



Retired Public Employees Association

*Representing the interests of 500,000 New York state and local government retirees
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MEMO IN SUPPORT A.6091 (McDonald)/S.4724 (Fahy)

Equal Access to Skilled Nursing Facility Care for All Public Service Retirees

People over 55 account for over half of overall healthcare spending in the U.S. (Source: Kaiser Family Foundation). They are likely to require more medications, surgeries, doctor visits and disability assistance, among other health needs, than younger people. They are also more likely to need access to skilled nursing facilities for rehabilitation after a medical emergency, injury or surgery.

Yet, retirees enrolled in the New York State Health Insurance Program's Empire Plan, for whom Medicare is their primary health insurance, do not receive the same coverage as active employees and those not yet enrolled in Medicare even though they pay the same premiums. Medicare-primary enrollees (65 and older) in the Empire Plan **do not receive any coverage for skilled nursing facility care** while non-Medicare enrollees are covered.

Medicare provides a maximum of 20 days with a required three-day hospital stay; the Empire Plan does not have additional coverage. However, the Empire Plan provides 120 days in a skilled nursing facility with no required hospital stay for non-Medicare-primary enrollees.

In 1966, the legislature enacted a law that integrated retirees over 65 into the new federal Medicare program. The NYS Department of Civil Service, in support of this legislation, noted that Medicare "would be in addition to any benefits available under the State Health Insurance Plan". The Department of Civil Service has not honored its own policy.

The legislature unanimously passed S.8192 (Breslin)/A.9215 (McDonald) in 2022 to require equal coverage for all Empire Plan members. Governor Hochul vetoed this bill (Message 130) because it lacked a funding source and was not part of the budget process.

RPEA urges the legislature to pass this bill and create equality in skilled nursing facility care for all New York State public service retirees in the NYSHIP Empire Plan.