

# STATE OF NEW YORK

544

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

Introduced by M. of A. GUNTHER, COOK -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT, PEOPLES-STOKES, RIVERA -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to amounts payable for medical assistance for items and services provided to eligible persons

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (iii) of paragraph (d) of subdivision 1 of  
2 section 367-a of the social services law, as amended by section 31 of  
3 part B of chapter 57 of the laws of 2015, is amended to read as follows:  
4 (iii) With respect to items and services provided to eligible persons  
5 who are also beneficiaries under part B of title XVIII of the federal  
6 social security act and items and services provided to qualified medi-  
7 care beneficiaries under part B of title XVIII of the federal social  
8 security act, the amount payable for services covered under this title  
9 shall be the amount of any co-insurance liability of such eligible  
10 persons pursuant to federal law were they not eligible for medical  
11 assistance or were they not qualified medicare beneficiaries with  
12 respect to such benefits under such part B, but shall not exceed the  
13 amount that otherwise would be made under this title if provided to an  
14 eligible person other than a person who is also a beneficiary under part  
15 B or is a qualified medicare beneficiary minus the amount payable under  
16 part B; provided, however, amounts payable under this title for items  
17 and services provided to eligible persons who are also beneficiaries  
18 under part B or to qualified medicare beneficiaries by an ambulance  
19 service under the authority of an operating certificate issued pursuant  
20 to article thirty of the public health law, a psychologist licensed  
21 under article one hundred fifty-three of the education law, a nephrolo-  
22 gist licensed under article one hundred thirty-one of the education law,  
23 or a facility under the authority of an operating certificate issued

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

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1 pursuant to article sixteen, thirty-one or thirty-two of the mental  
2 hygiene law and with respect to outpatient hospital and clinic items and  
3 services provided by a facility under the authority of an operating  
4 certificate issued pursuant to article twenty-eight of the public health  
5 law, shall not be less than the amount of any co-insurance liability of  
6 such eligible persons or such qualified medicare beneficiaries, or for  
7 which such eligible persons or such qualified medicare beneficiaries  
8 would be liable under federal law were they not eligible for medical  
9 assistance or were they not qualified medicare beneficiaries with  
10 respect to such benefits under part B.  
11 § 2. This act shall take effect immediately.