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

2285

2011-2012 Regular Sessions

I N A S S E M B L Y

January 14, 2011

Introduced by M. of A. SCHIMMINGER, BOYLAND, SCHROEDER, GABRYSZAK -- Multi-Sponsored by -- M. of A. GIGLIO, HOOPER, MAGEE, N. RIVERA -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to allowing local social services districts discretion to provide certain medicaid services and to cover certain categories of eligibility

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

Section 1. Section 365-a of the social services law is amended by adding a new subdivision 10 to read as follows:

10. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION OR OF ANY OTHER PROVISION OF THIS CHAPTER OR OTHER LAW, EACH LOCAL SOCIAL SERVICES DISTRICT IS HEREBY AUTHORIZED TO DETERMINE WHICH, IF ANY, SERVICES IT CHOOSES TO PROVIDE TO ELIGIBLE PERSONS OF THOSE SERVICES OTHERWISE REQUIRED TO BE PROVIDED BY APPLICABLE STATE LAW BUT NOT REQUIRED TO BE PROVIDED BY FEDERAL LAW.

S 2. Section 366 of the social services law is amended by adding a new subdivision 10 to read as follows:

10. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION OR OF ANY OTHER PROVISION OF THIS CHAPTER OR OTHER LAW, EACH LOCAL SOCIAL SERVICES DISTRICT IS HEREBY AUTHORIZED TO DETERMINE TO WHICH, IF ANY, CATEGORIES OF ELIGIBILITY IT CHOOSES TO PROVIDE MEDICAL ASSISTANCE OTHERWISE REQUIRED TO BE PROVIDED BY APPLICABLE STATE LAW BUT NOT REQUIRED TO BE PROVIDED BY FEDERAL LAW.

S 3. The commissioner of health:

1. is authorized and directed to apply for any and all federal waivers required to implement the provisions of subdivision 10 of section 365-a and subdivision 10 of section 366 of the social services law;

2. shall promulgate any and all rules and regulations and take any other measures necessary to implement this act, including but not limited to developing a services and eligibility plan and distributing the

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

LBD02600-01-1

same to local social services districts whereby such districts may make such choices as are authorized by subdivision 10 of section 365-a and subdivision 10 of section 366 of the social services law, as added by sections one and two, respectively, of this act, and applicable federal waivers; and

3. shall specify dates by which such services and eligibility plans must be returned to said commissioner for review and approval to implement such plans. A district that does not have an approved plan by the deadline set therefor by the commissioner shall provide all services and categories of eligibility required under the state plan as in effect at that time.

S 4. This act shall take effect immediately.