

STATE OF NEW YORK

10397

IN ASSEMBLY

March 3, 2026

Introduced by M. of A. LUNSFORD -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the date of enrollment in the child health insurance plan program; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Paragraph (g) of subdivision 2 of section 2511 of the
2 public health law is REPEALED and a new paragraph (g) is added to read
3 as follows:

4 (g) Notwithstanding any inconsistent provision of law, rule or regu-
5 lation:

6 (i) A child under the age of nineteen who meets the eligibility crite-
7 ria set forth in this subdivision or subdivision five of this section,
8 as determined by an approved organization or the health insurance
9 exchange marketplace, whichever is applicable, shall be enrolled
10 retroactively to the first day of the month in which the child is deemed
11 eligible pursuant to subparagraph (ii) of this paragraph, provided that
12 the child or the applicant for insurance on the child's behalf submits a
13 completed and signed application and required information and documenta-
14 tion.

15 (ii) A child under the age of nineteen shall be presumed eligible for
16 subsidy payments under this subdivision or eligible for coverage under
17 subdivision five of this section, provided that the child or the appli-
18 cant for insurance on such child's behalf submits a completed and signed
19 application. Once eligibility is determined by the approved organization
20 or the health insurance exchange marketplace, whichever is applicable,
21 on the basis of preliminary information, the child shall be enrolled
22 retroactively to the first day of the month in which the child is deemed
23 eligible. Such retroactive enrollment shall apply notwithstanding the
24 timing of any enrollment period. All other procedures and standards
25 regarding presumptive enrollment applicable to eligible children
26 enrolled under this title and specified in state contracts with approved
27 organizations or implemented by the health insurance exchange market-

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

LBD14659-01-6

1 place, whichever is applicable, shall apply to presumptive enrollment of
2 children under the age of nineteen.

3 § 2. Subdivision 3 of section 2511 of the public health law, as
4 amended by chapter 2 of the laws of 1998, is amended to read as follows:

5 3. Subsidy payments shall be made, pursuant to subdivision eight of
6 this section, to approved organizations for the purposes of subsidizing
7 the entire cost of coverage for eligible children meeting the criteria
8 of subdivision two of this section. Notwithstanding any inconsistent
9 provision of this subdivision, the total annual aggregate cost-sharing
10 with respect to all eligible children in a family under this section
11 shall not exceed amounts provided pursuant to applicable federal law. In
12 order to be eligible for a subsidy payment pursuant to this subdivision
13 a premium payment shall be paid for an eligible child in accordance with
14 the provisions of subdivision nine of section twenty-five hundred ten of
15 this title. Nothing herein shall preclude payment of the premium on
16 behalf of an eligible child on a monthly, quarterly, semi-annual or
17 annual basis. Subsidy payments made pursuant to this subdivision shall
18 include payment for covered health care services provided during any
19 period of retroactive presumptive enrollment authorized pursuant to
20 paragraph (g) of subdivision two of this section.

21 § 3. Subdivision 19 of section 2511 of the public health law, as added
22 by chapter 451 of the laws of 2007, is amended to read as follows:

23 19. Claims submitted to an approved organization for payment for
24 medical care, services, or supplies furnished by an out-of-network
25 health care provider must be submitted within fifteen months of the date
26 the medical care, services, or supplies were furnished to an eligible
27 person to be valid and enforceable against the approved organization. If
28 a claim by an out-of-network health care provider is not submitted with-
29 in fifteen months of the date that the medical care, services or
30 supplies were furnished and the claim is subsequently denied by the
31 approved organization for that reason, such out-of-network health care
32 provider shall not seek payment for such medical care, services or
33 supplies from the enrollee. This deadline for claims submission shall
34 not apply where the claims submission is warranted to address findings
35 or recommendations identified in a state or federal audit except where
36 such audit also indicates that an inappropriate provider payment was
37 solely the fault of the out-of-network health care provider. For
38 purposes of this subdivision, medical care, services, or supplies
39 provided during a period of retroactive presumptive enrollment author-
40 ized pursuant to paragraph (g) of subdivision two of this section shall
41 be deemed to have been provided to an eligible person.

42 § 4. This act shall take effect immediately.