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

263

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law, in relation to requiring that notice of potential liability be given to applicants for medical assistance or the family health plus program

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

Section 1. Section 369 of the social services law is amended by adding a new subdivision 8 to read as follows:

8. (A) NO RECOVERY ACTION PURSUANT TO THIS SECTION, SECTIONS ONE HUNDRED ONE, ONE HUNDRED FOUR AND ONE HUNDRED FOUR-B, PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION THREE HUNDRED SIXTY-SIX, AND PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION THREE HUNDRED SIXTY-SEVEN-A OF THIS CHAPTER SHALL BE MADE UNLESS THE APPLICANT HAS BEEN INFORMED, IN WRITING, THAT HE OR SHE MAY BE LIABLE TO REIMBURSE THE STATE OR THE LOCAL DEPARTMENT FOR SUCH MEDICAL ASSISTANCE RECEIVED OR FOR BENEFITS RECEIVED PURSUANT THERETO.

(B) THE WRITTEN NOTICE SHALL DETAIL, IN PLAIN LANGUAGE, THE CONDITIONS UNDER WHICH THE LOCAL DEPARTMENT OR LOCAL SOCIAL SERVICES DISTRICT MAY IMPOSE ANY LIEN ON THE PERSONAL PROPERTY OR ESTATE OF A RECIPIENT OF MEDICAL ASSISTANCE.

(C) THE COMMISSIONER MAY PROVIDE SUCH NOTICE AS PART OF THE APPLICATION FOR MEDICAL ASSISTANCE.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, that, effective immediately any rules, regulations and forms necessary to implement the provisions of this act are authorized and directed to be completed on or before such date.

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

LBD00801-01-5