

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 Assem-
bly, do enact as follows:

1 Section 1. The civil service law is amended by adding a new article 15
2 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.

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

12 1. "Eligible individual" means an individual retired from state
13 service eligible for benefits pursuant to article eleven of this chap-
14 ter.

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

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

24 § 302. Establishment of the Medicare maximization and assistance
25 program. 1. The commissioner shall establish within the department a
26 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.

LBD15000-01-4

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

3 2. Elements of the program shall include:

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

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

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

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

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

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

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

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

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

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

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

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