

6405

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 3, 2009

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Introduced by M. of A. ORTIZ, COLTON, EDDINGTON, ESPAILLAT, GREENE,  
V. LOPEZ, J. RIVERA -- Multi-Sponsored by -- M. of A. CAHILL, COOK,  
DIAZ, FARRELL, MAGEE, McENENY, PEOPLES, PERRY, SWEENEY, TOWNS, WEISEN-  
BERG -- read once and referred to the Committee on Aging

AN ACT in relation to increasing access to pharmaceuticals for needy  
seniors and the disabled through the expansion of eligibility for the  
medicaid program

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

1     Section 1. This act shall be known and may be cited as the "medicaid  
2     prescription senior eligibility expansion program".  
3     S 2. Legislative findings and intent. The legislature finds and  
4     declares that states are looking for solutions to improve the access of  
5     needy seniors to prescription medicines. Nearly thirty percent of medi-  
6     care enrollees in the state have no coverage for pharmaceuticals, with  
7     nearly a quarter of such enrollees living below the federal poverty  
8     level. Furthermore, millions more elderly and disabled medicare enrol-  
9     lees are underinsured for prescription drugs. A federal 1115 medicaid  
10    waiver to extend prescription drug coverage to qualified medicare bene-  
11    ficiaries and special low-income medicare beneficiaries would provide  
12    meaningful access to prescription drugs for the state's poor and near-  
13    poor senior population. The legislature further finds that a federal  
14    1115 medicaid waiver enables the state to benefit from the well estab-  
15    lished state-federal partnership in medicaid through access to federal  
16    matching funds in addition to state funds.  
17    S 3. Definitions. As used in this act:  
18    1. "Department" means the department of health;  
19    2. "Qualified medicare beneficiaries" means medicare beneficiaries  
20    with incomes equal to or below one hundred percent of the federal pover-  
21    ty level who are eligible for medicaid assistance for the Part A and  
22    Part B medicare premiums and for medicare deductibles and co-insurance

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

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1 requirements as set forth in section 1905(p)(1) of title XIX of the  
2 social security act; and

3 3. "Specified low-income medicare beneficiaries" means medicare bene-  
4 ficiaries who have incomes greater than one hundred percent of the  
5 federal poverty level and less than and equal to one hundred twenty  
6 percent of the federal poverty level and meet the requirements set forth  
7 in section 1902(a)(10) (E)(iii) of title XIX of the social security act.

8 S 4. Medicaid prescription senior eligibility expansion program. 1.  
9 There is hereby established a medicaid prescription senior eligibility  
10 expansion program. In order to become eligible for the program, an indi-  
11 vidual must meet the following requirements:

12 a. be a United States citizen or a lawfully admitted alien;

13 b. be a state resident;

14 c. be at least sixty-five years of age or an individual between the  
15 ages of nineteen and sixty-four who is otherwise eligible for benefits  
16 under title II of the social security act;

17 d. meet the definition of a qualified medicare beneficiary or a speci-  
18 fied low-income medicare beneficiary as set forth in section three of  
19 this act; and

20 e. be ineligible for and/or not receiving a prescription drug benefit  
21 through a medicare supplemental policy or any other third party payer  
22 prescription benefit.

23 2. Individuals eligible for the medicaid prescription senior eligibil-  
24 ity expansion program shall be entitled to the medicaid prescription  
25 drug coverage as provided to medicaid recipients as set forth in title  
26 XIX of the social security act.

27 S 5. Program administration. 1. The department shall administer the  
28 medicaid prescription senior eligibility expansion program.

29 2. The department shall apply for a federal medicare 1115 demon-  
30 stration waiver from the federal secretary of health and human services  
31 to expand medicaid eligibility for the purposes of prescription drug  
32 coverage to qualified medicare beneficiaries and specified low-income  
33 medicare beneficiaries under the medicaid prescription senior eligibil-  
34 ity expansion program.

35 3. The department shall promulgate and adopt rules and regulations as  
36 are necessary to implement the provisions of the medicaid prescription  
37 senior eligibility expansion program in a cost effective manner that are  
38 consistent with the purposes of such program.

39 S 6. Annual report. The department shall submit an annual report to  
40 the legislature beginning one year from the date of implementation of  
41 the medicaid prescription senior eligibility expansion program.

42 S 7. This act shall take effect immediately.