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

5178

2011-2012 Regular Sessions

I N A S S E M B L Y

February 14, 2011

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

AN ACT to amend the social services law, in relation to authorizing Medicaid coverage to disabled persons attending an out-of-state college or university who are in need of continuous medical care

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

Section 1. Section 366 of the social services law is amended by adding a new subdivision 14 to read as follows:

14. (A) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THIS CHAPTER OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, A DISABLED PERSON SHALL BE ELIGIBLE FOR MEDICAL ASSISTANCE WHERE HE OR SHE IS ATTENDING A COLLEGE OR UNIVERSITY OUTSIDE OF THE STATE AND SUCH PERSON REQUIRES CONTINUOUS MEDICAL CARE AND IS A DOMICILIARY OF THE STATE OF NEW YORK.

(B) DISABLED PERSONS SHALL CONTINUE TO RECEIVE MEDICAL ASSISTANCE FOR SERVICES AND CARE THEY RECEIVED WHILE IN THE STATE IF SUCH SERVICES AND CARE ARE NEEDED WHILE ATTENDING AN OUT-OF-STATE COLLEGE OR UNIVERSITY.

(C) PERSONS ELIGIBLE FOR THE PROVISIONS OF THIS SUBDIVISION SHALL PROVIDE TO THEIR LOCAL DEPARTMENT OF SOCIAL SERVICES, PROOF OF ENROLLMENT EVERY SEMESTER IN THE OUT-OF-STATE COLLEGE OR UNIVERSITY.

(D) FOR PURPOSES OF THIS SUBDIVISION:

(1) "DOMICILIARY" SHALL MEAN A PERSON WHOSE DOMICILE IS WITHIN THE STATE OF NEW YORK.

(2) "DOMICILE" SHALL MEAN A FIXED, PERMANENT AND PRINCIPAL HOME TO WHICH A PERSON WHEREVER TEMPORARILY LOCATED ALWAYS INTENDS TO RETURN.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

LBD06874-02-1