

SENATE BILL NO. 168

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY SENATORS DUNCAN, Ellis

Introduced: 4/10/97

Referred: HESS, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to Medicaid coverage, including coverage for children and
2 pregnant women; and providing for an effective date."

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

4 * **Section 1.** AS 47.07.020(b), as amended by secs. 38 - 42, ch. 107, SLA 1996, is
5 amended to read:

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

9 (1) persons eligible for but not receiving assistance under any plan of
10 the state approved under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act,
11 Supplemental Security Income) or a federal program designated as the successor to the
12 aid to families with dependent children program;

13 (2) persons in a general hospital, skilled nursing facility, or intermediate
14 care facility, who, if they left the facility, would be eligible for assistance under one

1 of the federal programs specified in (1) of this subsection;

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

5 (4) aged, blind, or disabled persons, who, because they do not meet
6 income and resources requirements, do not receive supplemental security income under
7 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act), and who do not receive a
8 mandatory state supplement, but who are eligible, or would be eligible if they were not
9 in a skilled nursing facility or intermediate care facility to receive an optional state
10 supplementary payment;

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

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

20 (7) persons under age 21 who are receiving active treatment in a
21 psychiatric hospital and who are financially eligible as determined by the standards of
22 the federal program designated as the successor to the aid to families with dependent
23 children program;

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

28 (9) **persons under age 18 not covered under (a) of this section**
29 **whose household income does not exceed 225 percent of the federal poverty line**
30 **as defined by the federal office of management and budget and revised annually**
31 **under 42 U.S.C. 9902(2);**

1 **(10) pregnant women not covered under (a) of this section whose**
 2 **household income does not exceed 200 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 **(11)** pregnant women not covered under (a) of this section and who
 6 meet the income and resource requirements of the federal program designated as the
 7 successor to the aid to families with dependent children program;

8 **(12)** [(10)] persons under age 21 not covered under (a) of this section
 9 who the department has determined cannot be placed for adoption without medical
 10 assistance because of a special need for medical or rehabilitative care and who the
 11 department has determined are hard-to-place children eligible for subsidy under
 12 AS 25.23.190 - 25.23.220;

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

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

19 (B) the department has determined that

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

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

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

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

30 (D) home and community-based services under a waiver
 31 approved by the federal government are either not available to them under this

1 chapter or would be inappropriate for them.

2 * **Sec. 2.** AS 47.07.035, as amended by sec. 43, ch. 107, SLA 1996, is amended to read:

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

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

1 (24) intermediate care facility services;

2 (25) individuals described in AS 47.07.020(b)(13)
3 [AS 47.07.020(b)(11)];

4 (26) individuals under age 21 who are not eligible for benefits under
5 the federal program designated as the successor to the aid to families with dependent
6 children program because they are not deprived of one or more of their natural or
7 adoptive parents;

8 (27) skilled nursing facility services for persons under age 21;

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

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

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

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

26 **(32) persons under age 18 not covered under AS 47.07.020(a) whose**
27 **household income does not exceed 225 percent of the federal poverty line as**
28 **defined by the federal office of management and budget and revised annually**
29 **under 42 U.S.C. 9902(2);**

30 **(33) pregnant women not covered under AS 47.07.020(a) whose**
31 **household income does not exceed 200 percent of the federal poverty line as**

1 defined by the federal office of management and budget and revised annually
2 under 42 U.S.C. 9902(2).

3 * **Sec. 3.** This Act takes effect July 1, 1997.