

1271

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sens. MONTGOMERY, ADAMS, DIAZ, DUANE, HASSELL-THOMPSON, KRUEGER, ONORATO, SAMPSON, SAVINO, SCHNEIDERMAN, SERRANO, STAVISKY, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to medicaid eligibility for independent foster care adolescents

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

1 Section 1. Subparagraph 3 of paragraph (a) of subdivision 1 of section
2 366 of the social services law, as amended by chapter 309 of the laws of
3 1996, is amended to read as follows:
4 (3) is a child under the age of twenty-one years receiving care (A)
5 away from his own home in accordance with title two of article six of
6 this chapter; (B) during the initial thirty days of placement with the
7 division for youth pursuant to section 353.3 of the family court act;
8 (C) in an authorized agency when placed pursuant to section seven
9 hundred fifty-six or 353.3 of the family court act; [or] (D) in resi-
10 dence at a division foster family home or a division contract home, and
11 has not, according to the criteria promulgated by the department, suffi-
12 cient income and resources, including available support from his
13 parents, to meet all costs of required medical care and services avail-
14 able under this title; or (E) WHO WAS IN A FOSTER CARE HOME UNDER THE
15 RESPONSIBILITY OF THE STATE ON HIS OR HER EIGHTEENTH BIRTHDAY AND PRES-
16 ENTLY LIVING AWAY FROM SUCH FOSTER HOME; OR
17 S 2. Subdivision 1 of section 368-a of the social services law is
18 amended by adding a new paragraph (z) to read as follows:
19 (Z) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF LAW, REIMBURSEMENT
20 BY THE STATE FOR PAYMENTS MADE, WHETHER BY THE DEPARTMENT OF HEALTH ON
21 BEHALF OF THE SOCIAL SERVICES DISTRICT PURSUANT TO SECTION THREE HUNDRED
22 SIXTY-SEVEN-B OF THIS TITLE, OR BY A SOCIAL SERVICES DISTRICT DIRECTLY,
23 FOR MEDICAL ASSISTANCE FURNISHED PURSUANT TO CLAUSE (E) OF SUBPARAGRAPH

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

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1 THREE OF PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION THREE HUNDRED
2 SIXTY-SIX OF THIS TITLE, SHALL BE MADE FOR THE FULL AMOUNT EXPENDED FOR
3 SUCH ASSISTANCE, AFTER FIRST DEDUCTING THEREFROM ANY FEDERAL FUNDS PROP-
4 ERLY RECEIVED OR TO BE RECEIVED ON ACCOUNT OF SUCH EXPENDITURE.
5 S 3. This act shall take effect on the first of the federal fiscal
6 quarter next succeeding the date on which it shall have become a law.