STATE OF NEW YORK

9759

IN ASSEMBLY

April 3, 2024

Introduced by M. of A. PHEFFER AMATO -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to establishing the Medicare maximization and assistance program to assist eligible state retirees in obtaining certain Medicare benefits

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

Section 1. The civil service law is amended by adding a new article 15 to read as follows:

ARTICLE XV
MEDICARE MAXIMIZATION AND ASSISTANCE PROGRAM
Section 300. Definitions.
301. Purpose.
302. Establishment of the Medicare maximization and assistance program.
303. Investment of savings.

§ 300. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Eligible individual" means an individual retired from state service eligible for benefits pursuant to article eleven of this chapter.

2. "Program" means the Medicare maximization and assistance program established pursuant to the provisions of this article.

§ 301. Purpose. Persons who are under age sixty-five and disabled are frequently eligible for, but not receiving social security disability insurance and Medicare. The Medicare maximization and assistance program is designed to ensure that eligible retirees are able to access all benefits available to them. The benefits accrue not just to the retiree, but to the state in ensuring that Medicare serves as the primary payer for eligible persons.

§ 302. Establishment of the Medicare maximization and assistance program. 1. The commissioner shall establish within the department a Medicare maximization and assistance program which shall be designed to

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

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identify state retirees eligible for but not receiving social security disability insurance and Medicare coverage.

2. Elements of the program shall include:

(a) conducting an ongoing claims analysis of retirees for the purpose of identifying individuals who may be eligible for social security disability insurance or Medicare benefits and are not yet receiving them;

(b) assisting any individual whose claims history and social security eligibility qualify such individual to apply for and be awarded social security disability and subsequently Medicare. Such assistance shall include the following:

(i) developing communication materials to educate Medicaid recipients about social security disability insurance benefits;

(ii) performing outreach to populations targeted by claims analysis;

(iii) analyzing responses to determine social security disability insurance benefit or Medicare eligibility;

(iv) representing qualified individuals with their claim or claims to qualify for social security disability insurance benefits and Medicare enrollment;

(v) monitoring the program through reporting requirements and other means to ensure contract performance and quality delivery of services; and

(vi) monitoring the quality of services delivered to participants through outcome measurements.

3. Under no circumstances shall an individual eligible for this program experience any adverse change in health benefits or other benefits as a result of participating in this program. No individual shall be required to transfer to Medicare as a result of participating in this program.

4. The commissioner shall provide the department and the legislature with an annual report showing the number of Medicaid recipients who have transitioned to social security disability insurance and Medicare and the amount of savings realized by the program.

§ 303. Investment of savings. The state shall invest any net savings realized from the program back into the New York state health insurance program for the purpose of eliminating or limiting the impact of any premium rate or other cost increases that would be the responsibility of an employee or retiree.

§ 2. This act shall take effect April 1, 2024; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after such date.