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

2883

2013-2014 Regular Sessions

I N A S S E M B L Y

January 18, 2013

Introduced by M. of A. ORTIZ, COLTON, V. LOPEZ, RIVERA -- Multi-Sponsored by -- M. of A. CAHILL, COOK, FARRELL, MAGEE, PEOPLES-STOKES, PERRY, SWEENEY, WEISENBERG -- read once and referred to the Committee on Aging

AN ACT in relation to increasing access to pharmaceuticals for needy seniors and the disabled through the expansion of eligibility for the medicaid program

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

Section 1. This act shall be known and may be cited as the "medicaid prescription senior eligibility expansion program".

S 2. Legislative findings and intent. The legislature finds and declares that states are looking for solutions to improve the access of needy seniors to prescription medicines. Nearly thirty percent of medicare enrollees in the state have no coverage for pharmaceuticals, with nearly a quarter of such enrollees living below the federal poverty level. Furthermore, millions more elderly and disabled medicare enrollees are underinsured for prescription drugs. A federal 1115 medicaid waiver to extend prescription drug coverage to qualified medicare beneficiaries and special low-income medicare beneficiaries would provide meaningful access to prescription drugs for the state's poor and near-poor senior population. The legislature further finds that a federal 1115 medicaid waiver enables the state to benefit from the well established state-federal partnership in medicaid through access to federal matching funds in addition to state funds.

S 3. Definitions. As used in this act:

1. "Department" means the department of health;

2. "Qualified medicare beneficiaries" means medicare beneficiaries with incomes equal to or below one hundred percent of the federal poverty level who are eligible for medicaid assistance for the Part A and Part B medicare premiums and for medicare deductibles and co-insurance

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

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requirements as set forth in section 1905(p)(1) of title XIX of the social security act; and

3. "Specified low-income medicare beneficiaries" means medicare beneficiaries who have incomes greater than one hundred percent of the federal poverty level and less than and equal to one hundred twenty percent of the federal poverty level and meet the requirements set forth in section 1902(a)(10) (E)(iii) of title XIX of the social security act.

S 4. Medicaid prescription senior eligibility expansion program. 1. There is hereby established a medicaid prescription senior eligibility expansion program. In order to become eligible for the program, an individual must meet the following requirements:

a. be a United States citizen or a lawfully admitted alien;

b. be a state resident;

c. be at least sixty-five years of age or an individual between the ages of nineteen and sixty-four who is otherwise eligible for benefits under title II of the social security act;

d. meet the definition of a qualified medicare beneficiary or a specified low-income medicare beneficiary as set forth in section three of this act; and

e. be ineligible for and/or not receiving a prescription drug benefit through a medicare supplemental policy or any other third party payer prescription benefit.

2. Individuals eligible for the medicaid prescription senior eligibility expansion program shall be entitled to the medicaid prescription drug coverage as provided to medicaid recipients as set forth in title XIX of the social security act.

S 5. Program administration. 1. The department shall administer the medicaid prescription senior eligibility expansion program.

2. The department shall apply for a federal medicare 1115 demonstration waiver from the federal secretary of health and human services to expand medicaid eligibility for the purposes of prescription drug coverage to qualified medicare beneficiaries and specified low-income medicare beneficiaries under the medicaid prescription senior eligibility expansion program.

3. The department shall promulgate and adopt rules and regulations as are necessary to implement the provisions of the medicaid prescription senior eligibility expansion program in a cost effective manner that are consistent with the purposes of such program.

S 6. Annual report. The department shall submit an annual report to the legislature beginning one year from the date of implementation of the medicaid prescription senior eligibility expansion program.

S 7. This act shall take effect immediately.