STATE OF NEW YORK

5940--B

2023-2024 Regular Sessions

IN ASSEMBLY

March 24, 2023

Introduced by M. of A. KIM, DICKENS, GIBBS, McDONALD, GONZALEZ-ROJAS, SEAWRIGHT, DARLING, CHANDLER-WATERMAN, DAVILA -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to increasing the amount of the savings exemption for eligibility for Medicaid

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

Section 1. Subparagraph 4 of paragraph (a) of subdivision 2 of section 366 of the social services law, as amended by section 43 of part C of chapter 58 of the laws of 2008, is amended to read as follows:

(4) savings in amounts equal to [~~one hundred fifty percent of the income amount permitted under subparagraph seven of this paragraph, provided, however, that the amounts for one and two person households shall not be less than the amounts permitted to be retained by households of the same size in order to qualify for benefits under the federal supplemental security income program~~] three hundred thousand dollars;

§ 1-a. Subparagraph 4 of paragraph (a) of subdivision 2 of section 366 of the social services law, as amended by section 3 of part AAA of chapter 56 of the laws of 2022, is amended to read as follows:

(4) savings in amounts equal to [~~one hundred fifty percent of the income amount permitted under subparagraph seven of this paragraph, provided, however, that the amounts for one and two person households shall not be less than the amounts permitted to be retained by households of the same size in order to qualify for benefits under the federal supplemental security income program~~] three hundred thousand dollars;

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

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§ 2. Subparagraph 5 of paragraph (c) of subdivision 1 of section 366 of the social services law, as amended by chapter 583 of the laws of 2023, is amended to read as follows:

(5) A disabled individual at least sixteen years of age, but under the age of sixty-five, who: would be eligible for benefits under the supplemental security income program but for earnings in excess of the allowable limit; has net available income that does not exceed two hundred fifty percent of the applicable federal income official poverty line, as defined and updated by the United States department of health and human services, for a one-person or two-person household, as defined by the commissioner in regulation; has household resources, as defined in paragraph (e) of subdivision two of section three hundred sixty-six-c of this title, other than retirement accounts, that do not exceed [~~one hundred fifty percent of the income amount permitted under subparagraph seven of paragraph (a) of subdivision two of this section, for a one-person or two-person household~~] **three hundred thousand dollars**, as defined by the commissioner in regulation; and contributes to the cost of medical assistance provided pursuant to this subparagraph in accordance with subdivision twelve of section three hundred sixty-seven-a of this title; for purposes of this subparagraph, disabled means having a medically determinable impairment of sufficient severity and duration to qualify for benefits under section 1902(a)(10)(A)(ii)(xv) of the social security act.

§ 3. This act shall take effect January 1, 2025; provided, however, that if section 3 of part AAA of chapter 56 of the laws of 2022 shall not have taken effect on or before such date then section one-a of this act shall take effect on the same date and in the same manner as such section, takes effect; and provided, further, that the effectiveness of sections one and two of this act shall be subject to federal financial participation; provided, further, however, that the commissioner of health shall notify the legislative bill drafting commission upon the occurrence of federal financial participation in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers 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 effective date.