

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:

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

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

13 § 2. Within ninety days of the effective date of this section, the
14 commissioner of health shall apply for any and all necessary waivers
15 and/or approvals for utilizing monies in the basic health program trust
16 fund established pursuant section 97-0000 of the state finance law, or a
17 pass-through fund for the purposes of implementing and operating the
18 basic health plan for individuals made eligible for coverage pursuant to
19 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

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

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

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

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

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

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

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

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

36 Effective immediately, the commissioner of health shall make regu-
37 lations and take other actions reasonably necessary to implement this
38 act on that date.