



# Department of Health

**KATHY HOCHUL**  
Governor

**JAMES V. McDONALD, M.D., M.P.H.**  
Commissioner

**MEGAN E. BALDWIN**  
Acting Executive Deputy Commissioner

June 30, 2023

Ms. Clarissa M. Rodriguez  
Chair  
New York State Workers' Compensation Board  
328 State Street, Suite 2  
Schenectady, New York 12305

Dear Ms. Rodriguez:

Enclosed please find the schedules of hospital reimbursement inpatient rates for services rendered to patients covered under the Workers' Compensation Benefit Law, the Volunteer Ambulance Workers' Benefit Law and the Comprehensive Motor Vehicle Reparation Act. The Office of Health Insurance Programs has calculated rates of reimbursement for the period January 1, 2023 through December 31, 2023 for acute per case, exempt hospital, exempt unit and chemical dependency detoxification services. Rates of payment for these services for these payers were based upon rates determined for state governmental agencies (Medicaid) in accordance with Article 2807-c (b-1) of the Public Health Law.

Pursuant to section 2807(4) of the Public Health Law, I hereby certify to you that the rates appearing in the enclosed schedules have been developed in accordance with section 2807-c of the Public Health Law, as amended by the Health Care Reform Act, and Section 86-1 of the Title 10 (Health) New York Codes, Rules and Regulations

For discharges beginning on or after January 1, 2023, the Service Intensity Weights (SIWs), cost thresholds and average length of stay (ALOS) effective July 1, 2018 should continue to be used for payment purposes with the 3M All Patient Refined Diagnosis Related Groups (APR-DRGs) grouper version 34.

The rates on the attached schedules are based upon the same methodology and data used in the rates effective April 1, 2022 through December 31, 2022, but also take into consideration the following updates:

1. Inclusion of 2023 budgeted capital as reported by hospitals and calculated in accordance with Section 8 of Article 2807-c of the Public Health Law.
2. The inclusion of a 2023 trend factor of 3.1% based upon the initial Consumer Price Index (CPI) as published by the Congressional Budget Office and as required by Section 10 of Article 2807-c of the Public Health Law.
3. Adjustments to the acute, specialty hospital, critical access hospital, and medical rehabilitation hospital rates, where applicable, as a result of Article 19 of the NYS Labor Law that established new minimum wage increases beginning January 1, 2023.

4. Implementation of prospective capital rate adjustments associated with capital reconciliations for the periods January 1, 2018 – December 31, 2018 and January 1, 2019 – December 31, 2019. For some hospitals, this resulted in an overall negative capital rate.

Should you have any questions or require further information, please contact Tami Berdi or John Neuberger via email at [HospFFSunit@health.ny.gov](mailto:HospFFSunit@health.ny.gov).

Sincerely,



Kevin Wright  
Medicaid Chief Financial Officer  
Division of Finance and Rate Setting  
Office of Health Insurance Programs

Enclosures