STATE OF NEW YORK

10152

IN ASSEMBLY

May 4, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Fernandez) -- (at request of the Department of Health) -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to eligibility for medical assistance

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

Section 1. Subdivision 1-a of section 366 of the social services law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

1-a. Notwithstanding any other provision of law, in the event that a person who is an incarcerated individual of a state or local correctional facility, as defined in section two of the correction law, **or an eligible juvenile inmate of a public institution, as defined in subsection (nn) of section nineteen hundred two of the social security act,** was in receipt of medical assistance pursuant to this title immediately prior to being admitted to such facility **or public institution, or for juveniles determined eligible for such medical assistance while an inmate of a public institution**, such person shall remain eligible for medical assistance while an incarcerated individual, except that no medical assistance shall be furnished pursuant to this title for any care, services, or supplies provided during such time as the person is an incarcerated individual; provided, however, that nothing herein shall be deemed as preventing the provision of medical assistance for inpatient hospital services furnished to an incarcerated individual at a hospital outside of the premises of such correctional facility **or public institution,** or pursuant to other federal authority authorizing the provision of medical assistance to an incarcerated individual of a state or local correctional facility during the thirty days prior to release, to the extent that federal financial participation is available for the costs of such services. Upon release from such facility **or public institution**, such person shall continue to be eligible for receipt of medical assistance furnished pursuant to this title until such time as the person is determined to no longer be eligible for receipt of such

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

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assistance. To the extent permitted by federal law, the time during which such person is an incarcerated individual shall not be included in any calculation of when the person must recertify his or her eligibility for medical assistance in accordance with this article. The state may seek federal authority to provide medical assistance for transitional services including but not limited to medical, prescription, and care coordination services for high needs incarcerated individuals in state and local correctional facilities during the thirty days prior to release.

§ 2. This act shall take effect January 1, 2023.