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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. WEINSTEIN, JACOBS, ORTIZ -- Multi-Sponsored by --
M. of A. BRENNAN, CLARK, COOK, CYMBROWITZ, DESTITO, DINOWITZ, GALEF,
GLICK, HIKIND, MCENENY, MILLMAN, SCARBOROUGH -- read once and referred
to the Committee on Health

AN ACT to amend the social services law, in relation to defining the
kind of assistance required for a recipient to obtain medicaid
personal care services

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

1 Section 1. Paragraph (e) of subdivision 2 of section 365-a of the
2 social services law, as amended by chapter 170 of the laws of 1994, is
3 amended to read as follows:
4 (e) personal care services, including personal emergency response
5 services, shared aide and an individual aide, furnished to an individual
6 who is not an inpatient or resident of a hospital, nursing facility,
7 intermediate care facility for the mentally retarded, or institution for
8 mental disease, as determined to meet the recipient's needs for assist-
9 ance [when cost effective and appropriate in accordance with section
10 three hundred sixty-seven-k and section three hundred sixty-seven-o of
11 this title], INCLUDING HANDS-ON ASSISTANCE, SUPERVISION AND CUING, TO
12 ENSURE SAFE PERFORMANCE OF ALL ACTIVITIES OF DAILY LIVING AND INSTRU-
13 MENTAL ACTIVITIES OF DAILY LIVING FOR PERSONS WITH PHYSICAL OR COGNITIVE
14 IMPAIRMENTS, and when prescribed by a physician, in accordance with the
15 recipient's plan of treatment and provided by individuals who are quali-
16 fied to provide such services, who are supervised by a registered nurse
17 and who are not members of the recipient's family, and furnished in the
18 recipient's home or other location.
19 ASSISTANCE WITH ACTIVITIES OF DAILY LIVING, AS USED IN THIS PARAGRAPH,
20 INCLUDES ASSISTANCE WITH EATING, BATHING, DRESSING, GROOMING, TOILETING,
21 MAINTAINING CONTINENCE, TRANSFERRING, MOBILITY INSIDE AND OUTSIDE OF THE

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

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1 HOME, AND ASSISTANCE WITH THE ADMINISTRATION OF MEDICATIONS BY THE
2 RECIPIENT. ASSISTANCE WITH INSTRUMENTAL ACTIVITIES OF DAILY LIVING, AS
3 USED IN THIS PARAGRAPH, INCLUDES ASSISTANCE WITH MEAL PREPARATION, SHOP-
4 PING, LAUNDRY, HOUSEKEEPING (MAKING AND CHANGING BEDS, WASHING DISHES,
5 VACUUMING, SWEEPING, AND DUSTING), USING THE TELEPHONE, PAYMENT OF
6 BILLS, AND OTHER ESSENTIAL ERRANDS;
7 S 2. This act shall take effect on the one hundred twentieth day after
8 it shall have become a law, provided, however, that effective immediate-
9 ly, the addition, amendment and/or repeal of any rules or regulations
10 necessary for the implementation of the foregoing section of this act on
11 its effective date is authorized and directed to be made and completed
12 on or before such effective date.