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

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I N A S S E M B L Y

February 29, 2016

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to the provision of services to certain persons suffering from traumatic brain injuries or qualifying for nursing home diversion and transition services

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

Section 1. Subdivision 3 of section 364-j of the social services law is amended by adding a new paragraph (d-2) to read as follows:

(D-2) SERVICES PROVIDED PURSUANT TO WAIVERS, GRANTED PURSUANT TO SUBSECTION (C) OF SECTION 1915 OF THE FEDERAL SOCIAL SECURITY ACT, TO PERSONS SUFFERING FROM TRAUMATIC BRAIN INJURIES OR QUALIFYING FOR NURSING HOME DIVERSION AND TRANSITION SERVICES SHALL NOT BE PROVIDED TO MEDICAL ASSISTANCE RECIPIENTS THROUGH MANAGED CARE PROGRAMS ESTABLISHED PURSUANT TO THIS SECTION, AND SHALL CONTINUE TO BE PROVIDED OUTSIDE OF MANAGED CARE PROGRAMS AND IN ACCORDANCE WITH SUCH WAIVER PROGRAMS AS THEY EXISTED ON JANUARY FIRST, TWO THOUSAND FIFTEEN; PROVIDED, FURTHER THAT THE COMMISSIONER OF HEALTH IS HEREBY DIRECTED TO TAKE ANY ACTION REQUIRED, INCLUDING BUT NOT LIMITED TO FILING WAIVERS AND WAIVER EXTENSIONS AS NECESSARY WITH THE FEDERAL GOVERNMENT, TO CONTINUE THE PROVISION OF SUCH SERVICES.

S 2. This act shall take effect immediately, provided that the amendments to section 364-j of the social services law, made by section one of this act, shall not affect the expiration and repeal of such section, and shall expire and be deemed repealed therewith.

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

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