

CS FOR SENATE BILL NO. 105(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/8/03

Referred: Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

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) \$1,635 a month if the household consists of one person;**

8 **(B) \$2,208 a month if the household consists of two persons;**

9 **(C) \$2,782 a month if the household consists of three**
 10 **persons;**

11 **(D) \$3,355 a month if the household consists of four**
 12 **persons;**

13 **(E) \$3,928 a month if the household consists of five persons;**

14 **(F) \$4,501 a month if the household consists of six persons;**

15 **(G) \$5,074 a month if the household consists of seven**
 16 **persons;**

17 **(H) \$5,647 a month if the household consists of eight**
 18 **persons;**

19 **(I) \$5,647 a month, plus an additional \$574 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) \$2,489 a month if the household consists of two persons;**

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

30 **(C) \$3,772 a month if the household consists of four**
 31 **persons;**

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

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

3 **(F) \$5,697 a month if the household consists of seven**

4 **persons;**

5 **(G) \$6,339 a month if the household consists of eight**

6 **persons;**

7 **(H) \$6,339 a month, plus an additional \$642 a month for**

8 **each extra person above eight persons who is in the household if the**

9 **household consists of nine persons or more** [200 PERCENT OF THE

10 FEDERAL POVERTY LINE AS DEFINED BY THE FEDERAL OFFICE OF

11 MANAGEMENT AND BUDGET AND REVISED UNDER 42 U.S.C.

12 9902(2)].

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

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

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

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

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

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

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

28 (1) \$1,385 a month if the household consists of one person;

29 (2) \$1,867 a month if the household consists of two persons;

30 (3) \$2,348 a month if the household consists of three persons;

31 (4) \$2,829 a month if the household consists of four persons;

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

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