

By: Browning

To: Public Health and
Welfare;
Appropriations

SENATE BILL NO. 2114

1 AN ACT TO AMEND SECTION 43-13-115, MISSISSIPPI CODE OF 1972
2 TO DEFINE THOSE INDIVIDUALS ELIGIBLE FOR MEDICAID ASSISTANCE BY
3 RAISING THE INCOME AND RESOURCE THRESHOLDS FOR INDIVIDUALS IN THE
4 AGED AND DISABLED CATEGORY; 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:[JU1]

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

10 (1) Who are qualified for public assistance grants
11 under provisions of Title IV-A and E of the federal Social
12 Security Act, as amended, including those statutorily deemed to be
13 IV-A as determined by the State Department of Human Services and
14 certified to the Division of Medicaid, but not optional groups
15 unless otherwise specifically covered in this section. For the
16 purposes of this paragraph (1) and paragraphs (3), (4), (8), (14),
17 (17) and (18) of this section, any reference to Title IV-A or to
18 Part A of Title IV of the federal Social Security Act, as amended,
19 or the 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
26 (SSI) benefits under Title XVI of the federal Social Security Act,
27 as amended. The eligibility of individuals covered in this
28 paragraph shall be determined by the Social Security
29 Administration and certified to the Division of Medicaid.

30 (3) Qualified pregnant women as defined in Section
31 1905(n) of the federal Social Security Act, as amended, and as
32 determined to be eligible by the State Department of Human
33 Services and certified to the Division of Medicaid, who:

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

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

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

53 (5) A child born on or after October 1, 1984, to a

54 woman eligible for and receiving medical assistance under the
55 state plan on the date of the child's birth shall be deemed to
56 have applied for medical assistance and to have been found
57 eligible for such assistance under such plan on the date of such
58 birth and will remain eligible for such assistance for a period of
59 one (1) year so long as the child is a member of the woman's
60 household and the woman remains eligible for such assistance or
61 would be eligible for assistance if pregnant. The eligibility of
62 individuals covered in this paragraph shall be determined by the
63 State Department of Human Services and certified to the Division
64 of Medicaid.

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

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

82 exceed that prescribed by federal regulation;

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

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

94 (9) Individuals who are:

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

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

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

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

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

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

123 (a) Whose income does not exceed one hundred
124 thirty-five percent (135%) of the nonfarm official poverty line as
125 defined by the Office of Management and Budget and revised
126 annually.

127 (b) Whose resources do not exceed two hundred
128 percent (200%) of the amount allowed under the Supplemental
129 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
135 beneficiaries (QMB) entitled to Part A Medicare as defined under
136 Section 301, Public Law 100-360, known as the Medicare
137 Catastrophic Coverage Act of 1988, and who meet the following

138 criteria:

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

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

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

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

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

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

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

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

165 The eligibility of individuals covered under this paragraph

166 shall be determined by the Division of Medicaid, and such
167 individuals determined eligible shall receive Medicare cost
168 sharing.

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

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

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

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

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

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

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

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