

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

3697--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. COLTON -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

LBD06339-02-9

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

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

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

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

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