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

10461--A

I N A S S E M B L Y

May 27, 2016

Introduced by M. of A. ENGLEBRIGHT, DenDEKKER, GUNTHER -- read once and referred to the Committee on Mental Health -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to eligibility for dependents of military servicemembers for certain developmental disability services

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

Section 1. The mental hygiene law is amended by adding a new section 67.09 to read as follows:

S 67.09 MEDICAID HOME AND COMMUNITY BASED SERVICES ELIGIBILITY FOR DEPENDENTS OF CERTAIN MILITARY SERVICEMEMBERS.

A DEPENDENT OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE ORGANIZED MILITIA OF THE STATE, WHO IS A LEGAL RESIDENT OF THIS STATE, HAVING PREVIOUSLY BEEN DETERMINED TO BE ELIGIBLE FOR DEVELOPMENTAL DISABILITY SERVICES PROVIDED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES, INCLUDING WAIVER SERVICES PROVIDED UNDER THE HOME AND COMMUNITY BASED SERVICES PROGRAMS AUTHORIZED UNDER SECTION 1915(C) OF THE SOCIAL SECURITY ACT, SHALL RETAIN ELIGIBILITY FOR THOSE DEVELOPMENTAL DISABILITY SERVICES AS LONG AS HE OR SHE REMAINS A LEGAL RESIDENT OF THE STATE, REGARDLESS OF HAVING LEFT THE STATE DUE TO THE SERVICEMEMBER'S MILITARY ASSIGNMENT OUTSIDE THE STATE, AND AS LONG AS HE OR SHE IS OTHERWISE ELIGIBLE FOR SUCH SERVICES. A DEPENDENT WHO RESIDES OUT-OF-STATE MAY BE PLACED ON THE WAITING LIST FOR DEVELOPMENTAL DISABILITIES SERVICES IF THE DEPENDENT LEFT THE STATE DUE TO THE SERVICEMEMBER'S MILITARY ASSIGNMENT OUTSIDE THE STATE.

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

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

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