SENATE BILL NO. 2990

AN ACT TO REENACT SECTIONS 41-86-1 THROUGH 41-86-17, MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI CHILDREN'S HEALTH CARE ACT, ESTABLISH A STATEWIDE CHILDREN'S HEALTH INSURANCE PROGRAM TO PROVIDE CHILD HEALTH CARE ASSISTANCE TO CERTAIN UNINSURED CHILDREN AND CREATE A CHILDREN'S HEALTH INSURANCE COMMISSION AND PRESCRIBE ITS POWERS AND DUTIES; TO AMEND SECTION 10 OF CHAPTER 587, LAWS OF 1998, TO EXTEND THE DATE OF REPEAL ON THE REENACTED CODE SECTIONS FROM JULY 1, 2001, TO JULY 1, 2003; AND FOR RELATED PURPOSES.

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

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

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

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

41-86-3. (1) There is established a statewide Children's Health Insurance Program under Title XXI of the Social Security Act to provide child health care assistance to targeted, uninsured, low-income children to be administered by the Division of Medicaid in the Office of the Governor. The term "targeted, low-income child" means a child through age eighteen (18) who has been determined eligible for child health assistance and who is a low-income child, or is a child whose family income exceeds the Medicaid applicable income level, but does not exceed one hundred percent (100%) of the federal poverty level, and is not eligible for medical assistance under Title XIX or is not covered under a group health plan.
(2) The Children's Health Insurance Program shall provide
the same benefits to children enrolled in the program as are
provided to Medicaid recipients under the Mississippi Medicaid
Laws, Section 43-13-117.

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

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

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

(6) From and after the full implementation of the permanent
State Child Health Plan authorized under Section 41-86-9, this
section shall have no force and effect.

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

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

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

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

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

(d) "Child" means an individual who is under nineteen
(19) years of age who is not eligible for Medicaid benefits and is
not covered by other health insurance.
(e) "Commission" means the Mississippi Children's Health Insurance Program Commission created by Section 41-86-7.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The Mississippi Commissioner of Insurance;

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

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

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

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

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

The Division of Medicaid shall provide clerical and
administrative support for the Children's Health Insurance Program
Commission. In carrying out the provisions of this section, the
commission may utilize the services, facilities and personnel of
all departments, agencies, offices and institutions of the state.
In particular, the commission shall consult with the Division of
Medicaid, the Office of Insurance of the Department of Finance and
Administration, the State Department of Health and the Mississippi
Department of Insurance, and those agencies shall cooperate with
the commission and provide the commission with any information and
other assistance requested by the commission. The commission may
consult and seek advice from various groups in the state in order
to understand the effect of any existing laws or any changes in
law being considered by the commission. For attending meetings of
the commission, each member who is not a state official shall be
paid per diem compensation in the amount authorized by Section
25-3-69 and each member shall receive expense reimbursement as
authorized by Section 25-3-41. All expenses incurred by and on
behalf of the commission shall be paid from any funds appropriated
or otherwise made available for the purpose of this program, and
from any grants or contributions made to the commission for its
purpose. The commission shall be dissolved on August 1, 1998.

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

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

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

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

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

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

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

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

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

41-86-11. (1) The administering agency shall adopt, in
accordance with Section 25-43-1 et seq., rules and regulations for
the implementation of the program, and for the coordination of the
program with the state's other medical assistance programs.
(2) If the Division of Medicaid is designated as the administering agency for the program, the division shall have all of the authority set forth in Section 43-13-101 et seq.

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

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

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

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

41-86-13. (1) The Division of Medicaid shall receive state appropriations for the program and federal matching funds under the State Children's Health Insurance Program established by Title XXI of the federal Social Security Act, as amended, and the division shall provide those funds to the administering agency for the administration of the program. The Legislature shall include
those funds as a line item in the appropriation to the Division of Medicaid.

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

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

41-86-15. (1) Persons eligible to receive covered benefits under Sections 41-86-5 through 41-86-17 shall be low-income children who meet the eligibility standards set forth in the plan. Any person who is eligible for benefits under the Mississippi Medicaid Law, Section 43-13-101 et seq., shall not be eligible to receive benefits under Sections 41-86-5 through 41-86-17. A person who is without insurance coverage at the time of application for the program and who meets the other eligibility criteria in the plan shall be eligible to receive covered benefits under the program, if federal approval is obtained to allow eligibility with no waiting period of being without insurance coverage. If federal approval is not obtained for the preceding provision, the Division of Medicaid shall seek federal approval to allow eligibility after the shortest waiting period of being without insurance coverage for which approval can be obtained. After federal approval is obtained to allow eligibility after a certain waiting period of being without insurance coverage, a person who has been without insurance coverage for the approved waiting period and who meets the other eligibility criteria in the plan shall be eligible to receive covered benefits under the program. If the plan includes any waiting period of being without insurance coverage, that waiting period shall not extend beyond the period approved for eligibility.
insurance coverage before eligibility, the State and School Employees Health Insurance Management Board shall adopt regulations to provide exceptions to the waiting period for families who have lost insurance coverage for good cause or through no fault of their own.

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

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

41-86-17. The covered benefits under the program shall include all health care benefits and services required to be included as covered benefits under Title XXI of the federal Social Security Act, as amended, and shall include early and periodic screening and diagnosis services at least equal to those provided under the Medicaid program. The benefits and services offered and available to state employees under the State Employees Health Insurance Plan shall be used as the benchmark for benefits and services under the program, with an emphasis on preventive and primary care. Benefits and services to be provided under the program shall include: vision and hearing screening, eyeglasses and hearing aids, preventive dental care and routine dental fillings. No deductibles, coinsurance or any other cost-sharing shall be allowed for any of the benefits and services named in the preceding sentence.

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

Section 10. This act shall take effect and be in force from and after its passage, and shall stand repealed on July 1, 2003.

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