

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

6363--A

2015-2016 Regular Sessions

I N A S S E M B L Y

March 20, 2015

Introduced by M. of A. SCHIMMINGER, RAIA, GOODELL -- Multi-Sponsored by -- M. of A. DiPIETRO, HAWLEY, HOOPER, MAGEE -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to medicaid co-payments for prescription drugs and other services

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

1 Section 1. Paragraph (b) of subdivision 6 of section 367-a of the
2 social services law, as amended by section 15 of part B of chapter 57 of
3 the laws of 2015, is amended to read as follows:
4 (b) Co-payments shall apply to all eligible persons for the services
5 defined in paragraph (d) of this subdivision with the exception of:
6 (i) [individuals under twenty-one years of age;
7 (ii) pregnant women;
8 (iii)] individuals who are inpatients in a medical facility who have
9 been required to spend all of their income for medical care, except
10 their personal needs allowance or residents of community based residen-
11 tial facilities licensed by the office of mental health or the office of
12 mental retardation and developmental disabilities who have been required
13 to spend all of their income, except their personal needs allowance;
14 [(iv) individuals enrolled in health maintenance organizations or
15 other entities which provide comprehensive health services, or other
16 managed care programs for services covered by such programs, except that
17 such persons, other than persons otherwise exempted from co-payments
18 pursuant to subparagraphs (i), (ii), (iii) and (v) of this paragraph,
19 and other than those persons enrolled in a managed long term care
20 program, shall be subject to co-payments as described in subparagraph
21 (v) of paragraph (d) of this subdivision;

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

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1 (v)] (II) individuals whose family income is less than one hundred
2 percent of the federal poverty line, as defined in subparagraph four of
3 paragraph (a) of subdivision one of section three hundred sixty-six of
4 this title, for a family of the same size; and

5 [(vi)] (III) any other individuals required to be excluded by federal
6 law or regulations.

7 S 2. The opening paragraph of paragraph (d) of subdivision 6 of
8 section 367-a of the social services law, as added by chapter 41 of the
9 laws of 1992, is amended to read as follows:

10 Co-payments shall apply to [the following] ALL services COVERED BY
11 THIS TITLE, EXCEPT DIAGNOSTIC SERVICES, AND SHALL BE PRE-PAID AT THE
12 TIME WHEN SUCH SERVICES ARE RENDERED, subject to such exceptions for
13 subcategories of these services as recognized by the commissioner OF
14 HEALTH in regulations, provided in accordance with section three hundred
15 sixty-five-a of this [article] TITLE and the regulations of the depart-
16 ment, to the extent permitted by title XIX of the federal social securi-
17 ty act:

18 S 3. The commissioner of health is authorized to promulgate or adopt
19 any rules or regulations necessary to implement the provisions of this
20 act and any co-payments, procedures, forms, or instructions necessary
21 for such implementation may be adopted and issued on or after the effec-
22 tive date of this act. Notwithstanding any inconsistent provision of the
23 state administrative procedure act or any other provision of law, rule
24 or regulation, the commissioner of health and the superintendent of
25 financial services and any appropriate council are authorized to adopt
26 or amend or promulgate on an emergency basis any regulation he or she or
27 such council determines necessary to implement any provision of this act
28 on its effective date.

29 S 4. This act shall take effect immediately.