STATE OF NEW YORK

4576

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. BRONSON, LUNSFORD, CLARK -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to educating nursing home residents about the role of legal counsel in applying for Medicaid benefits

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

Section 1. The public health law is amended by adding a new section 2803-z to read as follows:

§ 2803-z. Notices regarding legal representation. 1. The operator of a residential health care facility shall provide each resident and the resident's designated representative, at the time of admission to the facility, a notice, separate from the admission agreement but to be acknowledged by the resident and the resident's designated representative at the same time as an admission agreement, which is typed or printed using letters which are legible or of clear type no less than twelve point in size, which provides as follows:

"YOU HAVE THE OPTION TO HIRE AN ATTORNEY TO ASSIST WITH APPLYING FOR MEDICAID: New York State does not mandate that a Medicaid applicant obtain the assistance of an attorney when completing the Medicaid application. There are non-legal agencies and companies, including arms and affiliates of hospitals and nursing homes, which may offer to prepare and submit the Medicaid application for free or for a reduced fee. These entities are not permitted to give legal advice or implement legal strategies that may best protect your interests, and they are not obligated to advise you of your rights. Moreover, these entities may have conflicts of interest. Relying on a non-legal service might expose you and your family to unnecessary financial risk. You may, however, seek the assistance of an attorney who is knowledgeable about elder law and Medicaid eligibility rules. If you wish to identify such an attorney,

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

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you may contact the State or local Bar Association attorney referral service."

2. The operator of a residential health care facility shall prominently display the notice described in subdivision one of this section at the facility and shall make a copy of such notice available at the same time and in the same manner that a residency agreement is provided pursuant to section twenty-eight hundred three-y of this article.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.