

STATE OF NEW YORK

2885--A

2017-2018 Regular Sessions

IN SENATE

January 18, 2017

Introduced by Sen. TEDISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 4 to read as follows:

TITLE 4
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

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

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1 insurance plan. Such program shall provide comprehensive and routine
2 dental care services to senior residents who meet the program eligibil-
3 ity requirements established in section two hundred seventy-two of this
4 title. Such program shall only be available in Dutchess, Kings, Sarato-
5 ga, Schenectady, Ulster, Warren and Washington counties until such date
6 that the director determines that expanding such program shall be appro-
7 priate.

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

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

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

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

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

35 § 273. Regulations. Program regulations shall:

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

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

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

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

52 § 274. Penalties for fraud and abuse. 1. Any person who knowingly
53 makes a false statement or representation, or who by deliberate conceal-
54 ment of any material fact, or by impersonation or other fraudulent
55 device, obtains or attempts to obtain or aids or abets any person to
56 obtain any benefit under this title to which he or she is not entitled,

1 shall be guilty of a violation punishable by a fine of not more than two
2 hundred fifty dollars per occurrence.

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

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

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

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