

2750

2009-2010 Regular Sessions

I N   S E N A T E

March 2, 2009

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Introduced by Sens. GOLDEN, ALESI, DeFRANCISCO, LANZA, LARKIN, MAZIARZ, NOZZOLIO, PADAVAN, SALAND, SEWARD, SKELOS -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the elder law, in relation to cost of living and marriage penalty adjustments to eligibility standards for the program for elderly pharmaceutical insurance coverage

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

1     Section 1. Section 254 of the elder law is amended to read as follows:  
2     S 254. ADJUSTMENTS. 1. Cost of living adjustment. [1.] (A) Within  
3 amounts appropriated, the panel shall adjust the program eligibility  
4 standards set forth in subdivision two of section two hundred forty-two  
5 of this title to account for increases in the cost of living.  
6     [2.] (B) The panel shall further adjust individual and joint income  
7 categories set forth in subdivisions two and four of section two hundred  
8 forty-eight of this title to conform to the adjustments made pursuant to  
9 THIS subdivision [one of this section].  
10    2. MARRIAGE PENALTY ADJUSTMENT. THE PANEL SHALL FURTHER ADJUST  
11 INCOME, REGISTRATION FEES, DEDUCTIBLES, AND OTHER PROGRAM COMPONENTS TO  
12 ELIMINATE THE ELIMINATION OF THE EPIC MARRIAGE PENALTY, AS FOLLOWS:  
13    (A) FOR PURPOSES OF SUBDIVISIONS TWO AND FOUR OF SECTIONS TWO HUNDRED  
14 FORTY-SEVEN AND TWO HUNDRED FORTY-EIGHT OF THIS TITLE, JOINT INCOME  
15 SHALL BE DEFINED AS INCOME, AS SUCH TERM IS DEFINED IN SECTION TWO  
16 HUNDRED FORTY-ONE OF THIS TITLE AND AS ADJUSTED PURSUANT TO SUBDIVISION  
17 ONE OF THIS ACTION, DIVIDED BY TWO.  
18    (B) THE QUARTERLY REGISTRATION FEE ESTABLISHED PURSUANT TO SECTION TWO  
19 HUNDRED FORTY-SEVEN OF THIS TITLE, AND THE LIMITS ON POINT OF SALE  
20 CO-PAYMENTS ESTABLISHED PURSUANT TO SUBDIVISION FOUR OF SUCH SECTION, AS  
21 SUCH ITEMS MAY BE OR HAVE BEEN ADJUSTED BY THE PANEL PURSUANT TO SUBDI-  
22 VISION ONE OF THIS SECTION AND OTHER SECTIONS OF THIS CHAPTER, FOR EACH  
23 MARRIED INDIVIDUAL PROGRAM PARTICIPANT SHALL BE SET AT A LEVEL THAT IS

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

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1 NOT GREATER THAN THE QUARTERLY REGISTRATION FEE AND THE LIMIT ON POINT  
2 OF SALE CO-PAYMENTS FOR UNMARRIED INDIVIDUAL PROGRAM PARTICIPANTS WHOSE  
3 INCOME EQUALS JOINT INCOME AS DEFINED IN PARAGRAPH (A) OF THIS SUBDIVI-  
4 SION.

5 (C) THE ANNUAL PERSONAL COVERED DRUG EXPENDITURES FOR EACH MARRIED  
6 INDIVIDUAL ELIGIBLE PROGRAM PARTICIPANT ESTABLISHED PURSUANT TO SECTION  
7 TWO HUNDRED FORTY-EIGHT OF THIS TITLE AS ADJUSTED BY THE PANEL PURSUANT  
8 TO SUBDIVISION ONE OF THIS SECTION AND OTHER SECTIONS OF THIS CHAPTER,  
9 SHALL BE SET BY THE PANEL AT A LEVEL WHICH IS NO GREATER THAN THE  
10 PERSONAL COVERED DRUG EXPENDITURES FOR UNMARRIED INDIVIDUAL ELIGIBLE  
11 PROGRAM PARTICIPANTS WHOSE INCOME, AS ADJUSTED PURSUANT TO SUBDIVISION  
12 ONE OF THIS SECTION, EQUALS JOINT INCOME AS ADJUSTED PURSUANT TO PARA-  
13 GRAPH (A) OF THIS SUBDIVISION.

14 (D) THE LIMITS ON POINT OF SALE CO-PAYMENTS ESTABLISHED PURSUANT TO  
15 SUBDIVISION FOUR OF SECTIONS TWO HUNDRED FORTY-SEVEN AND TWO HUNDRED  
16 FORTY-EIGHT OF THIS TITLE, AS ADJUSTED BY THE PANEL PURSUANT TO SUBDIVI-  
17 SION ONE OF THIS SECTION AND OTHER SECTIONS OF THIS CHAPTER, FOR EACH  
18 MARRIED INDIVIDUAL PROGRAM PARTICIPANT SHALL BE SET AT A LEVEL THAT IS  
19 NO GREATER THAN THE LIMIT ON POINT OF SALE CO-PAYMENTS FOR UNMARRIED  
20 INDIVIDUAL PROGRAM PARTICIPANTS WHOSE INCOME EQUALS JOINT INCOME AS  
21 DEFINED IN PARAGRAPH (A) OF THIS SUBDIVISION.

22 (E) THE PANEL SHALL MAKE THE ADJUSTMENTS REQUIRED BY THIS SUBDIVISION  
23 ON A FOUR-YEAR SCHEDULE WHICH IT SHALL ADOPT AFTER CONSULTATION WITH THE  
24 DIVISION OF THE BUDGET BEGINNING WITH THE FISCAL YEAR NEXT SUCCEEDING  
25 THE DATE ON WHICH THIS SUBDIVISION SHALL HAVE BECOME EFFECTIVE.

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