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I N   S E N A T E

March 1, 2010

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Introduced by Sens. HUNTLEY, MORAHAN, DIAZ, MONTGOMERY, OPPENHEIMER,  
STEWART-COUSINS -- read twice and ordered printed, and when printed to  
be committed to the Committee on Health

AN ACT to amend the social services law, in relation to medicaid eligi-  
bility for youth leaving court ordered placement

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

1     Section 1. Section 364-i of the social services law is amended by  
2     adding a new subdivision 7 to read as follows:

3     7. YOUTH LEAVING COURT ORDERED PLACEMENT; PRESUMPTIVE ELIGIBILITY. (A)  
4     NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, YOUTH WHO  
5     HAVE BEEN PLACED PURSUANT TO SUBDIVISION THREE OR FOUR OF SECTION 353.3  
6     OF THE FAMILY COURT ACT, SHALL BE PRESUMED ELIGIBLE FOR MEDICAL ASSIST-  
7     ANCE UNDER THIS TITLE BEGINNING ON THE DATE OF THEIR RELEASE FROM SUCH  
8     PLACEMENT.

9     (B) SUCH PRESUMPTIVE ELIGIBILITY SHALL CONTINUE THROUGH THE EARLIER OF  
10    THE DAY ON WHICH A DETERMINATION IS MADE WITH RESPECT TO THE ELIGIBILITY  
11    OF THE YOUTH FOR ASSISTANCE PURSUANT TO THIS TITLE, OR IN THE CASE OF A  
12    YOUTH FOR WHOM AN APPLICATION FOR ASSISTANCE PURSUANT TO THIS TITLE IS  
13    NOT FILED ON HIS OR HER BEHALF OR WHO DOES NOT FILE AN APPLICATION FOR  
14    SUCH ASSISTANCE, SIXTY DAYS FROM THE RELEASE OF SUCH YOUTH FROM PLACE-  
15    MENT ORDERED PURSUANT TO SUBDIVISION THREE OR FOUR OF SECTION 353.3 OF  
16    THE FAMILY COURT ACT.

17    (C) CARE, SERVICES AND SUPPLIES, AS SET FORTH IN SECTION THREE HUNDRED  
18    SIXTY-FIVE-A OF THIS TITLE, THAT ARE FURNISHED TO A YOUTH DURING A  
19    PRESUMPTIVE ELIGIBILITY PERIOD UNDER THIS SUBDIVISION BY AN ENTITY THAT  
20    IS ELIGIBLE FOR PAYMENTS UNDER THIS TITLE SHALL BE DEEMED TO BE MEDICAL  
21    ASSISTANCE FOR PURPOSES OF PAYMENT AND STATE REIMBURSEMENT.

22    S 2. Paragraph (c) of subdivision 3 of section 364-j of the social  
23    services law is amended by adding a new subparagraph (vi) to read as  
24    follows:

25    (VI) A YOUTH WHO HAS LEFT PLACEMENT ORDERED PURSUANT TO SUBDIVISION  
26    THREE OR FOUR OF SECTION 353.3 OF THE FAMILY COURT ACT WITHIN THE LAST  
27    SIXTY DAYS WHO:

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

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1 A. IS CONSIDERED TO BE PRESUMPTIVELY ELIGIBLE FOR ASSISTANCE UNDER  
2 THIS TITLE PURSUANT TO SUBDIVISION SEVEN OF SECTION THREE HUNDRED  
3 SIXTY-FOUR-I OF THIS TITLE, AND

4 B. WOULD NOT BE DEEMED INELIGIBLE TO PARTICIPATE IN A MANAGED CARE  
5 PROGRAM PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION.

6 S 3. This act shall take effect on the ninetieth day after it shall  
7 have become a law; provided however, that effective immediately, the  
8 office of children and family services and the department of health  
9 shall promulgate any rules or regulations necessary for the implementa-  
10 tion of this act on such effective date; and provided further that the  
11 amendments to section 364-j of the social services law made by section  
12 two of this act shall not affect the repeal of such section and shall be  
13 deemed repealed therewith.