

## Inpatient Care Provided Outside of New York State

Policies and procedures for providing out of state services have been updated to reflect December 2009 revisions to Title 10 NYCRR 86-1.33 regarding payment to out of state providers. ([Out-Of-State Providers](#))

Medicaid beneficiaries should obtain medical care and services from qualified providers located in New York State. Provision of medical care and services provided out of state are subject to the New York State Medicaid rules, regulations, policies, procedures and rates applicable to in-state providers.

For beneficiaries obtaining services through the NYS Office of Mental Health, the NYS Office of Mental Retardation and Developmental Disabilities, the NYS Office of Alcohol and Substance Abuse Services, the NYS Office of Long Term Care and/or the NYS Office of Children and Family Services, concurrence from those agencies may be required for provider enrollment, care, services and placement out of state.

**Payment:** Effective for discharges occurring on and after December 1, 2009, for inpatient hospital services, rates of payment for out-of-state providers shall be as follows:

- (1) The weighted average of inpatient rates, including a teaching adjustment where applicable, in effect for similar services for hospitals located in the downstate region of New York State shall apply with regard to services provided by out-of-state providers located in the New Jersey counties of Sussex, Passaic, Bergen, Hudson, Essex, Union, Middlesex and Monmouth, in the Pennsylvania county of Pike, and in the Connecticut counties of Fairfield and Litchfield; and
- (2) The weighted average of inpatient rates, including a teaching adjustment where applicable, in effect for similar services for hospitals located in the upstate region of New York State shall apply with regard to all other out-of-state providers.

The downstate region of New York State shall consist of the New York counties of Bronx, New York, Kings, Queens, Richmond, Nassau, Suffolk, Westchester, Rockland, Orange, Putnam and Dutchess, and the upstate region of New York State shall consist of all other New York counties.

**Prior Approval** is not required when an out of state provider accepts the applicable New York State payment. In the event the Department determines that an out-of-state provider is providing inpatient services which are not available within New York State, the Department may negotiate payment rates and conditions with the provider. Prior approval by the Department is required with regard to services provided by such providers. Prior approval requests are submitted in written letter format from the beneficiary's in-state referring physician and include both a list of in-state hospital contacts and reasons why in-state admission could not be arranged. Upon approval, the

out-of-state hospital provider will receive a prior approval number, to report on any subsequent claim submissions associated with the services provided.

Please direct prior approval requests as follows:

Medical Prior Approval  
Office of Health Insurance Programs  
150 Broadway  
Albany, New York 12204-2736

Telephone: (800) 342-3005

**Medicare:** Providers must follow Medicare rules for care and services provided to Medicare primary beneficiaries. Medicare approved care and services provided to Medicare primary beneficiaries do not require prior approval from New York State Medicaid.

**Enrollment:** Out-of-State providers must enroll in the New York State Medicaid Program in order to be reimbursed by the Program. Out-of-state facilities must meet the certification requirements of the appropriate agency of the state in which the facility is located. Only providers in the United States, Canada, Puerto Rico, Guam, the United States Virgin Islands and American Samoa are eligible for enrollment in the New York State Medicaid Program. Enrollment contact information is available in the **Information for All Providers - Inquiry Manual** at:  
<http://www.emedny.org/ProviderManuals/AllProviders/index.html>