STATE OF NEW YORK

2462

2023-2024 Regular Sessions

IN SENATE

January 20, 2023

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

AN ACT to amend the social services law, in relation to establishing the incontinence supplies insurance program for Medicaid beneficiaries

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

Section 1. The social services law is amended by adding a new section 363-f to read as follows:

§ 363-f. Incontinence supplies insurance program. 1. Establishment. The commissioner shall establish an incontinence supplies insurance program. Such program shall provide incontinence supplies to persons that meet the program eligibility requirements established in subdivision two of this section. For purposes of this section, "incontinence supplies" shall mean products designed to help manage urinary or bowel output. Such products shall be intended to protect clothing, bedding, and furniture and shall consist of items including, but not limited to, protective underwear, cloths, wipes, bedding protection, cleaners, creams, lotions, bedpans, and urinals.

2. Eligibility. To qualify for coverage under this section, a person shall:

(a) be a Medicaid beneficiary;

(b) be a resident of the state of New York; and

(c) obtain a note from a physician indicating a need for an item in accordance with subdivision one of this section.

3. Regulations. The commissioner is authorized and directed to promulgate such regulations as he or she may deem necessary or appropriate to effectuate the purposes of this section. However, such regulations shall include:

(a) A cap on allowance granted under this section of eighty dollars, every three months, per eligible person; and

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

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(b) Procedures for the state to recover the value of benefits or payments made under this section, if any, that were based on applications or claims submitted in violation of any provision of this section.

§ 2. This act shall take effect on the sixtieth day after it shall have become a 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.