

DRAFT LBDC

INSERT Part R

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the social services law, in relation to recertification for medical assistance for a recipient of medicaid waiver services authorized by the office of mental retardation and developmental disabilities (Part R)

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

1 Section 1. Paragraph (d) of subdivision 5 of section 366-a of the
2 social services law, as amended by section 49 of part C of chapter 58 of
3 the laws of 2008, is amended to read as follows:

4 (d) In order to establish place of residence and income eligibility
5 under this title at recertification, a recipient of assistance under
6 this title shall attest to place of residence and to all information
7 regarding the household's income that is necessary and sufficient to
8 determine such eligibility; provided, however, that this paragraph shall
9 not apply to persons described in subparagraph two of paragraph (a) of
10 subdivision one of section three hundred sixty-six of this title, or to
11 persons receiving long term care services, as defined in paragraph (b)
12 of subdivision two of this section; and provided, further, that a non-
13 applying legally responsible relative recertifying on behalf of a recip-
14 ient of assistance who is under the age of twenty-one years shall be
15 permitted to attest to household income under this paragraph only if the
16 social security numbers of all legally responsible relatives are
17 provided to the district. Provided, however, for purposes of recertif-
18 ication for assistance under this title for a recipient of medicaid
19 waiver services provided or authorized by the office of mental retarda-
20 tion and developmental disabilities, beginning on or after January

1 first, two thousand ten, such recipient may be permitted, as determined
2 by the commissioner of health, to attest to place of residence and to
3 all information regarding the household's income and/or resources that
4 are necessary to determine such eligibility.

5 § 2. This act shall take effect immediately, and be deemed to have
6 been in full force and effect on and after March 1, 2009.