

# STATE OF NEW YORK

7743

2017-2018 Regular Sessions

## IN ASSEMBLY

May 11, 2017

Introduced by M. of A. CAHILL -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to establishing an elderly dental insurance coverage program; and making an appropriation therefor

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

Section 1. Article 2 of the elder law is amended by adding a new title 5 to read as follows:

### TITLE 5

#### ELDERLY DENTAL INSURANCE

#### COVERAGE PROGRAM

#### Section 270. Definitions.

271. Elderly dental insurance coverage program.

272. Program eligibility.

273. Regulations.

274. Penalties for fraud and abuse.

§ 270. Definitions. For purposes of this title, the terms:

1. "Income" shall mean "household gross income" as defined in the real property tax circuit breaker credit program, pursuant to subparagraph (C) of paragraph one of subsection (e) of section six hundred six of the tax law, but only shall include the income of program applicants and spouses and shall exclude the income of other members of the household.

2. "Resident" shall mean an individual legally domiciled within the state.

§ 271. Elderly dental insurance coverage program. The director shall establish an elderly dental insurance coverage program, in consultation with the commissioner of civil service, within the state employee dental insurance plan. Such program shall provide comprehensive and routine dental care services to senior residents who meet the program eligibility requirements established in section two hundred seventy-two of this

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

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1 title. Such program shall only be available in Dutchess, Kings, Sarato-  
2 ga, Schenectady, Ulster, Warren and Washington counties until such date  
3 that the director determines that expanding such program shall be appro-  
4 priate.

5 § 272. Program eligibility. 1. Persons eligible for coverage under  
6 section two hundred seventy-one of this title shall include:

7 (a) any unmarried resident who is at least sixty-five years of age and  
8 whose income for the calendar year immediately preceding the effective  
9 date of this title, is less than or equal to twenty-two thousand  
10 dollars. After the initial determination of eligibility, each eligible  
11 individual must be redetermined eligible at least every twenty-four  
12 months; and

13 (b) any married resident who is at least sixty-five years of age and  
14 whose income for the calendar year immediately preceding the effective  
15 date of the annual coverage period when combined with the income in the  
16 same calendar year of such married person's spouse beginning on or after  
17 January first, two thousand eighteen, is less than or equal to twenty-  
18 five thousand dollars. After the initial determination of eligibility,  
19 each eligible individual must be redetermined eligible at least every  
20 twenty-four months.

21 2. Eligibility for assistance under this title shall not be granted to  
22 any person who at the time an application is made is receiving equiv-  
23 alent or better coverage from any other public or private third party  
24 payment source or insurance plan than those benefits provided for under  
25 this title.

26 3. The director shall establish a sliding scale such that the more  
27 income a person eligible for coverage pursuant to this title has, the  
28 higher such person's premium and program costs shall be. The exact  
29 amount of premium expense per eligible person shall be determined by the  
30 current negotiated premium between the state and the state employee  
31 dental plan.

32 § 273. Regulations. Program regulations shall:

33 1. Provide for a process of determining and redetermining eligibility  
34 for participation in this program including provisions for submission of  
35 proof of income, age, and residency and information on existing complete  
36 or partial coverage of dental expenses under a third party assistance or  
37 insurance plan;

38 2. Provide for a fair hearing process for individuals and participat-  
39 ing dentists to appeal determinations or actions of the contractors;

40 3. Establish procedures for the state to recover the value of benefits  
41 or payments made under this title, if any, that were based on applica-  
42 tions or claims submitted in violation of any provision of this title;  
43 and

44 4. Establish procedures to ensure that all information obtained on  
45 persons pursuant to this title shall remain confidential and shall not  
46 be disclosed to persons or agencies other than those entitled to such  
47 information because such disclosure is necessary for the proper adminis-  
48 tration of the program established pursuant to this title.

49 § 274. Penalties for fraud and abuse. 1. Any person who knowingly  
50 makes a false statement or representation, or who by deliberate conceal-  
51 ment of any material fact, or by impersonation or other fraudulent  
52 device, obtains or attempts to obtain or aids or abets any person to  
53 obtain any benefit under this title to which he or she is not entitled,  
54 shall be guilty of a violation punishable by a fine of not more than two  
55 hundred fifty dollars per occurrence.

1     2. Any person who, having made application to receive any benefit  
2     under this title for the use and benefit of another and having received  
3     it, knowingly and willfully converts such benefit or any part thereof to  
4     a use other than for the use and benefit of such other person, shall be  
5     guilty of a violation punishable by a fine of not more than two hundred  
6     fifty dollars per occurrence.

7     3. Any person who, with intent to defraud, presents for allowance or  
8     payment any false or fraudulent claim for furnishing services or  
9     merchandise, or knowingly submits false information for the purpose of  
10    obtaining greater compensation than that to which he or she is legally  
11    entitled for furnishing services or merchandise, or knowingly submits  
12    false information for the purpose of obtaining authorization for  
13    furnishing services or merchandise under this title, shall be guilty of  
14    a class A misdemeanor.

15    § 2. The sum of twenty million dollars (\$20,000,000), or so  
16    much thereof as may be necessary, is hereby appropriated to the depart-  
17    ment of civil service out of any moneys in the state treasury in the  
18    general fund to the credit of the local assistance account, not other-  
19    wise appropriated, and made immediately available, for the purpose of  
20    carrying out the provisions of this act. Such moneys shall be payable on  
21    the audit and warrant of the comptroller on vouchers certified or  
22    approved by the president of the department of civil service in the  
23    manner prescribed by law.

24    § 3. This act shall take effect on the one hundred eightieth day after  
25    it shall have become a law. Effective immediately, the addition, amend-  
26    ment and/or repeal of any rule or regulation necessary for the implemen-  
27    tation of this act on its effective date is authorized and directed to  
28    be made and completed on or before such effective date.