



THE LEGISLATURE
STATE OF NEW YORK
ALBANY

August 7th , 2025

The Honorable Kathy Hochul
Governor of the State of New York
NYS State Capitol Building
Albany, NY 12224

Dr. James V. McDonald
Commissioner
New York State Department of Health
Corning Tower, Empire State Plaza
Albany, NY 12237

RE: Delay in Implementation of Approved Rate Increase for Article 28 Diagnostic & Treatment Centers

Dear Governor Hochul and Commissioner McDonald,

As members of the Capital Region Assembly delegation, we are writing to express deep concern regarding the delayed implementation of the Article 28 Diagnostic & Treatment Center (D&TC) rate increase approved in the FY 2024–2025 Enacted Budget.

As you know, the Legislature committed \$10 million in annual funding, effective October 1, 2024, to support rate increases for community-based Article 28 D&TCs across New York State—providers that offer critical health services to individuals with intellectual and developmental disabilities (IDD). These clinics have long served as essential access points for populations that face significant barriers to care, and their role during the COVID-19 pandemic—as trusted vaccine providers for the IDD community—underscored their importance.

However, we recently learned that the Department of Health submitted the State Plan Amendment (SPA) for this increase with an effective date of January 1, 2025, rather than the intended and budgeted start date of October 1, 2024. This action will result in the loss of three months of funding for these clinics—providers that are already operating under outdated 2007 reimbursement rates and enduring significant financial stress.

This administrative delay not only contradicts the clear intent of the enacted budget but also places further strain on organizations that continue to prioritize mission over margin. Without correction, this will weaken the financial sustainability of providers serving some of our state's most vulnerable residents.

We respectfully urge your offices to take immediate action to:

- Implement the rate increase retroactive to October 1, 2024, in accordance with the budget passed by the Legislature; and
- Ensure impacted providers receive the full funding allocated, including the three months lost due to the SPA's late effective date.

We stand ready to work with you to resolve this matter swiftly and protect access to care for individuals with disabilities across New York State.

Sincerely,

A handwritten signature in black ink, appearing to read "Angelo Santabarbara". The signature is fluid and cursive, with a large loop at the end.

Angelo Santabarbara, PE
Member of the New York State Assembly
Chair, NYS Assembly Committee on People with Disabilities

A handwritten signature in black ink, appearing to read "John T. McDonald III". The signature is cursive and includes a stylized "J" and "M".

John T. McDonald III
Member of the New York State Assembly, District 108

A handwritten signature in black ink, appearing to read "Carrie WZ". The signature is cursive and includes a large "W" and "Z".

Carrie Woerner
Member of the New York State Assembly, District 113

A handwritten signature in black ink, appearing to read "Gabriella A. Romero". The signature is cursive and includes a stylized "G" and "R".

Gabriella A. Romero
Member of the New York State Assembly, District 109