STATE OF NEW YORK

2237

2023-2024 Regular Sessions

IN SENATE

January 19, 2023

Introduced by Sens. RIVERA, BRESLIN, BRISPORT, BROUK, CLEARE, COMRIE, COONEY, GIANARIS, GOUNARDES, HARCKHAM, HINCHEY, HOYLMAN-SIGAL, JACKSON, KAVANAGH, KENNEDY, LIU, MAY, MAYER, MYRIE, PARKER, PERSAUD, RAMOS, SALAZAR, SANDERS, SEPULVEDA, SERRANO, STAVISKY -- 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 coverage for health care services under the basic health program for individuals whose immigration status renders him or her ineligible for federal financial participation

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

Section 1. Section 369-gg of the social services law is amended by adding a new subdivision 3-a to read as follows:

3-a. Alternate eligibility. A person shall also be eligible to receive coverage for health care services under this title, without regard to federal financial participation, if he or she is a resident of New York state, has household income below two hundred fifty percent of the federal poverty line as defined and annually revised by the United States department of health and human services for a household of the same size, and is ineligible for federal financial participation in the basic health program under 42 U.S.C. section 18051 on the basis of immigration status, but otherwise meets the eligibility requirements in paragraphs (b) and (c) of subdivision three of this section.

§ 2. Within ninety days of the effective date of this section, the commissioner of health shall apply for any and all necessary waivers and/or approvals for utilizing monies in the basic health program trust fund established pursuant section 97-oooo of the state finance law, or a pass-through fund for the purposes of implementing and operating the basic health plan for individuals made eligible for coverage pursuant to subdivision 3-a of section 369-gg of the social services law. Within ten

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

LBD04552-01-3

days of a final federal determination being made related to the use of such funds, the commissioner of health shall notify the chairs of the assembly ways and means committee and senate finance committee, the chairs of the assembly and senate health committee, and the legislative bill drafting commission of such outcome in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

§ 3. Clause (a) of subparagraph 4 of paragraph g of subdivision 1 of section 366 of the social services law, as added by section 2 of part AAA of chapter 56 of the laws of 2022, is amended to read as follows:

(a) Applicants and recipients who are age [~~sixty-five~~] **nineteen** or older, who are otherwise eligible for medical assistance under this section, but for their immigration status, are eligible for medical assistance according to the following:

§ 4. This act shall take effect immediately; provided, however:

1. that section one of this act shall take effect on the one hundred eightieth day after the legislative bill drafting commission is notified that a favorable federal determination has been made related to the use of funds pursuant to section two of this act as certified by the commissioner of health;

2. that section three of this act shall take effect on the one hundred eightieth day after the legislative bill drafting commission is notified that a unfavorable federal determination has been made related to the use of funds pursuant to section two of this act as certified by the commissioner of health;

3. section one of this act shall expire and be deemed repealed upon notification of the legislative bill drafting commission by the commissioner of health pursuant to section two of this act that an unfavorable federal determination related to the use of funds has been made;

4. section three of this act shall expire and be deemed repealed upon notification of the legislative bill drafting commission by the commissioner of health pursuant to section two of this act that a favorable federal determination related to the use of funds has been made.

Effective immediately, the commissioner of health shall make regulations and take other actions reasonably necessary to implement this act on that date.