

9397

I N   A S S E M B L Y

February 29, 2016

---

Introduced by M. of A. GOTTFRIED -- read once and referred to the  
Committee on Health

AN ACT to amend the social services law, in relation to the provision of  
services to certain persons suffering from traumatic brain injuries or  
qualifying for nursing home diversion and transition services

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

1     Section 1. Subdivision 3 of section 364-j of the social services law  
2     is amended by adding a new paragraph (d-2) to read as follows:  
3     (D-2) SERVICES PROVIDED PURSUANT TO WAIVERS, GRANTED PURSUANT TO  
4     SUBSECTION (C) OF SECTION 1915 OF THE FEDERAL SOCIAL SECURITY ACT, TO  
5     PERSONS SUFFERING FROM TRAUMATIC BRAIN INJURIES OR QUALIFYING FOR NURS-  
6     ING HOME DIVERSION AND TRANSITION SERVICES SHALL NOT BE PROVIDED TO  
7     MEDICAL ASSISTANCE RECIPIENTS THROUGH MANAGED CARE PROGRAMS ESTABLISHED  
8     PURSUANT TO THIS SECTION, AND SHALL CONTINUE TO BE PROVIDED OUTSIDE OF  
9     MANAGED CARE PROGRAMS AND IN ACCORDANCE WITH SUCH WAIVER PROGRAMS AS  
10    THEY EXISTED ON JANUARY FIRST, TWO THOUSAND FIFTEEN; PROVIDED, FURTHER  
11    THAT THE COMMISSIONER OF HEALTH IS HEREBY DIRECTED TO TAKE ANY ACTION  
12    REQUIRED, INCLUDING BUT NOT LIMITED TO FILING WAIVERS AND WAIVER EXTEN-  
13    SIONS AS NECESSARY WITH THE FEDERAL GOVERNMENT, TO CONTINUE THE  
14    PROVISION OF SUCH SERVICES.  
15    S 2. This act shall take effect immediately, provided that the amend-  
16    ments to section 364-j of the social services law, made by section one  
17    of this act, shall not affect the expiration and repeal of such section,  
18    and shall expire and be deemed repealed therewith.

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

LBD14232-01-6