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I N   S E N A T E

January 8, 2016

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Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to the date of enrollment in the child health insurance plan; to amend chapter 577 of the laws of 2015 amending the public health law relating to the date of enrollment in the child health insurance plan, in relation to the effectiveness thereof; and to repeal certain provisions of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 2 of section 2511 of the public health law is  
2 amended by adding a new paragraph (i) to read as follows:

3     (I) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, RULE OR REGU-  
4 LATION:

5     (I) A NEWBORN CHILD WHO MEETS THE ELIGIBILITY CRITERIA SET FORTH IN  
6 THIS SUBDIVISION OR SUBDIVISION FIVE OF THIS SECTION, AS DETERMINED BY  
7 AN APPROVED ORGANIZATION OR THE HEALTH INSURANCE EXCHANGE MARKETPLACE,  
8 WHICHEVER IS APPLICABLE, SHALL BE ENROLLED RETROACTIVELY TO THE FIRST  
9 DAY OF THE MONTH IN WHICH THE CHILD IS BORN, PROVIDED THAT THE APPLICANT  
10 FOR INSURANCE SUBMITS A COMPLETED AND SIGNED APPLICATION AND REQUIRED  
11 INFORMATION AND DOCUMENTATION WITHIN SIXTY DAYS OF THE CHILD'S BIRTH.

12     (II) A NEWBORN CHILD SHALL BE PRESUMED ELIGIBLE FOR SUBSIDY PAYMENTS  
13 UNDER THIS SUBDIVISION OR ELIGIBLE FOR COVERAGE UNDER SUBDIVISION FIVE  
14 OF THIS SECTION, PROVIDED THAT THE APPLICANT FOR INSURANCE SUBMITS A  
15 COMPLETED AND SIGNED APPLICATION WITHIN SIXTY DAYS OF THE CHILD'S BIRTH.  
16 ONCE ELIGIBILITY IS DETERMINED BY THE APPROVED ORGANIZATION OR THE  
17 HEALTH INSURANCE EXCHANGE MARKETPLACE, WHICHEVER IS APPLICABLE, ON THE  
18 BASIS OF PRELIMINARY INFORMATION, THE CHILD SHALL BE ENROLLED RETROAC-  
19 TIVELY TO THE FIRST DAY OF THE MONTH IN WHICH THE CHILD IS BORN. ALL  
20 OTHER PROCEDURES AND STANDARDS REGARDING PRESUMPTIVE ENROLLMENT APPLICA-  
21 BLE TO ELIGIBLE CHILDREN ENROLLED UNDER THIS TITLE AND SPECIFIED IN  
22 STATE CONTRACTS WITH APPROVED ORGANIZATIONS OR IMPLEMENTED BY THE HEALTH  
23 INSURANCE EXCHANGE MARKETPLACE, WHICHEVER IS APPLICABLE, SHALL APPLY TO  
24 PRESUMPTIVE ENROLLMENT OF NEWBORN CHILDREN.

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

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1 S 2. Subparagraph (i) of paragraph (g) of subdivision 2 of section  
2 2511 of the public health law, as amended by chapter 577 of the laws of  
3 2015, is amended to read as follows:

4 (i) Notwithstanding any inconsistent provision of law to the contrary  
5 and subject to the availability of federal financial participation under  
6 title XIX of the federal social security act, a child under the age of  
7 nineteen shall be presumed to be eligible for subsidy payments and  
8 temporarily enrolled for coverage under this title, once during a twelve  
9 month period, beginning on the first day of the enrollment period  
10 following the date that an approved organization determines, on the  
11 basis of preliminary information, that a child's net household income  
12 does not exceed the income level specified in title eleven of article  
13 five of the social services law for children eligible for medical  
14 assistance based on such child's age. [Provided, however, in the case of  
15 a newborn child, the eligibility for subsidy payments and temporary  
16 enrollment shall be the date of the child's birth if the applicant for  
17 insurance applied prior to the child's birth or within sixty days after  
18 the child's birth, and an approved organization, or the state enrollment  
19 center, determines, on the basis of preliminary information, that the  
20 child's net household income does not exceed the income level specified  
21 in this title for children eligible for premium subsidy under this  
22 title.] The temporary enrollment period shall continue until the earlier  
23 of the date an eligibility determination is made pursuant to this title  
24 or title eleven of article five of the social services law, or two  
25 months after the date temporary enrollment begins; provided however, a  
26 temporary enrollment period may be extended in the event an eligibility  
27 determination under this title or title eleven of article five of the  
28 social services law is not made within such two month period through no  
29 fault of the applicant for insurance for medical assistance. The commis-  
30 sioner shall assure that children who are enrolled pursuant to this  
31 paragraph receive the appropriate follow-up for a determination of  
32 eligibility for benefits under this title or title eleven of article  
33 five of the social services law prior to the termination of the tempo-  
34 rary enrollment period. The commissioner shall assure that children and  
35 their families are informed of all available enrollment sites in accord-  
36 ance with subdivision nine of this section.

37 S 3. Subdivision 5-b of section 2511 of the public health law is  
38 REPEALED.

39 S 4. Section 3 of chapter 577 of the laws of 2015 amending the public  
40 health law, relating to the date of enrollment in the child health  
41 insurance plan, is amended to read as follows:

42 S 3. This act shall take effect on January 1, [2016] 2017, provided,  
43 however, that the amendments to paragraph (g) of subdivision 2 of  
44 section 2511 of the public health law made by section one of this act  
45 shall not affect the expiration of such paragraph and shall be deemed to  
46 expire therewith [and provided, further that subdivision 5-b of section  
47 2511 of the public health law as added by section two of this act shall  
48 expire and be deemed repealed on the same date as paragraph (g) of  
49 subdivision 2 of such section expires pursuant to chapter 2 of the laws  
50 of 1998, as amended].

51 S 5. This act shall take effect on the same date and in the same  
52 manner as chapter 577 of the laws of 2015 takes effect; provided, howev-  
53 er, the amendments to subparagraph (i) of paragraph (g) of subdivision  
54 202 of section 2511 of the public health law, made by section two of  
55 this act, shall not affect the expiration of such paragraph and shall be  
56 deemed expired therewith.