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

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I N A S S E M B L Y

February 1, 2016

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Health

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

(I) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, RULE OR REGULATION:

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

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

S 2. Subparagraph (i) of paragraph (g) of subdivision 2 of section 2511 of the public health law, as amended by a chapter of the laws of 2015 amending the public health law, relating to the date of enrollment in the child health insurance plan, as proposed in legislative bills numbers S.4745-B and A.7155-B, 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

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

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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 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 3. Subdivision 5-b of section 2511 of the public health law, as added by a chapter of the laws of 2015, amending the public health law, relating to the date of enrollment in the child health insurance plan, as proposed in legislative bills numbers S.4745-B and A.7155-B, is REPEALED.

S 4. Section 3 of a chapter of the laws of 2015 amending the public health law, relating to the date of enrollment in the child health insurance plan, as proposed in legislative bills numbers S.4745-B and A.7155-B, is amended to read as follows:

S 3. This act shall take effect on January 1, [2016] 2017, 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].

S 5. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2015, amending the public health law, relating to the date of enrollment in the child health insurance plan, as proposed in legislative bills numbers S.4745-B and A.7155-B, takes effect.