

1328

2015-2016 Regular Sessions

I N A S S E M B L Y

January 9, 2015

Introduced by M. of A. CAHILL -- Multi-Sponsored by -- M. of A. CYMBROW-
ITZ, ENGLEBRIGHT, MARKEY, PEOPLES-STOKES, RIVERA -- read once and
referred to the Committee on Health

AN ACT to amend the social services law, in relation to amounts payable
under medical assistance

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

1 Section 1. Paragraph (d) of subdivision 1 of section 367-a of the
2 social services law, as amended by section 1 of part J1 of chapter 63 of
3 the laws of 2003, subparagraph (iii) as amended by section 65 of part H
4 of chapter 59 of the laws of 2011, is amended to read as follows:
5 (d) [(i)] Amounts payable under this title for medical assistance for
6 items and services provided to eligible persons who are also benefici-
7 aries under part A AND/OR PART B of title XVIII of the federal social
8 security act and items and services provided to qualified medicare bene-
9 ficiaries under part A AND/OR PART B of title XVIII of the federal
10 social security act shall not be less than the amount of any deductible
11 and co-insurance liability of such eligible persons or for which such
12 eligible persons or such qualified medicare beneficiaries would be
13 liable under federal law were they not eligible for medical assistance
14 or were they not qualified medicare beneficiaries with respect to such
15 benefits under such part A AND/OR SUCH PART B.
16 [(ii) Amounts payable under this title for medical assistance for
17 items and services provided to eligible persons who are also benefici-
18 aries under part B of title XVIII of the federal social security act and
19 items and services provided to qualified medicare beneficiaries under
20 part B of title XVIII of the federal social security act shall not be
21 less than the amount of any deductible liability of such eligible
22 persons or for which such eligible persons or such qualified medicare
23 beneficiaries would be liable under federal law were they not eligible

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

LBD06343-01-5

1 for medical assistance or were they not qualified medicare beneficiaries
2 with respect to such benefits under such part B.
3 (iii) When payment under part B of title XVIII of the federal social
4 security act for items and services provided to eligible persons who are
5 also beneficiaries under part B of title XVIII of the federal social
6 security act and for items and services provided to qualified medicare
7 beneficiaries under part B of title XVIII of the federal social security
8 act would exceed the amount that otherwise would be made under this
9 title if provided to an eligible person other than a person who is also
10 a beneficiary under part B or is a qualified medicare beneficiary, the
11 amount payable for services covered under this title shall be twenty
12 percent of the amount of any co-insurance liability of such eligible
13 persons pursuant to federal law were they not eligible for medical
14 assistance or were they not qualified medicare beneficiaries with
15 respect to such benefits under such part B; provided, however, amounts
16 payable under this title for items and services provided to eligible
17 persons who are also beneficiaries under part B or to qualified medicare
18 beneficiaries by an ambulance service under the authority of an operat-
19 ing certificate issued pursuant to article thirty of the public health
20 law, a psychologist licensed under article one hundred fifty-three of
21 the education law, or a facility under the authority of an operating
22 certificate issued pursuant to article sixteen, thirty-one or thirty-two
23 of the mental hygiene law and with respect to outpatient hospital and
24 clinic items and services provided by a facility under the authority of
25 an operating certificate issued pursuant to article twenty-eight of the
26 public health law, shall not be less than the amount of any co-insurance
27 liability of such eligible persons or such qualified medicare benefi-
28 caries, or for which such eligible persons or such qualified medicare
29 beneficiaries would be liable under federal law were they not eligible
30 for medical assistance or were they not qualified medicare beneficiaries
31 with respect to such benefits under part B.]
32 S 2. This act shall take effect immediately and shall be deemed to
33 have been in full force and effect on and after July 1, 2003.