

By: Representative Ford

To: Public Health and Welfare; Appropriations

HOUSE BILL NO. 444
(As Passed the House)

1 AN ACT TO REENACT SECTIONS 41-86-1 THROUGH 41-86-17,
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI CHILDREN'S
3 HEALTH CARE ACT, ESTABLISH A STATEWIDE CHILDREN'S HEALTH INSURANCE
4 PROGRAM TO PROVIDE CHILD HEALTH CARE ASSISTANCE TO CERTAIN
5 UNINSURED CHILDREN AND CREATE A CHILDREN'S HEALTH INSURANCE
6 COMMISSION AND PRESCRIBE ITS POWERS AND DUTIES; TO AMEND REENACTED
7 SECTION 41-86-17, MISSISSIPPI CODE OF 1972, TO SPECIFY CERTAIN
8 DENTAL SERVICES THAT MAY BE INCLUDED IN THE CHILDREN'S HEALTH
9 INSURANCE PROGRAM; TO PROVIDE THAT THE PROGRAM MAY EXCLUDE FROM
10 PARTICIPATION IN THE PROGRAM ANY HEALTH CARE PROVIDERS WHO DO NOT
11 AGREE TO HOLD THE FAMILIES OF RECIPIENTS HARMLESS FOR CHARGES IN
12 EXCESS OF PLAN PAYMENTS FOR COVERED BENEFITS; TO AMEND SECTION 10
13 OF CHAPTER 587, LAWS OF 1998, TO DELETE THE REPEALER ON THE
14 CHILDREN'S HEALTH CARE ACT; AND FOR RELATED PURPOSES.

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

16 SECTION 1. Section 41-86-1, Mississippi Code of 1972, is
17 reenacted as follows:

18 41-86-1. This chapter shall be known as and may be cited as
19 the Mississippi Children's Health Care Act.

20 SECTION 2. Section 41-86-3, Mississippi Code of 1972, is
21 reenacted as follows:

22 41-86-3. (1) There is established a statewide Children's
23 Health Insurance Program under Title XXI of the Social Security
24 Act to provide child health care assistance to targeted,
25 uninsured, low-income children to be administered by the Division
26 of Medicaid in the Office of the Governor. The term "targeted,
27 low-income child" means a child through age eighteen (18) who has
28 been determined eligible for child health assistance and who is a
29 low-income child, or is a child whose family income exceeds the
30 Medicaid applicable income level, but does not exceed one hundred
31 percent (100%) of the federal poverty level, and is not eligible

32 for medical assistance under Title XIX or is not covered under a
33 group health plan.

34 (2) The Children's Health Insurance Program shall provide
35 the same benefits to children enrolled in the program as are
36 provided to Medicaid recipients under the Mississippi Medicaid
37 Laws, Section 43-13-117.

38 (3) The Children's Health Insurance Program shall be
39 established subject to the availability of funds specifically
40 appropriated by the Legislature for this purpose and federal
41 matching funds as set forth in Title XXI of the Social Security
42 Act.

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

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

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

52 SECTION 3. Section 41-86-5, Mississippi Code of 1972, is
53 reenacted as follows:

54 41-86-5. As used in Sections 41-86-5 through 41-86-17, the
55 following definitions shall have the meanings ascribed in this
56 section, unless the context indicates otherwise:

57 (a) "Act" means the Mississippi Children's Health Care
58 Act.

59 (b) "Administering agency" means the agency designated
60 by the Mississippi Children's Health Insurance Program Commission
61 to administer the program.

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

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

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

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

72 (g) "Division" means the Division of Medicaid in the
73 Office of the Governor.

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

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

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

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

82 (l) "State Child Health Plan" means the permanent plan
83 that sets forth the manner and means by which the State of
84 Mississippi will provide health care assistance to eligible
85 uninsured, low-income children consistent with the provisions of
86 Title XXI of the federal Social Security Act, as amended.

87 SECTION 4. Section 41-86-7, Mississippi Code of 1972, is
88 reenacted as follows:

89 41-86-7. There is established a Children's Health Care
90 Program in Mississippi, which shall become effective upon the full
91 implementation of the permanent State Child Health Plan authorized
92 under Section 41-86-9. The program shall be financed by state
93 appropriations and federal matching funds received by the state
94 under the State Children's Health Insurance Program established by
95 Title XXI of the federal Social Security Act, as amended.

96 SECTION 5. Section 41-86-9, Mississippi Code of 1972, is
97 reenacted as follows:

98 41-86-9. (1) A Mississippi Children's Health Insurance
99 Program Commission is created to develop and adopt the permanent
100 State Child Health Plan. The commission shall be composed of the
101 following members:

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

103 (b) The Executive Director of the State Department of
104 Health;

105 (c) The Mississippi Commissioner of Insurance;

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

111 (e) Two (2) members to be appointed by the Speaker of
112 the House of Representatives, one (1) of whom shall be a physician
113 who provides health care services to children, and one (1) of whom
114 shall be a person with experience in administering or working with
115 plans for reimbursement or payment of health care expenses; and

116 (f) Two (2) members to be appointed by the Governor,
117 one of whom shall be a physician who provides health care services
118 to children, and who shall serve as chairman of the commission,
119 and one (1) of whom shall be a person with experience in
120 administering or working with plans for reimbursement or payment
121 of health care expenses.

122 In making appointments to the commission, the appointing
123 authorities shall reflect the gender and racial composition of the
124 state.

125 Not later than May 1, 1998, the Governor, the Lieutenant
126 Governor and the Speaker shall appoint the members of the
127 commission. After the members are appointed, the commission shall
128 meet on a date designated by the chairman of the commission in

129 Jackson, Mississippi, to organize the commission and establish
130 rules for transacting its business and keeping records. A
131 majority of the members of the commission shall constitute a
132 quorum at all commission meetings. An affirmative vote of a
133 majority of the members shall be required in the adoption of
134 rules, resolutions and reports. All members of the commission
135 shall be notified in writing of all regular and special meetings
136 of the commission, which notices shall be mailed at least five (5)
137 days before the dates of the meetings. The commission may
138 establish any subcommittees that it deems desirable to study and
139 report to the commission with respect to any matter that is within
140 the scope of the commission.

141 The Division of Medicaid shall provide clerical and
142 administrative support for the Children's Health Insurance Program
143 Commission. In carrying out the provisions of this section, the
144 commission may utilize the services, facilities and personnel of
145 all departments, agencies, offices and institutions of the state.
146 In particular, the commission shall consult with the Division of
147 Medicaid, the Office of Insurance of the Department of Finance and
148 Administration, the State Department of Health and the Mississippi
149 Department of Insurance, and those agencies shall cooperate with
150 the commission and provide the commission with any information and
151 other assistance requested by the commission. The commission may
152 consult and seek advice from various groups in the state in order
153 to understand the effect of any existing laws or any changes in
154 law being considered by the commission. For attending meetings of
155 the commission, each member who is not a state official shall be
156 paid per diem compensation in the amount authorized by Section
157 25-3-69 and each member shall receive expense reimbursement as
158 authorized by Section 25-3-41. All expenses incurred by and on
159 behalf of the commission shall be paid from any funds appropriated
160 or otherwise made available for the purpose of this program, and

161 from any grants or contributions made to the commission for its
162 purpose. The commission shall be dissolved on August 1, 1998.

163 (2) The Children's Health Insurance Program Commission shall
164 develop the State Child Health Plan, which shall set forth the
165 manner and means by which the State of Mississippi will provide
166 health care assistance to eligible uninsured, low-income children
167 under the Children's Health Care Program. The commission shall
168 consider all options in developing the plan. The plan must be
169 consistent with and meet the applicable requirements of Title XXI
170 of the federal Social Security Act, as amended, and shall include:

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

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

177 (c) A description of the covered benefits and the
178 eligibility standards for recipients;

179 (d) The method by which health care benefits and
180 services provided under the program will be coordinated with other
181 sources of health benefits coverage for children; and

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

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

187 (4) After the permanent plan has been developed and
188 approved, the Children's Health Care Program shall be implemented
189 and administered by the administering agency designated by the
190 commission.

191 SECTION 6. Section 41-86-11, Mississippi Code of 1972, is
192 reenacted as follows:

193 41-86-11. (1) The administering agency shall adopt, in
194 accordance with Section 25-43-1 et seq., rules and regulations for
195 the implementation of the program, and for the coordination of the
196 program with the state's other medical assistance programs.

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

200 (3) The administering agency shall make reports to the
201 federal government and to the Legislature on the providing of
202 benefits to those children under the program.

203 (4) (a) If the commission provides that the administering
204 agency will have such authority, the administering agency shall
205 execute a contract or contracts to provide the health care
206 coverage and services under the program, after first receiving
207 bids. The contract or contracts may be executed with one or more
208 corporations or associations authorized to do business in
209 Mississippi. All of the coverage and services to be provided
210 under the program may be included in one or more similar
211 contracts, or the coverage and services may be classified into
212 different types with each type included under one or more similar
213 contracts issued by the same or different corporations or
214 associations.

215 (b) The administering agency shall execute a contract
216 or contracts with one or more corporations or associations that
217 have submitted the best and most cost-effective bids, or shall
218 reject all bids. If the administering agency rejects all bids, it
219 shall notify all bidders of the rejection and shall actively
220 solicit new bids.

221 SECTION 7. Section 41-86-13, Mississippi Code of 1972, is
222 reenacted as follows:

223 41-86-13. (1) The Division of Medicaid shall receive state
224 appropriations for the program and federal matching funds under
225 the State Children's Health Insurance Program established by Title

226 XXI of the federal Social Security Act, as amended, and the
227 division shall provide those funds to the administering agency for
228 the administration of the program. The Legislature shall include
229 those funds as a line item in the appropriation to the Division of
230 Medicaid.

231 (2) The program is subject to the availability of state
232 funds specifically appropriated by the Legislature for the purpose
233 of the program and federal matching funds under the State
234 Children's Health Insurance Program established by Title XXI of
235 the federal Social Security Act, as amended. The division may
236 limit enrollment as necessary to ensure that the costs of the
237 program do not exceed the total amount of state and federal funds
238 appropriated by the Legislature for that purpose.

239 SECTION 8. Section 41-86-15, Mississippi Code of 1972, is
240 reenacted as follows:

241 41-86-15. (1) Persons eligible to receive covered benefits
242 under Sections 41-86-5 through 41-86-17 shall be low-income
243 children who meet the eligibility standards set forth in the plan.
244 Any person who is eligible for benefits under the Mississippi
245 Medicaid Law, Section 43-13-101 et seq., shall not be eligible to
246 receive benefits under Sections 41-86-5 through 41-86-17. A
247 person who is without insurance coverage at the time of
248 application for the program and who meets the other eligibility
249 criteria in the plan shall be eligible to receive covered benefits
250 under the program, if federal approval is obtained to allow
251 eligibility with no waiting period of being without insurance
252 coverage. If federal approval is not obtained for the preceding
253 provision, the Division of Medicaid shall seek federal approval to
254 allow eligibility after the shortest waiting period of being
255 without insurance coverage for which approval can be obtained.
256 After federal approval is obtained to allow eligibility after a
257 certain waiting period of being without insurance coverage, a
258 person who has been without insurance coverage for the approved

259 waiting period and who meets the other eligibility criteria in the
260 plan shall be eligible to receive covered benefits under the
261 program. If the plan includes any waiting period of being without
262 insurance coverage before eligibility, the State and School
263 Employees Health Insurance Management Board shall adopt
264 regulations to provide exceptions to the waiting period for
265 families who have lost insurance coverage for good cause or
266 through no fault of their own.

267 (2) The eligibility of children for covered benefits under
268 the program shall be determined annually by the same agency or
269 entity that determines eligibility under Section 43-13-115(9) and
270 shall cover twelve (12) continuous months under the program.

271 SECTION 9. Section 41-86-17, Mississippi Code of 1972, is
272 reenacted and amended as follows:

273 41-86-17. The covered benefits under the program shall
274 include all health care benefits and services required to be
275 included as covered benefits under Title XXI of the federal Social
276 Security Act, as amended, and shall include early and periodic
277 screening and diagnosis services at least equal to those provided
278 under the Medicaid program. The benefits and services offered and
279 available to state employees under the State and School Employees
280 Health Insurance Plan shall be used as the benchmark for benefits
281 and services under the program, with an emphasis on preventive and
282 primary care. Benefits and services to be provided under the
283 program shall include: vision and hearing screening, eyeglasses
284 and hearing aids, preventive dental care and routine dental
285 fillings. No deductibles, coinsurance or any other cost-sharing
286 shall be allowed for any of the benefits and services named in the
287 preceding sentence. The program also may cover other dental
288 services including amalgam and composite restorations,
289 extractions, space maintainers, stainless steel crowns, sealants,
290 pulpotomies, pulpectomies, and treatment of periodontal disease.
291 The program may exclude from participation in the program any

292 health care providers who do not agree to hold the families of
293 recipients harmless for charges in excess of plan payments for
294 covered benefits.

295 SECTION 10. Section 10, Chapter 572, Laws of 1998, is
296 amended as follows:

297 Section 10. This act shall take effect and be in force from
298 and after its passage * * *.

299 SECTION 11. This act shall take effect and be in force from
300 and after July 1, 2001.