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

7155--B

2015-2016 Regular Sessions

I N A S S E M B L Y

April 27, 2015

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

Section 1. Subparagraph (i) of paragraph (g) of subdivision 2 of section 2511 of the public health law, as amended by section 29 of part A of chapter 58 of the laws of 2007, is amended to read as follows:

(i) Notwithstanding any inconsistent provision of law to the contrary and subject to the availability of federal financial participation under title XIX of the federal social security act, a child under the age of nineteen shall be presumed to be eligible for subsidy payments and temporarily enrolled for coverage under this title, once during a twelve month period, beginning on the first day of the enrollment period following the date that an approved organization determines, on the basis of preliminary information, that a child's net household income does not exceed the income level specified in title eleven of article five of the social services law for children eligible for medical assistance based on such child's age. PROVIDED, HOWEVER, IN THE CASE OF A NEWBORN CHILD, THE ELIGIBILITY FOR SUBSIDY PAYMENTS AND TEMPORARY ENROLLMENT SHALL BE THE DATE OF THE CHILD'S BIRTH IF THE APPLICANT FOR INSURANCE APPLIED PRIOR TO THE CHILD'S BIRTH OR WITHIN SIXTY DAYS AFTER THE CHILD'S BIRTH, AND AN APPROVED ORGANIZATION, OR THE STATE ENROLLMENT CENTER, DETERMINES, ON THE BASIS OF PRELIMINARY INFORMATION, THAT THE CHILD'S NET HOUSEHOLD INCOME DOES NOT EXCEED THE INCOME LEVEL SPECIFIED IN THIS TITLE FOR CHILDREN ELIGIBLE FOR PREMIUM SUBSIDY UNDER THIS

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

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TITLE. The temporary enrollment period shall continue until the earlier of the date an eligibility determination is made pursuant to this title or title eleven of article five of the social services law, or two months after the date temporary enrollment begins; provided however, a temporary enrollment period may be extended in the event an eligibility determination under this title or title eleven of article five of the social services law is not made within such two month period through no fault of the applicant for insurance for medical assistance. The commissioner shall assure that children who are enrolled pursuant to this paragraph receive the appropriate follow-up for a determination of eligibility for benefits under this title or title eleven of article five of the social services law prior to the termination of the temporary enrollment period. The commissioner shall assure that children and their families are informed of all available enrollment sites in accordance with subdivision nine of this section.

S 2. Section 2511 of the public health law is amended by adding a new subdivision 5-b to read as follows:

5-B. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, AND EXCEPT AS PROVIDED IN PARAGRAPH (G) OF SUBDIVISION TWO OF THIS SECTION, THE EFFECTIVE DATE OF COVERAGE UNDER THIS TITLE SHALL BE THE DATE OF THE CHILD'S BIRTH IF THE APPLICANT FOR INSURANCE APPLIED PRIOR TO THE CHILD'S BIRTH OR WITHIN SIXTY DAYS AFTER THE CHILD'S BIRTH.

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