STATE OF NEW YORK

1363

2017-2018 Regular Sessions

IN ASSEMBLY

January 11, 2017

Introduced by M. of A. ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. COLTON -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to cost of living and marriage penalty adjustments to eligibility standards for the program for elderly pharmaceutical insurance coverage

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

Section 1. Section 254 of the elder law, as amended by section 19 of part T of chapter 56 of the laws of 2012, is amended to read as follows:

§ 254. **Adjustments. 1.** Cost of living adjustment. [~~1.~~] **(a)** Within amounts appropriated, the commissioner of health shall adjust the program eligibility standards set forth in subdivision two of section two hundred forty-two of this title to account for increases in the cost of living.

[~~2.~~] **(b)** The commissioner shall further adjust individual and joint income categories set forth in subdivisions two and four of section two hundred forty-eight of this title to conform to the adjustments made pursuant to **this** subdivision [~~one of this section~~].

2. Marriage penalty adjustment. The commissioner shall further adjust income, registration fees, deductibles, and other program components to eliminate the EPIC marriage penalty, as follows:

(a) For purposes of subdivisions two and four of sections two hundred forty-seven and two hundred forty-eight of this title, joint income shall be defined as income, as such term is defined in section two hundred forty-one of this title and as adjusted pursuant to subdivision one of this section, divided by two.

(b) The quarterly registration fee established pursuant to section two hundred forty-seven of this title, and the limits on point of sale co-payments established pursuant to subdivision four of such section, as such items may be or have been adjusted by the commissioner pursuant to subdivision one of this section and other sections of this chapter, for

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

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each married individual program participant shall be set at a level that is not greater than the quarterly registration fee and the limit on point of sale co-payments for unmarried individual program participants whose income equals joint income as defined in paragraph (a) of this subdivision.

(c) The annual personal covered drug expenditures for each married individual eligible program participant established pursuant to section two hundred forty-eight of this title as adjusted by the commissioner pursuant to subdivision one of this section and other sections of this chapter, shall be set by the commissioner at a level which is no greater than the personal covered drug expenditures for unmarried individual eligible program participants whose income, as adjusted pursuant to subdivision one of this section, equals joint income as adjusted pursuant to paragraph (a) of this subdivision.

(d) The limits on point of sale co-payments established pursuant to subdivision four of sections two hundred forty-seven and two hundred forty-eight of this title, as adjusted by the commissioner pursuant to subdivision one of this section and other sections of this chapter, for each married individual program participant shall be set at a level that is no greater than the limit on point of sale co-payments for unmarried individual program participants whose income equals joint income as defined in paragraph (a) of this subdivision.

(e) The commissioner shall make the adjustments required by this subdivision on a four-year schedule which he or she shall adopt after consultation with the division of the budget beginning with the fiscal year next succeeding the date on which this subdivision shall have become effective.

§ 2. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.