

Attachment 1

**NEW YORK STATE DEPARTMENT OF HEALTH
OFFICE OF HEALTH INSURANCE PROGRAMS**

MANAGED CARE ORGANIZATION

Attestation of Compliance with Fair Labor Standards Act (FLSA) Funding

I hereby attest that funding for all Medicaid home care services provided or arranged for by _____ (MCO Name) in accordance with the Department’s November 9, 2015 Dear Colleague Letter on FLSA implementation, will be passed through to our network providers in its entirety. I further attest that I will maintain all records necessary to verify compliance with this directive (including required certified home health agency, licensed home care service agency and consumer directed personal assistance services attestations and information) for a period of no less than ten years from the end of the applicable calendar year; and that such records will be subject to audit by the Department and/or its agents for possible retroactive recoupment of Medicaid payments for services that are determined to be in less than full compliance.

Name of MCO _____

National Provider Identifier _____ Date _____

Signature _____

Name (Please Print) _____

Title (Please Print) _____

Please note that only the following individuals may sign the attestation form:

Proprietary Sponsorship – Operator/ Owner /Chief Executive Officer

Voluntary Sponsorship – Officer (President, Vice President, Secretary or Treasurer), Chief Executive Officer, Chief Financial Officer or Chairperson of the Governing Board

Public Sponsorship – Public Official Responsible for the Operation of the MCO

Please note that the Department reserves the right to request additional information in the future to ensure compliance with terms of the November 9, 2015 Dear Colleague Letter on FLSA implementation.