

# STATE OF NEW YORK

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329

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

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Introduced by Sen. RIVERA -- 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 medical assistance eligibility of infants up to the age of three years

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

1 Section 1. Subparagraphs 2 and 3 of paragraph (b) of subdivision 1 of  
2 section 366 of the social services law, as added by section 1 of part D  
3 of chapter 56 of the laws of 2013, are amended to read as follows:

4 (2) A pregnant woman or an infant younger than [~~one-year~~] three years  
5 of age is eligible for standard coverage if his or her MAGI household  
6 income does not exceed the MAGI-equivalent of two hundred percent of the  
7 federal poverty line for the applicable family size, which shall be  
8 calculated in accordance with guidance issued by the secretary of the  
9 United States department of health and human services, or an infant  
10 younger than [~~one-year~~] three years of age who meets the presumptive  
11 eligibility requirements of subdivision four of section three hundred  
12 sixty-four-i of this title.

13 (3) A child who is at least [~~one-year~~] three years of age but younger  
14 than nineteen years of age is eligible for standard coverage if his or  
15 her MAGI household income does not exceed the MAGI-equivalent of one  
16 hundred thirty-three percent of the federal poverty line for the appli-  
17 cable family size, which shall be calculated in accordance with guidance  
18 issued by the Secretary of the United States department of health and  
19 human services, or a child who is at least [~~one-year~~] three years of age  
20 but younger than nineteen years of age who meets the presumptive eligi-  
21 bility requirements of subdivision four of section three hundred sixty-  
22 four-i of this title.

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

LBD02234-01-3

1     § 2. Subparagraphs 2 and 4 of paragraph (b) of subdivision 4 of  
2 section 366 of the social services law, as added by section 2 of part D  
3 of chapter 56 of the laws of 2013, are amended to read as follows:

4     (2) A child born to a woman eligible for and receiving medical assist-  
5 ance on the date of the child's birth shall be deemed to have applied  
6 for medical assistance and to have been found eligible for such assist-  
7 ance on the date of such birth and to remain eligible for such assist-  
8 ance for a period of [~~one year~~] three years, so long as the child is a  
9 member of the woman's household and the woman remains eligible for such  
10 assistance or would remain eligible for such assistance if she were  
11 pregnant.

12     (4) An infant eligible under subparagraph two or four of paragraph (b)  
13 of subdivision one of this section who is receiving medically necessary  
14 in-patient services for which medical assistance is provided on the date  
15 the child attains [~~one year~~] three years of age, and who, but for  
16 attaining such age, would remain eligible for medical assistance under  
17 such subparagraph, shall continue to remain eligible until the end of  
18 the stay for which in-patient services are being furnished.

19     § 3. This act shall take effect on the one hundred eightieth day after  
20 it shall have become a law. Effective immediately, the commissioner of  
21 health shall make regulations and take actions reasonably necessary to  
22 implement this act on that date, including taking all steps necessary  
23 and using best efforts to secure federal financial participation  
24 for eligible beneficiaries under title XIX of the social security act,  
25 for the purposes of this act, including the prompt submission of  
26 appropriate amendments to the medical assistance state plan.