

4136

2011-2012 Regular Sessions

I N A S S E M B L Y

February 1, 2011

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the
Committee on Health

AN ACT to amend the elder law, in relation to cost of living and
marriage penalty adjustments to eligibility standards for the program
for elderly pharmaceutical insurance coverage

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

1 Section 1. Section 254 of the elder law is amended to read as follows:
2 S 254. ADJUSTMENTS. 1. Cost of living adjustment. [1.] (A) Within
3 amounts appropriated, the panel shall adjust the program eligibility
4 standards set forth in subdivision two of section two hundred forty-two
5 of this title to account for increases in the cost of living.
6 [2.] (B) The panel shall further adjust individual and joint income
7 categories set forth in subdivisions two and four of section two hundred
8 forty-eight of this title to conform to the adjustments made pursuant to
9 THIS subdivision [one of this section].
10 2. MARRIAGE PENALTY ADJUSTMENT. THE PANEL SHALL FURTHER ADJUST
11 INCOME, REGISTRATION FEES, DEDUCTIBLES, AND OTHER PROGRAM COMPONENTS TO
12 ELIMINATE THE EPIC MARRIAGE PENALTY, AS FOLLOWS:
13 (A) FOR PURPOSES OF SUBDIVISIONS TWO AND FOUR OF SECTIONS TWO HUNDRED
14 FORTY-SEVEN AND TWO HUNDRED FORTY-EIGHT OF THIS TITLE, JOINT INCOME
15 SHALL BE DEFINED AS INCOME, AS SUCH TERM IS DEFINED IN SECTION TWO
16 HUNDRED FORTY-ONE OF THIS TITLE AND AS ADJUSTED PURSUANT TO SUBDIVISION
17 ONE OF THIS ACTION, DIVIDED BY TWO.
18 (B) THE QUARTERLY REGISTRATION FEE ESTABLISHED PURSUANT TO SECTION TWO
19 HUNDRED FORTY-SEVEN OF THIS TITLE, AND THE LIMITS ON POINT OF SALE
20 CO-PAYMENTS ESTABLISHED PURSUANT TO SUBDIVISION FOUR OF SUCH SECTION, AS
21 SUCH ITEMS MAY BE OR HAVE BEEN ADJUSTED BY THE PANEL PURSUANT TO SUBDI-
22 VISION ONE OF THIS SECTION AND OTHER SECTIONS OF THIS CHAPTER, FOR EACH
23 MARRIED INDIVIDUAL PROGRAM PARTICIPANT SHALL BE SET AT A LEVEL THAT IS
24 NOT GREATER THAN THE QUARTERLY REGISTRATION FEE AND THE LIMIT ON POINT

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

LBD04202-01-1

1 OF SALE CO-PAYMENTS FOR UNMARRIED INDIVIDUAL PROGRAM PARTICIPANTS WHOSE
2 INCOME EQUALS JOINT INCOME AS DEFINED IN PARAGRAPH (A) OF THIS SUBDIVI-
3 SION.

4 (C) THE ANNUAL PERSONAL COVERED DRUG EXPENDITURES FOR EACH MARRIED
5 INDIVIDUAL ELIGIBLE PROGRAM PARTICIPANT ESTABLISHED PURSUANT TO SECTION
6 TWO HUNDRED FORTY-EIGHT OF THIS TITLE AS ADJUSTED BY THE PANEL PURSUANT
7 TO SUBDIVISION ONE OF THIS SECTION AND OTHER SECTIONS OF THIS CHAPTER,
8 SHALL BE SET BY THE PANEL AT A LEVEL WHICH IS NO GREATER THAN THE
9 PERSONAL COVERED DRUG EXPENDITURES FOR UNMARRIED INDIVIDUAL ELIGIBLE
10 PROGRAM PARTICIPANTS WHOSE INCOME, AS ADJUSTED PURSUANT TO SUBDIVISION
11 ONE OF THIS SECTION, EQUALS JOINT INCOME AS ADJUSTED PURSUANT TO PARA-
12 GRAPH (A) OF THIS SUBDIVISION.

13 (D) THE LIMITS ON POINT OF SALE CO-PAYMENTS ESTABLISHED PURSUANT TO
14 SUBDIVISION FOUR OF SECTIONS TWO HUNDRED FORTY-SEVEN AND TWO HUNDRED
15 FORTY-EIGHT OF THIS TITLE, AS ADJUSTED BY THE PANEL PURSUANT TO SUBDIVI-
16 SION ONE OF THIS SECTION AND OTHER SECTIONS OF THIS CHAPTER, FOR EACH
17 MARRIED INDIVIDUAL PROGRAM PARTICIPANT SHALL BE SET AT A LEVEL THAT IS
18 NO GREATER THAN THE LIMIT ON POINT OF SALE CO-PAYMENTS FOR UNMARRIED
19 INDIVIDUAL PROGRAM PARTICIPANTS WHOSE INCOME EQUALS JOINT INCOME AS
20 DEFINED IN PARAGRAPH (A) OF THIS SUBDIVISION.

21 (E) THE PANEL SHALL MAKE THE ADJUSTMENTS REQUIRED BY THIS SUBDIVISION
22 ON A FOUR-YEAR SCHEDULE WHICH IT SHALL ADOPT AFTER CONSULTATION WITH THE
23 DIVISION OF THE BUDGET BEGINNING WITH THE FISCAL YEAR NEXT SUCCEEDING
24 THE DATE ON WHICH THIS SUBDIVISION SHALL HAVE BECOME EFFECTIVE.

25 S 2. This act shall take effect on the first of April next succeeding
26 the date on which it shall have become a law.