S T A T E O F N E W Y O R K

7277

2009-2010 Regular Sessions

I N A S S E M B L Y

March 27, 2009

Introduced by M. of A. THIELE, BARRA, BURLING, FINCH, GIGLIO, McKEVITT, MOLINARO, RABBITT, RAIA, SALADINO, SCOZZAFAVA, WALKER -- Multi-Sponsored by -- M. of A. CONTE -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the child health insurance plan

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

Section 1. Subparagraphs (iii), (iv), (v) and (vi) of paragraph (c) of subdivision 9 of section 2510 of the public health law, subparagraph (iii) as amended by section 26 of part A of chapter 58 of the laws of 2007, subparagraphs (iv), (v) and (vi) as amended by section 31 of part B of chapter 58 of the laws of 2008, are amended and a new paragraph (d) is added to read as follows:

(iii) fifteen dollars per month for each eligible child whose family net household income is between one hundred eighty-six percent and one hundred ninety-two percent of the non-farm federal poverty level or the gross equivalent of such net income, but no more than forty-five dollars per month per family, and, effective July first, two thousand, fifteen dollars per month for each eligible child whose family net household income is between one hundred eighty-six percent and two hundred eight percent of the non-farm federal poverty level or the gross equivalent of such net income, but no more than forty-five dollars per month per family[; and

(iv) effective September first, two thousand eight, twenty].

(D) FOR PERIODS ON OR AFTER SEPTEMBER FIRST, TWO THOUSAND NINE, AMOUNTS AS FOLLOWS:

(I) NO PAYMENTS ARE REQUIRED FOR ELIGIBLE CHILDREN WHOSE FAMILY GROSS HOUSEHOLD INCOME IS LESS THAN ONE HUNDRED SIXTY PERCENT OF THE NON-FARM FEDERAL POVERTY LEVEL AND NO PAYMENTS ARE REQUIRED FOR ELIGIBLE CHILDREN

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

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WHO ARE AMERICAN INDIANS OR ALASKAN NATIVES, AS DEFINED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND

(II) FIFTEEN DOLLARS PER MONTH FOR EACH ELIGIBLE CHILD WHOSE FAMILY GROSS HOUSEHOLD INCOME IS BETWEEN ONE HUNDRED SIXTY PERCENT AND TWO HUNDRED TWENTY-TWO PERCENT OF THE NON-FARM FEDERAL POVERTY LEVEL, BUT NO MORE THAN FORTY-FIVE DOLLARS PER MONTH PER FAMILY; AND

(III) TWENTY-FIVE DOLLARS PER MONTH FOR EACH ELIGIBLE CHILD WHOSE FAMILY GROSS HOUSEHOLD INCOME IS BETWEEN TWO HUNDRED TWENTY-THREE PERCENT AND TWO HUNDRED FIFTY PERCENT OF THE NON-FARM FEDERAL POVERTY LEVEL, BUT NO MORE THAN SEVENTY-FIVE DOLLARS PER MONTH PER FAMILY.

(E) FOR PERIODS ON OR AFTER JULY FIRST, TWO THOUSAND NINE, AMOUNTS AS FOLLOWS:

(I) THIRTY-FIVE dollars per month for each eligible child whose family gross household income is between two hundred fifty-one percent and three hundred percent of the non-farm federal poverty level, but no more than [sixty] ONE HUNDRED FIVE dollars per month per family;

[(v) effective September first, two thousand eight, thirty] AND

(II) FIFTY-FIVE dollars per month for each eligible child whose family gross household income is between three hundred one percent and three hundred fifty percent of the non-farm federal poverty level, but no more than [ninety] ONE HUNDRED SIXTY-FIVE dollars per month per family; and

[(vi) effective September first, two thousand eight, forty]

(III) SEVENTY-FIVE dollars per month for each eligible child whose family gross household income is between three hundred fifty-one percent and four hundred TWENTY-FIVE percent of the non-farm federal poverty level, but no more than [one hundred twenty] TWO HUNDRED TWENTY-FIVE dollars per month per family.

S 2. Subparagraph (iii) of paragraph (a) of subdivision 2 of section 2511 of the public health law, as amended by section 32 of part B of chapter 58 of the laws of 2008, is amended to read as follows:

(iii) effective [September] JULY first, two thousand eight, resides in a household having a gross household income at or below four hundred TWENTY-FIVE percent of the non-farm federal poverty level (as defined and updated by the United States department of health and human services);

S 3. Clause (B) of subparagraph (ii) of paragraph (d) of subdivision 2 of section 2511 of the public health law, as amended by section 3 of part OO of chapter 57 of the laws of 2008, is amended to read as follows:

(B) The implementation of clauses (A), (B), (C), (D), (E), (F), (G) and (I) of subparagraph (i) of this paragraph for a child residing in a household having a gross household income between two hundred fifty-one and four hundred TWENTY-FIVE percent of the non-farm federal poverty level (as defined and updated by the United States department of health and human services) shall take effect [September] JULY first, two thousand eight; provided however, the entirety of subparagraph (i) of this paragraph shall take effect and be applied to such children on the date federal financial participation becomes available for such population in accordance with the state's Title XXI child health plan. The commissioner shall monitor the number of children who are subject to the waiting period established pursuant to this clause.

S 4. Subdivision 8 of section 2510 of the public health law, as amended by chapter 2 of the laws of 1998, is amended to read as follows:

8. "Subsidy payment" means a payment made to an approved organization for the cost of covered health care services coverage to an eligible

child or children THE AMOUNT OF WHICH SHALL BE DETERMINED SOLELY BY THE COMMISSIONER.

S 5. Subdivision 5 of section 2511 of the public health law, as amended by section 34 of part A of chapter 58 of the laws of 2007, is amended to read as follows:

5. Notwithstanding any inconsistent provisions of subdivision two of this section, an individual who meets the criteria of paragraphs (b) and (c) of subdivision two of this section but not the criteria of paragraph (a) of such subdivision may be enrolled for covered health care services, provided however, that an approved organization shall not be eligible to receive a subsidy payment for providing coverage to such individuals. The cost of coverage shall be determined by the commissioner[, in consultation with the superintendent] and shall be no more than the cost of providing such coverage.

S 6. Paragraph (b) of subdivision 7 of section 2511 of the public health law, as amended by chapter 923 of the laws of 1990, is amended to read as follows:

(b) The commissioner, in consultation with the superintendent, shall make a determination whether to approve, disapprove or recommend modification of the proposal. In order for a proposal to be approved by the commissioner, the proposal must also be approved by the superintendent with respect to the provisions of subparagraphs (viii) through (X) AND (xii) of paragraph (a) of this subdivision.

S 7. This act shall take effect immediately; provided, however that the amendments to subdivision 8 and subparagraph (iii) of paragraph (c) of subdivision 9 of section 2510 of the public health law made by sections four and one of this act, respectively, shall not affect the expiration of such provisions and shall be deemed to expire therewith; provided, however, that the amendments to subparagraph (iii) of paragraph (a) of subdivision 2 and subdivision 5 of section 2511 of the public health law made by section two and five of this act, respectively, shall not affect the expiration of such provisions and shall be deemed to expire therewith.