

By: Representative Espy

To: Medicaid; Appropriations

## HOUSE BILL NO. 1026

1 AN ACT TO REENACT SECTION 43-13-115.1, MISSISSIPPI CODE OF  
2 1972, WHICH WAS REPEALED IN 2003, TO PROVIDE THAT THERE WILL BE  
3 PRESUMPTIVE ELIGIBILITY FOR THE MEDICAID PROGRAM, AND THAT IT  
4 SHALL BE IMPLEMENTED STATEWIDE BY SEPTEMBER 1, 2004; TO AMEND  
5 SECTION 41-86-15, MISSISSIPPI CODE OF 1972, TO REINSTITUTE THE  
6 PROVISION FOR PRESUMPTIVE ELIGIBILITY FOR THE CHILDREN'S HEALTH  
7 INSURANCE PROGRAM (CHIP), WHICH WAS DELETED IN 2003, AND TO  
8 PROVIDE THAT IT SHALL BE IMPLEMENTED STATEWIDE BY SEPTEMBER 1,  
9 2004; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 43-13-115.1, Mississippi Code of 1972, is  
12 reenacted as follows:

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

16 (a) A child will be deemed to be presumptively eligible  
17 for covered benefits and services under this article if a  
18 qualified entity as defined under federal law (42 USCS Section  
19 1396r-1a) determines, on the basis of preliminary information,  
20 that the family income of the child does not exceed the applicable  
21 income level of eligibility under the state Medicaid plan.

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

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

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

31 (c) For the period during which a child is  
32 presumptively eligible under this article, the child will be  
33 eligible to receive all covered benefits and services under this  
34 article.

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

44 (e) The qualified entity shall notify the Division of  
45 Medicaid of the determination of presumptive eligibility within  
46 five (5) working days after the date on which the determination is  
47 made.

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

53 (2) Not later than September 1, 2004, the Division of  
54 Medicaid shall implement presumptive eligibility under this  
55 article, as provided in this section, in all counties of the  
56 state.

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

59 41-86-15. (1) Persons eligible to receive covered benefits  
60 under Sections 41-86-5 through 41-86-17 shall be low-income  
61 children who meet the eligibility standards set forth in the plan.  
62 Any person who is eligible for benefits under the Mississippi  
63 Medicaid Law, Section 43-13-101 et seq., shall not be eligible to

64 receive benefits under Sections 41-86-5 through 41-86-17. A  
65 person who is without insurance coverage at the time of  
66 application for the program and who meets the other eligibility  
67 criteria in the plan shall be eligible to receive covered benefits  
68 under the program, if federal approval is obtained to allow  
69 eligibility with no waiting period of being without insurance  
70 coverage. If federal approval is not obtained for the preceding  
71 provision, the Division of Medicaid shall seek federal approval to  
72 allow eligibility after the shortest waiting period of being  
73 without insurance coverage for which approval can be obtained.  
74 After federal approval is obtained to allow eligibility after a  
75 certain waiting period of being without insurance coverage, a  
76 person who has been without insurance coverage for the approved  
77 waiting period and who meets the other eligibility criteria in the  
78 plan shall be eligible to receive covered benefits under the  
79 program. If the plan includes any waiting period of being without  
80 insurance coverage before eligibility, the State and School  
81 Employees Health Insurance Management Board shall adopt  
82 regulations to provide exceptions to the waiting period for  
83 families who have lost insurance coverage for good cause or  
84 through no fault of their own.

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

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

92 (a) A child will be deemed to be presumptively eligible  
93 for covered benefits and services under this chapter if a  
94 qualified entity as defined under federal law (42 USCS Section  
95 1396r-1a) determines, on the basis of preliminary information,

96 that the family income of the child does not exceed the applicable  
97 income level of eligibility under the plan.

98 (b) A child will be presumptively eligible under this  
99 chapter from the date that the qualified entity determines that  
100 the child is presumptively eligible until the earlier of either:

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

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

107 (c) For the period during which a child is  
108 presumptively eligible under this chapter, the child will be  
109 eligible to receive all covered benefits and services under this  
110 chapter.

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

120 (e) The qualified entity shall notify the Division of  
121 Medicaid of the determination of presumptive eligibility within  
122 five (5) working days after the date on which the determination is  
123 made.

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

129           (4) Not later than September 1, 2004, the Division of  
130 Medicaid shall implement presumptive eligibility under this  
131 chapter, as provided in subsection (3) of this section, in all  
132 counties of the state.

133           **SECTION 3.** This act shall take effect and be in force from  
134 and after July 1, 2004.