S T A T E O F N E W Y O R K

3740

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. KOON, DelMONTE, ROBINSON, N. RIVERA, CAHILL, MAGNARELLI -- Multi-Sponsored by -- M. of A. CLARK, JOHN, LAVINE, MAGEE, MAYERSOHN, PHEFFER, REILLY -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to the cost-sharing responsibilities of EPIC program participants on a quarterly deductible basis

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

Section 1. Subdivision 2 of section 248 of the elder law, paragraphs (c) and (d) as amended by section 18 of part B of chapter 57 of the laws of 2006, is amended to read as follows:

2. Deductible schedule. Eligible individuals electing to meet the requirements of this subdivision shall incur an amount of personal covered drug expenditures during any [annual] QUARTERLY coverage period which are not reimbursed by any other public or private third party payment source or insurance plan, and shall be deemed to have met their deductible requirements for the remainder of such [annual] QUARTERLY coverage period. The amount of personal covered drug expenditures to be incurred by eligible program participants for catastrophic coverage under this option shall be in accordance with the following schedule:

(a) [Annual] QUARTERLY personal covered drug expenditures for unmarried individual eligible program participants:

individual income of $20,001 to $21,000..... [$530] $132.50
individual income of $21,001 to $22,000..... [$550] $137.50
individual income of $22,001 to $23,000..... [$580] $145.00
individual income of $23,001 to $24,000..... [$720] $180.00
individual income of $24,001 to $25,000..... [$750] $187.50
individual income of $25,001 to $26,000..... [$780] $195.00
individual income of $26,001 to $27,000..... [$810] $202.50
individual income of $27,001 to $28,000..... [$840] $210.00
individual income of $28,001 to $29,000..... [$870] $217.50

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

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individual income of $29,001 to $30,000..... [$900] $225.00
individual income of $30,001 to $31,000..... [$930] $232.50
individual income of $31,001 to $32,000..... [$960] $240.00
individual income of $32,001 to $33,000..... [$1,160] $290.00
individual income of $33,001 to $34,000..... [$1,190] $297.50
individual income of $34,001 to $35,000..... [$1,230] $307.50

(b) [Annual] QUARTERLY personal covered drug expenditures for each married individual eligible program participant:

joint income of $26,001 to $27,000..... [$650] $162.50
joint income of $27,001 to $28,000..... [$675] $168.75
joint income of $28,001 to $29,000..... [$700] $175.00
joint income of $29,001 to $30,000..... [$725] $181.25
joint income of $30,001 to $31,000..... [$900] $225.00
joint income of $31,001 to $32,000..... [$930] $232.50
joint income of $32,001 to $33,000..... [$960] $240.00
joint income of $33,001 to $34,000..... [$990] $247.50
joint income of $34,001 to $35,000..... [$1,020] $255.00
joint income of $35,001 to $36,000..... [$1,050] $262.50
joint income of $36,001 to $37,000..... [$1,080] $270.00
joint income of $37,001 to $38,000..... [$1,110] $277.50
joint income of $38,001 to $39,000..... [$1,140] $285.00
joint income of $39,001 to $40,000..... [$1,170] $292.50
joint income of $40,001 to $41,000..... [$1,200] $300.00
joint income of $41,001 to $42,000..... [$1,230] $307.50
joint income of $42,001 to $43,000..... [$1,260] $315.00
joint income of $43,001 to $44,000..... [$1,290] $322.50
joint income of $44,001 to $45,000..... [$1,320] $330.00
joint income of $45,001 to $46,000..... [$1,575] $393.75
joint income of $46,001 to $47,000..... [$1,610] $402.50
joint income of $47,001 to $48,000..... [$1,645] $411.25
joint income of $48,001 to $49,000..... [$1,680] $420.00
joint income of $49,001 to $50,000..... [$1,715] $428.75

(c) In the event that the state expenditures per participant electing to meet the deductible requirements of this subdivision, exclusive of expenditures for program administration, in the program year commencing October first, [nineteen hundred eighty-eight] TWO THOUSAND NINE, and in each program year thereafter, exceed such expenditures in the previous program year by a minimum of ten percent, the [annual] QUARTERLY personal covered drug expenditures set forth in this subdivision may, unless otherwise provided by law, be increased, pro-rata, for the subsequent program year, provided that such increase shall not exceed eight percent of the prior year personal covered drug expenditures as may have been adjusted in accordance with this paragraph.

(d) In the event that the state expenditures per such participant, incurred pursuant to this subdivision, exclusive of expenditures for program administration, in the program year commencing October first, [nineteen hundred eighty-eight] TWO THOUSAND NINE, and in each program year thereafter, are less than such expenditures in the previous program year by a minimum of ten percent, the [annual] QUARTERLY personal covered drug expenditures set forth in this subdivision may, unless otherwise provided by law, be decreased, pro-rata, for the subsequent program year, provided that such decrease shall not exceed eight percent of the prior year personal covered drug expenditures as may have been adjusted in accordance with this paragraph.

(e) The determination to adjust [annual] QUARTERLY personal covered drug expenditures set forth in this subdivision, shall follow a review

of such factors as the relative financial capacity of the state and such eligible program participants to support such adjustments and changes in the consumer price index. The frequency of such adjustments shall not exceed once in any twelve month period and such adjustments shall not become effective for individual program participants prior to the first day of the next annual coverage period for each participant.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.