STATE OF NEW YORK

10302

IN ASSEMBLY

April 15, 2020

Introduced by M. of A. BICHOTTE -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to requiring the department of social services to implement regulations relating to the automatic redetermination of eligibility for medical assistance for a period of not less than two years for enrollees receiving Medicaid in the Aged, Blind and Disabled category who receive fixed income from the Social Security Administration

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

Section 1. Paragraph (d) of subdivision 5 of section 366-a of the social services law, as amended by section 12 of part D of chapter 56 of the laws of 2013, is relettered paragraph (e) and paragraph (c) of subdivision 5 of section 366-a of the social services law, as amended by section 10 of part D of chapter 56 of the laws of 2013, is amended to read as follows:

(c) The regulations required by paragraph (a) of this subdivision shall provide that:

(i) the redetermination of eligibility will be made based on reliable information possessed or available to the department of health or its agent, including information accessed from databases pursuant to subdivision eight of this section;

(ii) if the department of health or its agent is unable to renew eligibility based on available information, the recipient will be requested to supply any such information as is necessary to determine continued eligibility for medical assistance under this title; [~~and~~]

(iii) for persons whose medical assistance eligibility is based on modified adjusted gross income, eligibility must be renewed at least once every twelve months, unless the department of health or its agent receives information about a change in a recipient's circumstances that may affect eligibility**; and**

(iv) persons receiving Medicaid in the Aged, Blind and Disabled category who receive fixed income from the Social Security Administration (SSA) shall be automatically redetermined to be eligible for medical

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

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assistance for a period of not less than two years and shall not be required to reapply for medical assistance benefits during such period.

§ 2. The commissioner of health shall make any amendments to the state plan for medical assistance, or apply for any waiver or approval under the federal social security act that are necessary to carry out the provisions of this act.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.