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2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. DINOWITZ, RIVERA -- read once and referred to the
Committee on Aging

AN ACT to amend the elder law, in relation to policies excluding certain
non-recurring items from income for purposes of the program for elder-
ly pharmaceutical insurance coverage

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

1 Section 1. Subdivision 3 of section 241 of the elder law is amended to
2 read as follows:
3 3. "Income" shall mean "household gross income" as defined in the real
4 property tax circuit breaker credit program, pursuant to subparagraph
5 [(C)] (C) of paragraph one of subsection (e) of section six hundred six
6 of the tax law, but only shall include the income of program applicants
7 and spouses and shall exclude the income of other members of the house-
8 hold; PROVIDED, HOWEVER, THAT THE COMMISSIONER OF HEALTH MAY ADOPT POLI-
9 CIES TO EXCLUDE FROM INCOME CERTAIN NON-RECURRING ITEMS THAT WOULD ACT
10 TO ARTIFICIALLY INFLATE THE AVAILABILITY OF FUNDS TO MEET CURRENT NEEDS
11 INCLUDING, BUT NOT LIMITED TO, A RETIREE'S PREVIOUS YEAR'S WAGES, AND
12 NON-RECURRING DISTRIBUTIONS FROM AN INDIVIDUAL RETIREMENT ACCOUNT.
13 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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