



LAWS OF ALASKA

2003

Source

CSSB 105(HES) am(efd fld)

Chapter No.

AN ACT

Relating to eligibility requirements for medical assistance for certain children, pregnant women, and persons in a medical or intermediate care facility.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to eligibility requirements for medical assistance for certain children, pregnant
2 women, and persons in a medical or intermediate care facility.

3 _____

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 age 21 who are under supervision of the department,
2 for whom maintenance is being paid in whole or in part from public funds, and who
3 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 age 21 who are in an institution designated as an
11 intermediate care facility for the mentally retarded and who are financially eligible as
12 determined by the standards of the federal program designated as the successor to the
13 aid to families with dependent children program;

14 (6) persons in a medical or intermediate care facility whose income
15 while in the facility does not exceed **\$1,656 a month** [300 PERCENT OF THE
16 SUPPLEMENTAL SECURITY INCOME BENEFIT RATE UNDER 42 U.S.C. 1381
17 - 1383c (TITLE XVI, SOCIAL SECURITY ACT)] but who would not be eligible for
18 an optional state supplementary payment if they left the hospital or other facility;

19 (7) persons under age 21 who are receiving active treatment in a
20 psychiatric hospital and who are financially eligible as determined by the standards of
21 the federal program designated as the successor to the Aid to Families with Dependent
22 Children program;

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

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

30 (10) persons under age 21 not covered under (a) of this section who the
31 department has determined cannot be placed for adoption without medical assistance

1 because of a special need for medical or rehabilitative care and who the department
2 has determined are hard-to-place children eligible for subsidy under AS 25.23.190 -
3 25.23.220;

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

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

10 (B) the department has determined that

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

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

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

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

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

24 (12) disabled persons, as described in 42 U.S.C.
25 1396a(a)(10)(A)(ii)(XIII), who are in families whose income, as determined under
26 applicable federal regulations or guidelines, is less than 250 percent of the official
27 poverty line applicable to a family of that size according to the federal Office of
28 Management and Budget, and who, but for earnings in excess of the limit established
29 under 42 U.S.C. 1396d(q)(2)(B), would be considered to be individuals with respect to
30 whom a supplemental security income is being paid under 42 U.S.C. 1381 - 1383c; a
31 person eligible for assistance under this paragraph who is not eligible under another

1 provision of this section shall pay a premium or other cost-sharing charges according
2 to a sliding fee scale that is based on income as established by the department in
3 regulations;

4 (13) persons under age 19 who are not covered under (a) of this section
5 and whose household income does not exceed

6 **(A) \$1,635 a month if the household consists of one person;**

7 **(B) \$2,208 a month if the household consists of two persons;**

8 **(C) \$2,782 a month if the household consists of three**
9 **persons;**

10 **(D) \$3,355 a month if the household consists of four**
11 **persons;**

12 **(E) \$3,928 a month if the household consists of five persons;**

13 **(F) \$4,501 a month if the household consists of six persons;**

14 **(G) \$5,074 a month if the household consists of seven**
15 **persons;**

16 **(H) \$5,647 a month if the household consists of eight**
17 **persons;**

18 **(I) \$5,647 a month, plus an additional \$574 a month for**
19 **each extra person above eight persons who is in the household if the**
20 **household consists of nine persons or more** [200 PERCENT OF THE
21 FEDERAL POVERTY GUIDELINE AS DEFINED BY THE FEDERAL
22 OFFICE OF MANAGEMENT AND BUDGET AND REVISED UNDER 42
23 U.S.C. 9902(2)];

24 (14) pregnant women who are not covered under (a) of this section and
25 whose household income does not exceed

26 **(A) \$2,208 a month if the household consists of two persons;**

27 **(B) \$2,782 a month if the household consists of three**
28 **persons;**

29 **(C) \$3,355 a month if the household consists of four**
30 **persons;**

31 **(D) \$3,928 a month if the household consists of five persons;**

1 (E) \$4,501 a month if the household consists of six persons;

2 (F) \$5,074 a month if the household consists of seven

3 persons;

4 (G) \$5,647 a month if the household consists of eight

5 persons;

6 (H) \$5,647 a month, plus an additional \$574 a month for
7 each extra person above eight persons who is in the household if the

8 household consists of nine persons or more [200 PERCENT OF THE
9 FEDERAL POVERTY LINE AS DEFINED BY THE FEDERAL OFFICE OF
10 MANAGEMENT AND BUDGET AND REVISED UNDER 42 U.S.C.
11 9902(2)].

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

13 (d) In addition to the requirements established under (a) and (b) of this section,
14 the department may require premiums or cost-sharing contributions from recipients
15 who are eligible for benefits under AS 47.07.020(b)(13) and whose household income
16 is greater than the applicable amount set out in (e) of this section [BETWEEN 150
17 AND 200 PERCENT OF THE FEDERAL POVERTY GUIDELINE]. If the
18 department requires premiums or cost-sharing contributions under this subsection, the
19 department

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

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

23 (3) shall implement a system by which the department or its designee
24 collects those premiums or contributions.

25 * **Sec. 3.** AS 47.07.042 is amended by adding a new subsection to read:

26 (e) In (d) of this section, the term "applicable amount" means

27 (1) \$1,385 a month if the household consists of one person;

28 (2) \$1,867 a month if the household consists of two persons;

29 (3) \$2,348 a month if the household consists of three persons;

30 (4) \$2,829 a month if the household consists of four persons;

31 (5) \$3,310 a month if the household consists of five persons;

- 1 (6) \$3,792 a month if the household consists of six persons;
2 (7) \$4,273 a month if the household consists of seven persons;
3 (8) \$4,754 a month if the household consists of eight persons;
4 (9) \$4,754 a month, plus an additional \$482 a month for each extra
5 person above eight persons who is in the household if the household consists of nine
6 persons or more.