

HOUSE BILL NO. 323

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES B.DAVIS, Nicholia

Introduced: 4/26/95

Referred: Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act extending eligibility for medical assistance to pregnant women with
2 household incomes not exceeding 185 percent of the federal poverty level and
3 changing the order of priority for persons eligible for Medicaid to reflect the
4 extension of eligibility to these pregnant women; and providing for an effective
5 date."

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * **Section 1.** AS 47.07.020(b) is amended to read:

8 (b) In addition to the persons specified in (a) of this section, the following
9 optional groups of persons for whom the state may claim federal financial participation
10 are eligible for medical assistance:

11 (1) persons eligible for but not receiving assistance under any plan of
12 the state approved under 42 U.S.C. 601 - 615 (Title IV-A, Social Security Act, Aid to
13 Families with Dependent Children) or 42 U.S.C. 1381 - 1383c (Title XVI, Social

1 Security Act, Supplemental Security Income);

2 (2) persons in a general hospital, skilled nursing facility, or intermediate
3 care facility, who, if they left the facility, would be eligible for assistance under one
4 of the federal programs specified in (1) of this subsection;

5 (3) persons under age 21 who are under supervision of the department,
6 for whom maintenance is being paid in whole or in part from public funds, and who
7 are in foster homes or private child-care institutions;

8 (4) aged, blind, or disabled persons, who, because they do not meet
9 income and resources requirements, do not receive supplemental security income under
10 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act), and who do not receive a
11 mandatory state supplement, but who are eligible, or would be eligible if they were not
12 in a skilled nursing facility or intermediate care facility to receive an optional state
13 supplementary payment;

14 (5) persons under age 21 who are in an institution designated as an
15 intermediate care facility for the mentally retarded and who are financially eligible as
16 determined by the standards of the federal aid to families with dependent children
17 program;

18 (6) persons in a medical or intermediate care facility whose income
19 while in the facility does not exceed 300 percent of the supplemental security income
20 benefit rate under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act) but who
21 would not be eligible for an optional state supplementary payment if they left the
22 hospital or other facility;

23 (7) persons under age 21 who are receiving active treatment in a
24 psychiatric hospital and who are financially eligible as determined by the standards of
25 42 U.S.C. 601 - 615 (Title IV-A, Social Security Act, Aid to Families with Dependent
26 Children);

27 (8) persons under age 21 and not covered under (a) of this section, who
28 would be eligible for benefits under the federal aid to families with dependent children
29 program, except that they have the care and support of both their natural and adoptive
30 parents;

31 (9) pregnant women not covered under (a) of this section and who meet

1 the income and resource requirements of the federal aid to families with dependent
2 children program;

3 (10) pregnant women not covered under (a) of this section whose
4 household income does not exceed 185 percent of the federal poverty line as
5 defined by the federal office of management and budget and revised annually
6 under 42 U.S.C. 9902(2);

7 (11) persons under age 21 not covered under (a) of this section who the
8 department has determined cannot be placed for adoption without medical assistance
9 because of a special need for medical or rehabilitative care and who the department
10 has determined are hard-to-place children eligible for subsidy under AS 25.23.190 -
11 25.23.220;

12 (12) [(11)] persons who can be considered under 42 U.S.C. 1396a(e)(3)
13 (Title XIX, Social Security Act, Medical Assistance) to be individuals with respect to
14 whom a supplemental security income is being paid under 42 U.S.C. 1381 - 1383c
15 (Title XVI, Social Security Act) because they meet all of the following criteria:

16 (A) they are 18 years of age or younger and qualify as disabled
17 individuals under 42 U.S.C. 1382c(a) (Title XVI, Social Security Act);

18 (B) the department has determined that

19 (i) they require a level of care provided in a hospital,
20 nursing facility, or intermediate care facility for the mentally retarded;

21 (ii) it is appropriate to provide their care outside of an
22 institution; and

23 (iii) the estimated amount that would be spent for
24 medical assistance for their individual care outside an institution is not
25 greater than the estimated amount that would otherwise be expended
26 individually for medical assistance within an appropriate institution;

27 (C) if they were in a medical institution, they would be eligible
28 for medical assistance under other provisions of this chapter; and

29 (D) home and community-based services under a waiver
30 approved by the federal government are either not available to them under this
31 chapter or would be inappropriate for them.

1 * **Sec. 2.** AS 47.07.035 is amended to read:

2 Sec. 47.07.035. **PRIORITY OF MEDICAL ASSISTANCE.** If the department
3 finds that the cost of medical assistance for all persons eligible under this chapter will
4 exceed the amount allocated in the state budget for that assistance for the fiscal year,
5 the department shall eliminate coverage for optional medical services and optionally
6 eligible groups of individuals in the following order:

- 7 (1) midwife services;
- 8 (2) clinical social workers' services;
- 9 (3) psychologists' services;
- 10 (4) chiropractic services;
- 11 (5) advanced nurse practitioner services;
- 12 (6) adult dental services;
- 13 (7) emergency hospital services;
- 14 (8) treatment of speech, hearing, and language disorders;
- 15 (9) optometrists' services and eyeglasses;
- 16 (10) occupational therapy;
- 17 (11) mammography screening;
- 18 (12) prosthetic devices;
- 19 (13) medical supplies and equipment;
- 20 (14) targeted case management services;
- 21 (15) rehabilitative services for substance abusers and emotionally
22 disturbed or chronically mentally ill adults;
- 23 (16) clinic services;
- 24 (17) physical therapy;
- 25 (18) personal care services in a recipient's home;
- 26 (19) prescribed drugs;
- 27 (20) hospice care;
- 28 (21) long-term care noninstitutional services;
- 29 (22) inpatient psychiatric facility services;
- 30 (23) intermediate care facility services for the mentally retarded;
- 31 (24) intermediate care facility services;

1 (25) pregnant women not covered under AS 47.07.020(a) whose
2 household income does not exceed 185 percent of the federal poverty line as
3 defined by the federal office of management and budget and revised annually
4 under 42 U.S.C. 9902(2);

5 (26) individuals described in AS 47.07.020(b)(12)
6 [AS 47.07.020(b)(11)];

7 (27) [(26)] individuals under age 21 who are not eligible for benefits
8 under the federal aid to families with dependent children program because they are not
9 deprived of one or more of their natural or adoptive parents;

10 (28) [(27)] skilled nursing facility services for persons under age 21;

11 (29) [(28)] aged, blind, and disabled individuals who, because they do
12 not meet the income requirements, do not receive supplemental security income under
13 Title XVI of the Social Security Act, but who are eligible, or would be eligible if they
14 were not in a skilled nursing facility or intermediate care facility, to receive an
15 optional state supplementary payment;

16 (30) [(29)] individuals in a hospital, skilled nursing facility, or
17 intermediate care facility whose income while in the facility does not exceed 300
18 percent of the supplemental security income benefit rate under Title XVI of the Social
19 Security Act, but who, because of income, are not eligible for the optional state
20 supplementary payment;

21 (31) [(30)] individuals under age 21 under supervision of the
22 department for whom maintenance is being paid in whole or in part from public money
23 and who are in foster homes or private child-care institutions;

24 (32) [(31)] individuals under age 21 who the department has determined
25 cannot be placed for adoption without medical assistance because of a special need for
26 medical or rehabilitative care and who the department has determined are hard-to-place
27 children eligible for subsidy under AS 25.23.190 - 25.23.220.

28 * **Sec. 3.** This Act takes effect July 1, 1995.