STATE OF NEW YORK

9278

IN ASSEMBLY

February 23, 2024

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

AN ACT to amend the social services law, in relation to eliminating a "look-back period" for home care for non-institutionalized Medicaid applicants; and repealing certain provisions of such law relating thereto

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

Section 1. Clause (xi) of subparagraph 1 of paragraph (e) of subdivision 5 of section 366 of the social services law is REPEALED.

§ 2. The opening paragraph of subparagraph 3 of paragraph (e) of subdivision 5 of section 366 of the social services law, as amended by section 14 of part MM of chapter 56 of the laws of 2020, is amended to read as follows:

In determining the medical assistance eligibility of an institutionalized individual, any transfer of an asset by the individual or the individual's spouse for less than fair market value made within or after the look-back period shall render the individual ineligible for nursing facility services for the period of time specified in subparagraph five of this paragraph. [~~In determining the medical assistance eligibility of a non-institutionalized individual, any transfer of an asset by the individual or the individual's spouse for less than fair market value made within or after the look-back period shall render the individual ineligible for community based long term care services for the period of time specified in subparagraph five of this paragraph.~~] For purposes of this paragraph:

§ 3. Clause (vi) of subparagraph 1 of paragraph (e) of subdivision 5 of section 366 of the social services law, as amended by section 13 of part MM of chapter 56 of the laws of 2020, is amended to read as follows:

(vi) "look-back period" means the sixty-month period immediately preceding the date that an institutionalized individual is both institutionalized and has applied for medical assistance[~~, or in the case of a non-institutionalized individual, subject to federal approval, the thir-~~

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

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~~ty-month period immediately preceding the date that such non-institutionalized individual applies for medical assistance coverage of long term care services. Nothing herein precludes a review of eligibility for retroactive authorization for medical expenses incurred during the three months prior to the month of application for medical assistance~~].

§ 4. This act shall take effect immediately.