

# STATE OF NEW YORK

4906--A

2023-2024 Regular Sessions

## IN SENATE

February 16, 2023

Introduced by Sens. RIVERA, CLEARE, MYRIE, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law and the social services law, in relation to the enrollment of incarcerated individuals in the medical assistance for needy persons program

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

1 Section 1. Section 71 of the correction law is amended by adding a new  
2 subdivision 9 to read as follows:

3 9. (a) The commissioner shall take all steps necessary to enroll into  
4 the medical assistance for needy persons program under title eleven of  
5 article five of the social services law any eligible individual commit-  
6 ted to the custody of the department, unless the department determines  
7 that such application is unnecessary because the individual was enrolled  
8 in the medical assistance program at the time of their incarceration and  
9 is expected to remain so at the time of release or because the individ-  
10 ual is ineligible for enrollment in such program or does not wish to be  
11 enrolled. Provided, however, that no such medical assistance shall be  
12 furnished for any care, services, or supplies provided during such time  
13 as the person is incarcerated except as authorized under subdivision  
14 one-a of section three hundred sixty-six of the social services law. For  
15 individuals successfully enrolled under this subdivision, any documents  
16 relating to enrollment shall be kept in the individual's records until  
17 the individual's release from custody, at which time such documents  
18 shall be provided to the individual.

19 (b) Where an individual is found ineligible for the medical assistance  
20 program, the department shall make diligent efforts to determine whether  
21 the individual is eligible for any other medical insurance program and,

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

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1 if so, assist the individual in applying to the program for which they  
2 are eligible if they wish to enroll in such program.

3 § 2. The correction law is amended by adding a new section 500-q to  
4 read as follows:

5 § 500-q. Medicaid enrollment. 1. Where practicable, for any eligible  
6 individual incarcerated in a local correctional facility, the super-  
7 intendent of such facility shall take all steps necessary for enrollment  
8 into the medical assistance for needy persons program under title eleven  
9 of article five of the social services law, unless the superintendent  
10 determines that such application is unnecessary because the individual  
11 was enrolled in the medical assistance program at the time of their  
12 incarceration and is expected to remain so at the time of release, or  
13 because the individual is ineligible for enrollment in such program or  
14 does not wish to be enrolled. Provided, however, that no such medical  
15 assistance shall be furnished for any care, services, or supplies  
16 provided during such time as the person is incarcerated except as  
17 authorized under subdivision one-a of section three hundred sixty-six of  
18 the social services law. For individuals successfully enrolled under  
19 this subdivision, any documents relating to enrollment shall be kept in  
20 the individual's records until the individual's release from custody, at  
21 which time such documents shall be provided to the individual.

22 2. Where an individual is found ineligible for the medical assistance  
23 program, the superintendent shall make diligent efforts to determine  
24 whether the individual is eligible for any other medical insurance  
25 program and, if so, assist the individual in applying to the program for  
26 which they are eligible if they wish to enroll in such program.

27 § 3. Paragraph (b) of subdivision 3 of section 366-a of the social  
28 services law, as amended by chapter 41 of the laws of 1992, is amended  
29 to read as follows:

30 (b) notify the applicant in writing of the decision, and where such  
31 applicant is found eligible, provide a tamper resistant identification  
32 card containing a photo image of the applicant for use in securing  
33 medical assistance under this title provided, however, that an identifi-  
34 cation card need not contain a photo image of a person other than an  
35 adult member of an eligible household or a single-person eligible house-  
36 hold. The department is not required to provide, but shall seek practi-  
37 cal methods for providing, a card with such picture to a person when  
38 such person is homebound or is a resident of a residential health care  
39 facility, or an in-patient psychiatric facility, or is expected to  
40 remain hospitalized for an extended period. Where the applicant is  
41 incarcerated by the department of corrections and community supervision  
42 or in a local correctional facility as defined in section two of the  
43 correction law, the appropriate social services official or the depart-  
44 ment of health or its agent shall provide such identification card to  
45 the department of corrections and community supervision or local correc-  
46 tional facility for keeping with the incarcerated individual's records  
47 until such individual is released. The commissioner shall have the  
48 authority to define categories of recipients who are not required to  
49 have a photo identification card where such card would be limited,  
50 unnecessary or impracticable.

51 § 4. Section 71 of the correction law is amended by adding a new  
52 subdivision 10 read as follows:

53 10. (a) The commissioner, in consultation with the commissioner of  
54 health, shall study and report annually on enrollment in the medical  
55 assistance for needy persons program of applicants in the custody of the

1 department or local correctional facilities. The report shall include  
2 how many individuals in the custody of each facility were:

3 (i) enrolled in medical assistance or other medical insurance programs  
4 at the time of their incarceration;

5 (ii) enrolled into such programs during their incarceration, including  
6 whether they were enrolled through social services districts or the New  
7 York State Health Benefits Exchange portal;

8 (iii) released with proof of enrollment in such programs; and

9 (iv) released without proof of enrollment in such programs.

10 (b) The first report under this subdivision shall be completed and  
11 submitted to the governor, the temporary president of the senate, and  
12 the speaker of the assembly no later than one year after the effective  
13 date of this subdivision.

14 § 5. This act shall take effect on the one hundred eightieth day after  
15 it shall have become a law. Effective immediately, the commissioner of  
16 health, the commissioner of corrections and community supervision, and  
17 the superintendents of local correctional facilities shall make regu-  
18 lations and take other actions reasonably necessary to implement the  
19 provisions of this act on its effective date.