

5050

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 14, 2013

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Introduced by M. of A. ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. COLTON -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to cost of living and marriage penalty adjustments to eligibility standards for the program for elderly pharmaceutical insurance coverage

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

1     Section 1. Section 254 of the elder law, as amended by section 19 of  
2     part T of chapter 56 of the laws of 2012, is amended to read as follows:  
3     S 254. ADJUSTMENTS. 1. Cost of living adjustment. [1.] (A) Within  
4     amounts appropriated, the commissioner of health shall adjust the  
5     program eligibility standards set forth in subdivision two of section  
6     two hundred forty-two of this title to account for increases in the cost  
7     of living.  
8     [2.] (B) The commissioner shall further adjust individual and joint  
9     income categories set forth in subdivisions two and four of section two  
10    hundred forty-eight of this title to conform to the adjustments made  
11    pursuant to THIS subdivision [one of this section].  
12    2. MARRIAGE PENALTY ADJUSTMENT. THE COMMISSIONER SHALL FURTHER ADJUST  
13    INCOME, REGISTRATION FEES, DEDUCTIBLES, AND OTHER PROGRAM COMPONENTS TO  
14    ELIMINATE THE EPIC MARRIAGE PENALTY, AS FOLLOWS:  
15    (A) FOR PURPOSES OF SUBDIVISIONS TWO AND FOUR OF SECTIONS TWO HUNDRED  
16    FORTY-SEVEN AND TWO HUNDRED FORTY-EIGHT OF THIS TITLE, JOINT INCOME  
17    SHALL BE DEFINED AS INCOME, AS SUCH TERM IS DEFINED IN SECTION TWO  
18    HUNDRED FORTY-ONE OF THIS TITLE AND AS ADJUSTED PURSUANT TO SUBDIVISION  
19    ONE OF THIS SECTION, DIVIDED BY TWO.  
20    (B) THE QUARTERLY REGISTRATION FEE ESTABLISHED PURSUANT TO SECTION TWO  
21    HUNDRED FORTY-SEVEN OF THIS TITLE, AND THE LIMITS ON POINT OF SALE  
22    CO-PAYMENTS ESTABLISHED PURSUANT TO SUBDIVISION FOUR OF SUCH SECTION, AS  
23    SUCH ITEMS MAY BE OR HAVE BEEN ADJUSTED BY THE COMMISSIONER PURSUANT TO  
24    SUBDIVISION ONE OF THIS SECTION AND OTHER SECTIONS OF THIS CHAPTER, FOR

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

LBD07388-02-3

1 EACH MARRIED INDIVIDUAL PROGRAM PARTICIPANT SHALL BE SET AT A LEVEL THAT  
2 IS NOT GREATER THAN THE QUARTERLY REGISTRATION FEE AND THE LIMIT ON  
3 POINT OF SALE CO-PAYMENTS FOR UNMARRIED INDIVIDUAL PROGRAM PARTICIPANTS  
4 WHOSE INCOME EQUALS JOINT INCOME AS DEFINED IN PARAGRAPH (A) OF THIS  
5 SUBDIVISION.

6 (C) THE ANNUAL PERSONAL COVERED DRUG EXPENDITURES FOR EACH MARRIED  
7 INDIVIDUAL ELIGIBLE PROGRAM PARTICIPANT ESTABLISHED PURSUANT TO SECTION  
8 TWO HUNDRED FORTY-EIGHT OF THIS TITLE AS ADJUSTED BY THE COMMISSIONER  
9 PURSUANT TO SUBDIVISION ONE OF THIS SECTION AND OTHER SECTIONS OF THIS  
10 CHAPTER, SHALL BE SET BY THE COMMISSIONER AT A LEVEL WHICH IS NO GREATER  
11 THAN THE PERSONAL COVERED DRUG EXPENDITURES FOR UNMARRIED INDIVIDUAL  
12 ELIGIBLE PROGRAM PARTICIPANTS WHOSE INCOME, AS ADJUSTED PURSUANT TO  
13 SUBDIVISION ONE OF THIS SECTION, EQUALS JOINT INCOME AS ADJUSTED PURSU-  
14 ANT TO PARAGRAPH (A) OF THIS SUBDIVISION.

15 (D) THE LIMITS ON POINT OF SALE CO-PAYMENTS ESTABLISHED PURSUANT TO  
16 SUBDIVISION FOUR OF SECTIONS TWO HUNDRED FORTY-SEVEN AND TWO HUNDRED  
17 FORTY-EIGHT OF THIS TITLE, AS ADJUSTED BY THE COMMISSIONER PURSUANT TO  
18 SUBDIVISION ONE OF THIS SECTION AND OTHER SECTIONS OF THIS CHAPTER, FOR  
19 EACH MARRIED INDIVIDUAL PROGRAM PARTICIPANT SHALL BE SET AT A LEVEL THAT  
20 IS NO GREATER THAN THE LIMIT ON POINT OF SALE CO-PAYMENTS FOR UNMARRIED  
21 INDIVIDUAL PROGRAM PARTICIPANTS WHOSE INCOME EQUALS JOINT INCOME AS  
22 DEFINED IN PARAGRAPH (A) OF THIS SUBDIVISION.

23 (E) THE COMMISSIONER SHALL MAKE THE ADJUSTMENTS REQUIRED BY THIS  
24 SUBDIVISION ON A FOUR-YEAR SCHEDULE WHICH HE OR SHE SHALL ADOPT AFTER  
25 CONSULTATION WITH THE DIVISION OF THE BUDGET BEGINNING WITH THE FISCAL  
26 YEAR NEXT SUCCEEDING THE DATE ON WHICH THIS SUBDIVISION SHALL HAVE  
27 BECOME EFFECTIVE.

28 S 2. This act shall take effect on the first of April next succeeding  
29 the date on which it shall have become a law.