

STATE OF NEW YORK

3554

2025-2026 Regular Sessions

IN SENATE

January 28, 2025

Introduced by Sens. CLEARE, WEBB -- 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 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
2 section 366 of the social services law, as amended by section 3 of part
3 AAA of chapter 56 of the laws of 2022, 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 § 2. Subparagraph 5 of paragraph (c) of subdivision 1 of section 366
11 of the social services law, as amended by chapter 583 of the laws of
12 2023, is amended to read as follows:

13 (5) A disabled individual at least sixteen years of age, but under the
14 age of sixty-five, who: would be eligible for benefits under the supple-
15 mental security income program but for earnings in excess of the allow-
16 able limit; has net available income that does not exceed two hundred
17 fifty percent of the applicable federal income official poverty line, as
18 defined and updated by the United States department of health and human
19 services, for a one-person or two-person household, as defined by the
20 commissioner in regulation; has household resources, as defined in para-
21 graph (e) of subdivision two of section three hundred sixty-six-c of
22 this title, other than retirement accounts, that do not exceed [~~one~~
23 ~~hundred fifty percent of the income amount permitted under subparagraph~~
24 ~~seven of paragraph (a) of subdivision two of this section, for a one-~~
25 ~~person or two-person household]~~ three hundred thousand dollars, as

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

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1 defined by the commissioner in regulation; and contributes to the cost
2 of medical assistance provided pursuant to this subparagraph in accord-
3 ance with subdivision twelve of section three hundred sixty-seven-a of
4 this title; for purposes of this subparagraph, disabled means having a
5 medically determinable impairment of sufficient severity and duration to
6 qualify for benefits under section 1902(a)(10)(A)(ii)(xv) of the social
7 security act.

8 § 3. This act shall take effect January 1, 2026; provided, however,
9 that the effectiveness of sections one and two of this act shall be
10 subject to federal financial participation; provided, further, however,
11 that the commissioner of health shall notify the legislative bill draft-
12 ing commission upon the occurrence of federal financial participation in
13 order that the commission may maintain an accurate and timely effective
14 data base of the official text of the laws of the state of New York in
15 furtherance of effectuating the provisions of section 44 of the legisla-
16 tive law and section 70-b of the public officers law. Effective imme-
17 diately, the addition, amendment and/or repeal of any rule or regulation
18 necessary for the implementation of this act on its effective date are
19 authorized to be made and completed on or before such effective date.