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

3072--A

2011-2012 Regular Sessions

I N S E N A T E

February 8, 2011

Introduced by Sens. HUNTLEY, DIAZ, MONTGOMERY, OPPENHEIMER, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to medicaid eligibility for youth leaving court ordered placement

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

Section 1. Section 364-i of the social services law is amended by adding a new subdivision 7 to read as follows:

7. YOUTH LEAVING COURT ORDERED PLACEMENT; PRESUMPTIVE ELIGIBILITY. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, YOUTH WHO HAVE BEEN PLACED PURSUANT TO SUBDIVISION THREE OR FOUR OF SECTION 353.3 OF THE FAMILY COURT ACT, SHALL BE PRESUMED ELIGIBLE FOR MEDICAL ASSISTANCE UNDER THIS TITLE BEGINNING ON THE DATE OF THEIR RELEASE FROM SUCH PLACEMENT.

(B) SUCH PRESUMPTIVE ELIGIBILITY SHALL CONTINUE THROUGH THE EARLIER OF THE DAY ON WHICH A DETERMINATION IS MADE WITH RESPECT TO THE ELIGIBILITY OF THE YOUTH FOR ASSISTANCE PURSUANT TO THIS TITLE, OR IN THE CASE OF A YOUTH FOR WHOM AN APPLICATION FOR ASSISTANCE PURSUANT TO THIS TITLE IS NOT FILED ON HIS OR HER BEHALF OR WHO DOES NOT FILE AN APPLICATION FOR SUCH ASSISTANCE, SIXTY DAYS FROM THE RELEASE OF SUCH YOUTH FROM PLACEMENT ORDERED PURSUANT TO SUBDIVISION THREE OR FOUR OF SECTION 353.3 OF THE FAMILY COURT ACT.

(C) CARE, SERVICES AND SUPPLIES, AS SET FORTH IN SECTION THREE HUNDRED SIXTY-FIVE-A OF THIS TITLE, THAT ARE FURNISHED TO A YOUTH DURING A PRESUMPTIVE ELIGIBILITY PERIOD UNDER THIS SUBDIVISION BY AN ENTITY THAT IS ELIGIBLE FOR PAYMENTS UNDER THIS TITLE SHALL BE DEEMED TO BE MEDICAL ASSISTANCE FOR PURPOSES OF PAYMENT AND STATE REIMBURSEMENT.

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

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S 2. Paragraph (c) of subdivision 3 of section 364-j of the social services law is amended by adding a new subparagraph (x) to read as follows:

(X) A YOUTH WHO HAS LEFT PLACEMENT ORDERED PURSUANT TO SUBDIVISION THREE OR FOUR OF SECTION 353.3 OF THE FAMILY COURT ACT WITHIN THE LAST SIXTY DAYS WHO:

A. IS CONSIDERED TO BE PRESUMPTIVELY ELIGIBLE FOR ASSISTANCE UNDER THIS TITLE PURSUANT TO SUBDIVISION SEVEN OF SECTION THREE HUNDRED SIXTY-FOUR-I OF THIS TITLE, AND

B. WOULD NOT BE DEEMED INELIGIBLE TO PARTICIPATE IN A MANAGED CARE PROGRAM PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION.

S 3. This act shall take effect on the ninetieth day after it shall have become a law; provided however, that effective immediately, the office of children and family services and the department of health shall promulgate any rules or regulations necessary for the implementation of this act on such effective date; and provided further that the amendments to section 364-j of the social services law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.