

By: Representative Holland

To: Public Health and
Welfare

HOUSE BILL NO. 983

1 AN ACT TO CREATE NEW SECTION 41-86-18, MISSISSIPPI CODE OF
2 1972, TO DIRECT THE STATE AND SCHOOL EMPLOYEES HEALTH INSURANCE
3 MANAGEMENT BOARD, IN CONJUNCTION WITH THE DIVISION OF MEDICAID, TO
4 PROVIDE FOR A DENIAL NOTICE THAT WILL BE GIVEN TO APPLICANTS FOR
5 CHILDREN'S HEALTH INSURANCE PROGRAM BENEFITS WHOSE APPLICATIONS
6 ARE DENIED; TO REQUIRE THAT THE FORM BE DISTINCT FROM DENIAL FORMS
7 THAT ARE USED IN OTHER BENEFIT PROGRAMS, AND HAVE THE WORDS
8 "CHILDREN'S HEALTH INSURANCE PROGRAM" AND "CHIP" IN PROMINENT
9 LOCATIONS ON THE FORM; TO REQUIRE THAT THE FORM PROVIDE THE
10 APPLICANT WITH INFORMATION ABOUT HIS OR HER RIGHTS AND
11 RESPONSIBILITIES AFTER A DENIAL OF BENEFITS, AND REFER THE
12 APPLICANT TO PROGRAMS THAT ARE ABLE TO HELP ANALYZE THE
13 DETERMINATION OF DENIAL OF BENEFITS; TO REQUIRE THE AGENCY OR
14 ENTITY THAT DETERMINES ELIGIBILITY FOR CHIP BENEFITS TO PROVIDE
15 THE DENIAL FORM TO ALL APPLICANTS WHOSE APPLICATIONS ARE DENIED;
16 TO PROVIDE THAT WHENEVER AN APPLICATION FOR CHIP BENEFITS IS
17 DENIED, THE AGENCY OR ENTITY THAT DETERMINES ELIGIBILITY FOR CHIP
18 BENEFITS MUST REFER THE APPLICANT TO INDEPENDENT CONSUMER PROGRAMS
19 THAT ARE ABLE TO HELP INFORM THE APPLICANT OF HIS OR HER RIGHTS
20 AND RESPONSIBILITIES AFTER A DENIAL OF BENEFITS; TO SPECIFY THE
21 CRITERIA THAT AN INDEPENDENT CONSUMER PROGRAM MUST MEET IN ORDER
22 TO QUALIFY AS A PROGRAM TO WHICH A REFERRAL MAY BE MADE; AND FOR
23 RELATED PURPOSES.

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

25 SECTION 1. The following shall be codified as Section
26 41-86-18, Mississippi Code of 1972:

27 41-86-18. (1) (a) The State and School Employees Health
28 Insurance Management Board, in conjunction with the Division of
29 Medicaid, shall provide for a denial notice that will be given to
30 applicants for benefits under this chapter whose applications are
31 denied.

32 (b) The form shall be distinct from denial forms that
33 are used in the Medicaid program, Temporary Assistance for Needy
34 Families (TANF) program, the Food Stamps program and other benefit

35 programs, and it shall have the words "Children's Health Insurance
36 Program" and "CHIP" in prominent locations on the form.

37 (c) The form shall provide the applicant with
38 information about his or her rights and responsibilities after a
39 denial of benefits, and shall refer the applicant to programs that
40 are able to help analyze the determination of denial of benefits,
41 as provided under subsection (2).

42 (d) The information on the form shall be written in
43 clear, concise and nontechnical language that can be understood by
44 laypersons.

45 (e) The agency or entity that determines eligibility
46 for benefits under this chapter, as specified in Section
47 41-86-15(2), shall provide the denial form to all applicants for
48 benefits under this chapter whose applications are denied.

49 (2) Whenever an application for benefits under this chapter
50 is denied, the agency or entity that determines eligibility for
51 benefits under this chapter, as specified in Section 41-86-15(2),
52 shall refer the applicant to one or more independent consumer
53 programs that are able to help inform the applicant of his or her
54 rights and responsibilities after a denial of benefits. In order
55 to qualify as a program to which a referral may be made, the
56 program must provide for the following:

57 (a) Act as an intermediary between the families and the
58 state or managed care groups, and participate in informal problem
59 solving;

60 (b) Provide families with the education necessary to
61 advocate on their own behalf, rather than relying on the program
62 for assistance;

63 (c) Compile data and make annual reports that are
64 subject to review by the Legislature, government agencies and the
65 public;

66 (d) Provide direct representation services to the
67 families and individuals when necessary; and

68 (e) Establish and maintain a toll-free hotline for
69 consumers to call to obtain information regarding their rights and
70 services offered by the program.

71 SECTION 2. This act shall take effect and be in force
72 from and after July 1, 2001.