§ 365. Responsibility for assistance. 1. Subject to supervision by the department: (a) each public welfare district shall furnish medical assistance to the persons eligible therefor who reside in its territory, except to persons for whom another public welfare district would be responsible under the provisions of paragraphs (b), (c), (d) or (g) of subdivision five of section sixty-two and other provisions of this chapter, and except to persons for whom provision is made hereinafter in subdivision two. Temporary absence, within or without the state, of such persons from such territory shall not effect their eligibility for such assistance;

(b) each public welfare district shall also be responsible for furnishing medical assistance to eligible persons found in its territory, who are temporarily in the state;

(c) each public welfare district, in any case in which the appropriate medical care and services are not available within such district, shall make appropriate arrangements, including the provision of transportation, for obtaining such medical care and services outside such district;

(d) each public welfare district may furnish all or any part of the medical assistance required to be furnished pursuant to this title, either directly or by contract or agreement.

2. Any inconsistent provision of this chapter or other law notwithstanding, the department shall be responsible for furnishing medical assistance to eligible individuals: (a) who are sixty-five years of age or older and who are patients in either state hospitals for the mentally disabled operated by the state department of mental hygiene or state hospitals for the treatment of tuberculosis operated pursuant to the provisions of the public health law; (b) who are under twenty-one years of age and who are receiving psychiatric services in such state hospitals for the mentally disabled which services conform to the state plan implementive of this title and which a team consisting of physicians and other qualified personnel has determined are necessary on an in-patient basis and can reasonably be expected to improve the condition requiring such services to the extent that eventually such services will no longer be necessary; in the case of a person who, during the course of hospitalization attains the age of twenty-one, such

services may continue until he reaches the age of twenty-two; (c) who are patients in that part of a public institution operated for the care of individuals with developmental disabilities that has been approved pursuant to law as a hospital or nursing home; (d) who are under care and treatment for drug dependence in a facility, or part thereof, operated pursuant to the provisions of the mental hygiene law if and so long as federal aid is available therefor; (e) who are under care in a hospital while they are on release from an institution in the state department of mental hygiene or who are drug dependent persons under care in a hospital while they are on release from a drug abuse treatment facility or part thereof operated in compliance with applicable provisions of law and supervised by the state division of substance abuse services, for the purpose of receiving care in such hospital. The department may at its option discharge such responsibility, in whole or in part, through social services districts designated to act as agents of the department. While so designated, a social services district shall act as agent of the department and shall be entitled to reimbursement as provided in section three hundred sixty-eight-a of this title.

3. Any inconsistent provision of this chapter or other law notwithstanding, the department shall be responsible for furnishing medical assistance to eligible veterans and their dependents (a) in that part of the New York state home for veterans and their dependents at Oxford that has been approved pursuant to law as a nursing home, and (b) in a hospital while on release from that home for the purpose of receiving care in such hospital. The department may at its option discharge such responsibility, in whole or in part, through social services districts designated to act as agents of the department. While so designated, a social services district shall act as agent of the department and shall be entitled to reimbursement as provided in section three hundred sixty-eight-a of this title.

4. Any inconsistent provision of this chapter or other law notwithstanding, the department shall be responsible for furnishing medical assistance to eligible individuals: (a) who are patients in that part of a public institution operated for the care of individuals with developmental disabilities that has been approved pursuant to law as an

intermediate care facility or who are participating in a program operated by the department of mental hygiene or by a voluntary agency under an agreement with such department, in that part of such a facility that has been approved as a day treatment program in accordance with the regulations of the state commissioner of mental hygiene; (b) who are veterans and their dependents in that part of the New York state home for veterans and their dependents at Oxford that has been approved pursuant to law as an intermediate care facility; (c) such persons under care in a hospital while they are on release from such home for the purpose of receiving care in such hospital; and (d) who are included in either one of the model waivers or the general waiver described in subdivisions seven and nine of section three hundred sixty-six of this chapter. The department may, at its option, discharge such responsibility, in whole or in part, through social services districts designated to act as agents of the department. While so designated, a social services district shall act as agent of the department and shall be entitled to reimbursements as provided in section three hundred sixty-eight-a of this chapter.

5. Any inconsistent provision of this chapter or other law notwithstanding the department shall be responsible for determining eligibility of and furnishing medical assistance to eligible persons when such person is in need of such medical assistance at the time he is discharged or released or conditionally released from a state department of mental hygiene facility pursuant to the mental hygiene law and when such person was admitted to such facility and has been a patient therein for a continuous period of five or more years prior to his discharge or release. For purposes of determining whether a person has been a patient in such a facility for a continuous period of five years or more, if a person who has been discharged or released from such a facility is thereafter returned to such a facility within ninety days of the discharge or release, the period of time between such discharge or release and such return shall not constitute an interruption of, and shall be counted as part of, the continuous period. The department may, at its option, discharge its responsibility for eligibility determinations or for providing medical assistance or both, in whole or in part, through designated social services districts. While so

designated, a social services district shall act as agent of the department and shall be entitled to reimbursement of the full amount expended on behalf of the department as provided in section three hundred sixty-eight-a of this article.

6. Any inconsistent provisions of this chapter or other law notwithstanding, the department shall be responsible for determining eligibility for medical assistance for a person for whom the full cost of such assistance is reimbursable by the state and who is in need of such assistance at the time he is discharged or released or conditionally released from a state hospital operated by the office of mental health or a facility operated by the division of alcoholism and alcohol abuse located on the grounds of such hospital. The department may at its option discharge such responsibility, in whole or in part, through social services districts designated to act as agents of the department. While so designated, a social services district shall act as agent of the department and shall be entitled to reimbursement as provided in section three hundred sixty-eight-a of this title.

7. Any inconsistent provision of this chapter or other law notwithstanding, the department may, with the consent of the commissioner of mental health, designate the office of mental health as its agent to discharge its responsibility, or so much of its responsibility as is permitted by federal law, for determining eligibility for medical assistance pursuant to subdivisions two, five, six and eight of this section.

8. Any inconsistent provision of this chapter or other law notwithstanding, the department shall be responsible for determining eligibility of and furnishing medical assistance to eligible persons who reside in residential care centers for adults or community residences operated by the office of mental health. The department may, at its option, discharge its responsibility for eligibility determinations or for providing medical assistance or both, in whole or in part, through designated social services districts. While so designated, a social services district shall act as agent of the department and shall be entitled to reimbursement as provided in section three hundred

sixty-eight-a of this article.

9. Any inconsistent provision of this chapter or other law notwithstanding, the social services district in which an eligible major public general hospital is physically located shall be responsible for the supplementary bad debt and charity care adjustment component of the rate of payment for such major public general hospital (as determined in accordance with subdivision fourteen-a of section twenty-eight hundred seven-c of the public health law) for all inpatient hospital services provided by such major public general hospital in accordance with section three hundred sixty-five-a of this article, regardless of whether another social services district or the department may otherwise be responsible for furnishing medical assistance to the eligible persons receiving such inpatient services.

10. Any inconsistent provision of this chapter or other law notwithstanding, the social services district in which an eligible public general hospital is physically located shall be responsible for the supplementary low income patient adjustment component of the rate of payment for such public general hospital (as determined in accordance with subdivision fourteen-d of section twenty-eight hundred seven-c of the public health law) for all inpatient hospital services provided by such public general hospital in accordance with section three hundred sixty-five-a of this article, regardless of whether another social services district or the department may otherwise be responsible for furnishing medical assistance to the eligible persons receiving such inpatient services.

11. Any inconsistent provision of this chapter or other law notwithstanding, the social services district in which an eligible public residential health care facility is physically located shall be responsible for the adjustment component of the payments for such public residential health care facility as determined in accordance with subdivision twelve of section twenty-eight hundred eight of the public health law for all residential health care facility services provided by such public residential health care facility in accordance with section three hundred sixty-five-a of this article, regardless of whether

another social services district or the department may otherwise be responsible for furnishing medical assistance to the eligible persons receiving such services.

12. Any inconsistent provision of this chapter or other law notwithstanding, the social services district in which an eligible public general hospital is physically located shall be responsible for the public general hospital indigent care adjustment component of the payments to such public general hospital (as determined in accordance with subdivision fourteen-f of section twenty-eight hundred seven-c of the public health law) for all inpatient hospital services provided by such public general hospital in accordance with section three hundred sixty-five-a of this article, regardless of whether another social services district or the department may otherwise be responsible for furnishing medical assistance to the eligible persons receiving such inpatient services.