

4745--B

Cal. No. 1282

2015-2016 Regular Sessions

I N S E N A T E

April 15, 2015

Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

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:

1 Section 1. Subparagraph (i) of paragraph (g) of subdivision 2 of
2 section 2511 of the public health law, as amended by section 29 of part
3 A of chapter 58 of the laws of 2007, is amended to read as follows:
4 (i) Notwithstanding any inconsistent provision of law to the contrary
5 and subject to the availability of federal financial participation under
6 title XIX of the federal social security act, a child under the age of
7 nineteen shall be presumed to be eligible for subsidy payments and
8 temporarily enrolled for coverage under this title, once during a twelve
9 month period, beginning on the first day of the enrollment period
10 following the date that an approved organization determines, on the
11 basis of preliminary information, that a child's net household income
12 does not exceed the income level specified in title eleven of article
13 five of the social services law for children eligible for medical
14 assistance based on such child's age. PROVIDED, HOWEVER, IN THE CASE OF
15 A NEWBORN CHILD, THE ELIGIBILITY FOR SUBSIDY PAYMENTS AND TEMPORARY
16 ENROLLMENT SHALL BE THE DATE OF THE CHILD'S BIRTH IF THE APPLICANT FOR
17 INSURANCE APPLIED PRIOR TO THE CHILD'S BIRTH OR WITHIN SIXTY DAYS AFTER
18 THE CHILD'S BIRTH, AND AN APPROVED ORGANIZATION, OR THE STATE ENROLLMENT
19 CENTER, DETERMINES, ON THE BASIS OF PRELIMINARY INFORMATION, THAT THE
20 CHILD'S NET HOUSEHOLD INCOME DOES NOT EXCEED THE INCOME LEVEL SPECIFIED

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

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1 IN THIS TITLE FOR CHILDREN ELIGIBLE FOR PREMIUM SUBSIDY UNDER THIS
2 TITLE. The temporary enrollment period shall continue until the earlier
3 of the date an eligibility determination is made pursuant to this title
4 or title eleven of article five of the social services law, or two
5 months after the date temporary enrollment begins; provided however, a
6 temporary enrollment period may be extended in the event an eligibility
7 determination under this title or title eleven of article five of the
8 social services law is not made within such two month period through no
9 fault of the applicant for insurance for medical assistance. The commis-
10 sioner shall assure that children who are enrolled pursuant to this
11 paragraph receive the appropriate follow-up for a determination of
12 eligibility for benefits under this title or title eleven of article
13 five of the social services law prior to the termination of the tempo-
14 rary enrollment period. The commissioner shall assure that children and
15 their families are informed of all available enrollment sites in accord-
16 ance with subdivision nine of this section.

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

19 5-B. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, AND
20 EXCEPT AS PROVIDED IN PARAGRAPH (G) OF SUBDIVISION TWO OF THIS SECTION,
21 THE EFFECTIVE DATE OF COVERAGE UNDER THIS TITLE SHALL BE THE DATE OF THE
22 CHILD'S BIRTH IF THE APPLICANT FOR INSURANCE APPLIED PRIOR TO THE
23 CHILD'S BIRTH OR WITHIN SIXTY DAYS AFTER THE CHILD'S BIRTH.

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