



Department of Health

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LOCAL COMMISSIONERS MEMORANDUM

Transmittal No: 22 OHIP/LCM-01

Date: June 15, 2022

Division: Office of Health Insurance Programs

TO: Local District Commissioners

SUBJECT: Local District Responsibility for Medicaid Recovery for Residents who receive Medical Assistance through NYSOH

The purpose of this Local Commissioner Memorandum (LCM) is to remind local department of social services of the district responsibility when civil litigation is initiated regarding the Department's Medicaid recovery or subrogation interest by a resident of your county who receives medical assistance through the New York State of Health (NYSOH).

Pursuant to Social Services Law §369 (7), when the Department determines the necessary program features are in place, the Department shall assume sole responsibility for commencing actions or proceedings in accordance with Social Services Law sections 101, 104, 104-b, 366, 367-a, and 369 to recover the cost of medical assistance furnished. At this time, the Department has not yet assumed sole responsibility for Medicaid recoveries.

The Department is authorized to contract with an entity that shall conduct these activities on behalf of the Department. Currently, a state Contractor is in place to conduct many, but not all, of the activities necessary to pursue recovery for medical assistance furnished. Neither DOH nor the state Contractor has taken over the responsibility of handling litigation brought by Medicaid members relating to the Medicaid program's recovery interest for medical assistance issued through NYSOH or the LDSS.

Until such time as DOH or a state Contractor take over such administrative duty, it remains the responsibility of the local district where the member resides (or resided and received medical assistance) to represent the Medicaid program in these matters involving litigation. The state Contractor and/or the Department will provide the LDSS

with case information, documentation, and other assistance needed when a court appearance is necessary to protect the Medicaid program's recovery interest.

If you have any questions regarding this LCM, please contact your local district liaison.



Amir Bassiri
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