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

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I N A S S E M B L Y

January 20, 2012

Introduced by M. of A. MILLMAN, DINOWITZ, JACOBS, PAULIN, BENEDETTO, LANCMAN, KELLNER, BROOK-KRASNY, CASTRO, CRESPO, GUNTHER, JAFFEE, ROBINSON, COLTON, V. LOPEZ, ORTIZ, CLARK, ROSENTHAL, BARRON -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, BRENNAN, BURLING, CALHOUN, DUPREY, FINCH, GALEF, GLICK, GOTTFRIED, MAGEE, MAISEL, McDONOUGH, McENENY, McKEVITT, RAIA, REILLY, SAYWARD, SCARBOROUGH, STEVENSON, 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:

Section 1. The elder law is amended by adding a new section 215-c to read as follows:

S 215-C. SENIOR DENTAL SERVICES GRANT PROGRAM. 1. AS USED IN THIS SECTION:

(A) "DENTAL SERVICES" SHALL INCLUDE, BUT NOT BE LIMITED TO, DIAGNOSES, TESTS, STUDIES, TREATMENT OR ANALYSES UNDER THE CARE AND SUPERVISION OF A LICENSED DENTIST WHO IS AUTHORIZED TO PRACTICE IN THIS STATE. THESE SERVICES MAY ALSO INCLUDE, BUT NOT BE LIMITED TO, CLIENT ASSESSMENT, INFORMATION AND REFERRALS.

(B) "ELDERLY" SHALL MEAN AN INDIVIDUAL SIXTY-FIVE YEARS OF AGE OR OLDER.

(C) "DIRECTOR" SHALL MEAN THE DIRECTOR OF THE OFFICE FOR THE AGING.

(D) "COVERAGE PERIOD" SHALL MEAN TWENTY-FOUR CONSECUTIVE CALENDAR MONTHS FOR WHICH AN ELIGIBLE PROGRAM PARTICIPANT HAS MET THE ELIGIBILITY REQUIREMENTS OF SUBDIVISION THREE OF THIS SECTION.

2. THE DIRECTOR IS HEREBY AUTHORIZED AND DIRECTED, SUBJECT TO THE AVAILABILITY OF APPROPRIATIONS, TO ESTABLISH A GRANT PROGRAM FOR DENTAL SERVICES TO ELIGIBLE ELDERLY PERSONS WHO ARE IN NEED OF SUCH SERVICES.

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

(A) ELDERLY UNMARRIED RESIDENTS WHOSE INCOME FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THE COVERAGE PERIOD IS LESS

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

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THAN OR EQUAL TO TWENTY THOUSAND DOLLARS AND WHO HAVE NO DENTAL INSURANCE; AND

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

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

(A) A PROCESS OF DETERMINING AND RE-DETERMINING ELIGIBILITY AT THE END OF EACH COVERAGE PERIOD FOR RECEIVING SERVICES UNDER THIS GRANT 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;

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

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

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

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

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

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

(D) PROFILES OF THE GRANT RECIPIENTS; AND

(E) OTHER INFORMATION DEEMED NECESSARY BY THE DIRECTOR.

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

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

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