

672

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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Introduced by M. of A. CAHILL, ENGLEBRIGHT, DESTITO, P. RIVERA, CANES-  
TRARI, PEOPLES, BRADLEY, SWEENEY, BOYLAND, JOHN, KELLNER -- Multi-  
Sponsored by -- M. of A. CYMBROWITZ, EDDINGTON, GREENE, MARKEY, PHEF-  
FER, J. RIVERA, WEISENBERG -- read once and referred to the Committee  
on Social Services

AN ACT to amend the social services law, in relation to amounts payable  
under medical assistance

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

1     Section 1. Paragraph (d) of subdivision 1 of section 367-a of the  
2     social services law, as amended by section 1 of part J1 of chapter 63 of  
3     the laws of 2003, subparagraph (iii) as amended by section 53 of part C  
4     of chapter 58 of the laws of 2008, is amended to read as follows:  
5     (d) [(i)] Amounts payable under this title for medical assistance for  
6     items and services provided to eligible persons who are also benefici-  
7     aries under part A AND/OR PART B of title XVIII of the federal social  
8     security act and items and services provided to qualified medicare bene-  
9     ficiaries under part A of title XVIII of the federal social security act  
10    shall not be less than the amount of any deductible and co-insurance  
11    liability of such eligible persons or for which such eligible persons or  
12    such qualified medicare beneficiaries would be liable under federal law  
13    were they not eligible for medical assistance or were they not qualified  
14    medicare beneficiaries with respect to such benefits under such part A  
15    AND/OR SUCH PART B.  
16    [(ii)] Amounts payable under this title for medical assistance for  
17    items and services provided to eligible persons who are also benefici-  
18    aries under part B of title XVIII of the federal social security act and  
19    items and services provided to qualified medicare beneficiaries under  
20    part B of title XVIII of the federal social security act shall not be  
21    less than the amount of any deductible liability of such eligible

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

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1 persons or for which such eligible persons or such qualified medicare  
2 beneficiaries would be liable under federal law were they not eligible  
3 for medical assistance or were they not qualified medicare beneficiaries  
4 with respect to such benefits under such part B.

5 (iii) When payment under part B of title XVIII of the federal social  
6 security act for items and services provided to eligible persons who are  
7 also beneficiaries under part B of title XVIII of the federal social  
8 security act and for items and services provided to qualified medicare  
9 beneficiaries under part B of title XVIII of the federal social security  
10 act would exceed the amount that otherwise would be made under this  
11 title if provided to an eligible person other than a person who is also  
12 a beneficiary under part B or is a qualified medicare beneficiary, the  
13 amount payable under this title shall be twenty percent of the amount of  
14 any co-insurance liability of such eligible persons pursuant to federal  
15 law were they not eligible for medical assistance or were they not qual-  
16 ified medicare beneficiaries with respect to such benefits under such  
17 part B; provided, however, amounts payable under this title for items  
18 and services provided to eligible persons who are also beneficiaries  
19 under part B or to qualified medicare beneficiaries by an ambulance  
20 service under the authority of an operating certificate issued pursuant  
21 to article thirty of the public health law, a psychologist licensed  
22 under article one hundred fifty-three of the education law, or a facili-  
23 ty under the authority of an operating certificate issued pursuant to  
24 article sixteen, thirty-one or thirty-two of the mental hygiene law and  
25 with respect to outpatient hospital and clinic items and services  
26 provided by a facility under the authority of an operating certificate  
27 issued pursuant to article twenty-eight of the public health law, shall  
28 not be less than the amount of any co-insurance liability of such eligi-  
29 ble persons or such qualified medicare beneficiaries, or for which such  
30 eligible persons or such qualified medicare beneficiaries would be  
31 liable under federal law were they not eligible for medical assistance  
32 or were they not qualified medicare beneficiaries with respect to such  
33 benefits under part B.]

34 S 2. This act shall take effect immediately and shall be deemed to  
35 have been in full force and effect on and after July 1, 2003.