

Introduced: 1/23/85
Referred: Health, Education & Social
Services and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 98

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act clarifying the provision of mandatory and
7 optional medical services under Medicaid; and provid-
8 ing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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,
12 the following optional groups of persons for whom the state may claim
13 federal financial participation are eligible for medical assistance:

14 (1) persons eligible for but not receiving assistance under
15 any plan of the state approved under 42 U.S.C. 601 -- 615 (Title IV-A,
16 Social Security Act, Aid to Families with Dependent Children) or 42
17 U.S.C. 1381 -- 1383c (Title XVI, Social Security Act, Supplemental
18 Security Income);

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

23 (3) persons under age 21 who are [YEARS OF AGE] under
24 supervision of the department, for whom maintenance is being paid in
25 whole or in part from public funds, and who are in foster homes or
26 private child-care institutions;

27 (4) aged, blind, or disabled persons, who, because they do
28 not meet income and resources requirements, do not receive supple-
29 mental security income under 42 U.S.C. 1381 -- 1383c (Title XVI,

1 Social Security Act), and who do not receive a mandatory state supple-
2 ment, but who are eligible, or would be eligible if they were not in a
3 general hospital or skilled nursing facility or intermediate care
4 facility to receive an optional state supplementary payment;

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

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

16 (7) persons under age 21 who are [YEARS OF AGE] receiving
17 active treatment in a psychiatric hospital and who are financially
18 eligible as determined by the standards of 42 U.S.C. 601 -- 615 (Title
19 IV-A, Social Security Act, Aid to Families with Dependent Children);

20 (8) persons age five and over, but under age 21, [YEARS OF
21 AGE] who would be eligible for benefits under the federal aid to
22 families with dependent children program, but who do not qualify
23 because they are not dependent children;

24 (9) women who are pregnant.

25 * Sec. 2. AS 47.07.030 is amended to read:

26 Sec. 47.07.030. MEDICAL SERVICES TO BE PROVIDED. (a) The de-
27 partment shall offer all mandatory services required under Title XIX
28 of the Social Security Act, 42 U.S.C. secs. 1396 -- 1396p [MEDICAL
29 SERVICES TO BE OFFERED TO ELIGIBLE PERSONS INCLUDE INPATIENT HOSPITAL,

1 OUTPATIENT HOSPITAL, RURAL HEALTH CLINIC, OUTPATIENT SURGICAL CARE
2 CENTERS, LABORATORY AND X-RAY, REFRACTIONS AND EYE EXAMINATIONS BY
3 OPHTHALMOLOGISTS OR OPTOMETRISTS, EYEGASSES PRESCRIBED BY A PHYSICIAN
4 SKILLED IN DISEASES OF THE EYE OR BY AN OPTOMETRIST, INPATIENT PSYCHI-
5 ATRIC HOSPITAL FOR PERSONS AGE 65 OR OLDER AND PERSONS UNDER AGE 21,
6 SKILLED AND INTERMEDIATE NURSING HOME, PHYSICIAN, NURSE MIDWIFE, HOME
7 HEALTH CARE SERVICES, EARLY PERIODIC SCREENING DIAGNOSIS AND TREATMENT
8 OF PERSONS UNDER 21 YEARS OF AGE, CLINIC SERVICES, TREATMENT OF
9 SPEECH, HEARING AND LANGUAGE DISORDERS, PHYSICAL THERAPY, OCCUPATIONAL
10 THERAPY, PROSTHETIC DEVICES AND MEDICAL SUPPLIES, LONG-TERM CARE
11 NONINSTITUTIONAL SERVICES, AND REASONABLE TRANSPORTATION TO AND FROM
12 THE POINT OF MEDICAL CARE. ADDITIONAL SERVICES MAY NOT BE PROVIDED
13 UNLESS APPROVED BY THE LEGISLATURE].

14 (b) In addition to the mandatory services specified in (a) of
15 this section, the department may offer only the following optional
16 services: emergency hospital services; long-term care noninstitutional
17 services; medical supplies and equipment; clinic services; inpatient
18 psychiatric facility services for individuals age 65 or older and
19 individuals under age 21; physical therapy; occupational therapy;
20 treatment of speech, hearing, and language disorders; prosthetic
21 devices and eyeglasses; optometrists' services; intermediate care
22 facility services; skilled nursing facility services for individuals
23 under age 21; and reasonable transportation to and from the point of
24 medical care.

25 * Sec. 3. AS 47.07.035 is repealed and reenacted to read:

26 Sec. 47.07.035. PRIORITY OF MEDICAL ASSISTANCE. (a) If the
27 department finds that the cost of medical assistance for all persons
28 eligible under this chapter will exceed the amount allocated in the
29 state budget for that assistance for the fiscal year, optional medical

1 services and optionally eligible groups of individuals will cease to
2 be eligible for coverage as described in this section.

3 (b) If funding is inadequate, coverage for optional medical
4 services and optionally eligible groups of individuals will be elimi-
5 nated in the following order:

6 (1) emergency hospital services;

7 (2) long-term care noninstitutional services;

8 (3) medical supplies and equipment;

9 (4) clinic services;

10 (5) inpatient psychiatric facility services;

11 (6) intermediate care facility services for the mentally
12 retarded;

13 (7) physical therapy and occupational therapy;

14 (8) treatment of speech, hearing, and language disorders;

15 (9) prosthetic devices and eyeglasses;

16 (10) optometrists' services;

17 (11) intermediate care facility services;

18 (12) individuals age five and over, but under age 21, who are
19 not eligible for benefits under the federal aid to families with
20 dependent children program because they do not meet the definition of
21 dependent children;

22 (13) individuals under age 21 under supervision of the
23 department, for whom maintenance is being paid in whole or in part
24 from public money and who are in foster homes or private child-care
25 institutions;

26 (14) individuals in a health facility whose income while in
27 the facility does not exceed 300 percent of the supplemental security
28 income benefit rate under Title XVI of the Social Security Act, and
29 who would not be eligible for the optional state supplementary payment

1 if they left the facility;

2 (15) aged, blind, and disabled individuals who, because they
3 do not meet the income and resource requirements, do not receive
4 supplemental security income under Title XVI of the Social Security
5 Act, and who are not eligible to receive a mandatory state supplement
6 but who are eligible, or would be eligible if they were not in a
7 general hospital or skilled nursing facility or intermediate care
8 facility, to receive an optional state supplementary payment;

9 (16) skilled nursing facility services for persons under age
10 21.

11 * Sec. 4. AS 47.07.900(1) is amended to read:

12 (1) "clinic services" means services provided by state-
13 approved outpatient community mental health clinics that receive
14 grants under AS 47.30.520 -- 47.30.620, state-operated community
15 mental health clinics, outpatient surgical care center services, and
16 physician clinics;

17 * Sec. 5. AS 47.07.900 is amended by adding a new paragraph to read:

18 (7) "emergency hospital services" means services that
19 (A) are necessary to prevent the death or serious
20 impairment of the health of the individual; and
21 (B) because of the threat to the life or health of the
22 individual, necessitate the use of the most accessible hospital
23 available that is equipped to furnish the services, even if the
24 hospital does not currently meet

25 (i) the conditions for participation under Medi-
26 care; or

27 (ii) the definitions of inpatient or outpatient
28 hospital services under 42 C.F.R. secs. 440.10 and 440.20.

29 * Sec. 6. This Act takes effect immediately in accordance with

1 AS 01.10.070(c).

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