STATE OF NEW YORK

1968

2021-2022 Regular Sessions

IN ASSEMBLY

January 13, 2021

Introduced by M. of A. CRUZ, AUBRY, ROZIC, SIMON, COLTON, DICKENS, HEVESI, REYES, FALL, EPSTEIN, CARROLL, RAMOS, COOK, D. ROSENTHAL, J. RIVERA, GLICK, FERNANDEZ -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to authorizing individuals to participate in the NY State of Health, the official health plan marketplace without providing information regarding citizenship or lawful residency in the United States or requesting or receiving a state or federal subsidy

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 10 of section 268-a of the public health law, as added by section 2 of part T of chapter 57 of the laws of 2019, is amended to read as follows:

10. "Qualified individual" means, with respect to qualified health plans, an individual, including a minor, who:

(a) is eligible to enroll in a qualified health plan offered to individuals through the Marketplace;

(b) resides in this state; **and**

(c) at the time of enrollment, is not incarcerated, other than incarceration pending the disposition of charges[~~; and~~

~~(d) is, and is reasonably expected to be, for the entire period for which enrollment is sought, a citizen or national of the United States or an alien lawfully present in the United States~~].

§ 2. Paragraph (a) of subdivision 1 of section 268-c of the public health law, as added by section 2 of part T of chapter 57 of the laws of 2019, is amended to read as follows:

(a) Perform eligibility determinations for federal and state insurance affordability programs including medical assistance in accordance with section three hundred sixty-six of the social services law, child health plus in accordance with section twenty-five hundred eleven of this chap-

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

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ter, the basic health program in accordance with section three hundred sixty-nine-gg of the social services law, premium tax credits and cost-sharing reductions and qualified health plans in accordance with applicable law and other health insurance programs as determined by the commissioner**. Such eligibility determinations shall allow any qualified individual to participate in a qualified health plan who pays all associated costs without requesting or receiving a state or federal subsidy**;

§ 3. Section 268-g of the public health law is amended by adding two new subdivisions 4 and 5 to read as follows:

4. The commissioner is authorized and directed to seek a federal waiver allowing qualified individuals who pay all associated costs of participating in a qualified health plan without a state or federal subsidy.

5. (a) The commissioner shall utilize the following formula to avoid the use of any federal funds for qualified individuals who pay all associated costs of participating in a qualified health plan without a state or federal subsidy:

(i) The average total amount expended per member shall be determined by dividing the federal administrative funding amount provided to the state for the marketplace as a health benefit exchange by the total number of enrollees in the marketplace;

(ii) The average total amount expended per member determined pursuant to subparagraph (i) of this paragraph shall be multiplied by the number of qualified individuals who pay all associated costs of participating in a qualified health plan without a state or federal subsidy to determine the total reimbursement amount;

(iii) The state shall reimburse the federal government annually by the total reimbursement amount determined pursuant to subparagraph (ii) of this paragraph.

(b) The total reimbursement amount determined pursuant to subparagraph (ii) of paragraph (a) of this subdivision shall be provided to the marketplace by an annual allocation to the indigent care funds in the annual state budget.

§ 4. Section 206 of the public health law is amended by adding a new subdivision 31 to read as follows:

31. The commissioner shall promulgate rules and regulations to protect and maintain the confidentiality of participants in the NY State of Health, The official health plan Marketplace who do not provide a social security number or proof of legal status in the United States.

§ 5. This act shall take effect immediately.