

HOUSE BILL NO. 290

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES JOSEPHSON, Tarr, Gara, Kreiss-Tomkins, Gruenberg, Drummond, Kawasaki, Tuck

Introduced: 1/30/14

Referred: Health and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to eligibility for medical assistance coverage; and providing for an**
2 **effective date."**

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

4 *** Section 1.** AS 47.07.020(b) is amended to read:

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

8 (1) persons eligible for but not receiving assistance under any plan of
9 the state approved under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act,
10 Supplemental Security Income) or a federal program designated as the successor to the
11 aid to families with dependent children program;

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

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

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

10 (5) persons under 21 years of age who are in an institution designated
11 as an intermediate care facility for persons with intellectual and developmental
12 disabilities and who are financially eligible as determined by the standards of the
13 federal program designated as the successor to the aid to families with dependent
14 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 income
17 benefit rate under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act) but who
18 would not be eligible for an optional state supplementary payment if they left the
19 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 persons with
14 intellectual and developmental disabilities;

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

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

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

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

26 (12) disabled persons, as described in 42 U.S.C.
27 1396a(a)(10)(A)(ii)(XIII), who are in families whose income, as determined under
28 applicable federal regulations or guidelines, is less than 250 percent of the official
29 poverty line applicable to a family of that size according to the United States
30 Department of Health and Human Services, and who, but for earnings in excess of the
31 limit established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be

1 individuals with respect to whom a supplemental security income is being paid under
 2 42 U.S.C. 1381 - 1383c; a person eligible for assistance under this paragraph who is
 3 not eligible under another provision of this section shall pay a premium or other cost-
 4 sharing charges according to a sliding fee scale that is based on income as established
 5 by the 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 175 percent of the federal
 8 poverty line as defined by the United States Department of Health and Human
 9 Services and revised under 42 U.S.C. 9902(2);

10 (14) pregnant women who are not covered under (a) of this section and
 11 whose household income does not exceed 175 percent of the federal poverty line as
 12 defined by the United States Department of Health and Human Services and revised
 13 under 42 U.S.C. 9902(2);

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

16 **(16) persons who are under 65 years of age, who are not pregnant,**
 17 **whose income does not exceed 138 percent of the federal poverty line as defined**
 18 **by the United States Department of Health and Human Services and revised**
 19 **under 42 U.S.C. 9902(2), and who are eligible under 42 U.S.C.**
 20 **1396a(a)(10)(A)(ii)(VIII), if the federal medical assistance percentage paid to the**
 21 **state for the coverage is not less than 90 percent.**

22 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
 23 read:

24 MEDICAID STATE PLAN; INSTRUCTIONS. The Department of Health and Social
 25 Services shall immediately amend and submit for approval the state plan for medical
 26 assistance coverage consistent with this Act.

27 * **Sec. 3.** Section 2 of this Act takes effect immediately under AS 01.10.070(c).

28 * **Sec. 4.** Except as provided in sec. 3 of this Act, this Act takes effect January 1, 2015.