

AMENDMENT # 4

OFFERED IN THE SENATE
TO: SSSB 49

BY SENATOR WIELECHOWSKI, *ELLIS,*
French, Gardner

- 1 Page 1, line 1, following "Act":
2 Insert **"relating to eligibility requirements for medical assistance for certain**
3 **children and pregnant women;"**
4
5 Page 1, line 3, following "program":
6 Insert **"; and providing for an effective date"**
7
8 Page 1, following line 3:
9 Insert new bill sections to read:
10 **** Section 1.** AS 47.07.020(b) is amended to read:
11 (b) In addition to the persons specified in (a) of this section, the following
12 optional groups of persons for whom the state may claim federal financial
13 participation are eligible for medical assistance:
14 (1) persons eligible for but not receiving assistance under any plan of
15 the state approved under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act,
16 Supplemental Security Income) or a federal program designated as the successor to the
17 aid to families with dependent children program;
18 (2) persons in a general hospital, skilled nursing facility, or
19 intermediate care facility, who, if they left the facility, would be eligible for assistance
20 under one of the federal programs specified in (1) of this subsection;
21 (3) persons under 21 years of age who are under supervision of the
22 department, for whom maintenance is being paid in whole or in part from public
23 funds, and who are in foster homes or private child-care institutions;

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

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

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

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

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

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

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

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

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

7 (B) the department has determined that

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

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

12 (iii) the estimated amount that would be spent for
13 medical assistance for their individual care outside an institution is not
14 greater than the estimated amount that would otherwise be expended
15 individually for medical assistance within an appropriate institution;

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

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

21 (12) disabled persons, as described in 42 U.S.C.
22 1396a(a)(10)(A)(ii)(XIII), who are in families whose income, as determined under
23 applicable federal regulations or guidelines, is less than 250 percent of the official
24 poverty line applicable to a family of that size according to the United States
25 Department of Health and Human Services, and who, but for earnings in excess of the
26 limit established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be
27 individuals with respect to whom a supplemental security income is being paid under
28 42 U.S.C. 1381 - 1383c; a person eligible for assistance under this paragraph who is
29 not eligible under another provision of this section shall pay a premium or other cost-
30 sharing charges according to a sliding fee scale that is based on income as established
31 by the department in regulations;

1 (13) persons under 19 years of age who are not covered under (a) of
2 this section and whose household income does not exceed **200** [175] percent of the
3 federal poverty line as defined by the United States Department of Health and Human
4 Services and revised under 42 U.S.C. 9902(2);

5 (14) pregnant women who are not covered under (a) of this section and
6 whose household income does not exceed **200** [175] percent of the federal poverty line
7 as defined by the United States Department of Health and Human Services and revised
8 under 42 U.S.C. 9902(2);

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

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

12 (d) In addition to the requirements established under (a) and (b) of this section,
13 the department may require premiums or cost-sharing contributions from recipients
14 who are eligible for benefits under AS 47.07.020(b)(13) and whose household income
15 is between 150 and **200** [175] percent of the federal poverty line. If the department
16 requires premiums or cost-sharing contributions under this subsection, the department

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

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

20 (3) shall implement a system by which the department or its designee
21 collects those premiums or contributions."
22

23 Page 1, line 4:

24 Delete "**Section 1**"

25 Insert "**Sec. 3**"
26

27 Renumber the following bill section accordingly.
28

29 Page 3, following line 5:

30 Insert a new bill section to read:

31 "* **Sec. 4.** Sections 1 and 2 of this Act take effect immediately under AS 01.10.070(c)."