

February 1, 2000

Dear Administrator/Comptroller:

Re: 2000 Public Goods Pool Reporting Forms - Freestanding Clinical Laboratories

Enclosed please find reporting forms and instructions for designated providers to use when calculating and remitting payments to the Public Goods Pools for reporting periods January 1, 2000 through December 31, 2000.

A schedule of report and payment due dates is provided on the first page of the instructions. **Note that the report for the month of January 2000, must be submitted (postmarked) by March 1, 2000.** The reporting forms are required to be filed monthly even if there is no activity to report.

As you may be aware, the New York Health Care Reform Act of 2000 (i.e., HCRA 2000) was signed into law on December 30, 1999. This law extends the existing surcharges on assessable services rendered by designated providers through June 30, 2003. Additionally, the law implements the following exemption and penalty provisions:

- Pursuant to the provisions of Sections 2807-j(1-a)(a)(iii) and 2807-j(3)(c) of the Public Health Law (PHL), an exemption from the surcharges is authorized for freestanding clinical laboratories services provided **on or after October 1, 2000**. A corresponding exemption line, Line 4(h), has been provided on the 2000 service year portion of the report forms. Note that freestanding clinical laboratories must continue to file monthly Public Goods Pool reports through December 31, 2001 or until all claims for the January 1, 1997 through September 30, 2000 service period have been adjudicated. Once all claims have been adjudicated, the laboratory must submit a final monthly report (clearly marked "FINAL" in red ink) along with a completed "Change of Designated Provider Status" form (DOH-4117) indicating the effective date when all affected claims were adjudicated.
- The provisions of PHL Section 2807-j(7)(c) provide that if a designated provider of services fails to file reports required pursuant to PHL Section 2807-j(7)(a), which are due on and after January 1, 2000, within 60 days of the date such reports are due and after notification of such reporting delinquency, the Commissioner may assess a civil penalty of up to ten thousand dollars for each such failure, provided, however, that such civil penalty shall not be imposed if the payor or provider demonstrates good cause for the failure to timely file such reports.

- Pursuant to PHL Section 2807-j(5)(d), designated providers of services which, in the course of an audit, commenced on or after January 1, 2000, conducted by the Commissioner or the Commissioner's designee relating to any period on and after January 1, 1997, fail to produce data or documentation requested in furtherance of such audit within thirty days of such request, may be assessed a civil penalty by the Commissioner of up to ten thousand dollars for each such failure, provided, however, that such civil penalty shall not be imposed if the designated provider demonstrates good cause for the failure to timely produce such data or documentation.

Reports must be completed and submitted in accordance with the enclosed instructions. If, upon review, a report is deemed unacceptable, the report may be returned and a delinquency notice issued. Failure to comply with the reporting provisions provided in Sections 2807-j and 2807-s of the Public Health Law may result in the recoupment of the facility's estimated monthly assessment liability, along with interest and/or penalty, from various third party payments pursuant to Section 2807-j(6) of the Public Health Law.

A more detailed summary on how HCRA 2000 will impact payor and provider pool payment obligations will be shortly posted on the Department's WEB site. This will be followed by a posting of necessary revisions to the Forms, Questions and Answers, and relevant Public Health Law sections currently posted on this WEB site.

Should you have any questions concerning the foregoing or the enclosed forms, please contact Mr. Richard Pellegrini, Director of the Bureau of Financial Management and Information Support at (518) 473-4653.

Sincerely,

Mark H. Van Guysling
Assistant Director
Division of Health Care Financing

Enclosures