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

5948--A

R. R. 89

2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

Introduced by M. of A. ESPAILLAT, WRIGHT, BARRON -- Multi-Sponsored by -- M. of A. BOYLAND, FARRELL, HOOPER, ROBINSON, TITUS -- read once and referred to the Committee on Social Services -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the social services law, in relation to notice and expedited re-application in cases of the termination of medical assistance eligibility

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

Section 1. Subdivision 8 of section 22 of the social services law, as added by chapter 473 of the laws of 1978, is amended to read as follows:

8. The department shall promulgate such regulations, not inconsistent with federal or state law, as may be necessary to implement the provisions of this section. Such regulations shall require that a copy of all decisions made concerning appeals pursuant to this section shall be sent to each party to such appeals and their representatives, if any. SUCH REGULATIONS SHALL ALSO REQUIRE THAT PERSONS WHOSE ELIGIBILITY FOR MEDICAL ASSISTANCE IS TERMINATED BE NOTIFIED IN WRITING OF THE EFFECTIVE DATE OF SUCH TERMINATION AND BE PROVIDED WITH INFORMATION ON THEIR RIGHT TO AN APPEAL AND HOW TO UNDERTAKE SUCH PROCESS. THE INDIVIDUAL SHALL HAVE AT LEAST THIRTY DAYS TO NOTIFY THE DEPARTMENT OF THEIR INTENT TO APPEAL THE DETERMINATION BEFORE ENROLLMENT IS TERMINATED; PROVIDED THAT IN AN INSTANCE WHERE A PERSON HAS BEEN FOUND GUILTY OF FRAUD, SUCH THIRTY DAY TIME PERIOD SHALL NOT APPLY.

S 2. This act shall take effect immediately.

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

LBD05014-02-0