

By: Representative Scott (80th)

To: Public Health and
Welfare;
Appropriations

HOUSE BILL NO. 181

1 AN ACT TO AMEND SECTION 43-13-115, MISSISSIPPI CODE OF 1972,
2 TO EXPAND MEDICAID ELIGIBILITY TO ALL PERSONS UNDER THE AGE OF
3 NINETEEN WITH FAMILY INCOME THAT DOES NOT EXCEED 185% OF THE
4 POVERTY LEVEL; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 43-13-115, Mississippi Code of 1972, is
7 amended as follows:

8 43-13-115. Recipients of medical assistance shall be the
9 following persons only:

10 (1) Who are qualified for public assistance grants under
11 provisions of Title IV-A and E of the federal Social Security Act,
12 as amended, including those statutorily deemed to be IV-A as
13 determined by the State Department of Human Services and certified
14 to the Division of Medicaid, but not optional groups unless
15 otherwise specifically covered in this section. For the purposes
16 of this paragraph (1) and paragraphs (3), (4), (8), (14), (17) and
17 (18) of this section, any reference to Title IV-A or to Part A of
18 Title IV of the federal Social Security Act, as amended, or the
19 state plan under Title IV-A or Part A of Title IV, shall be
20 considered as a reference to Title IV-A of the federal Social
21 Security Act, as amended, and the state plan under Title IV-A,
22 including the income and resource standards and methodologies
23 under Title IV-A and the state plan, as they existed on July 16,
24 1996.

25 (2) Those qualified for Supplemental Security Income (SSI)
26 benefits under Title XVI of the federal Social Security Act, as
27 amended. The eligibility of individuals covered in this paragraph

shall be determined by the Social Security Administration and certified to the Division of Medicaid.

(3) Qualified pregnant women as defined in Section 1905(n) of the federal Social Security Act, as amended, and as determined to be eligible by the State Department of Human Services and certified to the Division of Medicaid, who:

(a) Would be eligible for assistance under Part A of Title IV (or would be eligible for such assistance if coverage under the state plan under Part A of Title IV included assistance pursuant to Section 407 of Title IV-A of the federal Social Security Act, as amended) if her child had been born and was living with her in the month such assistance would be paid, and such pregnancy has been medically verified; or

(b) Is a member of a family which would be eligible for assistance under the state plan under Part A of Title IV of the federal Social Security Act, as amended, pursuant to Section 407 if the plan required the payment of assistance pursuant to such section.

(4) Qualified children who are under five (5) years of age, who were born after September 30, 1983, and who meet the income and resource requirements of the state plan under Part A of Title IV of the federal Social Security Act, as amended. The eligibility of individuals covered in this paragraph shall be determined by the State Department of Human Services and certified to the Division of Medicaid.

(5) A child born on or after October 1, 1984, to a woman eligible for and receiving medical assistance under the state plan on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and will remain eligible for such assistance for a period of one (1) year so long as the child is a member of the woman's household and the woman remains eligible for such assistance or would be eligible for assistance if pregnant. The eligibility of individuals covered in this paragraph shall be determined by the State Department of Human Services and certified to the Division of Medicaid.

(6) Children certified by the State Department of Human Services to the Division of Medicaid of whom the state and county human services agency has custody and financial responsibility, and children who are in adoptions subsidized in full or part by the Department of Human Services, who are approvable under Title XIX of the Medicaid program.

(7) (a) Persons certified by the Division of Medicaid who are patients in a medical facility (nursing home, hospital, tuberculosis sanatorium or institution for treatment of mental diseases), and who, except for the fact that they are patients in such medical facility, would qualify for grants under Title IV, supplementary security income benefits under Title XVI or state supplements, and those aged, blind and disabled persons who would not be eligible for supplemental security income benefits under Title XVI or state supplements if they were not institutionalized in a medical facility but whose income is below the maximum standard set by the Division of Medicaid, which standard shall not exceed that prescribed by federal regulation;

(b) Individuals who have elected to receive hospice care benefits and who are eligible using the same criteria and special income limits as those in institutions as described in subparagraph (a) of this paragraph (7).

(8) Children under eighteen (18) years of age and pregnant women (including those in intact families) who meet the financial standards of the state plan approved under Title IV-A of the federal Social Security Act, as amended. The eligibility of children covered under this paragraph shall be determined by the State Department of Human Services and certified to the Division of Medicaid.

(9) Individuals who are:

(a) Children * * * who have not attained the age of nineteen (19), with family income that does not exceed one hundred eighty-five percent (185%) of the nonfarm official poverty line;

98 (b) Pregnant women, infants and children who have not
99 attained the age of six (6), with family income that does not
100 exceed one hundred thirty-three percent (133%) of the federal
101 poverty level; and

102 (c) Pregnant women and infants who have not attained
103 the age of one (1), with family income that does not exceed one
104 hundred eighty-five percent (185%) of the federal poverty level.

105 The eligibility of individuals covered in (a), (b) and (c) of
106 this paragraph shall be determined by the Department of Human
107 Services.

108 (10) Certain disabled children age eighteen (18) or under
109 who are living at home, who would be eligible, if in a medical
110 institution, for SSI or a state supplemental payment under Title
111 XVI of the federal Social Security Act, as amended, and therefore
112 for Medicaid under the plan, and for whom the state has made a
113 determination as required under Section 1902(e)(3)(b) of the
114 federal Social Security Act, as amended. The eligibility of
115 individuals under this paragraph shall be determined by the
116 Division of Medicaid.

117 (11) Individuals who are sixty-five (65) years of age or
118 older or are disabled as determined under Section 1614(a)(3) of
119 the federal Social Security Act, as amended, and who meet the
120 following criteria:

121 (a) Whose income does not exceed one hundred percent
122 (100%) of the nonfarm official poverty line as defined by the
123 Office of Management and Budget and revised annually.

124 (b) Whose resources do not exceed those allowed under
125 the Supplemental Security Income (SSI) program.

126 The eligibility of individuals covered under this paragraph
127 shall be determined by the Division of Medicaid, and such
128 individuals determined eligible shall receive the same Medicaid
129 services as other categorical eligible individuals.

130 (12) Individuals who are qualified Medicare beneficiaries

(QMB) entitled to Part A Medicare as defined under Section 301, Public Law 100-360, known as the Medicare Catastrophic Coverage Act of 1988, and who meet the following criteria:

(a) Whose income does not exceed one hundred percent (100%) of the nonfarm official poverty line as defined by the Office of Management and Budget and revised annually.

(b) Whose resources do not exceed two hundred percent (200%) of the amount allowed under the Supplemental Security Income (SSI) program as more fully prescribed under Section 301, Public Law 100-360.

The eligibility of individuals covered under this paragraph shall be determined by the Division of Medicaid, and such individuals determined eligible shall receive Medicare cost-sharing expenses only as more fully defined by the Medicare Catastrophic Coverage Act of 1988.

(13) Individuals who are entitled to Medicare Part B as defined in Section 4501 of the Omnibus Budget Reconciliation Act of 1990, and who meet the following criteria:

(a) Whose income does not exceed the percentage of the nonfarm official poverty line as defined by the Office of Management and Budget and revised annually which, on or after:

(i) January 1, 1993, is one hundred ten percent (110%); and

(ii) January 1, 1995, is one hundred twenty percent (120%).

(b) Whose resources do not exceed two hundred percent (200%) of the amount allowed under the Supplemental Security Income (SSI) program as described in Section 301 of the Medicare Catastrophic Coverage Act of 1988.

The eligibility of individuals covered under this paragraph shall be determined by the Division of Medicaid, and such individuals determined eligible shall receive Medicare cost sharing.

164 (14) Individuals in families who would be eligible for the
165 unemployed parent program under Section 407 of Title IV-A of the
166 federal Social Security Act, as amended but do not receive
167 payments pursuant to that section. The eligibility of individuals
168 covered in this paragraph shall be determined by the Department of
169 Human Services.

170 (15) Disabled workers who are eligible to enroll in Part A
171 Medicare as required by Public Law 101-239, known as the Omnibus
172 Budget Reconciliation Act of 1989, and whose income does not
173 exceed two hundred percent (200%) of the federal poverty level as
174 determined in accordance with the Supplemental Security Income
175 (SSI) program. The eligibility of individuals covered under this
176 paragraph shall be determined by the Division of Medicaid and such
177 individuals shall be entitled to buy-in coverage of Medicare Part
178 A premiums only under the provisions of this paragraph (15).

179 (16) In accordance with the terms and conditions of approved
180 Title XIX waiver from the United States Department of Health and
181 Human Services, persons provided home- and community-based
182 services who are physically disabled and certified by the Division
183 of Medicaid as eligible due to applying the income and deeming
184 requirements as if they were institutionalized.

185 (17) In accordance with the terms of the federal Personal
186 Responsibility and Work Opportunity Reconciliation Act of 1996
187 (Public Law 104-193), persons who become ineligible for assistance
188 under Title IV-A of the federal Social Security Act, as amended
189 because of increased income from or hours of employment of the
190 caretaker relative or because of the expiration of the applicable
191 earned income disregards, who were eligible for Medicaid for at
192 least three (3) of the six (6) months preceding the month in which
193 such ineligibility begins, shall be eligible for Medicaid
194 assistance for up to twenty-four (24) months; however, Medicaid
195 assistance for more than twelve (12) months may be provided only
196 if a federal waiver is obtained to provide such assistance for

197 more than twelve (12) months and federal and state funds are
198 available to provide such assistance.

199 (18) Persons who become ineligible for assistance under
200 Title IV-A of the federal Social Security Act, as amended, as a
201 result, in whole or in part, of the collection or increased
202 collection of child or spousal support under Title IV-D of the
203 federal Social Security Act, as amended, who were eligible for
204 Medicaid for at least three (3) of the six (6) months immediately
205 preceding the month in which such ineligibility begins, shall be
206 eligible for Medicaid for an additional four (4) months beginning
207 with the month in which such ineligibility begins.

208 SECTION 2. This act shall take effect and be in force from
209 and after July 1, 1999.