

LDA

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**Chartered by the Board
of Regents of the
University of the State of
New York as a Non-
Profit Corporation for
Education, Medical,
Social and Research
Needs.**

An affiliate of LDA of

MEMO IN SUPPORT June 1, 2010

S7821A (C. Johnson) An act to amend the public health law and the social services law, in relation to fair procedures, practices and standards for actions by the office of Medicaid inspector general and social services districts

The Learning Disabilities Association of New York State strongly supports this important legislation. A learning disability is a neurobiological disorder, meaning there are differences in brain structure and/ or function in a person who has learning disabilities. These differences lead to difficulty in learning and often to difficulties in coping with the challenges and stresses of everyday life. One in seven New Yorkers has a Learning Disability.

This urgently needed legislation would establish necessary due process protections for providers and recipients of Medicaid who come under the scrutiny of the Office of the Medicaid Inspector General (OMIG). We support OMIG's crack down on fraudulent activity. Vendors who engage in fraud should be prosecuted. Medicaid fraud not only hurts taxpayers, but also ultimately hurts New Yorker's with disabilities as well. However, LDANYS through its network of regional affiliates has encountered increasing difficulty in serving individuals with specific learning disabilities, high functioning autism spectrum disorders such as Asperger's Syndrome, and a number of other complex neurological impairments. Restrictive audit and review procedures that unfairly penalize well-meaning and otherwise compliant not-for-profit providers are an additional impediment to our capacity to serve this vulnerable and needy population. Chief among our complaints is the use of "extrapolation", whereby one bookkeeping discrepancy will be "extrapolated" across other payments without any further investigation or confirmation, resulting in paybacks and penalties much larger than the discovered discrepancy. This unjustified penalty can result in loss of services and supports for vulnerable individuals, as agencies simply cannot afford to maintain services when absorbing these penalties.

The impact of learning disabilities on our society and culture is enormous. Loss of services and supports for persons with learning disabilities and related neurological impairments such as autism lead to much higher costs in other systems of last resort, such as juvenile justice, corrections, substance abuse treatment and income support. Unwarranted audit and review practices therefore are a "penny-wise-pound foolish" policy, as these "savings" extracted from otherwise commendable and well-meaning service providers results in much higher costs to the state in other systems.

The Learning Disabilities Association of New York State therefore supports this bill, and strongly urges that it be enacted into law.