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I N S E N A T E

March 1, 2010

Introduced by Sens. HUNTLEY, MORAHAN, DIAZ, MONTGOMERY, OPPENHEIMER,
STEWART-COUSINS -- read twice and ordered printed, and when printed to
be committed to the Committee on Health

AN ACT to amend the social services law, in relation to medicaid eligi-
bility for youth leaving court ordered placement

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

1 Section 1. Section 364-i of the social services law is amended by
2 adding a new subdivision 7 to read as follows:
3 7. YOUTH LEAVING COURT ORDERED PLACEMENT; PRESUMPTIVE ELIGIBILITY. (A)
4 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, YOUTH WHO
5 HAVE BEEN PLACED PURSUANT TO SUBDIVISION THREE OR FOUR OF SECTION 353.3
6 OF THE FAMILY COURT ACT, SHALL BE PRESUMED ELIGIBLE FOR MEDICAL ASSIST-
7 ANCE UNDER THIS TITLE BEGINNING ON THE DATE OF THEIR RELEASE FROM SUCH
8 PLACEMENT.
9 (B) SUCH PRESUMPTIVE ELIGIBILITY SHALL CONTINUE THROUGH THE EARLIER OF
10 THE DAY ON WHICH A DETERMINATION IS MADE WITH RESPECT TO THE ELIGIBILITY
11 OF THE YOUTH FOR ASSISTANCE PURSUANT TO THIS TITLE, OR IN THE CASE OF A
12 YOUTH FOR WHOM AN APPLICATION FOR ASSISTANCE PURSUANT TO THIS TITLE IS
13 NOT FILED ON HIS OR HER BEHALF OR WHO DOES NOT FILE AN APPLICATION FOR
14 SUCH ASSISTANCE, SIXTY DAYS FROM THE RELEASE OF SUCH YOUTH FROM PLACE-
15 MENT ORDERED PURSUANT TO SUBDIVISION THREE OR FOUR OF SECTION 353.3 OF
16 THE FAMILY COURT ACT.
17 (C) CARE, SERVICES AND SUPPLIES, AS SET FORTH IN SECTION THREE HUNDRED
18 SIXTY-FIVE-A OF THIS TITLE, THAT ARE FURNISHED TO A YOUTH DURING A
19 PRESUMPTIVE ELIGIBILITY PERIOD UNDER THIS SUBDIVISION BY AN ENTITY THAT
20 IS ELIGIBLE FOR PAYMENTS UNDER THIS TITLE SHALL BE DEEMED TO BE MEDICAL
21 ASSISTANCE FOR PURPOSES OF PAYMENT AND STATE REIMBURSEMENT.
22 S 2. Paragraph (c) of subdivision 3 of section 364-j of the social
23 services law is amended by adding a new subparagraph (vi) to read as
24 follows:
25 (VI) A YOUTH WHO HAS LEFT PLACEMENT ORDERED PURSUANT TO SUBDIVISION
26 THREE OR FOUR OF SECTION 353.3 OF THE FAMILY COURT ACT WITHIN THE LAST
27 SIXTY DAYS WHO:

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

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1 A. IS CONSIDERED TO BE PRESUMPTIVELY ELIGIBLE FOR ASSISTANCE UNDER
2 THIS TITLE PURSUANT TO SUBDIVISION SEVEN OF SECTION THREE HUNDRED
3 SIXTY-FOUR-I OF THIS TITLE, AND
4 B. WOULD NOT BE DEEMED INELIGIBLE TO PARTICIPATE IN A MANAGED CARE
5 PROGRAM PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION.
6 S 3. This act shall take effect on the ninetieth day after it shall
7 have become a law; provided however, that effective immediately, the
8 office of children and family services and the department of health
9 shall promulgate any rules or regulations necessary for the implementa-
10 tion of this act on such effective date; and provided further that the
11 amendments to section 364-j of the social services law made by section
12 two of this act shall not affect the repeal of such section and shall be
13 deemed repealed therewith.