

HOUSE BILL NO. 118

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GARA, Kawasaki, Buch

Introduced: 2/6/09

Referred: Health and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act expanding, and relating to advertising about, medical assistance coverage for
2 eligible children and pregnant women; relating to the poverty guideline and cost sharing
3 for certain recipients of medical assistance; having the short title of the 'No Child Left
4 Uninsured Act'; and providing for an effective date."

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

6 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 SHORT TITLE. This Act may be known as the No Child Left Uninsured Act.

9 * **Sec. 2.** AS 47.07.020(b) is amended to read:

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

13 (1) persons eligible for but not receiving assistance under any plan of
14 the state approved under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act,

1 Supplemental Security Income) or a federal program designated as the successor to the
2 aid to families with dependent children program;

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

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

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

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

19 (6) persons in a medical or intermediate care facility whose income
20 while in the facility does not exceed \$1,656 a month but who would not be eligible for
21 an optional state supplementary payment if they left the hospital or other facility;

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

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

30 (9) pregnant women not covered under (a) of this section and who
31 meet the income and resource requirements of the federal program designated as the

1 successor to the aid to families with dependent children program;

2 (10) persons under 21 years of age not covered under (a) of this section
3 who the department has determined cannot be placed for adoption without medical
4 assistance because of a special need for medical or rehabilitative care and who the
5 department has determined are hard-to-place children eligible for subsidy under
6 AS 25.23.190 - 25.23.210;

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

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

13 (B) the department has determined that

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

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

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

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

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

27 (12) disabled persons, as described in 42 U.S.C.
28 1396a(a)(10)(A)(ii)(XIII), who are in families whose income, as determined under
29 applicable federal regulations or guidelines, is less than 250 percent of the **federal**
30 **poverty guideline for Alaska as defined by the United States Department of**
31 **Health and Human Services and revised under 42 U.S.C. 9902(2)** [OFFICIAL

1 POVERTY LINE] applicable to a family of that size [ACCORDING TO THE
 2 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES], and
 3 who, but for earnings in excess of the limit established under 42 U.S.C.
 4 1396d(q)(2)(B), would be considered to be individuals with respect to whom a
 5 supplemental security income is being paid under 42 U.S.C. 1381 - 1383c; a person
 6 eligible for assistance under this paragraph who is not eligible under another provision
 7 of this section shall pay a premium or other cost-sharing charges according to a sliding
 8 fee scale that is based on income as established by the department in regulations;

9 (13) persons under 19 years of age who are not covered under (a) of
 10 this section and whose household income does not exceed 200 [175] percent of the
 11 federal poverty guideline for Alaska [LINE] as defined by the United States
 12 Department of Health and Human Services and revised under 42 U.S.C. 9902(2);

13 (14) pregnant women who are not covered under (a) of this section and
 14 whose household income does not exceed 250 [175] percent of the federal poverty
 15 guideline for Alaska [LINE] as defined by the United States Department of Health
 16 and Human Services and revised under 42 U.S.C. 9902(2);

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

19 * **Sec. 3.** AS 47.07 is amended by adding new sections to read:

20 **Sec. 47.07.022. Extended medical assistance coverage for children; costs.**

21 (a) In addition to the persons specified in AS 47.07.020, a person who resides in the
 22 state and who meets the criteria under (b) of this section is eligible for extended
 23 medical assistance coverage equivalent to the mandatory and optional services
 24 described under AS 47.07.030 if the person submits an annual application and
 25 contribution as specified in (c) of this section.

26 (b) The department shall administer a program of extended medical assistance
 27 coverage for a person

28 (1) who is under 19 years of age;

29 (2) whose household income is over 200 percent but not more than 350
 30 percent of the federal poverty guideline for Alaska set by the United States
 31 Department of Health and Human Services and revised under 42 U.S.C. 9902(2); and

1 (3) whose parent or legal guardian certifies that the person cannot
 2 obtain coverage under a health insurance policy offered by an employer of the person's
 3 parent or legal guardian.

4 (c) The program administered under this section must include an annual
 5 application and sliding scale contribution, payable under terms specified in regulations
 6 adopted by the department. The regulations must

7 (1) include the option of an assignment of an applicant's permanent
 8 fund dividend and the permanent fund dividend of a parent, legal guardian, or other
 9 authorized representative of an applicant; and

10 (2) set an annual contribution amount of not less than two percent and
 11 not more than five percent of the person's household income.

12 (d) In addition to the annual contribution established under (c) of this section,
 13 to the extent permitted by federal law, the department shall impose a copayment of

14 (1) the lesser of 20 percent or \$1,000 of medical services and
 15 prescription drug costs covered under the program for a person whose household
 16 income is more than 250 percent and not more than 300 percent of the federal poverty
 17 guideline for Alaska; when combined with the annual contribution paid under (c) of
 18 this section, the total payment under this paragraph may not exceed five percent of the
 19 person's household income; and

20 (2) the department's average cost for a child, rounded to the nearest
 21 \$100, associated with administering the program to provide medical services and
 22 prescription drug benefits for a person whose household income is more than 300
 23 percent and not more than 350 percent of the federal poverty guideline for Alaska.

24 **Sec. 47.07.023. Advertising of medical assistance coverage.** The department
 25 shall, to the extent funding is available, spend \$25,000 each month advertising on
 26 television and radio the medical assistance program benefits available to persons under
 27 21 years of age and to pregnant women.

28 * **Sec. 4.** AS 47.07.042(d) is amended to read:

29 (d) In addition to the requirements established under (a) and (b) of this section,
 30 the department shall [MAY] require premiums and [OR] cost-sharing contributions
 31 from recipients as set out in AS 47.07.022. The [WHO ARE ELIGIBLE FOR

1 BENEFITS UNDER AS 47.07.020(b)(13) AND WHOSE HOUSEHOLD INCOME
 2 IS BETWEEN 150 AND 175 PERCENT OF THE FEDERAL POVERTY LINE. IF
 3 THE DEPARTMENT REQUIRES PREMIUMS OR COST-SHARING
 4 CONTRIBUTIONS UNDER THIS SUBSECTION, THE] department

5 (1) [SHALL ADOPT IN REGULATION A SLIDING SCALE FOR
 6 THOSE PREMIUMS OR CONTRIBUTIONS BASED ON HOUSEHOLD INCOME;

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

8 (2) [(3)] shall implement a system by which the department or its
 9 designee collects those premiums or contributions.

10 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
 11 read:

12 TRANSITION: REGULATIONS. The Department of Health and Social Services may
 13 proceed to adopt regulations necessary to implement the changes made by this Act. The
 14 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
 15 effective date of secs. 2 - 4 of this Act.

16 * **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).

17 * **Sec. 7.** Except as provided in sec. 6 of this Act, this Act takes effect July 1, 2009.