

9165

I N   A S S E M B L Y

February 1, 2016

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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 ASSEM-  
BLY, 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.

25    S 2. Subparagraph (i) of paragraph (g) of subdivision 2 of section  
26    2511 of the public health law, as amended by a chapter of the laws of  
27    2015 amending the public health law, relating to the date of enrollment  
28    in the child health insurance plan, as proposed in legislative bills  
29    numbers S.4745-B and A.7155-B, is amended to read as follows:

30    (i) Notwithstanding any inconsistent provision of law to the contrary  
31    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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1 title XIX of the federal social security act, a child under the age of  
2 nineteen shall be presumed to be eligible for subsidy payments and  
3 temporarily enrolled for coverage under this title, once during a twelve  
4 month period, beginning on the first day of the enrollment period  
5 following the date that an approved organization determines, on the  
6 basis of preliminary information, that a child's net household income  
7 does not exceed the income level specified in title eleven of article  
8 five of the social services law for children eligible for medical  
9 assistance based on such child's age. [Provided, however, in the case of  
10 a newborn child, the eligibility for subsidy payments and temporary  
11 enrollment shall be the date of the child's birth if the applicant for  
12 insurance applied prior to the child's birth or within sixty days after  
13 the child's birth, and an approved organization, or the state enrollment  
14 center, determines, on the basis of preliminary information, that the  
15 child's net household income does not exceed the income level specified  
16 in this title for children eligible for premium subsidy under this  
17 title.] The temporary enrollment period shall continue until the earlier  
18 of the date an eligibility determination is made pursuant to this title  
19 or title eleven of article five of the social services law, or two  
20 months after the date temporary enrollment begins; provided however, a  
21 temporary enrollment period may be extended in the event an eligibility  
22 determination under this title or title eleven of article five of the  
23 social services law is not made within such two month period through no  
24 fault of the applicant for insurance for medical assistance. The commis-  
25 sioner shall assure that children who are enrolled pursuant to this  
26 paragraph receive the appropriate follow-up for a determination of  
27 eligibility for benefits under this title or title eleven of article  
28 five of the social services law prior to the termination of the tempo-  
29 rary enrollment period. The commissioner shall assure that children and  
30 their families are informed of all available enrollment sites in accord-  
31 ance with subdivision nine of this section.

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

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

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

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