



Department of Health

KATHY HOCHUL
Governor

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

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

October 20, 2022

Dear Administrator:

This letter provides information about the January 1, 2023 capital attestation process for your free-standing and hospital-based nursing facilities Medicaid capital reimbursement rates **due back to the Department of Health on Wednesday, November 30, 2022.** *(Please note the Adult Day Health Care program capital rates are included but we are NOT asking facilities to attest to those rates at this time.)*

The 2023 preview capital rates are based upon the facility's 2021 cost report, as well as the latest approved financing arrangement(s). These rates are available on the Healthcare Financial Data Gateway Publications in the collection of **NH Rate Sheets 4/2009-Forward**, package name **2023 Capital Preview Rates**.

New this year, a comprehensive workbook has been developed to assist facilities with the attestation process and includes the following:

- **Capital Rate Sources** – provides the source and calculation for each line on the capital rate sheet. Capital rates are calculated utilizing data from the cost reports, DOH's Financing Database, as well as additional information provided by the facility.
- **Capital Rate Change Request** – allows facilities to request changes to the rate either through a correction to the 2021 cost report which must be resubmitted and properly certified, or in limited cases, due to the nature of the issue, cannot be automated.
- **Financing Guidelines** – indicates which financings are currently recognized for Medicaid reimbursement purposes. The information on this tab should be reviewed by each facility to determine if updated information should be submitted.
- **Financing Change Request** – allows facilities to capture any allowable new or refinanced financings that are not currently being reimbursed (as noted in the Financing Database), up through the date of the filing of the attestation.
- **Financing Database** – reflects financings approved by DOH.
- **Shared Savings Request** – allows eligible facilities to request to participate in shared savings program.

Additionally, the 5% Across-the-Board reduction implemented with the State Fiscal Year 2021 Enacted Budget is now incorporated into the capital schedule at the bottom labeled "Total (95%)." Previously this reduction was incorporated into the Miscellaneous Per Diem on the main rate page, in the operating section.

All nursing facilities are required to sign the attached 2023 Capital Preview Rate Attestation form stating they agree or disagree with the capital preview rate. If you disagree, please submit the Capital Rate Change Request form as well as the applicable forms/documents noted below supporting your request.

Required Forms for Disagreement
Capital Rate Change Request Form <ul style="list-style-type: none">○ Resubmitted Certified Cost Report○ Supporting Documentation
Financing Change Request Form (if applicable) <ul style="list-style-type: none">○ Sources & Use Document○ APC/Certified Costs○ Revised Schedule 17
Shared Savings Request Form (if applicable)

The attestation form provides the Department with the assurance that the capital component is accurate and complies with the Department's statutes, regulations, and policies regarding capital reimbursement. All attestation forms, and necessary documentation must be submitted via email to nfrates@health.ny.gov by **COB Wednesday, November 30, 2022**. The subject line of the email should state "2023 Capital Preview Attestation."

The Department will be hosting a **Webex at 11:00 AM next Wednesday, October 26, 2022** to kick-off the 2023 capital attestation exercise and to present the tabs in the workbook. If you have questions, please send them ahead of time to nfrates@health.ny.gov and we will aim to address those in the presentation. Further details regarding the Webex will be forthcoming.

Sincerely,



Laura Rosenthal, Director
Bureau of Nursing Home & Long-Term Care Rate Setting
Division of Finance and Rate Setting
Office of Health Insurance Programs