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

6915

I N S E N A T E

March 7, 2016

Introduced by Sens. ORTT, CROCI -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the mental hygiene law, in relation to eligibility for dependents of military service members for certain developmental disability services

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

Section 1. The mental hygiene law is amended by adding a new section 67.09 to read as follows:

S 67.09 MEDICAID HOME AND COMMUNITY BASED SERVICES ELIGIBILITY FOR DEPENDENTS OF CERTAIN MILITARY SERVICE MEMBERS.

A DEPENDENT OF A MILITARY SERVICE MEMBER, WHO IS A LEGAL RESIDENT OF THIS STATE, HAVING PREVIOUSLY BEEN DETERMINED TO BE ELIGIBLE FOR DEVELOPMENTAL DISABILITY SERVICES PROVIDED BY THE FEDERAL DEPARTMENT OF HUMAN SERVICES, INCLUDING WAIVER SERVICES PROVIDED UNDER THE HOME AND COMMUNITY BASED SERVICES PROGRAMS AUTHORIZED UNDER SECTION 1915(C) OF THE SOCIAL SECURITY ACT, SHALL RETAIN ELIGIBILITY FOR THOSE DEVELOPMENTAL DISABILITY SERVICES AS LONG AS HE OR SHE REMAINS A LEGAL RESIDENT OF THE STATE, REGARDLESS OF HAVING LEFT THE STATE DUE TO THE MILITARY SERVICE MEMBER'S MILITARY ASSIGNMENT OUTSIDE THE STATE, AND AS LONG AS HE OR SHE IS OTHERWISE ELIGIBLE FOR SUCH SERVICES. A DEPENDENT WHO RESIDES OUT-OF-STATE MAY BE PLACED ON THE WAITING LIST FOR DEVELOPMENTAL DISABILITIES SERVICES IF THE DEPENDENT LEFT THE STATE DUE TO THE MILITARY SERVICE MEMBER'S MILITARY ASSIGNMENT OUTSIDE THE STATE.

S 2. This act shall take effect immediately.

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

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