

# STATE OF NEW YORK

8978

## IN SENATE

May 3, 2022

Introduced by Sen. RIVERA -- (at request of the Department of Health) --  
read twice and ordered printed, and when printed to be committed 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 Assem-  
bly, do enact as follows:

1 Section 1. Subdivision 1-a of section 366 of the social services law,  
2 as amended by chapter 322 of the laws of 2021, is amended to read as  
3 follows:  
4 1-a. Notwithstanding any other provision of law, in the event that a  
5 person who is an incarcerated individual of a state or local correction-  
6 al facility, as defined in section two of the correction law, or an  
7 eligible juvenile inmate of a public institution, as defined in  
8 subsection (nn) of section nineteen hundred two of the social security  
9 act, was in receipt of medical assistance pursuant to this title imme-  
10 diately prior to being admitted to such facility or public institution,  
11 or for juveniles determined eligible for such medical assistance while  
12 an inmate of a public institution, such person shall remain eligible for  
13 medical assistance while an incarcerated individual, except that no  
14 medical assistance shall be furnished pursuant to this title for any  
15 care, services, or supplies provided during such time as the person is  
16 an incarcerated individual; provided, however, that nothing herein shall  
17 be deemed as preventing the provision of medical assistance for inpa-  
18 tient hospital services furnished to an incarcerated individual at a  
19 hospital outside of the premises of such correctional facility or public  
20 institution, or pursuant to other federal authority authorizing the  
21 provision of medical assistance to an incarcerated individual of a state  
22 or local correctional facility during the thirty days prior to release,  
23 to the extent that federal financial participation is available for the  
24 costs of such services. Upon release from such facility or public insti-  
25 tution, such person shall continue to be eligible for receipt of medical  
26 assistance furnished pursuant to this title until such time as the  
27 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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1 assistance. To the extent permitted by federal law, the time during  
2 which such person is an incarcerated individual shall not be included in  
3 any calculation of when the person must recertify his or her eligibility  
4 for medical assistance in accordance with this article. The state may  
5 seek federal authority to provide medical assistance for transitional  
6 services including but not limited to medical, prescription, and care  
7 coordination services for high needs incarcerated individuals in state  
8 and local correctional facilities during the thirty days prior to  
9 release.  
10 § 2. This act shall take effect January 1, 2023.