

A 7889-A Gottfried Same as S 4486-B HARCKHAM Public Health Law TITLE....Relates to audit and review of medical assistance program funds by the Medicaid inspector general	S4486-B HARCKHAM Same as A 7889-A Gottfried ON FILE: 05/23/22 Public Health Law TITLE....Relates to audit and review of medical assistance program funds by the Medicaid inspector general
05/28/21 referred to health	02/05/21 REFERRED TO HEALTH
01/05/22 referred to health	05/24/21 AMEND (T) AND RECOMMIT TO HEALTH
01/11/22 reported referred to codes	05/24/21 PRINT NUMBER 4486A
01/19/22 reported referred to ways and means	06/08/21 COMMITTEE DISCHARGED AND COMMITTED TO RULES
05/19/22 amend and recommit to ways and means	06/08/21 ORDERED TO THIRD READING CAL.1639
05/19/22 print number 7889a	06/09/21 PASSED SENATE
05/23/22 reported referred to rules	06/09/21 DELIVERED TO ASSEMBLY
05/24/22 reported	06/09/21 referred to health
05/24/22 rules report cal.409	01/05/22 died in assembly
05/24/22 ordered to third reading rules cal.409	01/05/22 returned to senate
05/24/22 passed assembly	01/05/22 REFERRED TO HEALTH
05/24/22 delivered to senate	03/15/22 REPORTED AND COMMITTED TO FINANCE
05/24/22 REFERRED TO FINANCE	05/10/22 1ST REPORT CAL.1212
05/25/22 SUBSTITUTED FOR S4486B	05/11/22 2ND REPORT CAL.
05/25/22 3RD READING CAL.1212	05/16/22 ADVANCED TO THIRD READING
05/25/22 PASSED SENATE	05/23/22 AMENDED ON THIRD READING 4486B
05/25/22 RETURNED TO ASSEMBLY	05/25/22 SUBSTITUTED BY A7889A
12/02/22 delivered to governor	A07889 Gottfried AMEND=A
12/09/22 vetoed memo.89	05/28/21 referred to health
12/09/22 tabled	01/05/22 referred to health
	01/11/22 reported referred to codes
	01/19/22 reported referred to ways and means
	05/19/22 amend and recommit to ways and means
	05/19/22 print number 7889a
	05/23/22 reported referred to rules
	05/24/22 reported
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	05/24/22 ordered to third reading rules cal.409
	05/24/22 passed assembly
	05/24/22 delivered to senate
	05/24/22 REFERRED TO FINANCE
	05/25/22 SUBSTITUTED FOR S4486B
	05/25/22 3RD READING CAL.1212
	05/25/22 PASSED SENATE
	05/25/22 RETURNED TO ASSEMBLY
	12/02/22 delivered to governor
	12/09/22 vetoed memo.89
	12/09/22 tabled

VETO MESSAGE - No. 89

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 7889-A, entitled:

"AN ACT to amend the public health law and the social services law, in relation to the functions of the Medicaid inspector general with respect to audit and review of medical assistance program funds and requiring notice of certain investigations"

NOT APPROVED

The Office of the Medicaid Inspector General (OMIG) is tasked with auditing healthcare providers for compliance with Medicaid rules and standards found in state and federal law and regulation. This legislation would restrict OMIG's ability to enforce such standards by limiting the audit and recovery of improper Medicaid claims. These limitations would prevent the State from collecting the overpayments which federal law and audits require. It would do so without relieving the State's obligations from paying the federal government, leaving the State to absorb the cost.

Further, the processes added in this legislation would adversely impact OMIG's ability to identify fraud in the Medicaid program. This is critical since Medicaid increasingly covers more home-based care and telehealth care, and relies on audits to ensure Medicaid dollars are spent taking care of New Yorkers.

The provider community is central to the success of the Medicaid program and the healthcare of the entire State. It is important that OMIG continue to ensure Medicaid meet the standards set by state and federal law. It is also imperative that audit processes do not place an undue burden on providers, who work tirelessly to care for New Yorkers. Therefore, I am directing OMIG to take several steps to address the concerns that underlie this bill, including:

Engage the healthcare provider community and Medicaid stakeholders to solicit input on the concerns raised in this bill.

Perform a comprehensive review of the agency's program integrity processes and identify areas for improvement.

Commit to conducting program integrity activities in a responsible manner that includes consideration of financial impacts on providers and assures continuity of care for Medicaid recipients.

Assess opportunities to include additional reporting elements in the agency's Annual Report as outlined in the bill, including requests by providers for financial hardship and a narrative on the impacts of enforcement actions.

Given the problems enactment of this legislation poses for the successful operation of the Medicaid program, I am constrained to veto this bill.

The bill is disapproved.

(signed) KATHY HOCHUL

