

# STATE OF NEW YORK

4786

2025-2026 Regular Sessions

## IN SENATE

February 12, 2025

Introduced by Sens. SKOUFIS, CLEARE -- 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 eliminating a  
"look-back period" for home care for non-institutionalized Medicaid  
applicants; and repealing certain provisions of such law relating  
thereto

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

1 Section 1. Clause (xi) of subparagraph 1 of paragraph (e) of subdivi-  
2 sion 5 of section 366 of the social services law is REPEALED.  
3 § 2. The opening paragraph of subparagraph 3 of paragraph (e) of  
4 subdivision 5 of section 366 of the social services law, as amended by  
5 section 14 of part MM of chapter 56 of the laws of 2020, is amended to  
6 read as follows:  
7 In determining the medical assistance eligibility of an institutional-  
8 ized individual, any transfer of an asset by the individual or the indi-  
9 vidual's spouse for less than fair market value made within or after the  
10 look-back period shall render the individual ineligible for nursing  
11 facility services for the period of time specified in subparagraph five  
12 of this paragraph. [~~In determining the medical assistance eligibility of  
13 a non-institutionalized individual, any transfer of an asset by the  
14 individual or the individual's spouse for less than fair market value  
15 made within or after the look-back period shall render the individual  
16 ineligible for community based long term care services for the period of  
17 time specified in subparagraph five of this paragraph.~~] For purposes of  
18 this paragraph:  
19 § 3. Clause (vi) of subparagraph 1 of paragraph (e) of subdivision 5  
20 of section 366 of the social services law, as amended by section 13 of  
21 part MM of chapter 56 of the laws of 2020, is amended to read as  
22 follows:

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

LBD05294-01-5

1 (vi) "look-back period" means the sixty-month period immediately  
2 preceding the date that an institutionalized individual is both institu-  
3 tionalized and has applied for medical assistance[~~, or in the case of a~~  
4 ~~non-institutionalized individual, subject to federal approval, the thir-~~  
5 ~~ty-month period immediately preceding the date that such non-institu-~~  
6 ~~tionalized individual applies for medical assistance coverage of long~~  
7 ~~term care services. Nothing herein precludes a review of eligibility for~~  
8 ~~retroactive authorization for medical expenses incurred during the three~~  
9 ~~months prior to the month of application for medical assistance].~~

10 § 4. This act shall take effect immediately.