

6762--A

Cal. No. 859

I N S E N A T E

March 6, 2014

Introduced by Sens. FLANAGAN, LAVALLE, ADDABBO, AVELLA, BALL, BONACIC, BOYLE, DIAZ, DILAN, ESPAILLAT, FARLEY, FELDER, GALLIVAN, GIPSON, GOLDEN, GRIFFO, GRISANTI, HANNON, HASSELL-THOMPSON, KENNEDY, LANZA, LARKIN, LATIMER, LIBOUS, LITTLE, MARCELLINO, MARCHIONE, MARTINS, NOZZOLIO, O'MARA, PARKER, PERALTA, PERKINS, RITCHIE, RIVERA, ROBACH, SANDERS, SAVINO, SERRANO, SEWARD, SQUADRON, STAVISKY, TKACZYK, VALESKY, ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the military law and the public health law, in relation to enacting the "veterans long-term care access act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "veterans
2 long-term care access act".
3 S 2. The military law is amended by adding a new section 235-b to read
4 as follows:
5 S 235-B. MEDICAID ELIGIBILITY FOR VETERANS IN STATE VETERANS HOMES.
6 NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, NO HONOR-
7 ABLY DISCHARGED MILITARY VETERAN, THEIR SPOUSE OR WIDOW, OR THE GOLD
8 STAR PARENT OF SUCH VETERAN SHALL BE REQUIRED TO ENROLL IN A MEDICAID
9 MANAGED CARE PLAN OR A MEDICAID LONG TERM CARE PLAN IF HE OR SHE IS
10 ACCEPTED FOR ADMISSION INTO A STATE VETERANS HOME OR ENROLLED IN A
11 MEDICAL MODEL ADULT DAY HEALTH CARE PROGRAM AT A STATE VETERANS HOME.
12 SUCH HONORABLY DISCHARGED VETERAN, THEIR SPOUSE OR WIDOW, OR GOLD STAR
13 PARENT SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF ANY PLAN OF TRANSI-
14 TION OF NURSING HOME POPULATIONS INTO ANY MANAGED CARE PROGRAMS OTHER-
15 WISE ADOPTED AND APPROVED BY THE DEPARTMENT.
16 S 3. The public health law is amended by adding a new section 2636 to
17 read as follows:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 S 2636. REIMBURSEMENT FOR SERVICES RENDERED. A STATE VETERANS HOME
2 PROVIDING LONG TERM NURSING HOME CARE, MEDICAL MODEL ADULT DAY HEALTH
3 CARE PROGRAMS OR ANY OTHER SERVICES TO AN HONORABLY DISCHARGED MILITARY
4 VETERAN, THEIR SPOUSE OR WIDOW, OR THE GOLD STAR PARENT OF SUCH VETERAN
5 SHALL CONTINUE TO BE PAID FOR ITS SERVICES PURSUANT TO THE FEE FOR
6 SERVICE SCHEDULES IN EFFECT FOR MEDICAID LONG TERM CARE ON THE DATES OF
7 SERVICES RENDERED, NOTWITHSTANDING ANY OTHER FORMULA FOR THE PAYMENT OF
8 LONG TERM CARE ADOPTED BY THE DEPARTMENT OR BY ANY MANAGED CARE ORGAN-
9 IZATION, MEDICAID MANAGED CARE PLAN, OR MEDICAID MANAGED LONG TERM CARE
10 PLAN.
11 S 4. This act shall take effect immediately.