

CS FOR SENATE BILL NO. 27(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/14/07

Referred: Finance

Sponsor(s): SENATOR DAVIS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to eligibility requirements for medical assistance for certain children,
2 pregnant women, disabled persons, and persons in medical or intermediate care
3 facilities; and providing 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 21 years of age who are under supervision of the
3 department, for whom maintenance is being paid in whole or in part from public
4 funds, and who 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 21 years of age who are in an institution designated
12 as an intermediate care facility for the mentally retarded and who are financially
13 eligible as determined by the standards of the federal program designated as the
14 successor to the 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**
17 **income benefit rate under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act)**
18 **[\$1,656 A MONTH]** but who would not be eligible for an optional state
19 supplementary payment if they left the hospital or other facility;

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

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

1 who the department has determined cannot be placed for adoption without medical
 2 assistance because of a special need for medical or rehabilitative care and who the
 3 department has determined are hard-to-place children eligible for subsidy under
 4 AS 25.23.190 - 25.23.210;

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 **United States**
 29 **Department of Health and Human Services** [FEDERAL OFFICE OF
 30 MANAGEMENT AND BUDGET], and who, but for earnings in excess of the limit
 31 established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be individuals

1 with respect to whom a supplemental security income is being paid under 42 U.S.C.
 2 1381 - 1383c; a person eligible for assistance under this paragraph who is not eligible
 3 under another provision of this section shall pay a premium or other cost-sharing
 4 charges according to a sliding fee scale that is based on income as established by the
 5 department in regulations;

6 (13) persons under 19 years of age who are not covered under (a) of
 7 this section and whose household income does not exceed **200 percent of the federal**
 8 **poverty guideline as defined by the United States Department of Health and**
 9 **Human Services and revised under 42 U.S.C. 9902(2)**

10 [(A) \$1,635 A MONTH IF THE HOUSEHOLD CONSISTS
 11 OF ONE PERSON;

12 (B) \$2,208 A MONTH IF THE HOUSEHOLD CONSISTS OF
 13 TWO PERSONS;

14 (C) \$2,782 A MONTH IF THE HOUSEHOLD CONSISTS OF
 15 THREE PERSONS;

16 (D) \$3,355 A MONTH IF THE HOUSEHOLD CONSISTS OF
 17 FOUR PERSONS;

18 (E) \$3,928 A MONTH IF THE HOUSEHOLD CONSISTS OF
 19 FIVE PERSONS;

20 (F) \$4,501 A MONTH IF THE HOUSEHOLD CONSISTS OF
 21 SIX PERSONS;

22 (G) \$5,074 A MONTH IF THE HOUSEHOLD CONSISTS OF
 23 SEVEN PERSONS;

24 (H) \$5,647 A MONTH IF THE HOUSEHOLD CONSISTS OF
 25 EIGHT PERSONS;

26 (I) \$5,647 A MONTH, PLUS AN ADDITIONAL \$574 A
 27 MONTH FOR EACH EXTRA PERSON ABOVE EIGHT PERSONS WHO
 28 IS IN THE HOUSEHOLD IF THE HOUSEHOLD CONSISTS OF NINE
 29 PERSONS OR MORE];

30 (14) pregnant women who are not covered under (a) of this section and
 31 whose household income does not exceed **200 percent of the federal poverty line as**

1 **defined by the United States Department of Health and Human Services and**
 2 **revised under 42 U.S.C. 9902(2)**

3 [(A) \$2,208 A MONTH IF THE HOUSEHOLD CONSISTS
 4 OF TWO PERSONS;

5 (B) \$2,782 A MONTH IF THE HOUSEHOLD CONSISTS OF
 6 THREE PERSONS;

7 (C) \$3,355 A MONTH IF THE HOUSEHOLD CONSISTS OF
 8 FOUR PERSONS;

9 (D) \$3,928 A MONTH IF THE HOUSEHOLD CONSISTS OF
 10 FIVE PERSONS;

11 (E) \$4,501 A MONTH IF THE HOUSEHOLD CONSISTS OF
 12 SIX PERSONS;

13 (F) \$5,074 A MONTH IF THE HOUSEHOLD CONSISTS OF
 14 SEVEN PERSONS;

15 (G) \$5,647 A MONTH IF THE HOUSEHOLD CONSISTS OF
 16 EIGHT PERSONS;

17 (H) \$5,647 A MONTH, PLUS AN ADDITIONAL \$574 A
 18 MONTH FOR EACH EXTRA PERSON ABOVE EIGHT PERSONS WHO
 19 IS IN THE HOUSEHOLD IF THE HOUSEHOLD CONSISTS OF NINE
 20 PERSONS OR MORE];

21 (15) persons who have been diagnosed with breast or cervical cancer
 22 and who are eligible for coverage under 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII).

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

24 (d) In addition to the requirements established under (a) and (b) of this section,
 25 the department may require premiums or cost-sharing contributions from recipients
 26 who are eligible for benefits under AS 47.07.020(b)(13) and whose household income
 27 is **between 150 and 200 percent of the federal poverty line** [GREATER THAN
 28 THE APPLICABLE AMOUNT SET OUT IN (f) OF THIS SECTION]. If the
 29 department requires premiums or cost-sharing contributions under this subsection, the
 30 department

31 (1) shall adopt in regulation a sliding scale for those premiums or

1 contributions based on household income;
2 (2) may not exceed the maximums allowed under federal law; and
3 (3) shall implement a system by which the department or its designee
4 collects those premiums or contributions.

5 * **Sec. 3.** AS 47.07.042(f) is repealed.

6 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).