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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. CAHILL, ENGLEBRIGHT, DESTITO, P. RIVERA, CANES-
TRARI, PEOPLES, BRADLEY, SWEENEY, BOYLAND, JOHN, KELLNER -- Multi-
Sponsored by -- M. of A. CYMBROWITZ, EDDINGTON, GREENE, MARKEY, PHEF-
FER, J. RIVERA, WEISENBERG -- read once and referred to the Committee
on Social Services

AN ACT to amend the social services law, in relation to amounts payable
under medical assistance

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

1 Section 1. Paragraph (d) of subdivision 1 of section 367-a of the
2 social services law, as amended by section 1 of part J1 of chapter 63 of
3 the laws of 2003, subparagraph (iii) as amended by section 53 of part C
4 of chapter 58 of the laws of 2008, is amended to read as follows:
5 (d) [(i)] Amounts payable under this title for medical assistance for
6 items and services provided to eligible persons who are also benefici-
7 aries under part A AND/OR PART B of title XVIII of the federal social
8 security act and items and services provided to qualified medicare bene-
9 ficiaries under part A of title XVIII of the federal social security act
10 shall not be less than the amount of any deductible and co-insurance
11 liability of such eligible persons or for which such eligible persons or
12 such qualified medicare beneficiaries would be liable under federal law
13 were they not eligible for medical assistance or were they not qualified
14 medicare beneficiaries with respect to such benefits under such part A
15 AND/OR SUCH PART B.
16 [(ii) Amounts payable under this title for medical assistance for
17 items and services provided to eligible persons who are also benefici-
18 aries under part B of title XVIII of the federal social security act and
19 items and services provided to qualified medicare beneficiaries under
20 part B of title XVIII of the federal social security act shall not be
21 less than the amount of any deductible liability of such eligible

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

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persons or for which such eligible persons or such qualified medicare beneficiaries would be liable under federal law were they not eligible for medical assistance or were they not qualified medicare beneficiaries with respect to such benefits under such part B.

(iii) When payment under part B of title XVIII of the federal social security act for items and services provided to eligible persons who are also beneficiaries under part B of title XVIII of the federal social security act and for items and services provided to qualified medicare beneficiaries under part B of title XVIII of the federal social security act would exceed the amount that otherwise would be made under this title if provided to an eligible person other than a person who is also a beneficiary under part B or is a qualified medicare beneficiary, the amount payable under this title shall be twenty percent of the amount of any co-insurance liability of such eligible persons pursuant to federal law were they not eligible for medical assistance or were they not qualified medicare beneficiaries with respect to such benefits under such part B; provided, however, amounts payable under this title for items and services provided to eligible persons who are also beneficiaries under part B or to qualified medicare beneficiaries by an ambulance service under the authority of an operating certificate issued pursuant to article thirty of the public health law, a psychologist licensed under article one hundred fifty-three of the education law, or a facility under the authority of an operating certificate issued pursuant to article sixteen, thirty-one or thirty-two of the mental hygiene law and with respect to outpatient hospital and clinic items and services provided by a facility under the authority of an operating certificate issued pursuant to article twenty-eight of the public health law, shall not be less than the amount of any co-insurance liability of such eligible persons or such qualified medicare beneficiaries, or for which such eligible persons or such qualified medicare beneficiaries would be liable under federal law were they not eligible for medical assistance or were they not qualified medicare beneficiaries with respect to such benefits under part B.]

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2003.