

By: Representatives Scott (80th), Bailey,
Banks, Blackmon, Broomfield, Clark, Evans,
Gibbs, Middleton, Myers, Smith (27th),
Thomas, Thornton, Wallace, Watson

To: Public Health and
Welfare;
Appropriations

HOUSE BILL NO. 1401

1 AN ACT TO AMEND SECTION 43-13-115, MISSISSIPPI CODE OF 1972,
2 TO ESTABLISH BUY-IN ELIGIBILITY FOR DISABLED PERSONS; AND FOR
3 RELATED PURPOSES.

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

5 SECTION 1. Section 43-13-115, Mississippi Code of 1972, is
6 amended as follows:

7 43-13-115. Recipients of medical assistance shall be the
8 following persons only:

9 (1) Who are qualified for public assistance grants under
10 provisions of Title IV-A and E of the federal Social Security Act,
11 as amended, including those statutorily deemed to be IV-A as
12 determined by the State Department of Human Services and certified
13 to the Division of Medicaid, but not optional groups unless
14 otherwise specifically covered in this section. For the purposes
15 of this paragraph (1) and paragraphs (3), (4), (8), (14), (17) and
16 (18) of this section, any reference to Title IV-A or to Part A of
17 Title IV of the federal Social Security Act, as amended, or the
18 state plan under Title IV-A or Part A of Title IV, shall be
19 considered as a reference to Title IV-A of the federal Social
20 Security Act, as amended, and the state plan under Title IV-A,
21 including the income and resource standards and methodologies
22 under Title IV-A and the state plan, as they existed on July 16,
23 1996.

24 (2) Those qualified for Supplemental Security Income (SSI)
25 benefits under Title XVI of the federal Social Security Act, as
26 amended. The eligibility of individuals covered in this paragraph
27 shall be determined by the Social Security Administration and

28 certified to the Division of Medicaid.

29 (3) Qualified pregnant women as defined in Section 1905(n)
30 of the federal Social Security Act, as amended, and as determined
31 to be eligible by the State Department of Human Services and
32 certified to the Division of Medicaid, who:

33 (a) Would be eligible for assistance under Part A of
34 Title IV (or would be eligible for such assistance if coverage
35 under the state plan under Part A of Title IV included
36 assistance * * * pursuant to Section 407 of Title IV-A of the
37 federal Social Security Act, as amended) if her child had been
38 born and was living with her in the month such assistance would be
39 paid, and such pregnancy has been medically verified; or

40 (b) Is a member of a family which would be eligible
41 for assistance under the state plan under Part A of Title IV of
42 the federal Social Security Act, as amended, pursuant to Section
43 407 if the plan required the payment of assistance pursuant to
44 such section.

45 (4) Qualified children who are under five (5) years of age,
46 who were born after September 30, 1983, and who meet the income
47 and resource requirements of the state plan under Part A of Title
48 IV of the federal Social Security Act, as amended. The
49 eligibility of individuals covered in this paragraph shall be
50 determined by the State Department of Human Services and certified
51 to the Division of Medicaid.

52 (5) A child born on or after October 1, 1984, to a woman
53 eligible for and receiving medical assistance under the state plan
54 on the date of the child's birth shall be deemed to have applied
55 for medical assistance and to have been found eligible for such
56 assistance under such plan on the date of such birth and will
57 remain eligible for such assistance for a period of one (1) year
58 so long as the child is a member of the woman's household and the
59 woman remains eligible for such assistance or would be eligible
60 for assistance if pregnant. The eligibility of individuals
61 covered in this paragraph shall be determined by the State
62 Department of Human Services and certified to the Division of
63 Medicaid.

64 (6) Children certified by the State Department of Human
65 Services to the Division of Medicaid of whom the state and county

66 human services agency has custody and financial responsibility,
67 and children who are in adoptions subsidized in full or part by
68 the Department of Human Services, who are approvable under Title
69 XIX of the Medicaid program.

70 (7) (a) Persons certified by the Division of Medicaid who
71 are patients in a medical facility (nursing home, hospital,
72 tuberculosis sanatorium or institution for treatment of mental
73 diseases), and who, except for the fact that they are patients in
74 such medical facility, would qualify for grants under Title IV,
75 supplementary security income benefits under Title XVI or state
76 supplements, and those aged, blind and disabled persons who would
77 not be eligible for supplemental security income benefits under
78 Title XVI or state supplements if they were not institutionalized
79 in a medical facility but whose income is below the maximum
80 standard set by the Division of Medicaid, which standard shall not
81 exceed that prescribed by federal regulation;

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

86 (8) Children under eighteen (18) years of age and pregnant
87 women (including those in intact families) who meet the financial
88 standards of the state plan approved under Title IV-A of the
89 federal Social Security Act, as amended. The eligibility of
90 children covered under this paragraph shall be determined by the
91 State Department of Human Services and certified to the Division
92 of Medicaid.

93 (9) Individuals who are:

94 (a) Children born after September 30, 1983, who have
95 not attained the age of nineteen (19), with family income that
96 does not exceed one hundred percent (100%) of the nonfarm official
97 poverty line;

98 (b) Pregnant women, infants and children who have not
99 attained the age of six (6), with family income that does not

100 exceed one hundred thirty-three percent (133%) of the federal
101 poverty level; and

102 (c) Pregnant women and infants who have not attained
103 the age of one (1), with family income that does not exceed one
104 hundred eighty-five percent (185%) of the federal poverty level.

105 The eligibility of individuals covered in (a), (b) and (c) of
106 this paragraph shall be determined by the Department of Human
107 Services.

108 (10) Certain disabled children age eighteen (18) or under
109 who are living at home, who would be eligible, if in a medical
110 institution, for SSI or a state supplemental payment under Title
111 XVI of the federal Social Security Act, as amended, and therefore
112 for Medicaid under the plan, and for whom the state has made a
113 determination as required under Section 1902(e)(3)(b) of the
114 federal Social Security Act, as amended. The eligibility of
115 individuals under this paragraph shall be determined by the
116 Division of Medicaid.

117 (11) Individuals who are sixty-five (65) years of age or
118 older or are disabled as determined under Section 1614(a)(3) of
119 the federal Social Security Act, as amended, and who meet the
120 following criteria:

121 (a) Whose income does not exceed one hundred percent
122 (100%) of the nonfarm official poverty line as defined by the
123 Office of Management and Budget and revised annually.

124 (b) Whose resources do not exceed those allowed under
125 the Supplemental Security Income (SSI) program.

126 The eligibility of individuals covered under this paragraph
127 shall be determined by the Division of Medicaid, and such
128 individuals determined eligible shall receive the same Medicaid
129 services as other categorical eligible individuals.

130 (12) Individuals who are qualified Medicare beneficiaries
131 (QMB) entitled to Part A Medicare as defined under Section 301,
132 Public Law 100-360, known as the Medicare Catastrophic Coverage
133 Act of 1988, and who meet the following criteria:

134 (a) Whose income does not exceed one hundred percent
135 (100%) of the nonfarm official poverty line as defined by the
136 Office of Management and Budget and revised annually.

137 (b) Whose resources do not exceed two hundred percent
138 (200%) of the amount allowed under the Supplemental Security
139 Income (SSI) program as more fully prescribed under Section 301,
140 Public Law 100-360.

141 The eligibility of individuals covered under this paragraph
142 shall be determined by the Division of Medicaid, and such
143 individuals determined eligible shall receive Medicare
144 cost-sharing expenses only as more fully defined by the Medicare
145 Catastrophic Coverage Act of 1988.

146 (13) Individuals who are entitled to Medicare Part B as
147 defined in Section 4501 of the Omnibus Budget Reconciliation Act
148 of 1990, and who meet the following criteria:

149 (a) Whose income does not exceed the percentage of the
150 nonfarm official poverty line as defined by the Office of
151 Management and Budget and revised annually which, on or after:

152 (i) January 1, 1993, is one hundred ten percent
153 (110%); and

154 (ii) January 1, 1995, is one hundred twenty
155 percent (120%).

156 (b) Whose resources do not exceed two hundred percent
157 (200%) of the amount allowed under the Supplemental Security
158 Income (SSI) program as described in Section 301 of the Medicare
159 Catastrophic Coverage Act of 1988.

160 The eligibility of individuals covered under this paragraph
161 shall be determined by the Division of Medicaid, and such
162 individuals determined eligible shall receive Medicare cost
163 sharing.

164 (14) * * * Individuals in families who would be eligible for
165 the unemployed parent program under Section 407 of Title IV-A of
166 the federal Social Security Act, as amended but do not receive
167 payments pursuant to that section. The eligibility of individuals

168 covered in this paragraph shall be determined by the Department of
169 Human Services.

170 (15) Disabled workers who are eligible to enroll in Part A
171 Medicare as required by Public Law 101-239, known as the Omnibus
172 Budget Reconciliation Act of 1989, and whose income does not
173 exceed two hundred percent (200%) of the federal poverty level as
174 determined in accordance with the Supplemental Security Income
175 (SSI) program. The eligibility of individuals covered under this
176 paragraph shall be determined by the Division of Medicaid and such
177 individuals shall be entitled to buy-in coverage of Medicare Part
178 A premiums only under the provisions of this paragraph (15).

179 (16) In accordance with the terms and conditions of approved
180 Title XIX waiver from the United States Department of Health and
181 Human Services, persons provided home- and community-based
182 services who are physically disabled and certified by the Division
183 of Medicaid as eligible due to applying the income and deeming
184 requirements as if they were institutionalized.

185 (17) In accordance with the terms of the federal Personal
186 Responsibility and Work Opportunity Reconciliation Act of 1996
187 (Public Law 104-193), persons who become ineligible for assistance
188 under Title IV-A of the federal Social Security Act, as amended
189 because of increased income from or hours of employment of the
190 caretaker relative or because of the expiration of the applicable
191 earned income disregards, who were eligible for Medicaid for at
192 least three (3) of the six (6) months preceding the month in which
193 such ineligibility begins, shall be eligible for Medicaid
194 assistance for up to twenty-four (24) months; however, Medicaid
195 assistance for more than twelve (12) months may be provided only
196 if a federal waiver is obtained to provide such assistance for
197 more than twelve (12) months and federal and state funds are
198 available to provide such assistance.

199 (18) Persons who become ineligible for assistance under
200 Title IV-A of the federal Social Security Act, as amended, as a
201 result, in whole or in part, of the collection or increased

202 collection of child or spousal support under Title IV-D of the
203 federal Social Security Act, as amended, who were eligible for
204 Medicaid for at least three (3) of the six (6) months immediately
205 preceding the month in which such ineligibility begins, shall be
206 eligible for Medicaid for an additional four (4) months beginning
207 with the month in which such ineligibility begins.

208 (19) Disabled persons whose incomes are above the Medicaid
209 eligibility limits, but below two hundred fifty percent (250%) of
210 the federal poverty level, shall be allowed to purchase Medicaid
211 coverage on a sliding fee scale developed by the Division of
212 Medicaid.

213 SECTION 2. This act shall take effect and be in force from
214 and after July 1, 1999.