

## Employee Benefits Division Policy Memorandum

**Number:** Policy #135  
**Date Issued:** May 27, 2009  
**Policy File Ref:** A330  
**Subject:** Eligibility – Child Health Insurance Program Reauthorization Act of 2009

**ISSUE:**  
**Child Health Insurance Program Reauthorization Act of 2009 - implementation**

### BACKGROUND:

The Child Health Insurance Program Reauthorization Act of 2009 (CHIPRA) amended the Internal Revenue Code, the Employee Retirement Income Security Act (ERISA), and the Public Health Service Act (PHSA) to require employer-sponsored group health plans to permit employees or their dependents to enroll in the plan if they lose eligibility for Medicaid or the Child Health Insurance Program, or if they become eligible for premium assistance under Medicaid or the Child Health Insurance Program. An individual who requests enrollment within 60 days of losing eligibility for either program or gaining eligibility for premium assistance must be enrolled in the plan even if there is no open enrollment period and without any penalty for late enrollment.

### POLICY:

Employees or their dependents may enroll in NYSHIP if they lose eligibility for Medicaid or the Child Health Insurance Program, or if they become eligible for premium assistance under Medicaid or the Child Health Insurance Program. An individual who requests enrollment within 60 days of losing eligibility for either program or gaining eligibility for premium assistance must be enrolled in NYSHIP without a waiting period for late enrollment.

Compliance with this policy is mandatory for the State and all other entities participating in NYSHIP, including all PAs and PEs.

This policy is effective April 1, 2009.

### RATIONALE:

This policy ensures that NYSHIP is administered in a manner consistent with federal requirements.

### UNIT RESPONSIBILITY:

All