

# STATE OF NEW YORK

4965

2021-2022 Regular Sessions

## IN SENATE

February 19, 2021

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

AN ACT to amend the public health law and the social services law, in relation to automatic enrollment and recertification simplification for Medicaid eligible recipients

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

1 Section 1. Paragraph (b) of subdivision 7 of section 4403-f of the  
2 public health law is amended by adding a new subparagraph (iv) to read  
3 as follows:

4 (iv) Where a person determined eligible for Medicaid ("Medicaid recip-  
5 ient") has been determined by the commissioner or his or her designee to  
6 require community-based long term care services for more than a contin-  
7 uous period of one hundred twenty days, and the Medicaid recipient has  
8 not selected and enrolled in a managed long term care plan prior to any  
9 expiration date of such determination of need for long term care, after  
10 being provided with information to make an informed choice, the commis-  
11 sioner shall assign the recipient to a managed long term care plan,  
12 taking into account consistency with any prior community-based direct  
13 care workers having recently served the recipient, quality performance  
14 criteria, capacity, and geographic accessibility. The commissioner may  
15 assign participants pursuant to such criteria on a weighted basis. A  
16 recipient assigned to a managed long term care plan under this subpara-  
17 graph shall be deemed to have been determined to be in need of long term  
18 care services for more than a continuous period of one hundred twenty  
19 days and eligible to be enrolled in a managed long term care plan.

20 § 2. Paragraph (b) of subdivision 2 of section 366-a of the social  
21 services law, as added by section 51 of part A of chapter 1 of the laws  
22 of 2002, is amended to read as follows:

23 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
24 sion, an applicant or recipient may attest to the amount of his or her

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

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1 accumulated resources, unless such applicant or recipient is seeking  
2 medical assistance payment for long term care services for the first  
3 time. A recipient who has already provided documentation of resources  
4 may attest to the amount of accumulated resources if it has remained the  
5 same or is less than the amount originally documented. For purposes of  
6 this paragraph, long term care services shall mean care, treatment,  
7 maintenance, and services described in paragraph (b) of subdivision [1]  
8 one of section three hundred sixty-seven-f of this title, with the  
9 exception of short term rehabilitation, as defined by the commissioner  
10 of health.

11 § 3. Paragraph (d) of subdivision 5 of section 366-a of the social  
12 services law, as amended by section 12 of part D of chapter 56 of the  
13 laws of 2013, is relettered paragraph (e) and three new paragraphs (f),  
14 (g) and (h) are added to read as follows:

15 (f) Notwithstanding paragraph (b) of subdivision two of this section  
16 and paragraphs (a), (b), (c) and (d) of this subdivision, the following  
17 recipients will be recertified automatically, unless there has been a  
18 finding of lack of eligibility for Medicaid:

19 (i) enrollees in Medicaid managed long term care plans as defined in  
20 section forty-four hundred three-f of the public health law;

21 (ii) enrollees in Medicaid managed care plans as defined in section  
22 three hundred sixty-four-j of this title who receive personal care  
23 services pursuant to paragraph (e) of subdivision two of section three  
24 hundred sixty-five-a of this title or consumer directed personal assist-  
25 ance services pursuant to section three hundred sixty-five-f of this  
26 title;

27 (iii) enrollees receiving Medicaid in the Aged, Blind and Disabled  
28 category who receive fixed income from the Social Security Adminis-  
29 tration (SSA); and

30 (iv) Medicare Savings Program (MSP) recipients who have a fixed income  
31 from the Social Security Administration (SSA).

32 (g) Nothing in paragraph (e) of this subdivision should be construed  
33 to alter a Medicaid recipient's obligation to inform the public welfare  
34 district of changes in income or other factors that might impact eligi-  
35 bility pursuant to subdivision four of this section.

36 (h) Upon a finding of lack of eligibility, recipients identified in  
37 paragraph (e) of this subdivision will be entitled to notice and hearing  
38 rights as provided in section twenty-two of this chapter.

39 § 4. This act shall take effect on the one hundred eightieth day after  
40 it shall have become a law; provided that the amendments to paragraph  
41 (b) of subdivision 7 of section 4403-f of the public health law made by  
42 section one of this act shall be subject to the expiration and reversion  
43 of such paragraph and shall expire and be deemed repealed therewith and  
44 provided further that such amendments shall not affect the repeal of  
45 such section and shall expire and be deemed repealed therewith. Effec-  
46 tive immediately, the commissioner of health shall make regulations and  
47 take other actions reasonably necessary to implement this act on that  
48 date.