STATE OF NEW YORK

7747

2023-2024 Regular Sessions

IN SENATE

November 13, 2023

Introduced by Sen. BROUK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the social services law and the public health law, in relation to ensuring continuity of public health insurance coverage to children under six years of age

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

Section 1. Subparagraph 3 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, is amended to read as follows:

(3) A child under the age of nineteen who is determined eligible for medical assistance under [~~the provisions of~~] this section, shall, consistent with applicable federal requirements, remain eligible for such assistance until the earlier of:

(i) **for a child between ages six and nineteen,** the last day of the month which is twelve months following the determination or redetermination of eligibility for such assistance; or

(ii) the last day of the month in which the child reaches the age of nineteen**; or**

(iii) for a child under the age of six:

(A) consistent with applicable federal requirements, the last day of the month in which the child reaches the age of six;

(B) notwithstanding subclause (A) of this clause, a child may, at the election of the child's parent or legally responsible adult, enroll in the child health insurance plan under title one-a of article twenty-five of the public health law if the child is eligible to enroll in such plan.

§ 2. Subdivision 2 of section 2511 of the public health law is amended by adding a new paragraph (k) to read as follows:

(k) (i) A child who is under the age of six who is determined eligible for coverage under this title, shall, subject to federal financial

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

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participation, remain continuously eligible for coverage through the last day of the month in which the child reaches the age of six.

(ii) Notwithstanding subparagraph (i) of this paragraph, a child may, at the election of the child's parent or legally responsible adult, enroll in the medical assistance program under title eleven of article five of the social services law if the child becomes eligible for such program before the age of six.

§ 3. The commissioner of health shall, expeditiously and as necessary, submit the appropriate waivers, including, but not limited to, those authorized under section 1115, title XIX, or title XXI of the federal social security act, or successor provisions, and any other waivers and state plan amendments necessary to secure federal financial participation under this act.

§ 4. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the commissioner of health is authorized and directed to add, amend, and/or repeal any rule or regulation and to take other actions reasonably necessary to implement this act on such effective date, including the actions required under section three of this act.