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MEMORANDUM

TO: RHCF Members

FROM: Dan Heim, Vice President for Public Policy

DATE: June 15, 2009

SUBJECT: NYAHSA Files Medicaid Rebasing Delay Lawsuit

ROUTE TO: Administrator, Director of Finance

ABSTRACT: NYAHSA files suit on rebasing delay.

As indicated in [NYAHSA Doc. ID # n00003497](#), NYAHSA's Executive Committee authorized the Association to file a lawsuit on behalf of our member nursing homes challenging the three-month delay in the 2009 Medicaid rate methodology. This delay in "rebasing" was authorized in February 2009 as part of the state's Deficit Reduction Plan.

NYAHSA v. Daines et. al. was filed in state Supreme Court, Albany County on June 3, 2009. A copy of the petition and exhibits is available on the NYAHSA Web site by clicking on the "Attachment 1" link below the window that frames the text of this memo. As shown, NYAHSA is the named plaintiff in the action, on behalf of all of its member nursing homes that participate in the Medicaid program.

As previously noted, your facility need not take any action at this point. We will keep you posted as the situation develops and instruct you if and when any actions are required on your part.

This litigation continues NYAHSA's long-standing commitment to protect members' interests through legal challenges to Medicaid cuts and other issues. Please contact me at (518) 449-2707, ext. 128 or via e-mail at dheim@nyahsa.org with any questions.