

# STATE OF NEW YORK

8228

## IN SENATE

February 3, 2022

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law, in relation to expanding eligibility for the medicare savings program

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

1 Section 1. Paragraphs (a) and (d) of subdivision 3 of section 367-a  
2 of the social services law, paragraph (a) as amended by chapter 81 of  
3 the laws of 1995 and paragraph (d) as amended by section 27 of part B of  
4 chapter 109 of the laws of 2010, are amended and a new paragraph (a-1)  
5 is added to read as follows:

6 (a) Payment of premiums for enrolling qualified disabled and working  
7 individuals and qualified medicare beneficiaries under Part A of title  
8 XVIII of the federal social security act and for enrolling such benefi-  
9 ciaries and eligible recipients of public assistance under part B of  
10 title XVIII of the federal social security act, together with the costs  
11 of the applicable co-insurance and deductible amounts on behalf of such  
12 beneficiaries, and recipients, and premiums under section 1839 of the  
13 federal social security act for persons who would be qualified medicare  
14 beneficiaries except that their incomes exceed one hundred percent of  
15 the federal income poverty line applicable to the person's family size  
16 but, in calendar years nineteen hundred ninety-three and nineteen  
17 hundred ninety-four, is less than one hundred ten percent of such pover-  
18 ty line and, in calendar year beginning in nineteen hundred ninety-five,  
19 is less than one hundred twenty percent of such poverty line shall be  
20 made and the cost thereof borne by the state or by the state and social  
21 services districts, respectively, in accordance with the regulations of  
22 the department, provided, however, that the share of the cost to be  
23 borne by a social services district, if any, shall in no event exceed  
24 the proportionate share borne by such district with respect to other  
25 expenditures under this title. Commencing April first, two thousand  
26 twenty-two, all countable income over one hundred twenty percent of the  
27 federal poverty level and up to one hundred thirty-eight percent of the  
28 federal poverty level shall be disregarded, after taking all other

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

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1 disregards, deductions, and exclusions under federal and state law into  
2 account for persons eligible pursuant to this section. The commissioner  
3 shall seek federal approval to implement such exemption. Moreover, if  
4 the director of the budget approves, payment of premiums for enrolling  
5 persons who have been determined to be eligible for medical assistance  
6 only may be made and the cost thereof borne or shared pursuant to this  
7 subdivision.

8 (a-1) Pursuant to section 1902(r)(2) of the federal social security  
9 act, for qualified medicare beneficiaries all countable income over one  
10 hundred percent of the federal poverty level and up to one hundred twen-  
11 ty percent of the federal poverty level shall be disregarded, after  
12 taking all other disregards, deductions, and exclusions under federal  
13 and state law into account, for persons eligible pursuant to this  
14 section. The commissioner shall seek federal approval to implement the  
15 provisions of this paragraph.

16 (d) (1) (i) Beginning April first, two thousand two and to the extent  
17 that federal financial participation is available at a one hundred  
18 percent federal Medical assistance percentage and subject to sections  
19 1933 and 1902(a)(10)(E)(iv) of the federal social security act, medical  
20 assistance shall be available for full payment of medicare part B premi-  
21 ums for individuals (referred to as qualified individuals 1) who are  
22 entitled to hospital insurance benefits under part A of title XVIII of  
23 the federal social security act and whose income exceeds the income  
24 level established by the state and is at least one hundred twenty  
25 percent, but less than one hundred thirty-five percent, of the federal  
26 poverty level, for a family of the size involved and who are not other-  
27 wise eligible for medical assistance under the state plan;

28 (ii) Pursuant to section 1902(r)(2) of the federal social security  
29 act, for qualifying individuals 1 under clause (i) of this subparagraph,  
30 all countable income over one hundred thirty-eight percent of the feder-  
31 al poverty level and up to one hundred fifty-six percent of the federal  
32 poverty level shall be disregarded, after taking all other disregards,  
33 deductions, and exclusions under federal and state law into account for  
34 persons eligible pursuant to this section. The commissioner shall seek  
35 federal approval to implement the provisions of this clause.

36 (2) Premium payments for the individuals described in subparagraph one  
37 of this paragraph will be one hundred percent federally funded up to the  
38 amount of the federal allotment. The department shall discontinue  
39 enrollment into the program when the part B premium payments made pursu-  
40 ant to subparagraph one of this paragraph meet the yearly federal allot-  
41 ment.

42 (3) The commissioner of health shall develop a simplified application  
43 form, consistent with federal law, for payments pursuant to this  
44 section. The commissioner of health, in cooperation with the office for  
45 the aging, shall publicize the availability of such payments to medicare  
46 beneficiaries.

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