

# STATE OF NEW YORK

6820

2021-2022 Regular Sessions

## IN SENATE

May 18, 2021

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed 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:

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

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

6 (a) is eligible to enroll in a qualified health plan offered to indi-  
7 viduals through the Marketplace;

8 (b) resides in this state; and

9 (c) at the time of enrollment, is not incarcerated, other than incar-  
10 ceration pending the disposition of charges[ ~~, and~~

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

14 § 2. Paragraph (a) of subdivision 1 of section 268-c of the public  
15 health law, as added by section 2 of part T of chapter 57 of the laws of  
16 2019, is amended to read as follows:

17 (a) Perform eligibility determinations for federal and state insurance  
18 affordability programs including medical assistance in accordance with  
19 section three hundred sixty-six of the social services law, child health  
20 plus in accordance with section twenty-five hundred eleven of this chap-  
21 ter, the basic health program in accordance with section three hundred  
22 sixty-nine-gg of the social services law, premium tax credits and cost-

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

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1 sharing reductions and qualified health plans in accordance with appli-  
2 cable law and other health insurance programs as determined by the  
3 commissioner. Such eligibility determinations shall allow any qualified  
4 individual to participate in a qualified health plan who pays all asso-  
5 ciated costs without requesting or receiving a state or federal subsidy;

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

8 4. The commissioner is authorized and directed to seek a federal waiv-  
9 er allowing qualified individuals who pay all associated costs of  
10 participating in a qualified health plan without a state or federal  
11 subsidy.

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

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

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

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

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

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

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

38 § 5. This act shall take effect immediately.