

By: Senator(s) Nunnelee

To: Public Health and  
Welfare; Appropriations

SENATE BILL NO. 2540

1 AN ACT TO AMEND SECTION 41-86-15, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THAT ANY CUSTODIAL PARENT OF A CHILD ENTITLED TO CHILD  
3 SUPPORT WHO APPLIES TO THE CHILDREN'S HEALTH INSURANCE PROGRAM  
4 (CHIP) SHALL APPLY TO THE DEPARTMENT OF HUMAN SERVICES CHILD  
5 SUPPORT UNIT FOR PATERNITY OR CHILD SUPPORT ASSISTANCE; AND FOR  
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 41-86-15, Mississippi Code of 1972, is  
9 amended as follows:

10 41-86-15. (1) Persons eligible to receive covered benefits  
11 under Sections 41-86-5 through 41-86-17 shall be low-income  
12 children who meet the eligibility standards set forth in the plan.  
13 Any person who is eligible for benefits under the Mississippi  
14 Medicaid Law, Section 43-13-101 et seq., shall not be eligible to  
15 receive benefits under Sections 41-86-5 through 41-86-17. A  
16 person who is without insurance coverage at the time of  
17 application for the program and who meets the other eligibility  
18 criteria in the plan shall be eligible to receive covered benefits  
19 under the program, if federal approval is obtained to allow  
20 eligibility with no waiting period of being without insurance  
21 coverage. If federal approval is not obtained for the preceding  
22 provision, the Division of Medicaid shall seek federal approval to  
23 allow eligibility after the shortest waiting period of being  
24 without insurance coverage for which approval can be obtained.  
25 After federal approval is obtained to allow eligibility after a  
26 certain waiting period of being without insurance coverage, a  
27 person who has been without insurance coverage for the approved  
28 waiting period and who meets the other eligibility criteria in the  
29 plan shall be eligible to receive covered benefits under the

30 program. If the plan includes any waiting period of being without  
31 insurance coverage before eligibility, the State and School  
32 Employees Health Insurance Management Board shall adopt  
33 regulations to provide exceptions to the waiting period for  
34 families who have lost insurance coverage for good cause or  
35 through no fault of their own.

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

40 (3) Any custodial parent of a child who may be entitled to  
41 child support from the noncustodial parent who applies to the  
42 program for benefits or who is currently a recipient of covered  
43 benefits shall cooperate with the Division of Child Support  
44 Enforcement to establish paternity or obtain child support. When  
45 the Division of Medicaid obtains the name of the biological  
46 noncustodial parent from the applicant or recipient, the division  
47 shall refer the case to the Division of Child Support Enforcement  
48 in the Department of Human Services. In the absence of such  
49 cooperation as the Division of Child Support Enforcement shall  
50 require, the applicant or recipient shall become eligible. Once a  
51 court order for child support and/or health insurance is  
52 established, and health insurance is not available to either  
53 parent at reasonable cost, the noncustodial parent shall be  
54 required to reimburse the program for the cost of premiums for  
55 covered benefits by payment or wage withholdings sent to the  
56 Division of Child Support Enforcement's Central Receiving and  
57 Disbursement Unit.

58 **SECTION 2.** This act shall take effect and be in force from  
59 and after July 1, 2006.