



Department of Health

KATHY HOCHUL
Governor

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

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

May 23, 2022

Dear Administrator:

On April 22, 2022, the Department issued a letter to Assisted Living Project (ALP) facilities regarding the State's Minimum Wage reconciliation from January 1, 2017 through December 31, 2021. The letter including additional information regarding the reconciliation is posted on the Department's Website and can be found here: https://www.health.ny.gov/facilities/long_term_care/reimbursement/alp/2022-04-21_dal.htm. The values included as part of the April letter were estimates based on the most recent utilization and rate data available. The new values provided as part of this letter are a result of the rate change and actual service utilization experience from submitted claims.

Update: Due to limitations in the eMedNY system and an issue discovered related to the payments and recoupments the updated 2017-2021 ALP Minimum Wage Rates that were anticipated to be active in Cycle 2333, (check release date May 25, 2022) were instead processed across Cycles 2333 and 2334 (check release date May 25, 2022 and June 1, 2022). Additionally, providers currently with an accounts receivable balance with the Department and subject to a recoupment in Cycle 2333 will be receiving paper checks, rather than an electronic funds transfer (EFT), for the remaining portion of payment due which will be mailed on May 25, 2022. Please note that the Department has also waived interest related to the March 2021 receivables. Provider specific details on the transactions can be found in the included attachments.

If you have any questions regarding the Minimum Wage rate changes, calculations, or other questions regarding ALP facilities, please send an email with the subject line **Minimum Wage-Reconciliation 2017-2021** to ALP-Rates@health.ny.gov.

If you have any questions regarding your facilities A/R balance, recoupment, and payment options, please send an email with the name of your facility and MMIS# in the subject line to bimamail@health.ny.gov.

Sincerely,

Michael A. Ogborn
Medicaid Chief Financial Officer
Division of Finance and Rate Setting
Office of Health Insurance Programs

Attachments

Attachment A: Recoupment actions

Providers with an increase in 2017 – 2021 ALP rates:

- Payments resulting from the MW reconciliation rate adjustments are included in the Cycle 2333 and 2334 remittances.
- For providers that also have an outstanding liability (issued on March 11, 2021), recoupment did not occur until Cycle 2334.
- As a result, the Cycle 2333 payment has been intercepted and the liability has offset any payments due.
 - Provider specific information is included in Attachment B of this document.

Providers with a decrease in 2017 – 2021 ALP rates:

- Recoupments were initiated in Cycle 2333 at 15% per week against weekly claims.
- However, if providers want to eliminate the liability, they may enter into a Medicaid repayment agreement with the Department.
- To discuss repayment options and establish a repayment agreement contact the AR Recovery unit at bimamail@health.ny.gov.
- This document and current ALP rates are posted at the following location:
https://www.health.ny.gov/facilities/long_term_care/reimbursement/alp/

Guidance to explain the ALPS Account Receivable Summary spreadsheet (Attachment B)

- Column C - principal receivable established with ALPS minimum wage (MW) reconciliation
 - The recoupments are largely due to MW being initially provided on a regional basis (if a provider did NOT fill in a survey or identified zero MW need, they still erroneously received funds)
- Column D - interest from the ALPS MW reconciliation receivable
- Column E - 1.5% decrease enacted in 2020
 - This has also been pending with the principal and will be handled at a later date
- Column G – the Department waived the interest identified in column D
- Column H – Total Receivable after waiving interest
- Column I-J – Cycle 2333 Actions
 - I – Increase in liability due to activation of rates
 - J – Recoupments taken against the existing liability
- Column K-L – Cycle 2334 Actions
 - K – Increase in liability due to activation of rates (and system limitations which held a portion of the transactions from Cycle 2333 into Cycle 2334)
 - L – Recoupments taken against the existing liability
- Column M-N – Cycle 2335 Actions
 - M – 15% Recoupments taken against the liability
 - N – Remaining receivable owed to the State after recoupments of Cycle 2335