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

4761

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. MORELLE, REILLY, GOTTFRIED, GUNTHER, SCHIMMINGER, ZEBROWSKI, LANCMAN, EDDINGTON, MAGNARELLI, GALEF -- Multi-Sponsored by -- M. of A. BROOK-KRASNY, CHRISTENSEN, COOK, DESTITO, GABRYSZAK, HIKIND, KELLNER, MAISEL, MAYERSOHN, McENENY, PHEFFER, J. RIVERA, SWEENEY, WEISENBERG -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law and the insurance law, in relation to directing the department of health to submit an amendment to the plan for medical assistance; and to direct the department of insurance to adopt any necessary conforming amendments to regulations or other rules

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

Section 1. Section 367-f of the social services law is amended by adding a new subdivision 4 to read as follows:

4. THE DEPARTMENT OF HEALTH IS HEREBY AUTHORIZED AND DIRECTED TO SUBMIT TO THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES A REQUEST FOR THE AMENDMENT OF THE PLAN FOR MEDICAL ASSISTANCE, WHICH IS MAINTAINED IN ACCORDANCE WITH TITLE XIX, OR ANY SUCCESSOR TITLE, OF THE FEDERAL SOCIAL SECURITY ACT, TO ADOPT ANY AND ALL STANDARDS THAT MAY BE DEVELOPED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES PURSUANT TO SECTION 6021(B) OF THE FEDERAL DEFICIT REDUCTION ACT OF 2005, FOR UNIFORM RECIPROCAL RECOGNITION OF LONG-TERM CARE INSURANCE POLICIES PURCHASED UNDER STATE LONG-TERM CARE INSURANCE PARTNERSHIPS. SUCH REQUEST SHALL BE MADE WITHIN SIX MONTHS OF THE PROMULGATION OF SUCH STANDARDS BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND, EXCEPT AS REQUIRED BY SUCH STANDARDS, SUCH UNIFORM RECIPROCAL RECOGNITION OF LONG-TERM CARE INSURANCE POLICIES SHALL APPLY WITHOUT REGARD TO WHEN A POLICY IS ISSUED.

S 2. Section 3229 of the insurance law is amended by adding a new subsection (c) to read as follows:

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

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(C) THE SUPERINTENDENT SHALL ADOPT SUCH RULES OR REGULATIONS, OR AMEND SUCH RULES AND REGULATIONS, AS MAY BE NECESSARY TO CONFORM TO THE REQUIREMENTS OF ANY AMENDMENT TO THE PLAN FOR MEDICAL ASSISTANCE, WHICH IS MAINTAINED IN ACCORDANCE WITH TITLE XIX, OR ANY SUCCESSOR TITLE, OF THE FEDERAL SOCIAL SECURITY ACT, MADE PURSUANT TO SUBDIVISION FOUR OF SECTION THREE HUNDRED SIXTY-SEVEN-F OF THE SOCIAL SERVICES LAW.

S 3. This act shall take effect immediately.