

STATE OF NEW YORK

10403

IN ASSEMBLY

March 3, 2026

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to authorizing the commissioner of health to establish nursing facility transition and diversion Medicaid waiting lists per designated waiver region

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

Section 1. Subdivision 6-a of section 366 of the social services law is amended by adding a new paragraph i to read as follows:

i. The commissioner of health is further directed to establish a waiting list per designated waiver region once the federally approved capacity for the waiver is reached. The commissioner shall draw from the regional waiting list to accommodate eligible individuals once capacity allows in each region. Unless the commissioner chooses to prioritize certain populations, including but not limited to eligible persons transitioning from nursing facilities, the commissioner shall draw eligible persons who have been on the waiting list in the order in which they came on in each region, provided the eligible person resides in the approved waiver region from which the vacancy occurred.

§ 2. Paragraph (d-2) of subdivision 3 of section 364-j of the social services law, as amended by chapter 41 of the laws of 2025, is amended to read as follows:

(d-2) Services provided pursuant to a waiver, granted pursuant to subsection (c) of section 1915 of the federal social security act, to persons suffering from traumatic brain injuries, shall not be provided to medical assistance recipients through managed care programs established pursuant to this section. Services provided pursuant to a waiver, granted pursuant to subsection (c) of section 1915 of the federal social security act, to persons qualifying for nursing home diversion and transition services, shall not be provided to medical assistance recipients through managed care programs until at least January first, two thousand ~~twenty-seven~~ thirty-two.

§ 3. This act shall take effect immediately; provided, however, that the amendments to section 364-j of the social services law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

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

LBD14838-02-6