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I N A S S E M B L Y

February 24, 2012

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

AN ACT to amend the social services law, in relation to aligning Medicaid optional services with private sector health benefits

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

1 Section 1. This act shall be known and may be cited as the "Medicaid
2 taxpayer equity act."

3 S 2. The legislature hereby finds that it is fundamentally unfair to
4 the taxpayers of the state for Medicaid optional services to exceed the
5 minimum health insurance benefits levels that are required for private
6 sector health insurance plans. Higher benefit levels for Medicaid
7 compared to private insurance create a disincentive for people to leave
8 public assistance and accept private employment and private health
9 coverage. Higher Medicaid benefit levels are also a contributing factor
10 causing the state to have the highest Medicaid costs in the nation and
11 some of the highest property taxes in the nation. The purpose of this
12 act is to ensure that Medicaid optional services for adults do not
13 exceed the minimum health insurance benefit levels that apply to private
14 insurance plans, other than long-term care services.

15 S 3. Title 11 of article 5 of the social services law is amended by
16 adding a new section 362 to read as follows:

17 S 362. BENEFITS PROVIDED UNDER THIS TITLE FOR MEDICAID OPTIONAL
18 SERVICES. THE STATE SHALL NOT OFFER TO INDIVIDUALS OVER THE AGE OF TWEN-
19 TY-ONE YEARS MEDICAID OPTIONAL SERVICES THAT EXCEED THE MINIMUM BENEFITS
20 REQUIRED FOR HEALTH CARE PLANS UNDER ARTICLE FORTY-THREE OF THE INSUR-
21 ANCE LAW. THIS SECTION SHALL NOT APPLY TO MEDICAID LONG-TERM CARE
22 SERVICES.

23 S 4. The commissioner of the department of health shall submit to the
24 federal department of health and human services for approval any amend-
25 ments to the state plan required by this act. Furthermore, the commis-
26 sioner of the department of health shall have the authority to promul-
27 gate or amend any regulations necessary for the implementation of this
28 act.

29 S 5. This act shall take effect on the one hundred twentieth day after
30 it shall have become a law.

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

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