STATE OF NEW YORK

329

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

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:

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

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

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

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

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

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

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

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