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

4441

2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

Introduced by M. of A. BOYLE -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to establishing an EPIC spend-down program

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

Section 1. Subdivision 3 of section 242 of the elder law is renumbered subdivision 4 and a new subdivision 3 is added to read as follows:

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, SENIORS WHO DO NOT QUALIFY FOR EPIC BASED ON INCOME MAY QUALIFY FOR THE EPIC SPEND-DOWN PROGRAM IF CERTAIN ELIGIBILITY REQUIREMENTS ESTABLISHED PURSUANT TO PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION ARE MET.

(A) ANY UNMARRIED RESIDENT WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE AND WHOSE INCOME FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF ANNUAL COVERAGE FOR THE PERIOD BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND TWELVE, IS MORE THAN THIRTY-FIVE THOUSAND DOLLARS, BUT DOES NOT EXCEED THE SUM OF FORTY THOUSAND DOLLARS, SHALL QUALIFY FOR THE EPIC SPEND-DOWN PROGRAM PROVIDED THAT SUCH INDIVIDUAL SPENDS AT LEAST FIVE THOUSAND DOLLARS IN OUT-OF-POCKET PHARMACEUTICAL EXPENSES WHICH SHALL BE DOCUMENTED ON FORMS PRESCRIBED BY THE COMMISSIONER OF HEALTH. AFTER THE INITIAL DETERMINATION OF ELIGIBILITY, EACH ELIGIBLE INDIVIDUAL MUST REAPPLY ANNUALLY FOR CONTINUED ELIGIBILITY.

(B) ANY MARRIED RESIDENT WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE AND WHOSE INCOME FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF ANNUAL COVERAGE FOR THE PERIOD BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND TWELVE, IS MORE THAN FIFTY THOUSAND DOLLARS, BUT DOES NOT EXCEED THE SUM OF FIFTY-FIVE THOUSAND DOLLARS, SHALL QUALIFY FOR THE EPIC SPEND-DOWN PROGRAM IF SUCH INDIVIDUAL SPENDS AT LEAST TEN THOUSAND DOLLARS IN OUT-OF-POCKET PHARMACEUTICAL EXPENSES WHICH SHALL BE DOCUMENTED ON FORMS PRESCRIBED BY THE COMMISSIONER OF HEALTH. AFTER THE

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

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INITIAL DETERMINATION OF ELIGIBILITY, EACH ELIGIBLE INDIVIDUAL MUST REAPPLY ANNUALLY FOR CONTINUED ELIGIBILITY.

(C) INDIVIDUALS WHO MEET THE REQUIREMENTS OF THE EPIC SPEND-DOWN PROGRAM SHALL BE ELIGIBLE FOR PROGRAM BENEFITS AS IF THE INDIVIDUALS QUALIFIED FOR THE HIGHEST INCOME LEVEL UNDER THE CATASTROPHIC COVERAGE PURSUANT TO SUBDIVISION TWO OF THIS SECTION AND SECTION TWO HUNDRED FORTY-EIGHT OF THIS TITLE. FOR THE PURPOSES OF THIS SUBDIVISION ALL DEDUCTIBLE REQUIREMENTS SHALL BE WAIVED FOR ELIGIBLE INDIVIDUALS.

(D) FOR THE PURPOSES OF THIS SUBDIVISION, "OUT-OF-POCKET PHARMACEUTICAL EXPENSES" MEANS PHARMACEUTICAL COSTS THAT WOULD OTHERWISE BE COVERED BY THE EPIC PROGRAM IF SUCH INDIVIDUAL OR INDIVIDUALS WOULD HAVE MET THE ORIGINAL INCOME REQUIREMENTS OF THIS SECTION.

(E) THE COMMISSIONER OF HEALTH IS HEREBY DIRECTED TO DEVELOP A STANDARDIZED FORM TO BE PROVIDED TO ELIGIBLE PERSONS FOR THE PURPOSES OF LEGAL DOCUMENTATION AND VERIFICATION OF OUT-OF-POCKET EXPENSES. SUCH FORM SHALL BE AFFIXED TO THE EPIC APPLICATION.

S 2. This act shall take effect on January 1, 2012.