

By: Representative Espy

To: Public Health and
Welfare; Appropriations

HOUSE BILL NO. 815

1 AN ACT TO AMEND SECTIONS 43-13-115.1 AND SECTION 41-86-15,
2 MISSISSIPPI CODE OF 1972, TO REQUIRE PRESUMPTIVE ELIGIBILITY FOR
3 MEDICAID AND THE CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP) TO BE
4 IMPLEMENTED STATEWIDE BY JULY 1, 2002; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 43-13-115.1, Mississippi Code of 1972, is
7 amended as follows:

8 43-13-115.1. (1) There will be presumptive eligibility
9 under this article for children under nineteen (19) years of age,
10 in accordance with the following provisions:

11 (a) A child will be deemed to be presumptively eligible
12 for covered benefits and services under this article if a
13 qualified entity as defined under federal law (42 USCS Section
14 1396r-1a) determines, on the basis of preliminary information,
15 that the family income of the child does not exceed the applicable
16 income level of eligibility under the state Medicaid plan.

17 (b) A child will be presumptively eligible under this
18 article from the date that the qualified entity determines that
19 the child is presumptively eligible until the earlier of either:

20 (i) The date on which a determination is made with
21 respect to the eligibility of the child for covered benefits and
22 services under this article, or

23 (ii) The last day of the month following the month
24 in which presumptive eligibility is determined, if an application
25 has not been filed on behalf of the child by that day.

26 (c) For the period during which a child is
27 presumptively eligible under this article, the child will be



28 eligible to receive all covered benefits and services under this
29 article.

30 (d) If a child is determined to be presumptively
31 eligible under this article, the child's parent, guardian or
32 caretaker relative must submit a completed application for
33 Medicaid assistance no later than the last day of the month
34 following the month in which presumptive eligibility is
35 determined. The qualified entity shall inform the parent,
36 guardian or caretaker relative of this requirement at the time the
37 qualified entity makes the determination of presumptive
38 eligibility.

39 (e) The qualified entity shall notify the Division of
40 Medicaid of the determination of presumptive eligibility within
41 five (5) working days after the date on which the determination is
42 made.

43 (f) The Division of Medicaid shall provide qualified
44 entities with such forms as are necessary for an application to be
45 made on behalf of a child for eligibility under this article. The
46 Division of Medicaid shall make those application forms and the
47 application process itself as simple as possible.

48 (2) Not later than July 1, 2002, the Division of Medicaid
49 shall implement presumptive eligibility under this article, as
50 provided in this section, in all counties of the state.

51 **SECTION 2.** Section 41-86-15, Mississippi Code of 1972, is
52 amended as follows:

53 41-86-15. (1) Persons eligible to receive covered benefits
54 under Sections 41-86-5 through 41-86-17 shall be low-income
55 children who meet the eligibility standards set forth in the plan.
56 Any person who is eligible for benefits under the Mississippi
57 Medicaid Law, Section 43-13-101 et seq., shall not be eligible to
58 receive benefits under Sections 41-86-5 through 41-86-17. A
59 person who is without insurance coverage at the time of
60 application for the program and who meets the other eligibility



61 criteria in the plan shall be eligible to receive covered benefits
62 under the program, if federal approval is obtained to allow
63 eligibility with no waiting period of being without insurance
64 coverage. If federal approval is not obtained for the preceding
65 provision, the Division of Medicaid shall seek federal approval to
66 allow eligibility after the shortest waiting period of being
67 without insurance coverage for which approval can be obtained.
68 After federal approval is obtained to allow eligibility after a
69 certain waiting period of being without insurance coverage, a
70 person who has been without insurance coverage for the approved
71 waiting period and who meets the other eligibility criteria in the
72 plan shall be eligible to receive covered benefits under the
73 program. If the plan includes any waiting period of being without
74 insurance coverage before eligibility, the State and School
75 Employees Health Insurance Management Board shall adopt
76 regulations to provide exceptions to the waiting period for
77 families who have lost insurance coverage for good cause or
78 through no fault of their own.

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

83 (3) There will be presumptive eligibility under this chapter
84 for children under nineteen (19) years of age, in accordance with
85 the following provisions:

86 (a) A child will be deemed to be presumptively eligible
87 for covered benefits and services under this chapter if a
88 qualified entity as defined under federal law (42 USCS Section
89 1396r-1a) determines, on the basis of preliminary information,
90 that the family income of the child does not exceed the applicable
91 income level of eligibility under the plan.

92 (b) A child will be presumptively eligible under this
93 chapter from the date that the qualified entity determines that



94 the child is presumptively eligible until the earlier of either:

95 (i) The date on which a determination is made with
96 respect to the eligibility of the child for covered benefits and
97 services under this chapter, or

98 (ii) The last day of the month following the month
99 in which presumptive eligibility is determined, if an application
100 has not been filed on behalf of the child by that day.

101 (c) For the period during which a child is
102 presumptively eligible under this chapter, the child will be
103 eligible to receive all covered benefits and services under this
104 chapter.

105 (d) If a child is determined to be presumptively
106 eligible under this chapter, the child's parent, guardian or
107 caretaker relative must submit a completed application for
108 assistance under the program no later than the last day of the
109 month following the month in which presumptive eligibility is
110 determined. The qualified entity shall inform the parent,
111 guardian or caretaker relative of this requirement at the time the
112 qualified entity makes the determination of presumptive
113 eligibility.

114 (e) The qualified entity shall notify the Division of
115 Medicaid of the determination of presumptive eligibility within
116 five (5) working days after the date on which the determination is
117 made.

118 (f) The Division of Medicaid shall provide qualified
119 entities with such forms as are necessary for an application to be
120 made on behalf of a child for eligibility under this chapter. The
121 Division of Medicaid shall make those application forms and the
122 application process itself as simple as possible.

123 (4) Not later than July 1, 2002, the Division of Medicaid
124 shall implement presumptive eligibility under this chapter, as
125 provided in subsection (3) of this section, in all counties of the
126 state.



127 **SECTION 3.** This act shall take effect and be in force from
128 and after its passage.

