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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. DINOWITZ, J. MILLER, JACOBS, PAULIN, BENEDETTO, LANCMAN, KELLNER, ABBATE, BROOK-KRASNY, PHEFFER, JAFFEE, MAYERSOHN, MILLMAN, ROBINSON, COLTON, V. LOPEZ, ORTIZ, CLARK, ROSENTHAL, BARRON -- Multi-Sponsored by -- M. of A. BRENNAN, BURLING, CALHOUN, DUPREY, FINCH, GALEF, GLICK, GOTTFRIED, GUNTHER, MAGEE, MAISEL, McDONOUGH, McENENY, McKEVITT, RAIA, REILLY, SAYWARD, SCARBOROUGH, SCHROEDER, SPANO, SWEENEY, TITONE, WEISENBERG, WRIGHT -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to establishing a senior dental services grant program

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

1 Section 1. The elder law is amended by adding a new section 215-c to
2 read as follows:
3 S 215-C. SENIOR DENTAL SERVICES GRANT PROGRAM. 1. AS USED IN THIS
4 SECTION:
5 (A) "DENTAL SERVICES" SHALL INCLUDE, BUT NOT BE LIMITED TO, DIAGNOSES,
6 TESTS, STUDIES, TREATMENT OR ANALYSES UNDER THE CARE AND SUPERVISION OF
7 A LICENSED DENTIST WHO IS AUTHORIZED TO PRACTICE IN THIS STATE. THESE
8 SERVICES MAY ALSO INCLUDE, BUT NOT BE LIMITED TO, CLIENT ASSESSMENT,
9 INFORMATION AND REFERRALS.
10 (B) "ELDERLY" SHALL MEAN AN INDIVIDUAL SIXTY-FIVE YEARS OF AGE OR
11 OLDER.
12 (C) "DIRECTOR" SHALL MEAN THE DIRECTOR OF THE OFFICE FOR THE AGING.
13 (D) "COVERAGE PERIOD" SHALL MEAN TWENTY-FOUR CONSECUTIVE CALENDAR
14 MONTHS FOR WHICH AN ELIGIBLE PROGRAM PARTICIPANT HAS MET THE ELIGIBILITY
15 REQUIREMENTS OF SUBDIVISION THREE OF THIS SECTION.
16 2. THE DIRECTOR IS HEREBY AUTHORIZED AND DIRECTED, SUBJECT TO THE
17 AVAILABILITY OF APPROPRIATIONS, TO ESTABLISH A GRANT PROGRAM FOR DENTAL
18 SERVICES TO ELIGIBLE ELDERLY PERSONS WHO ARE IN NEED OF SUCH SERVICES.

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

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1 3. PERSONS ELIGIBLE FOR THE GRANT PROGRAM UNDER THIS SECTION SHALL
2 INCLUDE:

3 (A) ELDERLY UNMARRIED RESIDENTS WHOSE INCOME FOR THE CALENDAR YEAR
4 IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THE COVERAGE PERIOD IS LESS
5 THAN OR EQUAL TO TWENTY THOUSAND DOLLARS AND WHO HAVE NO DENTAL INSUR-
6 ANCE; AND

7 (B) ELDERLY MARRIED RESIDENTS WHOSE COMBINED SPOUSAL INCOME FOR THE
8 CALENDAR YEAR IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THE COVERAGE
9 PERIOD IS LESS THAN OR EQUAL TO TWENTY-SIX THOUSAND DOLLARS AND WHO HAVE
10 NO DENTAL INSURANCE.

11 4. THE DIRECTOR SHALL PROMULGATE ANY RULES AND REGULATIONS NECESSARY
12 TO CARRY OUT THE PROVISIONS OF THIS SECTION WHICH SHALL INCLUDE BUT NOT
13 BE LIMITED TO:

14 (A) A PROCESS OF DETERMINING AND RE-DETERMINING ELIGIBILITY AT THE END
15 OF EACH COVERAGE PERIOD FOR RECEIVING SERVICES UNDER THIS GRANT PROGRAM
16 INCLUDING PROVISIONS FOR SUBMISSION OF PROOF OF INCOME, AGE, AND RESI-
17 DENCY AND INFORMATION ON EXISTING COMPLETE OR PARTIAL COVERAGE OF DENTAL
18 EXPENSES UNDER A THIRD PARTY ASSISTANCE OR INSURANCE PLAN;

19 (B) SELECTION OF UP TO SIX GRANT RECIPIENTS THROUGH A REQUEST FOR
20 PROPOSAL PROCESS INCLUDING DUE CONSIDERATION TO GEOGRAPHIC DISTRIBUTION
21 AND EXISTING NEED FOR DENTAL SERVICES FOR ELDERLY INDIVIDUALS THROUGHOUT
22 THE STATE WITH PRIORITY GIVEN TO ACCREDITED EDUCATIONAL PROGRAMS OR
23 EXISTING DENTAL CLINICS SERVING THE LOW INCOME ELDERLY; AND

24 (C) THE ADMINISTRATION OF SUCH GRANTS, WHICH SHALL BE USED FOR THE
25 DIRECT PROVISION OF DENTAL CARE AND SERVICES TO THE ELDERLY INCLUDING,
26 BUT NOT LIMITED TO, DENTAL SERVICES, EQUIPMENT PURCHASES, AND TRAVEL
27 EXPENSES.

28 5. ADDITIONALLY, THE DIRECTOR SHALL SUBMIT A REPORT TO THE GOVERNOR,
29 THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY,
30 PRIOR TO, BUT IN NO EVENT LATER THAN, DECEMBER THIRTY-FIRST, IN THE YEAR
31 FOLLOWING THE EFFECTIVE DATE OF THIS SECTION, AND ANNUALLY THEREAFTER,
32 WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO:

33 (A) FINANCIAL REPORTS OF THE GRANT PROGRAM OPERATIONS ESTABLISHED
34 PURSUANT TO THIS SECTION;

35 (B) AN ANALYSIS OF THE GRANT PROGRAM'S ABILITY TO PROVIDE SUCH DENTAL
36 SERVICES TO ELIGIBLE ELDERLY PERSONS;

37 (C) RECOMMENDATIONS ON THE CONTINUATION OF SUCH GRANTS AND THE NEED
38 FOR PROGRAM EXPANSION, IF APPROPRIATE;

39 (D) PROFILES OF THE GRANT RECIPIENTS; AND

40 (E) OTHER INFORMATION DEEMED NECESSARY BY THE DIRECTOR.

41 6. (A) NO APPLICANT FOR A GRANT PROVIDED FOR UNDER THIS SECTION SHALL
42 KNOWINGLY (I) MAKE A FALSE STATEMENT OR REPRESENTATION CONCERNING A
43 MATERIAL FACT, (II) SUBMIT FALSE INFORMATION CONCERNING A MATERIAL FACT,
44 OR (III) CONCEAL A MATERIAL FACT, ON AN APPLICATION TO OBTAIN A GRANT
45 PROVIDED FOR UNDER THIS SECTION.

46 (B) ANY APPLICANT WHO IS FOUND BY THE DIRECTOR, AFTER NOTICE AND A
47 HEARING, TO HAVE RECEIVED A GRANT PROVIDED FOR UNDER THIS SECTION BASED
48 UPON AN APPLICATION WHICH VIOLATED PARAGRAPH (A) OF THIS SUBDIVISION
49 SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED TWO HUNDRED FIFTY
50 DOLLARS.

51 S 2. This act shall take effect on the ninetieth day after it shall
52 have become a law; provided, however, that effective immediately, the
53 addition, amendment and/or repeal of any rule or regulation necessary
54 for the implementation of this act on its effective date are authorized
55 and directed to be made and completed on or before such effective date.