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

1797--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 12, 2011

Introduced by M. of A. AUBRY -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law and the social services law, in relation to requiring the filing of an application for medical assistance for each inmate confined in a state correctional facility

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

Section 1. The correction law is amended by adding a new section 144 to read as follows:

S 144. FILING OF MEDICAL ASSISTANCE APPLICATIONS. THE SUPERINTENDENT OF EACH CORRECTIONAL FACILITY SHALL ENSURE THAT AN APPLICATION FOR MEDICAL ASSISTANCE, PURSUANT TO TITLE ELEVEN OF ARTICLE FIVE OF THE SOCIAL SERVICES LAW, IS FILED FOR EACH INMATE ELIGIBLE FOR SUCH ASSISTANCE AND CONFINED IN SUCH FACILITY, WITH THE STATEWIDE ENROLLMENT CENTER ESTABLISHED BY CONTRACT WITH THE DEPARTMENT OF HEALTH PURSUANT TO SUBDIVISION TWENTY-FOUR OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW IN SUFFICIENT TIME BEFORE THE ANTICIPATED RELEASE, CONDITIONAL RELEASE OR DISCHARGE OF THE ELIGIBLE INMATE TO PERMIT THE ENROLLMENT CENTER TO PROCESS THE APPLICATION PRIOR TO SUCH INMATE'S RELEASE FROM CUSTODY.

S 2. Subdivision 2 of section 366-a of the social services law is amended by adding a new paragraph (e) to read as follows:

(E) UPON RECEIPT OF AN APPLICATION FILED FOR AN INMATE CONFINED IN A STATE CORRECTIONAL FACILITY PURSUANT TO SECTION ONE HUNDRED FORTY-FOUR OF THE CORRECTION LAW, THE CENTRALIZED STATEWIDE ENROLLMENT CENTER ESTABLISHED BY CONTRACT WITH THE DEPARTMENT OF HEALTH PURSUANT TO SUBDIVISION TWENTY-FOUR OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW SHALL DETERMINE THE ELIGIBILITY OF SUCH INMATE FOR ENROLLMENT IN THE MEDICAL ASSISTANCE PROGRAM ESTABLISHED UNDER THIS TITLE. SUCH DETERMINATION SHALL BE BASED ON WHETHER THE INMATE, EXCEPT FOR HIS OR HER STATUS AS AN INMATE, WOULD BE ELIGIBLE TO RECEIVE MEDICAL ASSISTANCE.

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

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NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, ENROLLMENT IN THE MEDICAL ASSISTANCE PROGRAM SHALL BE EFFECTIVE ON THE DATE AN ELIGIBLE INMATE IS RELEASED, CONDITIONALLY RELEASED OR DISCHARGED FROM CUSTODY IN A DEPARTMENT FACILITY TO THE COMMUNITY. THE COMMISSIONER AND THE COMMISSIONER OF THE STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION SHALL DETERMINE THE PROCESS FOR ISSUING THE MEDICAL ASSISTANCE IDENTIFICATION CARD SO THAT THE APPLICANT WILL RECEIVE APPROPRIATE DOCUMENTATION OF HIS OR HER ELIGIBILITY FOR MEDICAL ASSISTANCE EITHER UPON RELEASE OR AS SOON THEREAFTER AS PRACTICABLE.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.