

STATE OF NEW YORK

614

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. RIVERA, CLEARE, JACKSON, MYRIE, SALAZAR -- 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 the incarceration, where the department of
8 corrections and community supervision or the local correctional facility
9 determines, on the basis of preliminary information, that the individual
10 is eligible for coverage under paragraphs (b) or (c) of subdivision one
11 of section 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-

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

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1 priate amendments to the state plan under title XIX of the federal
2 social security act.

3 (e) The commissioner shall also develop materials to educate individ-
4 uals leaving correctional facilities about the medical assistance
5 program, including what steps need to be taken to ensure continued
6 enrollment in the program for those deemed presumptively eligible, and
7 how to begin receiving medical services upon release from incarceration.

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

10 9. (a) The commissioner shall take all steps necessary to enroll into
11 the medical assistance for needy persons program under title eleven of
12 article five of the social services law any individual committed to the
13 custody of the department, under subdivision nine of section three
14 hundred sixty-four-i of the social services law, unless the department
15 determines that such application is unnecessary because the individual
16 was enrolled in the medical assistance program at the time of their
17 incarceration and is expected to remain so at the time of release or
18 because the individual is ineligible for enrollment in such program or
19 does not wish to be enrolled. The commissioner shall ensure rein-
20 statement and active enrollment into the medical assistance program for
21 individuals who have maintained eligibility pursuant to subdivision
22 one-a of section three hundred sixty-six of the social services law.
23 Provided, however, that no such medical assistance shall be furnished
24 for any care, services, or supplies provided during such time as the
25 person is incarcerated except as authorized under subdivision one-a of
26 section three hundred sixty-six of the social services law or as author-
27 ized under any other applicable state or federal law or regulation
28 permitting the provision of such medical assistance. For individuals
29 successfully enrolled under this subdivision, any documents relating to
30 enrollment shall be kept in the individual's records until the individ-
31 ual's release from custody, at which time such documents shall be
32 provided to the individual where practicable.

33 (b) Where an individual is found ineligible for the medical assistance
34 program, the department shall make diligent efforts to determine whether
35 the individual is eligible for any other medical insurance program and,
36 if so, assist the individual in applying to the program for which they
37 are eligible if they wish to enroll in such program prior to release.

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

40 § 500-q. Medicaid enrollment. 1. Where practicable, for any individual
41 incarcerated in a local correctional facility, the superintendent of
42 such facility shall take all steps necessary for enrollment into the
43 medical assistance for needy persons program under title eleven of arti-
44 cle five of the social services law, under subdivision nine of section
45 three hundred sixty-four-i of the social services law, unless the super-
46 intendent determines that such application is unnecessary because the
47 individual was enrolled in the medical assistance program at the time of
48 their incarceration and is expected to remain so at the time of release,
49 or because the individual is ineligible for enrollment in such program
50 or does not wish to be enrolled. The superintendent shall ensure rein-
51 statement and active enrollment into the medical assistance program for
52 individuals who have maintained eligibility pursuant to subdivision
53 one-a of section three hundred sixty-six of the social services law.
54 Provided, however, that no such medical assistance shall be furnished
55 for any care, services, or supplies provided during such time as the
56 person is incarcerated except as authorized under subdivision one-a of

1 section three hundred sixty-six of the social services law or as author-
2 ized under any other applicable state or federal law or regulation
3 permitting the provision of such medical assistance. For individuals
4 successfully enrolled under this subdivision, any documents relating to
5 enrollment shall be kept in the individual's records until the individ-
6 ual's release from custody, at which time such documents shall be
7 provided to the individual where practicable.

8 2. When a local correctional facility is unable to complete an appli-
9 cation for medical assistance prior to an individual's release from its
10 custody, the facility shall assist the individual in the completion of
11 any requirements necessary for a presumptive eligibility determination
12 prior to such individual's release unless the individual decides that
13 they do not wish to enroll in the program. The superintendent shall
14 assist individuals to submit any preliminary information that may be
15 necessary to meet presumptive eligibility requirements under subdivision
16 nine of section three hundred sixty-four-i of the social services law.

17 3. Where an individual is found ineligible for the medical assistance
18 program, the superintendent shall make diligent efforts to determine
19 whether the individual is eligible for any other medical insurance
20 program and, if so, assist the individual in applying to the program for
21 which they are eligible if they wish to enroll in such program prior to
22 release.

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

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

47 § 5. Paragraphs (e) and (f) of subdivision 9 of section 500-b of the
48 correction law, as amended by chapter 574 of the laws of 1985, are
49 amended to read as follows:

50 (e) court orders which have been issued and which relate to staffing,
51 jail capacity or security requirements; ~~and~~

52 (f) the number of any individuals in the custody of each facility (1)
53 enrolled in medical assistance or other medical insurance programs at
54 the time of their incarceration; (2) enrolled into such programs during
55 their incarceration, including whether they were enrolled through social

1 services districts or the New York State of Health benefits exchange
2 portal; and

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

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

7 20. Make an annual report, in consultation with the commissioner of
8 health, to the governor, the temporary president of the senate and the
9 speaker of the assembly containing information obtained from local
10 correctional facilities under paragraph (f) of subdivision nine of
11 section five hundred-b of this chapter regarding enrollment in the
12 medical assistance for needy persons program or other medical insurance
13 program of applicants in the custody of local correctional facilities.
14 The first report under this subdivision will be completed by December
15 thirty-first, two thousand twenty-six, and annually thereafter.

16 § 7. This act shall take effect on the one hundred eightieth day after
17 it shall have become a law; provided, however, that the amendments to
18 section 500-b of the correction law made by section five of this act
19 shall not affect the repeal of such section and shall be deemed repealed
20 therewith. Effective immediately, the commissioner of health, the
21 commissioner of corrections and community supervision, and the super-
22 intendants of local correctional facilities shall make regulations and
23 take other actions reasonably necessary to implement the provisions of
24 this act on its effective date.