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

6988

2009-2010 Regular Sessions

I N A S S E M B L Y

March 18, 2009

Introduced by M. of A. SCHIMMINGER -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to eligibility limitations on certain medical services not mandated by federal law

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

Section 1. Section 117 of the social services law is amended by adding a new subdivision 4 to read as follows:

4. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION OR ANY OTHER PROVISION OF LAW, FOR THE PURPOSES OF ELIGIBILITY FOR MEDICAL ASSISTANCE AS PROVIDED UNDER TITLE ELEVEN OF ARTICLE FIVE OF THIS CHAPTER OR ANY SUCCESSOR PROVISIONS THEREOF, NO PERSON SHALL BE ELIGIBLE FOR MEDICAL ASSISTANCE DURING THE FIRST NINETY DAYS AFTER SUCH PERSON IS DEEMED ENROLLED FOR SUCH MEDICAL ASSISTANCE SERVICES IF SUCH SERVICES ARE NOT MANDATED SERVICES UNDER FEDERAL LAW OR REGULATION.

S 2. The commissioner of health is authorized and directed to apply for any and all federal waivers required to implement the provisions of subdivision 4 of section 117 of the social services law.

S 3. The commissioner of health shall promulgate any and all rules and regulations and take any other measures necessary to implement this act including, but not limited to, developing a services and eligibility plan and distributing the same to local social services districts.

S 4. This act shall take effect immediately; provided, however, that subdivision 4 of section 117 of the social services law as added by section one of this act shall not take effect unless and until the commissioner of health receives all necessary approvals under federal law and regulation to implement its provisions, and provided that such provisions do not prevent the receipt of federal financial participation under the medical assistance program; provided that the commissioner of health shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in this act

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

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in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.