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

9227

I N A S S E M B L Y

February 7, 2012

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

AN ACT to amend the social services law, in relation to the definition of "estate" for purposes of medical assistance for the needy

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

Section 1. Subdivision 6 of section 369 of the social services law, as amended by section 53 of part H of chapter 59 of the laws of 2011, is amended to read as follows:

6. For purposes of this section, [an individual's] THE TERM "estate" [includes] MEANS all [of the individual's] real and personal property and other assets INCLUDED WITHIN THE INDIVIDUAL'S ESTATE AND passing under the terms of a valid will or by intestacy. [Pursuant to regulations adopted by the commissioner, which may be promulgated on an emergency basis, an individual's estate also includes any other property in which the individual has any legal title or interest at the time of death, including jointly held property, retained life estates, and interests in trusts, to the extent of such interests; provided, however, that a claim against a recipient of such property by distribution or survival shall be limited to the value of the property received or the amount of medical assistance benefits otherwise recoverable pursuant to this section, whichever is less. Nothing in this subdivision shall be construed as authorizing the department or a social services district to impose liens or make recoveries that are prohibited by federal laws governing the medical assistance program.]

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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