for-service and managed care days as reported in the cost reports for those years) and will be distributed as a lump sum payment to the facilities. Impacts associated with the 2021 fee-for-service rates are being processed through eMedNY and the Benchmark rates will be updated to accommodate the managed care billings.

The applicable calculations, summaries of affected appeals and rate sheets are available on the Health Commerce System (HCS). These files can be found on the *Healthcare Financial Data Gateway* → *Nursing Homes* → *NH Rate Sheets 4/2009-Forward* → *Appeals Processed March 2022*.

Cycle and Recoupment Information

There will be two payment mechanisms as follows:

Lump Sum Payment (all will be netted together)	Appeals for Rate Years 2009 - 2020
eMedNY Rate Change	Appeals for Rate Year 2021

The lump sum payments will be issued in cycle 2324 (check release date of March 23, 2022). Additionally, a retroactive rate change associated with the 2021 appeals will also be paid in cycle 2325 (check release date of March 30, 2022).

For those providers that owe for the negative rate appeals, a liability will be issued for the net difference, which will be recouped from your future claims commencing in cycle 2325.

For those providers receiving a payment for positive rate appeals, that have existing Medicaid liabilities:

- Your cycle 2324 EFT will be intercepted. The portion of the EFT associated to the positive appeals lump sum payment will be withheld and applied to your outstanding liabilities. A paper check will be sent to you via U.S. Mail for the remaining funds, which will include any excess of the positive appeal payment and claims processed in cycle 2324. A letter will be sent to providers from eMedNY with the details of these transactions.

Appeal Information

The appeals system will be open for both this action and the appeals that were processed with the December 2, 2021 Capital appeals DAL. Facilities that wish to file appeals to the associated rate calculations for both of the stated periods are to be filed within thirty (30) days of the date of this letter. Only appeals filed for appropriate issues and rate years associated with the appeals processed during this payment and appeals processed with the December 2, 2021 DAL will be considered. The deadline for filing these appeals is midnight, March 31, 2022

Should you have any questions regarding these payments please email NFRATES@health.ny.gov with the facility name, Operating Certificate number and details of the issue.

Additionally, questions related Medicaid accounts receivable, the EFTS or the amounts withheld can be sent to bimamail@health.ny.gov.

Sincerely,



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