To: Public Health and Welfare

MISSISSIPPI LEGISLATURE  REGULAR SESSION 2001

By: Representative Holland

HOUSE BILL NO. 983

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

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

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

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

(b) The form shall be distinct from denial forms that are used in the Medicaid program, Temporary Assistance for Needy Families (TANF) program, the Food Stamps program and other benefit programs.
programs, and it shall have the words "Children's Health Insurance Program" and "CHIP" in prominent locations on the form.

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

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

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

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

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

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

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

(d) Provide direct representation services to the families and individuals when necessary; and
(e) Establish and maintain a toll-free hotline for consumers to call to obtain information regarding their rights and services offered by the program.

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