

By: Representatives Holland, To: Public Health and Human
 Compretta, Mayo, Whittington, Services
 Bailey, Broomfield, Buck, Clark,
 Clarke, Cummings, Dedeaux,
 Fillingane, Flaggs, Franks,
 Fredericks, Gadd, Gibbs, Green, Harrison, Hines, Hudson, Ishee, Malone,
 Markham, Miles, Moak, Montgomery, Moss, Parker, Patterson, Peranich,
 Pierce, Reynolds, Rogers (14th), Shows, Smith (27th), Staples,
 Sullivan, Taylor, Thomas, Vince, Ward, West, Young

HOUSE BILL NO. 1

1 AN ACT TO AMEND SECTIONS 43-1-1, 43-1-2, 43-1-3, 43-1-5 AND
 2 43-1-6, MISSISSIPPI CODE OF 1972, WHICH CREATE THE DEPARTMENT OF
 3 HUMAN SERVICES, PRESCRIBE ITS DUTIES AND RESPONSIBILITIES, PROVIDE
 4 FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR OF HUMAN SERVICES,
 5 PROVIDE FOR THE AUTHORITY AND RESPONSIBILITIES OF THE EXECUTIVE
 6 DIRECTOR, PROVIDE FOR A JOINT OVERSIGHT COMMITTEE OF THE
 7 DEPARTMENT, PROVIDE THE STRUCTURE OF THE DEPARTMENT AND TRANSFER
 8 THE PROGRAMS WITHIN THE DIVISION OF FEDERAL-STATE PROGRAMS TO THE
 9 DEPARTMENT, TO EXTEND THE DATE OF THE REPEALERS ON THOSE SECTIONS;
 10 TO FURTHER AMEND SECTION 43-1-2, MISSISSIPPI CODE OF 1972, TO
 11 EXPAND THE MEMBERSHIP OF THE JOINT OVERSIGHT COMMITTEE; TO AMEND
 12 SECTION 43-13-115, MISSISSIPPI CODE OF 1972, TO REINSTATE MEDICAID
 13 ELIGIBILITY FOR THE POVERTY LEVEL AGED OR DISABLED GROUP, AND
 14 PROVIDE THAT ELIGIBILITY FOR THAT GROUP SHALL BE DETERMINED BY THE
 15 DEPARTMENT OF HUMAN SERVICES; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Section 43-1-1, Mississippi Code of 1972, is
 18 amended as follows:

19 43-1-1. (1) The Department of Human Services shall be the
 20 State Department of Public Welfare and shall retain all powers and
 21 duties as granted to the State Department of Public Welfare.
 22 Wherever the term "State Department of Public Welfare" or "State
 23 Board of Public Welfare" appears in any law, the same shall mean
 24 the Department of Human Services. The Executive Director of the
 25 Department of Human Services may assign to the appropriate offices
 26 such powers and duties deemed appropriate to carry out the lawful
 27 functions of the department.

28 (2) This section shall stand repealed on July 1, 2005.

29 **SECTION 2.** Section 43-1-2, Mississippi Code of 1972, is
 30 amended as follows:

31 43-1-2. (1) There is created the Mississippi Department of
 32 Human Services, whose offices shall be located in Jackson,

33 Mississippi, and which shall be under the policy direction of the
34 Governor.

35 (2) The chief administrative officer of the department shall
36 be the Executive Director of Human Services. The Governor shall
37 appoint the Executive Director of Human Services with the advice
38 and consent of the Senate, and he or she shall serve at the will
39 and pleasure of the Governor, and until his or her successor is
40 appointed and qualified. The Executive Director of Human Services
41 shall possess the following qualifications:

42 (a) A bachelor's degree from an accredited institution
43 of higher learning and ten (10) years' experience in management,
44 public administration, finance or accounting; or

45 (b) A master's or doctoral degree from an accredited
46 institution of higher learning and five (5) years' experience in
47 management, public administration, finance or accounting.

48 Those qualifications shall be certified by the State
49 Personnel Board.

50 (3) There shall be a Joint Oversight Committee of the
51 Department of Human Services composed of the respective chairmen
52 of the Senate Public Health and Welfare Committee, the Senate
53 Appropriations Committee, the House Public Health and Human
54 Services Committee and the House Appropriations Committee, four
55 (4) members of the Senate appointed by the Lieutenant Governor to
56 serve at the will and pleasure of the Lieutenant Governor, and
57 four (4) members of the House of Representatives appointed by the
58 Speaker of the House to serve at the will and pleasure of the
59 Speaker. The chairmanship of the committee shall alternate for
60 twelve-month periods between the Senate members and the House
61 members, with the Chairman of the Senate Public Health and Welfare
62 Committee serving as the first chairman. The committee shall meet
63 once each month, or upon the call of the chairman at such times as
64 he or she deems necessary or advisable, and may make
65 recommendations to the Legislature pertaining to any matter within

66 the jurisdiction of the Mississippi Department of Human Services.
67 The appointing authorities may designate an alternate member from
68 their respective houses to serve when the regular designee is
69 unable to attend the meetings of the oversight committee. For
70 attending meetings of the oversight committee, the legislators
71 shall receive per diem and expenses, which shall be paid from the
72 contingent expense funds of their respective houses in the same
73 amounts as provided for committee meetings when the Legislature is
74 not in session; however, no per diem and expenses for attending
75 meetings of the committee will be paid while the Legislature is in
76 session. No per diem and expenses will be paid except for
77 attending meetings of the oversight committee without prior
78 approval of the proper committee in their respective houses.

79 (4) The * * * Department of Human Services shall provide the
80 services authorized by law to every individual determined to be
81 eligible therefor, and in carrying out the purposes of the
82 department, the executive director is authorized:

83 (a) To formulate the policy of the department regarding
84 human services within the jurisdiction of the department;

85 (b) To adopt, modify, repeal and promulgate, after due
86 notice and hearing, and where not otherwise prohibited by federal
87 or state law, to make exceptions to and grant exemptions and
88 variances from, and to enforce rules and regulations implementing
89 or effectuating the powers and duties of the department under any
90 and all statutes within the department's jurisdiction, all of
91 which shall be binding upon the county departments of human
92 services;

93 (c) To apply for, receive and expend any federal or
94 state funds or contributions, gifts, devises, bequests or funds
95 from any other source;

96 (d) Except as limited by Section 43-1-3, to enter into
97 and execute contracts, grants and cooperative agreements with any
98 federal or state agency or subdivision thereof, or any public or

99 private institution located inside or outside the State of
100 Mississippi, or any person, corporation or association in
101 connection with carrying out the programs of the department; and
102 (e) To discharge such other duties, responsibilities
103 and powers as are necessary to implement the programs of the
104 department.

105 (5) The executive director shall establish the
106 organizational structure of the Mississippi Department of Human
107 Services which shall include the creation of any units necessary
108 to implement the duties assigned to the department and consistent
109 with specific requirements of law, including, but not limited to:

110 (a) Office of Family and Children's Services;

111 (b) Office of Youth Services;

112 (c) Office of Economic Assistance;

113 (d) Office of Child Support Enforcement.

114 (6) The Executive Director of Human Services shall appoint
115 heads of offices, bureaus and divisions, as defined in Section
116 7-17-11, who shall serve at the pleasure of the executive
117 director. The salary and compensation of the office, bureau and
118 division heads shall be subject to the rules and regulations
119 adopted and promulgated by the State Personnel Board as created
120 under Section 25-9-101 et seq. The executive director shall have
121 the authority to organize offices as deemed appropriate to carry
122 out the responsibilities of the department. The organization
123 charts of the department shall be presented annually with the
124 budget request of the Governor for review by the Legislature.

125 (7) This section shall stand repealed on July 1, 2005.

126 **SECTION 3.** Section 43-1-3, Mississippi Code of 1972, is
127 amended as follows:

128 43-1-3. Notwithstanding the authority granted under
129 subsection (4)(d) of Section 43-1-2, the Department of Human
130 Services or the Executive Director of Human Services shall not be
131 authorized to delegate, privatize or otherwise enter into a

132 contract with a private entity for the operation of any office,
133 bureau or division of the department, as defined in Section
134 7-17-11, without specific authority to do so by general act of the
135 Legislature. However, nothing in this section shall be construed
136 to invalidate (i) any contract of the department that is in place
137 and operational before January 1, 1994; or (ii) the continued
138 renewal of any such contract with the same entity upon the
139 expiration of the contract; or (iii) the execution of a contract
140 with another legal entity as a replacement of any such contract
141 that is expiring, provided that the replacement contract is
142 substantially the same as the expiring contract. Notwithstanding
143 any other provision of this section, the department shall be
144 authorized to continue the operation of its child support
145 collection program with a private entity on a pilot program basis
146 in Hinds and Warren Counties in Mississippi, and the department
147 and the private entity shall specifically be prohibited from
148 expanding such pilot program to any counties other than Hinds and
149 Warren Counties without specific authority to do so by amendment
150 to this section by general act of the Legislature. Before
151 December 15, 1994, the department shall provide a detailed report
152 to the Joint Oversight Committee established by Section 43-1-2 and
153 to the Legislature that describes the results of the pilot program
154 for the privatization of the department's child support collection
155 program as of December 1, 1994, including an evaluation of whether
156 there has been substantial compliance with the performance
157 standards specified in the contract for the private entity in
158 conducting the pilot program.

159 This section shall stand repealed on July 1, 2005.

160 **SECTION 4.** Section 43-1-5, Mississippi Code of 1972, is
161 amended as follows:

162 43-1-5. It shall be the duty of the Department of Human
163 Services to:

164 (1) Establish and maintain programs not inconsistent with
165 the terms of this chapter and the rules, regulations and policies
166 of the * * * Department of Human Services, and publish the rules
167 and regulations of the department pertaining to those programs.

168 (2) Make such reports in such form and containing such
169 information as the federal government may, from time to time,
170 require, and comply with such provisions as the federal government
171 may, from time to time, find necessary to assure the correctness
172 and verification of such reports.

173 (3) Within ninety (90) days after the end of each fiscal
174 year, and at each regular session of the Legislature, make and
175 publish one (1) report to the Governor and to the Legislature,
176 showing for the period of time covered, in each county and for the
177 state as a whole:

178 (a) The total number of recipients;

179 (b) The total amount paid to them in cash;

180 (c) The maximum and the minimum amount paid to any
181 recipients in any one (1) month;

182 (d) The total number of applications;

183 (e) The number granted;

184 (f) The number denied;

185 (g) The number cancelled;

186 (h) The amount expended for administration of the
187 provisions of this chapter;

188 (i) The amount of money received from the federal
189 government, if any;

190 (j) The amount of money received from recipients of
191 assistance and from their estates and the disposition of same;

192 (k) Such other information and recommendations as the
193 Governor may require or the department * * * deems advisable;

194 (l) The number of state-owned automobiles purchased and
195 operated during the year by the department, the number purchased
196 and operated out of funds appropriated by the Legislature, the

197 number purchased and operated out of any other public funds, the
198 miles traveled per automobile, the total miles traveled, the
199 average cost per mile and depreciation estimate on each
200 automobile;

201 (m) The cost per mile and total number of miles
202 traveled by department employees in privately-owned automobiles,
203 for which reimbursement is made out of state funds;

204 (n) Each association, convention or meeting attended by
205 any department employees, the purposes thereof, the names of the
206 employees attending and the total cost to the state of the
207 convention, association or meeting;

208 (o) How the money appropriated to the institutions
209 under the jurisdiction of the department has been expended during
210 the preceding year, beginning and ending with the fiscal year of
211 each institution, exhibiting the salaries paid to officers and
212 employees of the institutions, and each and every item of receipt
213 and expenditure;

214 (p) The activities of each division within the
215 Department of Human Services and recommendations for improvement
216 of the services to be performed by each division;

217 (q) In order of authority, the twenty (20) highest paid
218 employees in the department receiving an annual salary in excess
219 of Forty Thousand Dollars (\$40,000.00), by P.I.N. number, job
220 title, job description and annual salary.

221 Each report shall be balanced and shall begin with the
222 balance at the end of the preceding fiscal year, and if any
223 property belonging to the state or the institution is used for
224 profit, the report shall show the expenses incurred in managing
225 the property and the amount received from the same. Those reports
226 shall also show a summary of the gross receipts and gross
227 disbursements for each fiscal year and shall show the money on
228 hand at the beginning of the fiscal period of each division and
229 institution of the department.

230 This section shall stand repealed on July 1, 2005.

231 **SECTION 5.** Section 43-1-6, Mississippi Code of 1972, is
232 amended as follows:

233 43-1-6. The following programs within the Division of
234 Federal-State Programs, Office of the Governor, shall be
235 transferred to the * * * Department of Human Services:

- 236 (a) Office of Energy and Community Services;
237 (b) Juvenile Justice Advisory Committee; and
238 (c) Mississippi Council on Aging.

239 All authority to implement those programs shall be vested in
240 the State Department of Human Services.

241 This section shall stand repealed on July 1, 2005.

242 **SECTION 6.** Section 43-13-115, Mississippi Code of 1972, is
243 amended as follows:

244 43-13-115. Recipients of Medicaid shall be the following
245 persons only:

- 246 (1) Those who are qualified for public assistance
247 grants under provisions of Title IV-A and E of the federal Social
248 Security Act, as amended, including those statutorily deemed to be
249 IV-A and low income families and children under Section 1931 of
250 the federal Social Security Act. For the purposes of this
251 paragraph (1) and paragraphs (8), (17) and (18) of this section,
252 any reference to Title IV-A or to Part A of Title IV of the
253 federal Social Security Act, as amended, or the state plan under
254 Title IV-A or Part A of Title IV, shall be considered as a
255 reference to Title IV-A of the federal Social Security Act, as
256 amended, and the state plan under Title IV-A, including the income
257 and resource standards and methodologies under Title IV-A and the
258 state plan, as they existed on July 16, 1996. The Department of
259 Human Services shall determine Medicaid eligibility for children
260 receiving public assistance grants under Title IV-E. The division
261 shall determine eligibility for low income families under Section

262 1931 of the federal Social Security Act and shall redetermine
263 eligibility for those continuing under Title IV-A grants.

264 (2) Those qualified for Supplemental Security Income
265 (SSI) benefits under Title XVI of the federal Social Security Act,
266 as amended, and those who are deemed SSI eligible as contained in
267 federal statute. The eligibility of individuals covered in this
268 paragraph shall be determined by the Social Security
269 Administration and certified to the Division of Medicaid.

270 (3) Qualified pregnant women who would be eligible for
271 Medicaid as a low income family member under Section 1931 of the
272 federal Social Security Act if her child were born. The
273 eligibility of the individuals covered under this paragraph shall
274 be determined by the division.

275 (4) [Deleted]

276 (5) A child born on or after October 1, 1984, to a
277 woman eligible for and receiving Medicaid under the state plan on
278 the date of the child's birth shall be deemed to have applied for
279 Medicaid and to have been found eligible for Medicaid under the
280 plan on the date of that birth, and will remain eligible for
281 Medicaid for a period of one (1) year so long as the child is a
282 member of the woman's household and the woman remains eligible for
283 Medicaid or would be eligible for Medicaid if pregnant. The
284 eligibility of individuals covered in this paragraph shall be
285 determined by the Division of Medicaid.

286 (6) Children certified by the State Department of Human
287 Services to the Division of Medicaid of whom the state and county
288 departments of human services have custody and financial
289 responsibility, and children who are in adoptions subsidized in
290 full or part by the Department of Human Services, including
291 special needs children in non-Title IV-E adoption assistance, who
292 are approvable under Title XIX of the Medicaid program. The
293 eligibility of the children covered under this paragraph shall be
294 determined by the State Department of Human Services.

295 (7) (a) Persons certified by the Division of Medicaid
296 who are patients in a medical facility (nursing home, hospital,
297 tuberculosis sanatorium or institution for treatment of mental
298 diseases), and who, except for the fact that they are patients in
299 that medical facility, would qualify for grants under Title IV,
300 Supplementary Security Income (SSI) benefits under Title XVI or
301 state supplements, and those aged, blind and disabled persons who
302 would not be eligible for Supplemental Security Income (SSI)
303 benefits under Title XVI or state supplements if they were not
304 institutionalized in a medical facility but whose income is below
305 the maximum standard set by the Division of Medicaid, which
306 standard shall not exceed that prescribed by federal regulation;

307 (b) Individuals who have elected to receive
308 hospice care benefits and who are eligible using the same criteria
309 and special income limits as those in institutions as described in
310 subparagraph (a) of this paragraph (7).

311 (8) Children under eighteen (18) years of age and
312 pregnant women (including those in intact families) who meet the
313 financial standards of the state plan approved under Title IV-A of
314 the federal Social Security Act, as amended. The eligibility of
315 children covered under this paragraph shall be determined by the
316 Division of Medicaid.

317 (9) Individuals who are:

318 (a) Children born after September 30, 1983, who
319 have not attained the age of nineteen (19), with family income
320 that does not exceed one hundred percent (100%) of the nonfarm
321 official poverty level;

322 (b) Pregnant women, infants and children who have
323 not attained the age of six (6), with family income that does not
324 exceed one hundred thirty-three percent (133%) of the federal
325 poverty level; and

326 (c) Pregnant women and infants who have not
327 attained the age of one (1), with family income that does not

328 exceed one hundred eighty-five percent (185%) of the federal
329 poverty level.

330 The eligibility of individuals covered in (a), (b) and (c) of
331 this paragraph shall be determined by the division.

332 (10) Certain disabled children age eighteen (18) or
333 under who are living at home, who would be eligible, if in a
334 medical institution, for SSI or a state supplemental payment under
335 Title XVI of the federal Social Security Act, as amended, and
336 therefore for Medicaid under the plan, and for whom the state has
337 made a determination as required under Section 1902(e)(3)(b) of
338 the federal Social Security Act, as amended. The eligibility of
339 individuals under this paragraph shall be determined by the
340 Division of Medicaid.

341 (11) Individuals who are sixty-five (65) years of age
342 or older or are disabled as determined under Section 1614(a)(3) of
343 the federal Social Security Act, as amended, and whose income does
344 not exceed one hundred thirty-five percent (135%) of the nonfarm
345 official poverty level as defined by the Office of Management and
346 Budget and revised annually, and whose resources do not exceed
347 those established by the Division of Medicaid. The eligibility of
348 individuals covered under this paragraph shall be determined by
349 the Department of Human Services with the cooperation and
350 assistance of the Division of Medicaid.

351 (12) Individuals who are qualified Medicare
352 beneficiaries (QMB) entitled to Part A Medicare as defined under
353 Section 301, Public Law 100-360, known as the Medicare
354 Catastrophic Coverage Act of 1988, and whose income does not
355 exceed one hundred percent (100%) of the nonfarm official poverty
356 level as defined by the Office of Management and Budget and
357 revised annually.

358 The eligibility of individuals covered under this paragraph
359 shall be determined by the Division of Medicaid, and those
360 individuals determined eligible shall receive Medicare

361 cost-sharing expenses only as more fully defined by the Medicare
362 Catastrophic Coverage Act of 1988 and the Balanced Budget Act of
363 1997.

364 (13) (a) Individuals who are entitled to Medicare Part
365 A as defined in Section 4501 of the Omnibus Budget Reconciliation
366 Act of 1990, and whose income does not exceed one hundred twenty
367 percent (120%) of the nonfarm official poverty level as defined by
368 the Office of Management and Budget and revised annually.
369 Eligibility for Medicaid benefits is limited to full payment of
370 Medicare Part B premiums.

371 (b) Individuals entitled to Part A of Medicare,
372 with income above one hundred twenty percent (120%), but less than
373 one hundred thirty-five percent (135%) of the federal poverty
374 level, and not otherwise eligible for Medicaid Eligibility for
375 Medicaid benefits is limited to full payment of Medicare Part B
376 premiums. The number of eligible individuals is limited by the
377 availability of the federal capped allocation at one hundred
378 percent (100%) of federal matching funds, as more fully defined in
379 the Balanced Budget Act of 1997.

380 The eligibility of individuals covered under this paragraph
381 shall be determined by the Division of Medicaid.

382 (14) [Deleted]

383 (15) Disabled workers who are eligible to enroll in
384 Part A Medicare as required by Public Law 101-239, known as the
385 Omnibus Budget Reconciliation Act of 1989, and whose income does
386 not exceed two hundred percent (200%) of the federal poverty level
387 as determined in accordance with the Supplemental Security Income
388 (SSI) program. The eligibility of individuals covered under this
389 paragraph shall be determined by the Division of Medicaid and
390 those individuals shall be entitled to buy-in coverage of Medicare
391 Part A premiums only under the provisions of this paragraph (15).

392 (16) In accordance with the terms and conditions of
393 approved Title XIX waiver from the United States Department of

394 Health and Human Services, persons provided home- and
395 community-based services who are physically disabled and certified
396 by the Division of Medicaid as eligible due to applying the income
397 and deeming requirements as if they were institutionalized.

398 (17) In accordance with the terms of the federal
399 Personal Responsibility and Work Opportunity Reconciliation Act of
400 1996 (Public Law 104-193), persons who become ineligible for
401 assistance under Title IV-A of the federal Social Security Act, as
402 amended, because of increased income from or hours of employment
403 of the caretaker relative or because of the expiration of the
404 applicable earned income disregards, who were eligible for
405 Medicaid for at least three (3) of the six (6) months preceding
406 the month in which the ineligibility begins, shall be eligible for
407 Medicaid for up to twelve (12) months. The eligibility of the
408 individuals covered under this paragraph shall be determined by
409 the division.

410 (18) Persons who become ineligible for assistance under
411 Title IV-A of the federal Social Security Act, as amended, as a
412 result, in whole or in part, of the collection or increased
413 collection of child or spousal support under Title IV-D of the
414 federal Social Security Act, as amended, who were eligible for
415 Medicaid for at least three (3) of the six (6) months immediately
416 preceding the month in which the ineligibility begins, shall be
417 eligible for Medicaid for an additional four (4) months beginning
418 with the month in which the ineligibility begins. The eligibility
419 of the individuals covered under this paragraph shall be
420 determined by the division.

421 (19) Disabled workers, whose incomes are above the
422 Medicaid eligibility limits, but below two hundred fifty percent
423 (250%) of the federal poverty level, shall be allowed to purchase
424 Medicaid coverage on a sliding fee scale developed by the Division
425 of Medicaid.

426 (20) Medicaid eligible children under age eighteen (18)
427 shall remain eligible for Medicaid benefits until the end of a
428 period of twelve (12) months following an eligibility
429 determination, or until such time that the individual exceeds age
430 eighteen (18).

431 (21) Women of childbearing age whose family income does
432 not exceed one hundred eighty-five percent (185%) of the federal
433 poverty level. The eligibility of individuals covered under this
434 paragraph (21) shall be determined by the Division of Medicaid,
435 and those individuals determined eligible shall only receive
436 family planning services covered under Section 43-13-117(13) and
437 not any other services covered under Medicaid. However, any
438 individual eligible under this paragraph (21) who is also eligible
439 under any other provision of this section shall receive the
440 benefits to which he or she is entitled under that other
441 provision, in addition to family planning services covered under
442 Section 43-13-117(13).

443 The Division of Medicaid shall apply to the United States
444 Secretary of Health and Human Services for a federal waiver of the
445 applicable provisions of Title XIX of the federal Social Security
446 Act, as amended, and any other applicable provisions of federal
447 law as necessary to allow for the implementation of this paragraph
448 (21). The provisions of this paragraph (21) shall be implemented
449 from and after the date that the Division of Medicaid receives the
450 federal waiver.

451 (22) Persons who are workers with a potentially severe
452 disability, as determined by the division, shall be allowed to
453 purchase Medicaid coverage. The term "worker with a potentially
454 severe disability" means a person who is at least sixteen (16)
455 years of age but under sixty-five (65) years of age, who has a
456 physical or mental impairment that is reasonably expected to cause
457 the person to become blind or disabled as defined under Section
458 1614(a) of the federal Social Security Act, as amended, if the

459 person does not receive items and services provided under
460 Medicaid.

461 The eligibility of persons under this paragraph (22) shall be
462 conducted as a demonstration project that is consistent with
463 Section 204 of the Ticket to Work and Work Incentives Improvement
464 Act of 1999, Public Law 106-170, for a certain number of persons
465 as specified by the division. The eligibility of individuals
466 covered under this paragraph (22) shall be determined by the
467 Division of Medicaid.

468 (23) Children certified by the Mississippi Department
469 of Human Services for whom the state and county departments of
470 human services have custody and financial responsibility who are
471 in foster care on their eighteenth birthday as reported by the
472 Mississippi Department of Human Services shall be certified
473 Medicaid eligible by the Division of Medicaid until their
474 twenty-first birthday.

475 (24) Individuals who have not attained age sixty-five
476 (65), are not otherwise covered by creditable coverage as defined
477 in the Public Health Services Act, and have been screened for
478 breast and cervical cancer under the Centers for Disease Control
479 and Prevention Breast and Cervical Cancer Early Detection Program
480 established under Title XV of the Public Health Service Act in
481 accordance with the requirements of that act and who need
482 treatment for breast or cervical cancer. Eligibility of
483 individuals under this paragraph (24) shall be determined by the
484 Division of Medicaid.

485 * * *

486 The division shall redetermine eligibility for all categories
487 of recipients described in each paragraph of this section not less
488 frequently than required by federal law.

489 **SECTION 7.** The provisions of this act are not severable. If
490 any section, paragraph or other provision of this act is declared
491 by a court of competent jurisdiction to be unconstitutional or

492 void, or if for any reason is declared by a court of competent
493 jurisdiction to be invalid or of no effect, the remaining
494 sections, paragraphs and provisions of this act also shall be void
495 and of no effect.

496 **SECTION 8.** This act shall take effect and be in force from
497 and after July 1, 2004.