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

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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. CAHILL, GOTTFRIED, JACOBS, WEISENBERG, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. BRENNAN, CANESTRARI, COLTON, COOK, CYMBROWITZ, DESTITO, GUNTHER, McENENY, MILLMAN, PAULIN, PERRY, PHEFFER, J. RIVERA, SWEENEY, TOWNS, WRIGHT -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to level of medical assistance for durable medical equipment for medicare beneficiaries

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

Section 1. Subdivision 1 of section 367-a of the social services law is amended by adding a new paragraph (g) to read as follows:

(G) AMOUNTS PAYABLE UNDER THIS TITLE FOR MEDICAL ASSISTANCE IN THE FORM OF DURABLE MEDICAL EQUIPMENT (WHICH SHALL BE LIMITED TO: WHEELED MOBILITY EQUIPMENT INCLUDING, BUT NOT LIMITED TO, MANUAL WHEELCHAIRS, POWERED MOBILITY AND WHEELCHAIR ACCESSORIES INCLUDING, BUT NOT LIMITED TO, SEATING AND POSITIONING ADAPTATIONS; AND AUGMENTATIVE COMMUNICATION OR SPEECH GENERATING DEVICES AND ACCESSORIES) PURSUANT TO PARAGRAPH (G) OF SUBDIVISION TWO OF SECTION THREE HUNDRED SIXTY-FIVE-A OF THIS TITLE, PROVIDED TO ELIGIBLE PERSONS WHO ARE ALSO BENEFICIARIES UNDER TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT SHALL NOT BE LESS THAN AND SHALL BE BASED ON THE APPROVAL PROCEDURES AND PAYMENT LEVELS SO AUTHORIZED FOR ELIGIBLE INDIVIDUALS WHO ARE NOT ELIGIBLE PURSUANT TO SUCH TITLE XVIII, LESS ANY PAYMENTS RECEIVED UNDER SUCH TITLE XVIII.

S 2. This act shall take effect immediately.

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

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