

# STATE OF NEW YORK

8500

2021-2022 Regular Sessions

## IN ASSEMBLY

November 19, 2021

Introduced by M. of A. BURKE -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to Medicaid eligibility for striking workers

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

1 Section 1. Subdivision 4 of section 366 of the social services law is  
2 amended by adding a new paragraph (f) to read as follows:

3 (f) Employees on strike.

4 (1) Notwithstanding any other provision of law to the contrary,  
5 persons who are not eligible for medical assistance coverage during an  
6 employment strike or other industrial controversy pursuant to title  
7 seven of article eighteen of the labor law are eligible for medical  
8 assistance coverage during such employment strike or other industrial  
9 controversy, subject to the provisions of this paragraph.

10 (2) Medical assistance provided to a person under this paragraph shall  
11 be limited to the period in which such person requires coverage during  
12 an employment strike or industrial controversy.

13 (3) (i) The commissioner of health shall promulgate such regulations  
14 as may be necessary to carry out the provisions of this paragraph. Such  
15 regulations shall include, but not be limited to: eligibility require-  
16 ments; a description of the medical services which are covered; and a  
17 process for providing presumptive eligibility when a qualified entity,  
18 as defined by the commissioner, determines on the basis of preliminary  
19 information that a person meets the requirements for eligibility under  
20 this paragraph.

21 (ii) For purposes of determining eligibility for medical assistance  
22 under this paragraph, resources available to such individual shall not  
23 be considered nor required to be applied toward the payment or partial  
24 payment of the cost of medical care, services and supplies available  
25 under this paragraph.

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

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1 (iii) An individual shall be eligible for presumptive eligibility for  
2 medical assistance under this paragraph in accordance with subdivision  
3 five of section three hundred sixty-four-i of this title.

4 § 2. This act shall take effect immediately.