

1841

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. GIBSON -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to requiring that notice of potential liability be given to applicants for medical assistance or the family health plus program

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

1 Section 1. Section 369 of the social services law is amended by adding
2 a new subdivision 8 to read as follows:

3 8. (A) NO RECOVERY ACTION PURSUANT TO THIS SECTION, SECTIONS ONE
4 HUNDRED ONE, ONE HUNDRED FOUR AND ONE HUNDRED FOUR-B, PARAGRAPH (A) OF
5 SUBDIVISION THREE OF SECTION THREE HUNDRED SIXTY-SIX, SUBPARAGRAPH ONE
6 OF PARAGRAPH (H) OF SUBDIVISION FOUR OF SECTION THREE HUNDRED SIXTY-SIX,
7 AND PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION THREE HUNDRED SIXTY-SEV-
8 EN-A OF THIS CHAPTER SHALL BE MADE UNLESS THE APPLICANT HAS BEEN
9 INFORMED, IN WRITING, THAT HE OR SHE MAY BE LIABLE TO REIMBURSE THE
10 STATE OR THE LOCAL DEPARTMENT FOR SUCH MEDICAL ASSISTANCE RECEIVED OR
11 FOR BENEFITS RECEIVED PURSUANT THERETO.

12 (B) THE WRITTEN NOTICE SHALL DETAIL, IN PLAIN LANGUAGE, THE CONDITIONS
13 UNDER WHICH THE LOCAL DEPARTMENT OR LOCAL SOCIAL SERVICES DISTRICT MAY
14 IMPOSE ANY LIEN ON THE PERSONAL PROPERTY OR ESTATE OF A RECIPIENT OF
15 MEDICAL ASSISTANCE.

16 (C) THE COMMISSIONER MAY PROVIDE SUCH NOTICE AS PART OF THE APPLICA-
17 TION FOR MEDICAL ASSISTANCE.

18 S 2. This act shall take effect on the one hundred eightieth day after
19 it shall have become a law; provided, that, effective immediately any
20 rules, regulations and forms necessary to implement the provisions of
21 this act are authorized and directed to be completed on or before such
22 date.

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

LBD00613-01-3