

# STATE OF NEW YORK

614--B

Cal. No. 590

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. RIVERA, BRISPORT, CLEARE, COMRIE, FAHY, FERNANDEZ, GIANARIS, GONZALEZ, HARCKHAM, HINCHEY, JACKSON, MYRIE, RAMOS, SALAZAR, SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

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1 individuals successfully enrolled under this subdivision, any documents  
2 relating to enrollment shall be kept in the individual's records until  
3 the individual's release from custody, at which time such documents  
4 shall be provided to the individual.

5 (b) Where an individual is found ineligible for the medical assistance  
6 program, the department shall make diligent efforts to determine whether  
7 the individual is eligible for any other medical insurance program and,  
8 if so, assist the individual in applying to the program for which they  
9 are eligible if they wish to enroll in such program.

10 § 2. The correction law is amended by adding a new section 500-r to  
11 read as follows:

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

29 2. Where an individual is found ineligible for the medical assistance  
30 program, the superintendent shall make diligent efforts to determine  
31 whether the individual is eligible for any other medical insurance  
32 program and, if so, assist the individual in applying to the program for  
33 which they are eligible if they wish to enroll in such program.

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

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

1 have a photo identification card where such card would be limited,  
2 unnecessary or impracticable.

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

5 10. (a) The commissioner, in consultation with the commissioner of  
6 health, shall study and report annually on enrollment in the medical  
7 assistance for needy persons program of applicants in the custody of the  
8 department or local correctional facilities. The report shall include  
9 how many individuals in the custody of each facility were:

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

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

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

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

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

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