

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:

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

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

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

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

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

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

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1 (e) The commissioner of health shall, in consultation with the depart-
2 ment of corrections and community supervision, the office of temporary
3 and disability assistance, the office of mental health, the office of
4 addiction services and supports and any other entity or individuals that
5 such commissioner shall deem necessary, which shall include represen-
6 tatives from local governments, formerly incarcerated individuals, and
7 representatives of programs providing services to currently or formerly
8 incarcerated individuals, develop processes for enrolling all individ-
9 uals incarcerated in state and local correctional facilities into the
10 medical assistance program under this subdivision or any other health
11 insurance program for which they are eligible, and ensure that all indi-
12 viduals are able to utilize the medical assistance program or other
13 insurance program to begin receiving medical services immediately upon
14 their release from incarceration. The commissioner of health shall also
15 develop processes for assisting all local correctional facilities in
16 making determinations of presumptive eligibility for medical assistance
17 under this subdivision, including engaging local governments as neces-
18 sary for this purpose. The commissioner of health shall also develop
19 materials and information for educating individuals hired by local
20 governments regarding eligibility and processes for enrolling incarcer-
21 ated individuals into the medical assistance or other insurance
22 programs, and materials to educate individuals leaving correctional
23 facilities about the medical assistance program, including what steps
24 need to be taken to ensure continued enrollment in the program for those
25 deemed presumptively eligible, and how to begin receiving medical
26 services upon release from incarceration.

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

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

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

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

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

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

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

1 commissioner of corrections and community supervision, and the super-
2 intendants of local correctional facilities shall make regulations and
3 take other actions reasonably necessary to implement the provisions of
4 this act on its effective date.