STATE OF NEW YORK

8368--A

IN SENATE

February 17, 2022

Introduced by Sens. RIVERA, SALAZAR, CLEARE, MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law and the social services law, in relation to the enrollment of incarcerated individuals in the medical assistance for needy persons program

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

Section 1. Section 71 of the correction law is amended by adding a new subdivision 9 to read as follows:

9. (a) The commissioner shall take all steps necessary to enroll into the medical assistance for needy persons program under title eleven of article five of the social services law any eligible individual committed to the custody of the department, unless the department determines that such application is unnecessary because the individual was enrolled in the medical assistance program at the time of their incarceration and is expected to remain so at the time of release or because the individual is ineligible for enrollment in such program or does not wish to be enrolled. Provided, however, that no such medical assistance shall be furnished for any care, services, or supplies provided during such time as the person is incarcerated except as authorized under subdivision one-a of section three hundred sixty-six of the social services law. For individuals successfully enrolled under this subdivision, any documents relating to enrollment shall be kept in the individual's records until the individual's release from custody, at which time such documents shall be provided to the individual.

(b) Where an individual is found ineligible for the medical assistance program, the department shall make diligent efforts to determine whether the individual is eligible for any other medical insurance program and, if so, assist the individual in applying to the program for which they are eligible if they wish to enroll in such program.

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

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§ 2. The correction law is amended by adding a new section 500-q to read as follows:

§ 500-q. Medicaid enrollment. 1. Where practicable, for any eligible individual incarcerated in a local correctional facility, the superintendent of such facility shall take all steps necessary for enrollment into the medical assistance for needy persons program under title eleven of article five of the social services law, unless the superintendent determines that such application is unnecessary because the individual was enrolled in the medical assistance program at the time of their incarceration and is expected to remain so at the time of release, or because the individual is ineligible for enrollment in such program or does not wish to be enrolled. Provided, however, that no such medical assistance shall be furnished for any care, services, or supplies provided during such time as the person is incarcerated except as authorized under subdivision one-a of section three hundred sixty-six of the social services law. For individuals successfully enrolled under this subdivision, any documents relating to enrollment shall be kept in the individual's records until the individual's release from custody, at which time such documents shall be provided to the individual.

2. Where an individual is found ineligible for the medical assistance program, the superintendent shall make diligent efforts to determine whether the individual is eligible for any other medical insurance program and, if so, assist the individual in applying to the program for which they are eligible if they wish to enroll in such program.

§ 3. Paragraph (b) of subdivision 3 of section 366-a of the social services law, as amended by chapter 41 of the laws of 1992, is amended to read as follows:

(b) notify the applicant in writing of the decision, and where such applicant is found eligible, provide a tamper resistant identification card containing a photo image of the applicant for use in securing medical assistance under this title provided, however, that an identification card need not contain a photo image of a person other than an adult member of an eligible household or a single-person eligible household. The department is not required to provide, but shall seek practical methods for providing, a card with such picture to a person when such person is homebound or is a resident of a residential health care facility, or an in-patient psychiatric facility, or is expected to remain hospitalized for an extended period. **Where the applicant is incarcerated by the department of corrections and community supervision or in a local correctional facility as defined in section two of the correction law, the appropriate social services official or the department of health or its agent shall provide such identification card to the department of corrections and community supervision or local correctional facility for keeping with the incarcerated individual's records until such individual is released.** The commissioner shall have the authority to define categories of recipients who are not required to have a photo identification card where such card would be limited, unnecessary or impracticable.

§ 4. Section 71 of the correction law is amended by adding a new subdivision 10 read as follows:

10. (a) The commissioner, in consultation with the commissioner of health, shall study and report annually on enrollment in the medical assistance for needy persons program of applicants in the custody of the department or local correctional facilities. The report shall include how many individuals in the custody of each facility were:

(i) enrolled in medical assistance or other medical insurance programs at the time of their incarceration;

(ii) enrolled into such programs during their incarceration, including whether they were enrolled through social services districts or the New York State Health Benefits Exchange portal;

(iii) released with proof of enrollment in such programs; and

(iv) released without proof of enrollment in such programs.

(b) The first report under this subdivision shall be completed and submitted to the governor, the temporary president of the senate, and the speaker of the assembly no later than one year after the effective date of this subdivision.

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the commissioner of health, the commissioner of corrections and community supervision, and the superintendents of local correctional facilities shall make regulations and take other actions reasonably necessary to implement the provisions of this act on its effective date.