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

378

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. JACOBS, JOHN, McENENY -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to eligibility for medical assistance

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

Section 1. Subdivision 1 of section 122 of the social services law is amended by adding a new paragraph (i) to read as follows:

(I) NOTHING IN THIS SUBDIVISION SHALL PRECLUDE PERSONS WHO ARE ELIGIBLE FOR MEDICAL ASSISTANCE, EXCEPT THAT MEDICAL ASSISTANCE IS LIMITED TO CARE AND SERVICES (NOT INCLUDING CARE AND SERVICES RELATED TO AN ORGAN TRANSPLANT PROCEDURE) NECESSARY FOR THE TREATMENT OF AN EMERGENCY MEDICAL CONDITION AS THAT TERM IS DEFINED IN SECTION 1903 OF THE FEDERAL SOCIAL SECURITY ACT FROM APPLYING FOR AND RECEIVING SUCH ASSISTANCE PRIOR TO THE ONSET OF AN EMERGENCY MEDICAL CONDITION. ELIGIBILITY DETERMINATIONS FOR SUCH MEDICAL ASSISTANCE SHALL BE MADE CONSISTENT WITH SECTION THREE HUNDRED SIXTY-SIX-A OF THIS CHAPTER, INCLUDING BUT NOT LIMITED TO TIMEFRAMES FOR ELIGIBILITY DETERMINATIONS AND PROVISION OF IDENTIFICATION CARDS, AND PROVIDED FURTHER THAT THE ABSENCE OF AN EMERGENCY MEDICAL CONDITION SHALL NOT BE CONSIDERED IN SUCH ELIGIBILITY DETERMINATIONS.

S 2. This act shall take effect immediately.

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

LBD02206-01-9