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

3834

2009-2010 Regular Sessions

I N S E N A T E

April 2, 2009

Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to exemption of certain damages recovered by or on behalf of patients of residential health care facilities

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

Section 1. Subdivision 5 of section 2801-d of the public health law, as added by chapter 658 of the laws of 1975, is amended to read as follows:

5. The amount of any damages recovered by a patient, THE PATIENT'S LEGAL REPRESENTATIVE, OR THE PATIENT'S ESTATE, in an action brought pursuant to this section shall be exempt for purposes of determining initial or continuing eligibility for medical assistance under title eleven of article five of the social services law and shall neither be taken into consideration nor required to be applied toward the REPAYMENT OR payment or part payment of the cost of PAST OR FUTURE medical care or services available under [said] SUCH title eleven.

S 2. This act shall take effect immediately and apply to actions filed on and after such effective date.

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

LBD01114-01-9