

By: Holland

To: Public Health and
Welfare;
Appropriations

HOUSE BILL NO. 107

1 AN ACT TO AMEND SECTION 43-13-115, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT WOMEN OF CHILDBEARING AGE WHOSE INCOME DOES NOT
3 EXCEED 185% OF THE POVERTY LEVEL SHALL BE ELIGIBLE FOR FAMILY
4 PLANNING SERVICES UNDER MEDICAID; TO DIRECT THE DIVISION OF
5 MEDICAID TO APPLY FOR A FEDERAL WAIVER TO ALLOW FOR THE
6 IMPLEMENTATION OF THE PRECEDING PROVISION; AND FOR RELATED
7 PURPOSES.

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

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

11 43-13-115. Recipients of medical assistance shall be the
12 following persons only:

13 (1) Who are qualified for public assistance grants under
14 provisions of Title IV-A and E of the federal Social Security Act,
15 as amended, including those statutorily deemed to be IV-A as
16 determined by the State Department of Human Services and certified
17 to the Division of Medicaid, but not optional groups unless
18 otherwise specifically covered in this section. For the purposes
19 of this paragraph (1) and paragraphs (3), (4), (8), (14), (17) and
20 (18) of this section, any reference to Title IV-A or to Part A of
21 Title IV of the federal Social Security Act, as amended, or the
22 state plan under Title IV-A or Part A of Title IV, shall be
23 considered as a reference to Title IV-A of the federal Social
24 Security Act, as amended, and the state plan under Title IV-A,
25 including the income and resource standards and methodologies
26 under Title IV-A and the state plan, as they existed on July 16,
27 1996.

28 (2) Those qualified for Supplemental Security Income (SSI)

29 benefits under Title XVI of the federal Social Security Act, as
30 amended. The eligibility of individuals covered in this paragraph
31 shall be determined by the Social Security Administration and
32 certified to the Division of Medicaid.

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

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

44 (b) Is a member of a family which would be eligible
45 for assistance under the state plan under Part A of Title IV of
46 the federal Social Security Act, as amended, pursuant to Section
47 407 if the plan required the payment of assistance pursuant to
48 such section.

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

56 (5) A child born on or after October 1, 1984, to a woman
57 eligible for and receiving medical assistance under the state plan
58 on the date of the child's birth shall be deemed to have applied
59 for medical assistance and to have been found eligible for such
60 assistance under such plan on the date of such birth and will
61 remain eligible for such assistance for a period of one (1) year

62 so long as the child is a member of the woman's household and the
63 woman remains eligible for such assistance or would be eligible
64 for assistance if pregnant. The eligibility of individuals
65 covered in this paragraph shall be determined by the State
66 Department of Human Services and certified to the Division of
67 Medicaid.

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

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

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

90 (8) Children under eighteen (18) years of age and pregnant
91 women (including those in intact families) who meet the financial
92 standards of the state plan approved under Title IV-A of the
93 federal Social Security Act, as amended. The eligibility of
94 children covered under this paragraph shall be determined by the

95 State Department of Human Services and certified to the Division
96 of Medicaid.

97 (9) Individuals who are:

98 (a) Children born after September 30, 1983, who have
99 not attained the age of nineteen (19), with family income that
100 does not exceed one hundred percent (100%) of the nonfarm official
101 poverty line;

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

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

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

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

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

125 (a) Whose income does not exceed one hundred percent
126 (100%) of the nonfarm official poverty line as defined by the
127 Office of Management and Budget and revised annually.

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

130 The eligibility of individuals covered under this paragraph
131 shall be determined by the Division of Medicaid, and such
132 individuals determined eligible shall receive the same Medicaid
133 services as other categorical eligible individuals.

134 (12) Individuals who are qualified Medicare beneficiaries
135 (QMB) entitled to Part A Medicare as defined under Section 301,
136 Public Law 100-360, known as the Medicare Catastrophic Coverage
137 Act of 1988, and who meet the following criteria:

138 (a) Whose income does not exceed one hundred percent
139 (100%) of the nonfarm official poverty line as defined by the
140 Office of Management and Budget and revised annually.

141 (b) Whose resources do not exceed two hundred percent
142 (200%) of the amount allowed under the Supplemental Security
143 Income (SSI) program as more fully prescribed under Section 301,
144 Public Law 100-360.

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

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

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

156 (i) January 1, 1993, is one hundred ten percent
157 (110%); and

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

160 (b) Whose resources do not exceed two hundred percent

161 (200%) of the amount allowed under the Supplemental Security
162 Income (SSI) program as described in Section 301 of the Medicare
163 Catastrophic Coverage Act of 1988.

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

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

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

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

189 (17) In accordance with the terms of the federal Personal
190 Responsibility and Work Opportunity Reconciliation Act of 1996
191 (Public Law 104-193), persons who become ineligible for assistance
192 under Title IV-A of the federal Social Security Act, as amended,
193 because of increased income from or hours of employment of the

194 caretaker relative or because of the expiration of the applicable
195 earned income disregards, who were eligible for Medicaid for at
196 least three (3) of the six (6) months preceding the month in which
197 such ineligibility begins, shall be eligible for Medicaid
198 assistance for up to twenty-four (24) months; however, Medicaid
199 assistance for more than twelve (12) months may be provided only
200 if a federal waiver is obtained to provide such assistance for
201 more than twelve (12) months and federal and state funds are
202 available to provide such assistance.

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

212 (19) Disabled workers, whose incomes are above the Medicaid
213 eligibility limits, but below two hundred fifty percent (250%) of
214 the federal poverty level, shall be allowed to purchase Medicaid
215 coverage on a sliding fee scale developed by the Division of
216 Medicaid.

217 (20) Women of childbearing age whose family income does not
218 exceed one hundred eighty-five percent (185%) of the federal
219 poverty level. The eligibility of individuals covered under this
220 paragraph (20) shall be determined by the Division of Medicaid,
221 and those individuals determined eligible shall only receive
222 family planning services covered under Section 43-13-117(13) and
223 not any other services covered under Medicaid. However, any
224 individual eligible under this paragraph (20) who is also eligible
225 under any other provision of this section shall receive the
226 benefits to which he or she is entitled under that other

227 provision, in addition to family planning services covered under
228 Section 43-13-117(13).

229 The Division of Medicaid shall apply to the United States
230 Secretary of Health and Human Services for a federal waiver of the
231 applicable provisions of Title XIX of the federal Social Security
232 Act, as amended, and any other applicable provisions of federal
233 law as necessary to allow for the implementation of this paragraph
234 (20). The provisions of this paragraph (20) shall be implemented
235 from and after the date that the Division of Medicaid receives the
236 federal waiver.

237 SECTION 2. This act shall take effect and be in force from
238 and after July 1, 2000.