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2009-2010 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. DINOWITZ, MILLER, JACOBS, PAULIN, BENEDETTO, LANCMAN, KELLNER, ABBATE, BROOK-KRASNY, PHEFFER, JAFFEE, MAYERSOHN, MILLMAN, ROBINSON, COLTON, DeLMONTE, V. LOPEZ, ORTIZ, GREENE, CLARK, ROSENTHAL -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BRENNAN, BURLING, CALHOUN, DIAZ, DUPREY, EDDINGTON, FINCH, GALEF, GLICK, GOTTFRIED, GUNTHER, KOON, MAGEE, MAISEL, McDONOUGH, McENENY, McKEVITT, RAIA, SAYWARD, SCARBOROUGH, SCHROEDER, SCOZZAFAVA, SEMINERIO, SPANO, SWEENEY, TITONE, TOWNSEND, WALKER, WEISENBERG, WRIGHT -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to establishing a senior dental services grant program

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

1 Section 1. The elder law is amended by adding a new section 215-c to
2 read as follows:
3 S 215-C. SENIOR DENTAL SERVICES GRANT PROGRAM. 1. AS USED IN THIS
4 SECTION:
5 (A) "SENIOR DENTAL SERVICES" SHALL MEAN THE PROVISION OF DENTAL
6 SERVICES TO ELDERLY PERSONS INCLUDING BUT NOT LIMITED TO DIAGNOSES,
7 TESTS, STUDIES, TREATMENT OR ANALYSES UNDER THE CARE AND SUPERVISION OF
8 A LICENSED DENTIST WHO IS AUTHORIZED TO PRACTICE IN THIS STATE. THESE
9 SERVICES MAY ALSO INCLUDE, BUT NOT BE LIMITED TO, CLIENT ASSESSMENT,
10 INFORMATION AND REFERRALS.
11 (B) "ELDERLY" SHALL MEAN AN INDIVIDUAL SIXTY-FIVE YEARS OF AGE OR
12 OLDER.
13 (C) "DIRECTOR" SHALL MEAN THE DIRECTOR OF THE OFFICE FOR THE AGING.
14 (D) "ANNUAL COVERAGE PERIOD" SHALL MEAN TWELVE CONSECUTIVE CALENDAR
15 MONTHS FOR WHICH AN ELIGIBLE PROGRAM PARTICIPANT HAS MET THE ELIGIBILITY
16 REQUIREMENTS OF SUBDIVISION THREE OF THIS SECTION.
17 2. THE DIRECTOR IS HEREBY AUTHORIZED AND DIRECTED, SUBJECT TO THE
18 AVAILABILITY OF APPROPRIATIONS, TO ESTABLISH A GRANT PROGRAM FOR SENIOR
19 DENTAL SERVICES TO ASSIST ELIGIBLE ELDERLY PERSONS WHO ARE IN NEED OF
20 SUCH SERVICES.

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

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1 3. PERSONS ELIGIBLE FOR THE GRANT PROGRAM UNDER THIS SECTION SHALL
2 INCLUDE:

3 (A) ANY UNMARRIED RESIDENT WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE AND
4 WHOSE INCOME FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE EFFECTIVE
5 DATE OF THE ANNUAL COVERAGE PERIOD IS LESS THAN OR EQUAL TO TWENTY THOU-
6 SAND DOLLARS AND WHO HAS NO DENTAL INSURANCE OR WHO IS UNDERINSURED; AND

7 (B) ANY MARRIED RESIDENT WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE AND
8 WHOSE INCOME FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE EFFECTIVE
9 DATE OF THE ANNUAL COVERAGE PERIOD WHEN COMBINED WITH THE INCOME IN THE
10 SAME CALENDAR YEAR OF SUCH MARRIED PERSON'S SPOUSE IS LESS THAN OR EQUAL
11 TO TWENTY-SIX THOUSAND DOLLARS AND WHO HAS NO DENTAL INSURANCE OR WHO IS
12 UNDERINSURED.

13 4. AFTER THE INITIAL DETERMINATION OF ELIGIBILITY, EACH ELIGIBLE INDI-
14 VIDUAL SHALL BE RE-DETERMINED ELIGIBLE AT LEAST EVERY TWENTY-FOUR
15 MONTHS.

16 5. THE DIRECTOR SHALL ENSURE THAT IN AWARDING THE GRANTS PURSUANT TO
17 THIS SECTION THAT DUE CONSIDERATION IS GIVEN TO THE GEOGRAPHIC AND
18 EXISTING SERVICE DEMANDS FOR SENIOR DENTAL SERVICES WITHIN A COUNTY OR
19 REGION OF THE STATE. THE DIRECTOR SHALL AWARD UP TO SIX GRANTS THROUGH
20 A REQUEST FOR PROPOSAL PROCESS AND PRIORITY SHALL BE GIVEN TO ACCREDITED
21 EDUCATIONAL PROGRAMS OR EXISTING DENTAL CLINICS SERVING THE LOW INCOME
22 ELDERLY. GRANTS SHALL BE USED FOR THE DIRECT PROVISION OF DENTAL CARE
23 AND SERVICES TO THE ELDERLY WITH A MAXIMUM OF TEN PERCENT OF THE FUNDS
24 APPROPRIATED TO BE USED TO OFFSET ADMINISTRATIVE COSTS.

25 6. THE DIRECTOR SHALL PROMULGATE ANY RULES AND REGULATIONS NECESSARY
26 TO CARRY OUT THE PROVISIONS OF THIS SECTION WHICH SHALL INCLUDE BUT NOT
27 BE LIMITED TO:

28 (A) PROVIDING FOR A PROCESS OF DETERMINING AND RE-DETERMINING ELIGI-
29 BILITY FOR PARTICIPATION IN THIS GRANT PROGRAM INCLUDING PROVISIONS FOR
30 SUBMISSION OF PROOF OF INCOME, AGE, AND RESIDENCY AND INFORMATION ON
31 EXISTING COMPLETE OR PARTIAL COVERAGE OF DENTAL EXPENSES UNDER A THIRD
32 PARTY ASSISTANCE OR INSURANCE PLAN; AND

33 (B) PROVIDING FOR THE ADMINISTRATION OF SUCH GRANTS.

34 7. ADDITIONALLY, THE DIRECTOR SHALL SUBMIT A REPORT TO THE GOVERNOR,
35 THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY,
36 PRIOR TO, BUT IN NO EVENT LATER THAN, DECEMBER THIRTY-FIRST, IN THE YEAR
37 FOLLOWING THE EFFECTIVE DATE OF THIS SECTION, AND ANNUALLY THEREAFTER,
38 WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO:

39 (A) FINANCIAL REPORTS OF THE GRANT PROGRAM OPERATIONS ESTABLISHED
40 PURSUANT TO THIS SECTION;

41 (B) AN ANALYSIS OF THE GRANT PROGRAM'S ABILITY TO PROVIDE SUCH SENIOR
42 DENTAL SERVICES TO ELIGIBLE ELDERLY PERSONS;

43 (C) RECOMMENDATIONS ON THE CONTINUATION OF SUCH GRANTS AND THE NEED
44 FOR PROGRAM EXPANSION, IF APPROPRIATE;

45 (D) PROFILES OF THE GRANT RECIPIENTS; AND

46 (E) OTHER INFORMATION DEEMED NECESSARY BY THE DIRECTOR.

47 8. ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT OR REPRESENTATION,
48 SUBMITS FALSE INFORMATION, OR WHO CONCEALS ANY MATERIAL FACT, ON AN
49 APPLICATION TO OBTAIN A GRANT PROVIDED UNDER THIS SECTION TO WHICH HE OR
50 SHE IS NOT ENTITLED, SHALL BE GUILTY OF A VIOLATION PUNISHABLE BY A FINE
51 OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS PER OCCURRENCE.

52 S 2. This act shall take effect on the ninetieth day after it shall
53 have become a law; provided, however, that effective immediately, the
54 addition, amendment and/or repeal of any rule or regulation necessary
55 for the implementation of this act on its effective date are authorized
56 and directed to be made and completed on or before such effective date.