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

7839

2015-2016 Regular Sessions

I N A S S E M B L Y

May 28, 2015

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

AN ACT to amend the social services law, in relation to the medical assistance presumptive eligibility program

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

Section 1. Section 364-i of the social services law is amended by adding a new subdivision 9 to read as follows:

9. AN INDIVIDUAL, UPON APPLICATION FOR MEDICAL ASSISTANCE, SHALL BE PRESUMED ELIGIBLE FOR SUCH ASSISTANCE FOR A PERIOD OF NINETY DAYS FROM THE DATE OF DISCHARGE OR RELEASE FROM A CORRECTIONAL FACILITY AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION FOUR OF SECTION TWO OF THE CORRECTION LAW OR A LOCAL CORRECTIONAL FACILITY AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION SIXTEEN OF SECTION TWO OF THE CORRECTION LAW, IF THE LOCAL DEPARTMENT OF SOCIAL SERVICES DETERMINES THAT THE APPLICANT MEETS EACH OF THE FOLLOWING CRITERIA: (A) THE APPLICANT OR HIS OR HER REPRESENTATIVE STATES THAT THE APPLICANT DOES NOT HAVE INSURANCE COVERAGE FOR THE REQUIRED MEDICAL CARE AND THAT SUCH CARE CANNOT BE AFFORDED; (B) IT REASONABLY APPEARS THAT THE APPLICANT IS OTHERWISE ELIGIBLE TO RECEIVE MEDICAL ASSISTANCE; (C) IT REASONABLY APPEARS THAT THE AMOUNT EXPENDED BY THE STATE AND THE LOCAL SOCIAL SERVICES DISTRICT FOR MEDICAL ASSISTANCE FOR TREATMENT OF A MENTAL ILLNESS DURING THE PERIOD OF PRESUMED ELIGIBILITY, WOULD BE LESS THAN THE AMOUNT THE STATE AND THE LOCAL SOCIAL SERVICES DISTRICT WOULD EXPEND FOR CONTINUED OR FUTURE ACUTE HOSPITAL CARE FOR SUCH PERSON; AND (D) SUCH OTHER DETERMINATIVE CRITERIA AS THE COMMISSIONER OF HEALTH SHALL PROVIDE BY RULE OR REGULATION. IF A PERSON HAS BEEN DETERMINED TO BE PRESUMPTIVELY ELIGIBLE FOR MEDICAL ASSISTANCE, PURSUANT TO THIS SUBDIVISION, AND IS SUBSEQUENTLY DETERMINED TO BE INELIGIBLE FOR SUCH ASSISTANCE, THE COMMISSIONER OF HEALTH, ON BEHALF OF THE STATE AND THE LOCAL SOCIAL SERVICES DISTRICT SHALL HAVE

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

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THE AUTHORITY TO RECOUP FROM THE INDIVIDUAL THE SUMS EXPENDED FOR SUCH ASSISTANCE DURING THE PERIOD OF PRESUMED ELIGIBILITY.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.