

**Office of Health Insurance Programs
Division of Long Term Care**

MLTC Policy 20.02: Moratorium on Managed Long Term Care Partial Capitation Plans

Date of Issuance: July 7, 2020

As part of the New York State Fiscal Year 2020-2021 enacted budget, provisions of Section 4403-f(d) of the Public Health Law were amended to impose a two-year moratorium on the processing and approval of applications regarding the operation of Managed Long Term Care Partial Capitation Plans (MLTCPs). This moratorium became effective on April 1, 2020 and will continue until March 31, 2022. The full language of the moratorium may be found in Section 5 of Part MM of Chapter 56 of the Laws of 2020.

The scope of the moratorium applies to the processing and approval of MLTCP Plan applications that:

- i) Seek a new certificate of authority to operate a MLTCP Plan;
- ii) Expand the service area of an existing MLTCP Plan; and
- iii) Expand the scope of eligible MLTCP Plan enrollees.

The law provides for some limited exceptions for the processing and approval of certain MLTC Plan applications during the moratorium period, which include applications:

- i) Submitted to the Department of Health (the Department) and not withdrawn prior to January 1, 2020;
- ii) To transfer or acquire ownership or control of an existing MLTCP Plan, pursuant to the requirements of 10 NYCRR § 98-1.9;
- iii) That address, to the Department's satisfaction, a serious concern with care delivery, as more fully specified below; and
- iv) For the Program of All-Inclusive Care for the Elderly (PACE) model, Medicaid Advantage Plus or Medicaid Advantage.

Serious Concern:

Serious concerns include inadequate access to MLTCP Plans in a geographic area, or lack of adequate and appropriate care, special needs services or linguistic and culturally competent plans. There is a presumption of adequate access if there are two or more MLTCP Plans already operating and capable of enrolling members in the applicable service area. If there are two or more MLTCP Plans operating in the applicable service area, the applicant must:

- Articulate the serious concerns being addressed by the application, including specific access issues or any special needs or populations not addressed by current MLTCP Plan offerings in the service area;
- Submit substantial, data-driven proof of lack of access or lack of appropriate or adequate care in the service area;
- Provide satisfactory documentation that no existing MLTCP Plans in the service area are able to provide appropriate care to populations in the service area; and
- If more than one county is requested, must include all required material for each county individually.

Questions regarding this MLTC Policy may be directed to mltinfo@health.ny.gov.