

By: Representative Moak

To: Public Health and
Welfare; Appropriations

HOUSE BILL NO. 204

1 AN ACT TO AMEND SECTIONS 41-86-3, 41-86-5, 41-86-9, 41-86-11
2 AND 41-86-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
3 CHILDREN'S HEALTH INSURANCE PROGRAM MAY INCLUDE COVERAGE FOR THE
4 PARENTS OF THE ELIGIBLE CHILDREN IF FUNDS ARE AVAILABLE; AND FOR
5 RELATED PURPOSES.

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

7 SECTION 1. Section 41-86-3, Mississippi Code of 1972, is
8 amended as follows:

9 41-86-3. (1) There is established a statewide Children's
10 Health Insurance Program under Title XXI of the Social Security
11 Act to provide child health care assistance to targeted,
12 uninsured, low-income children to be administered by the Division
13 of Medicaid in the Office of the Governor. The term "targeted,
14 low-income child" means a child through age eighteen (18) who has
15 been determined eligible for child health assistance and who is a
16 low-income child, or is a child whose family income exceeds the
17 Medicaid applicable income level, but does not exceed one hundred
18 percent (100%) of the federal poverty level, and is not eligible
19 for medical assistance under Title XIX or is not covered under a
20 group health plan.

21 (2) The Children's Health Insurance Program shall provide
22 the same benefits to children and their parents enrolled in the
23 program as are provided to Medicaid recipients under the
24 Mississippi Medicaid Laws, Section 43-13-117.

25 (3) The Children's Health Insurance Program shall be
26 established subject to the availability of funds specifically
27 appropriated by the Legislature for this purpose and federal



28 matching funds as set forth in Title XXI of the Social Security
29 Act.

30 (4) In administering the Children's Health Insurance
31 Program, the Division of Medicaid shall have all the authority,
32 duties and responsibilities set forth in Section 43-13-101 et seq.

33 (5) This section authorizes the Division of Medicaid to
34 submit a temporary plan for children's health insurance to the
35 U.S. Department of Health and Human Services.

36 (6) From and after the full implementation of the permanent
37 State Child Health Plan authorized under Section 5 of this act,
38 this section shall have no force and effect.

39 SECTION 2. Section 41-86-5, Mississippi Code of 1972, is
40 amended as follows:

41 41-86-5. As used in Sections 41-86-5 through 41-86-17, the
42 following definitions shall have the meanings ascribed in this
43 section, unless the context indicates otherwise:

44 (a) "Act" means the Mississippi Children's Health Care
45 Act.

46 (b) "Administering agency" means the agency designated
47 by the Mississippi Children's Health Insurance Program Commission
48 to administer the program.

49 (c) "Board" means the State and Public School Employees
50 Health Insurance Management Board created under Section 25-15-303.

51 (d) "Child" means an individual who is under nineteen
52 (19) years of age who is not eligible for Medicaid benefits and is
53 not covered by other health insurance.

54 (e) "Commission" means the Mississippi Children's
55 Health Insurance Program Commission created by Section 41-86-7.

56 (f) "Covered benefits" means the types of health care
57 benefits and services provided to eligible recipients
58 under the Children's Health Care Program.

59 (g) "Division" means the Division of Medicaid in the
60 Office of the Governor.



61 (h) "Low-income child" means a child whose family
62 income does not exceed two hundred percent (200%) of the poverty
63 level for a family of the size involved.

64 (i) "Plan" means the State Child Health Plan.

65 (j) "Program" means the Children's Health Care Program
66 established by Sections 41-86-5 through 41-86-17.

67 (k) "Recipient" means a person who is eligible for
68 assistance under the program.

69 (l) "State Child Health Plan" means the permanent plan
70 that sets forth the manner and means by which the State of
71 Mississippi will provide health care assistance to eligible
72 uninsured, low-income children consistent with the provisions of
73 Title XXI of the federal Social Security Act, as amended, and to
74 the eligible parents of such children as established by Section
75 41-86-15.

76 SECTION 3. Section 41-86-9, Mississippi Code of 1972, is
77 amended as follows:

78 41-86-9. (1) A Mississippi Children's Health Insurance
79 Program Commission is created to develop and adopt the permanent
80 State Child Health Plan. The commission shall be composed of the
81 following members:

82 (a) The Executive Director of the Division of Medicaid;

83 (b) The Executive Director of the State Department of
84 Health;

85 (c) The Mississippi Commissioner of Insurance;

86 (d) Two (2) members to be appointed by the Lieutenant
87 Governor, one (1) of whom shall be a nurse practitioner who
88 provides health care services to children, and one (1) of whom
89 shall be a person with experience in administering or working with
90 plans for reimbursement or payment of health care expenses;

91 (e) Two (2) members to be appointed by the Speaker of
92 the House of Representatives, one (1) of whom shall be a physician
93 who provides health care services to children, and one (1) of whom



94 shall be a person with experience in administering or working with
95 plans for reimbursement or payment of health care expenses; and

96 (f) Two (2) members to be appointed by the Governor,
97 one of whom shall be a physician who provides health care services
98 to children, and who shall serve as chairman of the commission,
99 and one (1) of whom shall be a person with experience in
100 administering or working with plans for reimbursement or payment
101 of health care expenses.

102 In making appointments to the commission, the appointing
103 authorities shall reflect the gender and racial composition of the
104 state.

105 Not later than May 1, 1998, the Governor, the Lieutenant
106 Governor and the Speaker shall appoint the members of the
107 commission. After the members are appointed, the commission shall
108 meet on a date designated by the chairman of the commission in
109 Jackson, Mississippi, to organize the commission and establish
110 rules for transacting its business and keeping records. A
111 majority of the members of the commission shall constitute a
112 quorum at all commission meetings. An affirmative vote of a
113 majority of the members shall be required in the adoption of
114 rules, resolutions and reports. All members of the commission
115 shall be notified in writing of all regular and special meetings
116 of the commission, which notices shall be mailed at least five (5)
117 days before the dates of the meetings. The commission may
118 establish any subcommittees that it deems desirable to study and
119 report to the commission with respect to any matter that is within
120 the scope of the commission.

121 The Division of Medicaid shall provide clerical and
122 administrative support for the Children's Health Insurance Program
123 Commission. In carrying out the provisions of this section, the
124 commission may utilize the services, facilities and personnel of
125 all departments, agencies, offices and institutions of the state.
126 In particular, the commission shall consult with the Division of



127 Medicaid, the Office of Insurance of the Department of Finance and
128 Administration, the State Department of Health and the Mississippi
129 Department of Insurance, and those agencies shall cooperate with
130 the commission and provide the commission with any information and
131 other assistance requested by the commission. The commission may
132 consult and seek advice from various groups in the state in order
133 to understand the effect of any existing laws or any changes in
134 law being considered by the commission. For attending meetings of
135 the commission, each member who is not a state official shall be
136 paid per diem compensation in the amount authorized by Section
137 25-3-69 and each member shall receive expense reimbursement as
138 authorized by Section 25-3-41. All expenses incurred by and on
139 behalf of the commission shall be paid from any funds appropriated
140 or otherwise made available for the purpose of this program, and
141 from any grants or contributions made to the commission for its
142 purpose. The commission shall be dissolved on August 1, 1998.

143 (2) The Children's Health Insurance Program Commission shall
144 develop the State Child Health Plan, which shall set forth the
145 manner and means by which the State of Mississippi will provide
146 health care assistance to eligible uninsured, low-income children
147 and their eligible parents under the Children's Health Care
148 Program. The commission shall consider all options in developing
149 the plan. The plan must be consistent with and meet the
150 applicable requirements of Title XXI of the federal Social
151 Security Act, as amended, and shall include:

152 (a) A designation of the agency of the state that will
153 be the administering agency for the program, which shall be either
154 the Division of Medicaid or the State and Public School Employees
155 Health Insurance Management Board created under Section 25-15-303;

156 (b) Whether the administering agency will have the
157 authority provided under Section 41-86-11(4);

158 (c) A description of the covered benefits and the
159 eligibility standards for recipients;



160 (d) The method by which health care benefits and
161 services provided under the program will be coordinated with other
162 sources of health benefits coverage for children and their
163 parents; and

164 (e) Methods used to assure the quality and
165 appropriateness of care and access to covered benefits.

166 (3) The Division of Medicaid shall submit the permanent plan
167 adopted by the commission to the United States Secretary of Health
168 and Human Services for approval on or before August 1, 1998.

169 (4) After the permanent plan has been developed and
170 approved, the Children's Health Care Program shall be implemented
171 and administered by the administering agency designated by the
172 commission.

173 SECTION 4. Section 41-86-11, Mississippi Code of 1972, is
174 amended as follows:

175 41-86-11. (1) The administering agency shall adopt, in
176 accordance with Section 25-43-1 et seq., rules and regulations for
177 the implementation of the program, and for the coordination of the
178 program with the state's other medical assistance programs.

179 (2) If the Division of Medicaid is designated as the
180 administering agency for the program, the division shall have all
181 of the authority set forth in Section 43-13-101 et seq.

182 (3) The administering agency shall make reports to the
183 federal government and to the Legislature on the providing of
184 benefits to those children and their parents under the program.

185 (4) (a) If the commission provides that the administering
186 agency will have such authority, the administering agency shall
187 execute a contract or contracts to provide the health care
188 coverage and services under the program, after first receiving
189 bids. The contract or contracts may be executed with one or more
190 corporations or associations authorized to do business in
191 Mississippi. All of the coverage and services to be provided
192 under the program may be included in one or more similar



193 contracts, or the coverage and services may be classified into
194 different types with each type included under one or more similar
195 contracts issued by the same or different corporations or
196 associations.

197 (b) The administering agency shall execute a contract
198 or contracts with one or more corporations or associations that
199 have submitted the best and most cost-effective bids, or shall
200 reject all bids. If the administering agency rejects all bids, it
201 shall notify all bidders of the rejection and shall actively
202 solicit new bids.

203 SECTION 5. Section 41-86-15, Mississippi Code of 1972, is
204 amended as follows:

205 41-86-15. (1) Persons eligible to receive covered benefits
206 under Sections 41-86-5 through 41-86-17 shall be low-income
207 children who meet the eligibility standards set forth in the plan
208 and the parents of such children if funds are available and are
209 appropriated by the Legislature specifically for the coverage of
210 the parents under the program. Any person who is eligible for
211 benefits under the Mississippi Medicaid Law, Section 43-13-101 et
212 seq., shall not be eligible to receive benefits under Sections
213 41-86-5 through 41-86-17. A person who is without insurance
214 coverage at the time of application for the program and who meets
215 the other eligibility criteria in the plan shall be eligible to
216 receive covered benefits under the program, if federal approval is
217 obtained to allow eligibility with no waiting period of being
218 without insurance coverage. If federal approval is not obtained
219 for the preceding provision, the Division of Medicaid shall seek
220 federal approval to allow eligibility after the shortest waiting
221 period of being without insurance coverage for which approval can
222 be obtained. After federal approval is obtained to allow
223 eligibility after a certain waiting period of being without
224 insurance coverage, a person who has been without insurance
225 coverage for the approved waiting period and who meets the other



226 eligibility criteria in the plan shall be eligible to receive
227 covered benefits under the program. If the plan includes any
228 waiting period of being without insurance coverage before
229 eligibility, the State and School Employees Health Insurance
230 Management Board shall adopt regulations to provide exceptions to
231 the waiting period for families who have lost insurance coverage
232 for good cause or through no fault of their own.

233 (2) The eligibility of children and their parents for
234 covered benefits under the program shall be determined annually by
235 the same agency or entity that determines eligibility under
236 Section 43-13-115(9) and shall cover twelve (12) continuous months
237 under the program.

238 SECTION 6. This act shall take effect and be in force from
239 and after July 1, 2001.

