

# STATE OF NEW YORK

2778

2019-2020 Regular Sessions

## IN ASSEMBLY

January 25, 2019

Introduced by M. of A. SCHIMMINGER -- read once and referred to the  
Committee on Social Services

AN ACT to amend the social services law, in relation to eligibility  
limitations on certain medical services not mandated by federal law

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

1 Section 1. Section 117 of the social services law is amended by adding  
2 a new subdivision 4 to read as follows:

3 4. Notwithstanding any inconsistent provision of this section or any  
4 other provision of law, for the purposes of eligibility for medical  
5 assistance as provided under title eleven of article five of this chap-  
6 ter or any successor provisions thereof, no person shall be eligible for  
7 medical assistance during the first ninety days after such person is  
8 deemed enrolled for such medical assistance services if such services  
9 are not mandated services under federal law or regulation.

10 § 2. The commissioner of health is authorized and directed to apply  
11 for any and all federal waivers required to implement the provisions of  
12 subdivision 4 of section 117 of the social services law.

13 § 3. The commissioner of health shall promulgate any and all rules and  
14 regulations and take any other measures necessary to implement this act  
15 including, but not limited to, developing a services and eligibility  
16 plan and distributing the same to local social services districts.

17 § 4. This act shall take effect immediately; provided, however, that  
18 subdivision 4 of section 117 of the social services law as added by  
19 section one of this act shall not take effect unless and until the  
20 commissioner of health receives all necessary approvals under federal  
21 law and regulation to implement its provisions, and provided that such  
22 provisions do not prevent the receipt of federal financial participation  
23 under the medical assistance program; provided that the commissioner of  
24 health shall notify the legislative bill drafting commission upon the  
25 occurrence of the enactment of the legislation provided for in this act

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

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1 in order that the commission may maintain an accurate and timely effec-  
2 tive data base of the official text of the laws of the state of New York  
3 in furtherance of effectuating the provisions of section 44 of the  
4 legislative law and section 70-b of the public officers law.