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

9384

I N A S S E M B L Y

February 24, 2012

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

AN ACT to amend the social services law, in relation to aligning Medicaid optional services with private sector health benefits

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

Section 1. This act shall be known and may be cited as the "Medicaid taxpayer equity act."

S 2. The legislature hereby finds that it is fundamentally unfair to the taxpayers of the state for Medicaid optional services to exceed the minimum health insurance benefits levels that are required for private sector health insurance plans. Higher benefit levels for Medicaid compared to private insurance create a disincentive for people to leave public assistance and accept private employment and private health coverage. Higher Medicaid benefit levels are also a contributing factor causing the state to have the highest Medicaid costs in the nation and some of the highest property taxes in the nation. The purpose of this act is to ensure that Medicaid optional services for adults do not exceed the minimum health insurance benefit levels that apply to private insurance plans, other than long-term care services.

S 3. Title 11 of article 5 of the social services law is amended by adding a new section 362 to read as follows:

S 362. BENEFITS PROVIDED UNDER THIS TITLE FOR MEDICAID OPTIONAL SERVICES. THE STATE SHALL NOT OFFER TO INDIVIDUALS OVER THE AGE OF TWENTY-ONE YEARS MEDICAID OPTIONAL SERVICES THAT EXCEED THE MINIMUM BENEFITS REQUIRED FOR HEALTH CARE PLANS UNDER ARTICLE FORTY-THREE OF THE INSURANCE LAW. THIS SECTION SHALL NOT APPLY TO MEDICAID LONG-TERM CARE SERVICES.

S 4. The commissioner of the department of health shall submit to the federal department of health and human services for approval any amendments to the state plan required by this act. Furthermore, the commissioner of the department of health shall have the authority to promulgate or amend any regulations necessary for the implementation of this act.

S 5. This act shall take effect on the one hundred twentieth day after it shall have become a law.

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

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