STATE OF NEW YORK

6668

2023-2024 Regular Sessions

IN SENATE

May 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 and the correction law, in relation to presumptive eligibility for medical assistance benefits of individuals leaving incarceration

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

Section 1. Section 364-i of the social services law is amended by adding a new subdivision 9 to read as follows:

9. (a) An individual who is incarcerated by the department of corrections and community supervision, or in a local correctional facility as defined in section two of the correction law, shall be presumed eligible for medical assistance under this title beginning on the date of their release from incarceration, where the department of corrections and community supervision or the local correctional facility determines, on the basis of preliminary information, that the individual is eligible for coverage under paragraph (b) or (c) of subdivision one of section three hundred sixty-six of this title.

(b) The presumptive eligibility shall continue through the earlier of: the day on which eligibility is determined under this title; or, in the case of an individual for whom an application for assistance under this title is not filed or who does not file an application for such assistance, sixty days after release of such individual from incarceration.

(c) This subdivision shall be effective only if, and as long as, federal financial participation is available for expenditures incurred under this subdivision.

(d) The commissioner of health shall take all steps necessary and shall use best efforts to secure federal financial participation for purposes of this subdivision, including the prompt submission of appropriate amendments to the state plan under title XIX of the federal social security act.

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

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(e) The commissioner of health shall, in consultation with the department of corrections and community supervision, the office of temporary and disability assistance, the office of mental health, the office of addiction services and supports and any other entity or individuals that such commissioner shall deem necessary, which shall include representatives from local governments, formerly incarcerated individuals, and representatives of programs providing services to currently or formerly incarcerated individuals, develop processes for enrolling all individuals incarcerated in state and local correctional facilities into the medical assistance program under this subdivision or any other health insurance program for which they are eligible, and ensure that all individuals are able to utilize the medical assistance program or other insurance program to begin receiving medical services immediately upon their release from incarceration. The commissioner of health shall also develop processes for assisting all local correctional facilities in making determinations of presumptive eligibility for medical assistance under this subdivision, including engaging local governments as necessary for this purpose. The commissioner of health shall also develop materials and information for educating individuals hired by local governments regarding eligibility and processes for enrolling incarcerated individuals into the medical assistance or other insurance programs, and materials to educate individuals leaving correctional facilities about the medical assistance program, including what steps need to be taken to ensure continued enrollment in the program for those deemed presumptively eligible, and how to begin receiving medical services upon release from incarceration.

§ 2. Paragraphs (e) and (f) of subdivision 9 of section 500-b of the correction law, as amended by chapter 574 of the laws of 1985, are amended to read as follows:

(e) court orders which have been issued and which relate to staffing, jail capacity or security requirements; [~~and~~]

(f) the number of any individuals in the custody of each facility (1) enrolled in medical assistance or other medical insurance programs at the time of their incarceration; (2) enrolled into such programs during their incarceration, including whether they were enrolled through social services districts or the New York State Health Benefits Exchange portal; (3) released with proof of enrollment in such programs; and (4) released without proof of enrollment in such programs; and

(g) any other information requested by the commission and available to the chief administrative officer with respect to this section.

§ 3. Section 45 of the correction law is amended by adding a new subdivision 20 to read as follows:

20. Make an annual report, in consultation with the commissioner of health, to the governor, the temporary president of the senate, and the speaker of the assembly containing information obtained from local correctional facilities under paragraph (f) of subdivision nine of section five hundred-b of this chapter regarding enrollment in the medical assistance for needy persons program or other medical insurance program of applicants in the custody of local correctional facilities. The first report under this subdivision shall be completed by December thirty-first, two thousand twenty-four, and annually thereafter.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that the amendments to section 500-b of the correction law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith. Effective immediately, the commissioner of health, the

commissioner of corrections and community supervision, and the superintendents of local correctional facilities shall make regulations and take other actions reasonably necessary to implement the provisions of this act on its effective date.