

998

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. WEINSTEIN, JACOBS, ORTIZ -- Multi-Sponsored by --
M. of A. BRENNAN, CLARK, CYMBROWITZ, DINOWITZ, GALEF, GLICK, MILLMAN,
SCARBOROUGH -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to defining the
kind of assistance required for a recipient to obtain medicaid
personal care services

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

1 Section 1. Subparagraph (i) of paragraph (e) of subdivision 2 of
2 section 365-a of the social services law, as amended by section 89 of
3 part H of chapter 59 of the laws of 2011, is amended to read as follows:
4 (i) personal care services, including personal emergency response
5 services, shared aide and an individual aide, subject to the provisions
6 of subparagraphs (ii), (iii), and (iv) of this paragraph, furnished to
7 an individual who is not an inpatient or resident of a hospital, nursing
8 facility, intermediate care facility for the mentally retarded, or
9 institution for mental disease, as determined to meet the recipient's
10 needs for assistance, INCLUDING HANDS-ON ASSISTANCE, SUPERVISION AND
11 CUING, TO ENSURE SAFE PERFORMANCE OF ALL ACTIVITIES OF DAILY LIVING AND
12 INSTRUMENTAL ACTIVITIES OF DAILY LIVING FOR PERSONS WITH PHYSICAL OR
13 COGNITIVE IMPAIRMENTS, when [cost effective and] appropriate[,] and when
14 prescribed by a physician, in accordance with the recipient's plan of
15 treatment and provided by individuals who are qualified to provide such
16 services, who are supervised by a registered nurse and who are not
17 members of the recipient's family, and furnished in the recipient's home
18 or other location.
19 ASSISTANCE WITH ACTIVITIES OF DAILY LIVING, AS USED IN THIS PARAGRAPH,
20 INCLUDES ASSISTANCE WITH EATING, BATHING, DRESSING, GROOMING, TOILETING,
21 MAINTAINING CONTINENCE, TRANSFERRING, MOBILITY INSIDE AND OUTSIDE OF THE
22 HOME, AND ASSISTANCE WITH THE ADMINISTRATION OF MEDICATIONS BY THE

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

LBD03704-01-3

1 RECIPIENT. ASSISTANCE WITH INSTRUMENTAL ACTIVITIES OF DAILY LIVING, AS
2 USED IN THIS PARAGRAPH, INCLUDES ASSISTANCE WITH MEAL PREPARATION, SHOP-
3 PING, LAUNDRY, HOUSEKEEPING (MAKING AND CHANGING BEDS, WASHING DISHES,
4 VACUUMING, SWEEPING, AND DUSTING), USING THE TELEPHONE, PAYMENT OF
5 BILLS, AND OTHER ESSENTIAL ERRANDS;
6 S 2. This act shall take effect on the one hundred twentieth day after
7 it shall have become a law, provided, however, that effective immediate-
8 ly, the addition, amendment and/or repeal of any rules or regulations
9 necessary for the implementation of the foregoing section of this act on
10 its effective date is authorized and directed to be made and completed
11 on or before such effective date.