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I N   S E N A T E

March 7, 2016

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Introduced by Sens. ORTT, CROCI -- read twice and ordered printed, and  
when printed to be committed to the Committee on Veterans, Homeland  
Security and Military Affairs

AN ACT to amend the mental hygiene law, in relation to eligibility for  
dependents of military service members for certain developmental disa-  
bility services

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

1     Section 1. The mental hygiene law is amended by adding a new section  
2     67.09 to read as follows:  
3     S 67.09 MEDICAID HOME AND COMMUNITY BASED SERVICES ELIGIBILITY FOR  
4         DEPENDENTS OF CERTAIN MILITARY SERVICE MEMBERS.  
5     A DEPENDENT OF A MILITARY SERVICE MEMBER, WHO IS A LEGAL RESIDENT OF  
6     THIS STATE, HAVING PREVIOUSLY BEEN DETERMINED TO BE ELIGIBLE FOR DEVEL-  
7     OPMENTAL DISABILITY SERVICES PROVIDED BY THE FEDERAL DEPARTMENT OF HUMAN  
8     SERVICES, INCLUDING WAIVER SERVICES PROVIDED UNDER THE HOME AND COMMUNI-  
9     TY BASED SERVICES PROGRAMS AUTHORIZED UNDER SECTION 1915(C) OF THE  
10    SOCIAL SECURITY ACT, SHALL RETAIN ELIGIBILITY FOR THOSE DEVELOPMENTAL  
11    DISABILITY SERVICES AS LONG AS HE OR SHE REMAINS A LEGAL RESIDENT OF THE  
12    STATE, REGARDLESS OF HAVING LEFT THE STATE DUE TO THE MILITARY SERVICE  
13    MEMBER'S MILITARY ASSIGNMENT OUTSIDE THE STATE, AND AS LONG AS HE OR SHE  
14    IS OTHERWISE ELIGIBLE FOR SUCH SERVICES. A DEPENDENT WHO RESIDES  
15    OUT-OF-STATE MAY BE PLACED ON THE WAITING LIST FOR DEVELOPMENTAL DISA-  
16    BILITIES SERVICES IF THE DEPENDENT LEFT THE STATE DUE TO THE MILITARY  
17    SERVICE MEMBER'S MILITARY ASSIGNMENT OUTSIDE THE STATE.  
18    S 2. This act shall take effect immediately.

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

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