

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

3 § 500-q. Medicaid enrollment. 1. Where practicable, for any eligible
4 individual incarcerated in a local correctional facility, the super-
5 intendent of such facility shall take all steps necessary for enrollment
6 into the medical assistance for needy persons program under title eleven
7 of article five of the social services law, unless the superintendent
8 determines that such application is unnecessary because the individual
9 was enrolled in the medical assistance program at the time of their
10 incarceration and is expected to remain so at the time of release, or
11 because the individual is ineligible for enrollment in such program or
12 does not wish to be enrolled. Provided, however, that no such medical
13 assistance shall be furnished for any care, services, or supplies
14 provided during such time as the person is incarcerated except as
15 authorized under subdivision one-a of section three hundred sixty-six of
16 the social services law. For individuals successfully enrolled under
17 this subdivision, any documents relating to enrollment shall be kept in
18 the individual's records until the individual's release from custody, at
19 which time such documents shall be provided to the individual.

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

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

28 (b) notify the applicant in writing of the decision, and where such
29 applicant is found eligible, provide a tamper resistant identification
30 card containing a photo image of the applicant for use in securing
31 medical assistance under this title provided, however, that an identifi-
32 cation card need not contain a photo image of a person other than an
33 adult member of an eligible household or a single-person eligible house-
34 hold. The department is not required to provide, but shall seek practi-
35 cal methods for providing, a card with such picture to a person when
36 such person is homebound or is a resident of a residential health care
37 facility, or an in-patient psychiatric facility, or is expected to
38 remain hospitalized for an extended period. Where the applicant is
39 incarcerated by the department of corrections and community supervision
40 or in a local correctional facility as defined in section two of the
41 correction law, the appropriate social services official or the depart-
42 ment of health or its agent shall provide such identification card to
43 the department of corrections and community supervision or local correc-
44 tional facility for keeping with the incarcerated individual's records
45 until such individual is released. The commissioner shall have the
46 authority to define categories of recipients who are not required to
47 have a photo identification card where such card would be limited,
48 unnecessary or impracticable.

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

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

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

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

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

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

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

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