

# 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:

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

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

10 § 1-a. Subparagraph 4 of paragraph (a) of subdivision 2 of section 366  
11 of the social services law, as amended by section 3 of part AAA of chap-  
12 ter 56 of the laws of 2022, is amended to read as follows:

13 (4) savings in amounts equal to [~~one hundred fifty percent of the~~  
14 ~~income amount permitted under subparagraph seven of this paragraph,~~  
15 ~~provided, however, that the amounts for one and two person households~~  
16 ~~shall not be less than the amounts permitted to be retained by house-~~  
17 ~~holds of the same size in order to qualify for benefits under the feder-~~  
18 ~~al 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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1 § 2. Subparagraph 5 of paragraph (c) of subdivision 1 of section 366  
2 of the social services law, as amended by chapter 583 of the laws of  
3 2023, is amended to read as follows:

4 (5) A disabled individual at least sixteen years of age, but under the  
5 age of sixty-five, who: would be eligible for benefits under the supple-  
6 mental security income program but for earnings in excess of the allow-  
7 able limit; has net available income that does not exceed two hundred  
8 fifty percent of the applicable federal income official poverty line, as  
9 defined and updated by the United States department of health and human  
10 services, for a one-person or two-person household, as defined by the  
11 commissioner in regulation; has household resources, as defined in para-  
12 graph (e) of subdivision two of section three hundred sixty-six-c of  
13 this title, other than retirement accounts, that do not exceed [~~one~~  
14 ~~hundred fifty percent of the income amount permitted under subparagraph~~  
15 ~~seven of paragraph (a) of subdivision two of this section, for a one-~~  
16 ~~person or two-person household]~~ three hundred thousand dollars, as  
17 defined by the commissioner in regulation; and contributes to the cost  
18 of medical assistance provided pursuant to this subparagraph in accord-  
19 ance with subdivision twelve of section three hundred sixty-seven-a of  
20 this title; for purposes of this subparagraph, disabled means having a  
21 medically determinable impairment of sufficient severity and duration to  
22 qualify for benefits under section 1902(a)(10)(A)(ii)(xv) of the social  
23 security act.

24 § 3. This act shall take effect January 1, 2025; provided, however,  
25 that if section 3 of part AAA of chapter 56 of the laws of 2022 shall  
26 not have taken effect on or before such date then section one-a of this  
27 act shall take effect on the same date and in the same manner as such  
28 section, takes effect; and provided, further, that the effectiveness of  
29 sections one and two of this act shall be subject to federal financial  
30 participation; provided, further, however, that the commissioner of  
31 health shall notify the legislative bill drafting commission upon the  
32 occurrence of federal financial participation in order that the commis-  
33 sion may maintain an accurate and timely effective data base of the  
34 official text of the laws of the state of New York in furtherance of  
35 effectuating the provisions of section 44 of the legislative law and  
36 section 70-b of the public officers law. Effective immediately, the  
37 addition, amendment and/or repeal of any rule or regulation necessary  
38 for the implementation of this act on its effective date are authorized  
39 to be made and completed on or before such effective date.