

HOUSE BILL NO. 438

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES ELLIS, Koponen, Boyer, Gruenberg, Ulmer, B.Davis, Carney, Bruckman, Donley

Introduced: 2/3/92

Referred: Health, Education & Social Services, Finance

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to Medicaid eligibility for home and community-based services of children
2 who are eligible to be institutionalized; and providing for an 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 optional
6 groups of persons for whom the state may claim federal financial participation are eligible for
7 medical assistance:

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

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

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

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

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

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

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

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

22 (9) pregnant women not covered under (a) of this section and who meet the
23 income and resource requirements of the federal aid to families with dependent children program;

24 (10) children under age 18 who would be eligible under this chapter if they
25 were in a medical institution, with respect to whom the department determines that but for
26 the provision of home or community-based services described in 42 U.S.C. 1396n(c) they
27 would require the level of care provided in a hospital, skilled nursing facility, or
28 intermediate care facility, the cost of which could be reimbursed under this chapter, and
29 who will receive home or community-based services under a waiver granted by the federal
30 government under 42 U.S.C. 1396n(c) [REPEALED].

31 * Sec. 2. DEPARTMENT TO SEEK WAIVER. (a) The Department of Health and Social Services

1 shall, by September 15, 1992, seek approval from the United States Department of Health and Human
2 Services to amend the state Medicaid plan (AS 47.07) to exclude parental resources and income when
3 determining eligibility for individuals less than 18 years of age who are eligible to be institutionalized
4 in the absence of home and community-based services and who are described in 42 U.S.C.
5 1396(a)(10)(A)(ii)(V).

6 (b) If the federal government approves the request under (a) of this section, the Department of
7 Health and Social Services shall amend the state Medicaid plan accordingly.

8 (c) The Department of Health and Social Services shall seek approval for a waiver for home and
9 community-based services under 42 U.S.C. 1396n(c) for children who are Medicaid eligible and who
10 would otherwise require a level of care provided in a hospital or nursing facility, as defined in 42 U.S.C.
11 1396r(a), in the absence of home and community-based services.

12 * **Sec. 3.** (a) Section 1 of this Act takes effect on the effective date of Medicaid plan amendments
13 approved by the federal government under which the state would implement waivers of the type applied
14 for under sec. 2 of this Act.

15 (b) The Department of Health and Social Services shall notify the revisor of statutes as to the
16 effective date of the plan amendments referred to in (a) of this section.

17 * **Sec. 4.** Section 2 of this Act takes effect immediately under AS 01.10.070(c).