

**SENATE BILL NO. 105**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/6/03

Referred: Health, Education and Social Services, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to eligibility requirements for medical assistance for certain children,**  
2 **pregnant women, and persons in a medical or intermediate care facility; and providing**  
3 **for an effective date."**

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

5 \* **Section 1.** AS 47.07.020(b) is 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  
8 participation 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  
14 intermediate care facility, who, if they left the facility, would be eligible for assistance

1 under one 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  
7 under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act), and who do not  
8 receive a mandatory state supplement, but who are eligible, or would be eligible if  
9 they were not in a skilled nursing facility or intermediate care facility to receive an  
10 optional state 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 **\$1,656 a month** [300 PERCENT OF THE  
17 SUPPLEMENTAL SECURITY INCOME BENEFIT RATE UNDER 42 U.S.C. 1381  
18 - 1383C (TITLE XVI, SOCIAL SECURITY ACT)] but who would not be eligible for  
19 an optional state supplementary payment if they left the 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 to  
26 the aid to families with dependent children program, except that they have the care and  
27 support of both their natural and adoptive parents;

28 (9) pregnant women not covered under (a) of this section and who  
29 meet the income and resource requirements of the federal program designated as the  
30 successor to the aid to families with dependent children program;

31 (10) persons under age 21 not covered under (a) of this section who the

1 department has determined cannot be placed for adoption without medical assistance  
 2 because of a special need for medical or rehabilitative care and who the department  
 3 has determined are hard-to-place children eligible for subsidy under AS 25.23.190 -  
 4 25.23.220;

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

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

11 (B) the department has determined that

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

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

16 (iii) the estimated amount that would be spent for  
 17 medical assistance for their individual care outside an institution is not  
 18 greater than the estimated amount that would otherwise be expended  
 19 individually for medical assistance within an appropriate institution;

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

22 (D) home and community-based services under a waiver  
 23 approved by the federal government are either not available to them under this  
 24 chapter or would be inappropriate for them;

25 (12) disabled persons, as described in 42 U.S.C.  
 26 1396a(a)(10)(A)(ii)(XIII), who are in families whose income, as determined under  
 27 applicable federal regulations or guidelines, is less than 250 percent of the official  
 28 poverty line applicable to a family of that size according to the federal Office of  
 29 Management and Budget, and who, but for earnings in excess of the limit established  
 30 under 42 U.S.C. 1396d(q)(2)(B), would be considered to be individuals with respect to  
 31 whom a supplemental security income is being paid under 42 U.S.C. 1381 - 1383c; a

1 person eligible for assistance under this paragraph who is not eligible under another  
 2 provision of this section shall pay a premium or other cost-sharing charges according  
 3 to a sliding fee scale that is based on income as established by the department in  
 4 regulations;

5 (13) persons under age 19 who are not covered under (a) of this section  
 6 and whose household income does not exceed

7 **(A) \$1,847 a month if the household consists of one person;**

8 **(B) \$2,489 a month if the household consists of two persons;**

9 **(C) \$3,130 a month if the household consists of three**  
 10 **persons;**

11 **(D) \$3,772 a month if the household consists of four**  
 12 **persons;**

13 **(E) \$4,414 a month if the household consists of five persons;**

14 **(F) \$5,055 a month if the household consists of six persons;**

15 **(G) \$5,697 a month if the household consists of seven**  
 16 **persons;**

17 **(H) \$6,339 a month if the household consists of eight**  
 18 **persons;**

19 **(I) \$6,339 a month, plus an additional \$642 a month for**  
 20 **each extra person above eight persons who is in the household if the**  
 21 **household consists of nine persons or more** [200 PERCENT OF THE  
 22 FEDERAL POVERTY GUIDELINE AS DEFINED BY THE FEDERAL  
 23 OFFICE OF MANAGEMENT AND BUDGET AND REVISED UNDER 42  
 24 U.S.C. 9902(2)];

25 (14) pregnant women who are not covered under (a) of this section and  
 26 whose household income does not exceed

27 **(A) \$1,847 a month if the household consists of one person;**

28 **(B) \$2,489 a month if the household consists of two persons;**

29 **(C) \$3,130 a month if the household consists of three**  
 30 **persons;**

31 **(D) \$3,772 a month if the household consists of four**

1           persons;

2                           (E) \$4,414 a month if the household consists of five persons;

3                           (F) \$5,055 a month if the household consists of six persons;

4                           (G) \$5,697 a month if the household consists of seven

5           persons;

6                           (H) \$6,339 a month if the household consists of eight

7           persons;

8                           (I) \$6,339 a month, plus an additional \$642 a month for

9                           each extra person above eight persons who is in the household if the  
 10                           household consists of nine persons or more [200 PERCENT OF THE

11                           FEDERAL POVERTY LINE AS DEFINED BY THE FEDERAL OFFICE OF  
 12                           MANAGEMENT AND BUDGET AND REVISED UNDER 42 U.S.C.  
 13                           9902(2)].

14   \* **Sec. 2.** AS 47.07.042(d) is amended to read:

15                   (d) In addition to the requirements established under (a) and (b) of this section,  
 16                   the department may require premiums or cost-sharing contributions from recipients  
 17                   who are eligible for benefits under AS 47.07.020(b)(13) and whose household income  
 18                   is greater than the applicable amount set out in (e) of this section [BETWEEN 150  
 19                   AND 200 PERCENT OF THE FEDERAL POVERTY GUIDELINE]. If the  
 20                   department requires premiums or cost-sharing contributions under this subsection, the  
 21                   department

22                           (1) shall adopt in regulation a sliding scale for those premiums or  
 23                           contributions based on household income;

24                           (2) may not exceed the maximums allowed under federal law; and

25                           (3) shall implement a system by which the department or its designee  
 26                           collects those premiums or contributions.

27   \* **Sec. 3.** AS 47.07.042 is amended by adding a new subsection to read:

28                   (e) In (d) of this section, the term "applicable amount" means

29                           (1) \$1,385 a month if the household consists of one person;

30                           (2) \$1,867 a month if the household consists of two persons;

31                           (3) \$2,348 a month if the household consists of three persons;

- 1 (4) \$2,829 a month if the household consists of four persons;  
2 (5) \$3,310 a month if the household consists of five persons;  
3 (6) \$3,792 a month if the household consists of six persons;  
4 (7) \$4,273 a month if the household consists of seven persons;  
5 (8) \$4,754 a month if the household consists of eight persons;  
6 (9) \$4,754 a month, plus an additional \$482 a month for each extra  
7 person above eight persons who is in the household if the household consists of nine  
8 persons or more.

9 \* **Sec. 4.** This Act takes effect July 1, 2003.