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

7159

2011-2012 Regular Sessions

I N A S S E M B L Y

April 14, 2011

Introduced by M. of A. J. MILLER, BOYLE, CASTELLI, TEDISCO -- Multi-Sponsored by -- M. of A. CAHILL, CROUCH, MAYERSOHN, SAYWARD -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to establishing an elderly dental insurance coverage program; and making an appropriation therefor

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

Section 1. Article 2 of the elder law is amended by adding a new title 5 to read as follows:

TITLE 5
ELDERLY DENTAL INSURANCE
COVERAGE PROGRAM

SECTION 270. DEFINITIONS.
271. ELDERLY DENTAL INSURANCE COVERAGE PROGRAM.
272. PROGRAM ELIGIBILITY.
273. REGULATIONS.
274. PENALTIES FOR FRAUD AND ABUSE.

S 270. DEFINITIONS. FOR PURPOSES OF THIS TITLE, THE TERMS:

1. "INCOME" SHALL MEAN "HOUSEHOLD GROSS INCOME" AS DEFINED IN THE REAL PROPERTY TAX CIRCUIT BREAKER CREDIT PROGRAM, PURSUANT TO SUBPARAGRAPH (C) OF PARAGRAPH ONE OF SUBSECTION (E) OF SECTION SIX HUNDRED SIX OF THE TAX LAW, BUT ONLY SHALL INCLUDE THE INCOME OF PROGRAM APPLICANTS AND SPOUSES AND SHALL EXCLUDE THE INCOME OF OTHER MEMBERS OF THE HOUSEHOLD.

2. "RESIDENT" SHALL MEAN AN INDIVIDUAL LEGALLY DOMICILED WITHIN THE STATE.

S 271. ELDERLY DENTAL INSURANCE COVERAGE PROGRAM. THE DIRECTOR SHALL ESTABLISH AN ELDERLY DENTAL INSURANCE COVERAGE PROGRAM, IN CONSULTATION WITH THE COMMISSIONER OF CIVIL SERVICE, WITHIN THE STATE EMPLOYEE DENTAL INSURANCE PLAN. SUCH PROGRAM SHALL PROVIDE COMPREHENSIVE AND ROUTINE DENTAL CARE SERVICES TO SENIOR RESIDENTS WHO MEET THE PROGRAM ELIGIBIL-

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

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ITY REQUIREMENTS ESTABLISHED IN SECTION TWO HUNDRED SEVENTY-TWO OF THIS TITLE. SUCH PROGRAM SHALL ONLY BE AVAILABLE IN DUTCHESS, KINGS, SARATOGA, SCHENECTADY, ULSTER, WARREN AND WASHINGTON COUNTIES UNTIL SUCH DATE THAT THE DIRECTOR DETERMINES THAT EXPANDING SUCH PROGRAM SHALL BE APPROPRIATE.

S 272. PROGRAM ELIGIBILITY. 1. PERSONS ELIGIBLE FOR COVERAGE UNDER SECTION TWO HUNDRED SEVENTY-ONE OF THIS TITLE SHALL INCLUDE:

(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 THIS TITLE, IS LESS THAN OR EQUAL TO TWENTY-TWO THOUSAND DOLLARS. AFTER THE INITIAL DETERMINATION OF ELIGIBILITY, EACH ELIGIBLE INDIVIDUAL MUST BE REDETERMINED ELIGIBLE AT LEAST EVERY TWENTY-FOUR MONTHS; AND

(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 THE ANNUAL COVERAGE PERIOD WHEN COMBINED WITH THE INCOME IN THE SAME CALENDAR YEAR OF SUCH MARRIED PERSON'S SPOUSE BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, IS LESS THAN OR EQUAL TO TWENTY-FIVE THOUSAND DOLLARS. AFTER THE INITIAL DETERMINATION OF ELIGIBILITY, EACH ELIGIBLE INDIVIDUAL MUST BE REDETERMINED ELIGIBLE AT LEAST EVERY TWENTY-FOUR MONTHS.

2. ELIGIBILITY FOR ASSISTANCE UNDER THIS TITLE SHALL NOT BE GRANTED TO ANY PERSON WHO AT THE TIME AN APPLICATION IS MADE IS RECEIVING EQUIVALENT OR BETTER COVERAGE FROM ANY OTHER PUBLIC OR PRIVATE THIRD PARTY PAYMENT SOURCE OR INSURANCE PLAN THAN THOSE BENEFITS PROVIDED FOR UNDER THIS TITLE.

3. THE DIRECTOR SHALL ESTABLISH A SLIDING SCALE SUCH THAT THE MORE INCOME A PERSON ELIGIBLE FOR COVERAGE PURSUANT TO THIS TITLE HAS, THE HIGHER SUCH PERSON'S PREMIUM AND PROGRAM COSTS SHALL BE. THE EXACT AMOUNT OF PREMIUM EXPENSE PER ELIGIBLE PERSON SHALL BE DETERMINED BY THE CURRENT NEGOTIATED PREMIUM BETWEEN THE STATE AND THE STATE EMPLOYEE DENTAL PLAN.

S 273. REGULATIONS. PROGRAM REGULATIONS SHALL:

1. PROVIDE FOR A PROCESS OF DETERMINING AND REDETERMINING ELIGIBILITY FOR PARTICIPATION IN THIS PROGRAM INCLUDING PROVISIONS FOR SUBMISSION OF PROOF OF INCOME, AGE, AND RESIDENCY AND INFORMATION ON EXISTING COMPLETE OR PARTIAL COVERAGE OF DENTAL EXPENSES UNDER A THIRD PARTY ASSISTANCE OR INSURANCE PLAN;

2. PROVIDE FOR A FAIR HEARING PROCESS FOR INDIVIDUALS AND PARTICIPATING DENTISTS TO APPEAL DETERMINATIONS OR ACTIONS OF THE CONTRACTORS;

3. ESTABLISH PROCEDURES FOR THE STATE TO RECOVER THE VALUE OF BENEFITS OR PAYMENTS MADE UNDER THIS TITLE, IF ANY, THAT WERE BASED ON APPLICATIONS OR CLAIMS SUBMITTED IN VIOLATION OF ANY PROVISION OF THIS TITLE; AND

4. ESTABLISH PROCEDURES TO ENSURE THAT ALL INFORMATION OBTAINED ON PERSONS PURSUANT TO THIS TITLE SHALL REMAIN CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO PERSONS OR AGENCIES OTHER THAN THOSE ENTITLED TO SUCH INFORMATION BECAUSE SUCH DISCLOSURE IS NECESSARY FOR THE PROPER ADMINISTRATION OF THE PROGRAM ESTABLISHED PURSUANT TO THIS TITLE.

S 274. PENALTIES FOR FRAUD AND ABUSE. 1. ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT OR REPRESENTATION, OR WHO BY DELIBERATE CONCEALMENT OF ANY MATERIAL FACT, OR BY IMPERSONATION OR OTHER FRAUDULENT DEVICE, OBTAINS OR ATTEMPTS TO OBTAIN OR AIDS OR ABETS ANY PERSON TO OBTAIN ANY BENEFIT UNDER THIS TITLE TO WHICH HE OR SHE IS NOT ENTITLED, SHALL BE GUILTY OF A VIOLATION PUNISHABLE BY A FINE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS PER OCCURRENCE.

2. ANY PERSON WHO, HAVING MADE APPLICATION TO RECEIVE ANY BENEFIT UNDER THIS TITLE FOR THE USE AND BENEFIT OF ANOTHER AND HAVING RECEIVED IT, KNOWINGLY AND WILLFULLY CONVERTS SUCH BENEFIT OR ANY PART THEREOF TO A USE OTHER THAN FOR THE USE AND BENEFIT OF SUCH OTHER PERSON, SHALL BE GUILTY OF A VIOLATION PUNISHABLE BY A FINE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS PER OCCURRENCE.

3. ANY PERSON WHO, WITH INTENT TO DEFRAUD, PRESENTS FOR ALLOWANCE OR PAYMENT ANY FALSE OR FRAUDULENT CLAIM FOR FURNISHING SERVICES OR MERCHANDISE, OR KNOWINGLY SUBMITS FALSE INFORMATION FOR THE PURPOSE OF OBTAINING GREATER COMPENSATION THAN THAT TO WHICH HE OR SHE IS LEGALLY ENTITLED FOR FURNISHING SERVICES OR MERCHANDISE, OR KNOWINGLY SUBMITS FALSE INFORMATION FOR THE PURPOSE OF OBTAINING AUTHORIZATION FOR FURNISHING SERVICES OR MERCHANDISE UNDER THIS TITLE, SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

S 2. The sum of twenty million dollars ($20,000,000), or so much thereof as may be necessary, is hereby appropriated to the department of civil service out of any moneys in the state treasury in the general fund to the credit of the local assistance account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the president of the department of civil service in the manner prescribed by law.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.