

FIRST REGULAR SESSION

# SENATE BILL NO. 295

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Read 1st time January 22, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1493S.011

## AN ACT

To repeal section 208.151, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet eligibility income limits for elderly and disabled persons.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 208.151, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 208.151, to read as follows:

208.151. 1. Medical assistance on behalf of needy persons shall be known  
2 as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to  
3 comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social  
4 Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy  
5 persons shall be eligible to receive MO HealthNet benefits to the extent and in  
6 the manner hereinafter provided:

7 (1) All participants receiving state supplemental payments for the aged,  
8 blind and disabled;

9 (2) All participants receiving aid to families with dependent children  
10 benefits, including all persons under nineteen years of age who would be  
11 classified as dependent children except for the requirements of subdivision (1) of  
12 subsection 1 of section 208.040. Participants eligible under this subdivision who  
13 are participating in drug court, as defined in section 478.001, shall have their  
14 eligibility automatically extended sixty days from the time their dependent child  
15 is removed from the custody of the participant, subject to approval of the Centers  
16 for Medicare and Medicaid Services;

17 (3) All participants receiving blind pension benefits;

18 (4) All persons who would be determined to be eligible for old age  
19 assistance benefits, permanent and total disability benefits, or aid to the blind

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 benefits under the eligibility standards in effect December 31, 1973, or less  
21 restrictive standards as established by rule of the family support division, who  
22 are sixty-five years of age or over and are patients in state institutions for mental  
23 diseases or tuberculosis;

24 (5) All persons under the age of twenty-one years who would be eligible  
25 for aid to families with dependent children except for the requirements of  
26 subdivision (2) of subsection 1 of section 208.040, and who are residing in an  
27 intermediate care facility, or receiving active treatment as inpatients in  
28 psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

29 (6) All persons under the age of twenty-one years who would be eligible  
30 for aid to families with dependent children benefits except for the requirement of  
31 deprivation of parental support as provided for in subdivision (2) of subsection 1  
32 of section 208.040;

33 (7) All persons eligible to receive nursing care benefits;

34 (8) All participants receiving family foster home or nonprofit private  
35 child-care institution care, subsidized adoption benefits and parental school care  
36 wherein state funds are used as partial or full payment for such care;

37 (9) All persons who were participants receiving old age assistance  
38 benefits, aid to the permanently and totally disabled, or aid to the blind benefits  
39 on December 31, 1973, and who continue to meet the eligibility requirements,  
40 except income, for these assistance categories, but who are no longer receiving  
41 such benefits because of the implementation of Title XVI of the federal Social  
42 Security Act, as amended;

43 (10) Pregnant women who meet the requirements for aid to families with  
44 dependent children, except for the existence of a dependent child in the home;

45 (11) Pregnant women who meet the requirements for aid to families with  
46 dependent children, except for the existence of a dependent child who is deprived  
47 of parental support as provided for in subdivision (2) of subsection 1 of section  
48 208.040;

49 (12) Pregnant women or infants under one year of age, or both, whose  
50 family income does not exceed an income eligibility standard equal to one  
51 hundred eighty-five percent of the federal poverty level as established and  
52 amended by the federal Department of Health and Human Services, or its  
53 successor agency;

54 (13) Children who have attained one year of age but have not attained six  
55 years of age who are eligible for medical assistance under 6401 of P.L. 101-239

56 (Omnibus Budget Reconciliation Act of 1989). The family support division shall  
57 use an income eligibility standard equal to one hundred thirty-three percent of  
58 the federal poverty level established by the Department of Health and Human  
59 Services, or its successor agency;

60 (14) Children who have attained six years of age but have not attained  
61 nineteen years of age. For children who have attained six years of age but have  
62 not attained nineteen years of age, the family support division shall use an  
63 income assessment methodology which provides for eligibility when family income  
64 is equal to or less than equal to one hundred percent of the federal poverty level  
65 established by the Department of Health and Human Services, or its successor  
66 agency. As necessary to provide MO HealthNet coverage under this subdivision,  
67 the department of social services may revise the state MO HealthNet plan to  
68 extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have  
69 attained six years of age but have not attained nineteen years of age as permitted  
70 by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income  
71 assessment methodology as authorized by paragraph (2) of subsection (r) of 42  
72 U.S.C. 1396a;

73 (15) The family support division shall not establish a resource eligibility  
74 standard in assessing eligibility for persons under subdivision (12), (13) or (14)  
75 of this subsection. The MO HealthNet division shall define the amount and scope  
76 of benefits which are available to individuals eligible under each of the  
77 subdivisions (12), (13), and (14) of this subsection, in accordance with the  
78 requirements of federal law and regulations promulgated thereunder;

79 (16) Notwithstanding any other provisions of law to the contrary,  
80 ambulatory prenatal care shall be made available to pregnant women during a  
81 period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as  
82 amended;

83 (17) A child born to a woman eligible for and receiving MO HealthNet  
84 benefits under this section on the date of the child's birth shall be deemed to have  
85 applied for MO HealthNet benefits and to have been found eligible for such  
86 assistance under such plan on the date of such birth and to remain eligible for  
87 such assistance for a period of time determined in accordance with applicable  
88 federal and state law and regulations so long as the child is a member of the  
89 woman's household and either the woman remains eligible for such assistance or  
90 for children born on or after January 1, 1991, the woman would remain eligible  
91 for such assistance if she were still pregnant. Upon notification of such child's

92 birth, the family support division shall assign a MO HealthNet eligibility  
93 identification number to the child so that claims may be submitted and paid  
94 under such child's identification number;

95 (18) Pregnant women and children eligible for MO HealthNet benefits  
96 pursuant to subdivision (12), (13) or (14) of this subsection shall not as a  
97 condition of eligibility for MO HealthNet benefits be required to apply for aid to  
98 families with dependent children. The family support division shall utilize an  
99 application for eligibility for such persons which eliminates information  
100 requirements other than those necessary to apply for MO HealthNet  
101 benefits. The division shall provide such application forms to applicants whose  
102 preliminary income information indicates that they are ineligible for aid to  
103 families with dependent children. Applicants for MO HealthNet benefits under  
104 subdivision (12), (13) or (14) of this subsection shall be informed of the aid to  
105 families with dependent children program and that they are entitled to apply for  
106 such benefits. Any forms utilized by the family support division for assessing  
107 eligibility under this chapter shall be as simple as practicable;

108 (19) Subject to appropriations necessary to recruit and train such staff,  
109 the family support division shall provide one or more full-time, permanent  
110 eligibility specialists to process applications for MO HealthNet benefits at the site  
111 of a health care provider, if the health care provider requests the placement of  
112 such eligibility specialists and reimburses the division for the expenses including  
113 but not limited to salaries, benefits, travel, training, telephone, supplies, and  
114 equipment of such eligibility specialists. The division may provide a health care  
115 provider with a part-time or temporary eligibility specialist at the site of a health  
116 care provider if the health care provider requests the placement of such an  
117 eligibility specialist and reimburses the division for the expenses, including but  
118 not limited to the salary, benefits, travel, training, telephone, supplies, and  
119 equipment, of such an eligibility specialist. The division may seek to employ such  
120 eligibility specialists who are otherwise qualified for such positions and who are  
121 current or former welfare participants. The division may consider training such  
122 current or former welfare participants as eligibility specialists for this program;

123 (20) Pregnant women who are eligible for, have applied for and have  
124 received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this  
125 subsection shall continue to be considered eligible for all pregnancy-related and  
126 postpartum MO HealthNet benefits provided under section 208.152 until the end  
127 of the sixty-day period beginning on the last day of their pregnancy;

128           (21) Case management services for pregnant women and young children  
129 at risk shall be a covered service. To the greatest extent possible, and in  
130 compliance with federal law and regulations, the department of health and senior  
131 services shall provide case management services to pregnant women by contract  
132 or agreement with the department of social services through local health  
133 departments organized under the provisions of chapter 192 or chapter 205 or a  
134 city health department operated under a city charter or a combined city-county  
135 health department or other department of health and senior services designees.  
136 To the greatest extent possible the department of social services and the  
137 department of health and senior services shall mutually coordinate all services  
138 for pregnant women and children with the crippled children's program, the  
139 prevention of intellectual disability and developmental disability program and the  
140 prenatal care program administered by the department of health and senior  
141 services. The department of social services shall by regulation establish the  
142 methodology for reimbursement for case management services provided by the  
143 department of health and senior services. For purposes of this section, the term  
144 "case management" shall mean those activities of local public health personnel  
145 to identify prospective MO HealthNet-eligible high-risk mothers and enroll them  
146 in the state's MO HealthNet program, refer them to local physicians or local  
147 health departments who provide prenatal care under physician protocol and who  
148 participate in the MO HealthNet program for prenatal care and to ensure that  
149 said high-risk mothers receive support from all private and public programs for  
150 which they are eligible and shall not include involvement in any MO HealthNet  
151 prepaid, case-managed programs;

152           (22) By January 1, 1988, the department of social services and the  
153 department of health and senior services shall study all significant aspects of  
154 presumptive eligibility for pregnant women and submit a joint report on the  
155 subject, including projected costs and the time needed for implementation, to the  
156 general assembly. The department of social services, at the direction of the  
157 general assembly, may implement presumptive eligibility by regulation  
158 promulgated pursuant to chapter 207;

159           (23) All participants who would be eligible for aid to families with  
160 dependent children benefits except for the requirements of paragraph (d) of  
161 subdivision (1) of section 208.150;

162           (24) (a) All persons who would be determined to be eligible for old age  
163 assistance benefits under the eligibility standards in effect December 31, 1973,

164 as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as  
165 contained in the MO HealthNet state plan as of January 1, 2005; except that[, on  
166 or after July 1, 2005, less restrictive income methodologies, as authorized in 42  
167 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized  
168 by annual appropriation] **less restrictive income methodologies, as**  
169 **authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the**  
170 **income limit to one hundred percent of the federal poverty level;**

171 (b) All persons who would be determined to be eligible for aid to the blind  
172 benefits under the eligibility standards in effect December 31, 1973, as authorized  
173 by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the  
174 MO HealthNet state plan as of January 1, 2005, except that less restrictive  
175 income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be  
176 used to raise the income limit to one hundred percent of the federal poverty level;

177 (c) All persons who would be determined to be eligible for permanent and  
178 total disability benefits under the eligibility standards in effect December 31,  
179 1973, as authorized by 42 U.S.C. 1396a(f); or less restrictive methodologies as  
180 contained in the MO HealthNet state plan as of January 1, 2005; except that[, on  
181 or after July 1, 2005, less restrictive income methodologies, as authorized in 42  
182 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized  
183 by annual appropriations] **less restrictive income methodologies, as**  
184 **authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the**  
185 **income limit to one hundred percent of the federal poverty**  
186 **level.** Eligibility standards for permanent and total disability benefits shall not  
187 be limited by age;

188 (25) Persons who have been diagnosed with breast or cervical cancer and  
189 who are eligible for coverage pursuant to 42 U.S.C. 1396a  
190 (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of  
191 presumptive eligibility in accordance with 42 U.S.C. 1396r-1;

192 (26) Effective August 28, 2013, persons who are in foster care under the  
193 responsibility of the state of Missouri on the date such persons attain the age of  
194 eighteen years, or at any time during the thirty-day period preceding their  
195 eighteenth birthday, without regard to income or assets, if such persons:

196 (a) Are under twenty-six years of age;

197 (b) Are not eligible for coverage under another mandatory coverage group;

198 and

199 (c) Were covered by Medicaid while they were in foster care.

200           2. Rules and regulations to implement this section shall be promulgated  
201 in accordance with chapter 536. Any rule or portion of a rule, as that term is  
202 defined in section 536.010, that is created under the authority delegated in this  
203 section shall become effective only if it complies with and is subject to all of the  
204 provisions of chapter 536 and, if applicable, section 536.028. This section and  
205 chapter 536 are nonseverable and if any of the powers vested with the general  
206 assembly pursuant to chapter 536 to review, to delay the effective date or to  
207 disapprove and annul a rule are subsequently held unconstitutional, then the  
208 grant of rulemaking authority and any rule proposed or adopted after August 28,  
209 2002, shall be invalid and void.

210           3. After December 31, 1973, and before April 1, 1990, any family eligible  
211 for assistance pursuant to 42 U.S.C. 601, et seq., as amended, in at least three  
212 of the last six months immediately preceding the month in which such family  
213 became ineligible for such assistance because of increased income from  
214 employment shall, while a member of such family is employed, remain eligible for  
215 MO HealthNet benefits for four calendar months following the month in which  
216 such family would otherwise be determined to be ineligible for such assistance  
217 because of income and resource limitation. After April 1, 1990, any family  
218 receiving aid pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of  
219 the six months immediately preceding the month in which such family becomes  
220 ineligible for such aid, because of hours of employment or income from  
221 employment of the caretaker relative, shall remain eligible for MO HealthNet  
222 benefits for six calendar months following the month of such ineligibility as long  
223 as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family  
224 which has received such medical assistance during the entire six-month period  
225 described in this section and which meets reporting requirements and income  
226 tests established by the division and continues to include a child as provided in  
227 42 U.S.C. 1396r-6 shall receive MO HealthNet benefits without fee for an  
228 additional six months. The MO HealthNet division may provide by rule and as  
229 authorized by annual appropriation the scope of MO HealthNet coverage to be  
230 granted to such families.

231           4. When any individual has been determined to be eligible for MO  
232 HealthNet benefits, such medical assistance will be made available to him or her  
233 for care and services furnished in or after the third month before the month in  
234 which he made application for such assistance if such individual was, or upon  
235 application would have been, eligible for such assistance at the time such care

236 and services were furnished; provided, further, that such medical expenses  
237 remain unpaid.

238           5. The department of social services may apply to the federal Department  
239 of Health and Human Services for a MO HealthNet waiver amendment to the  
240 Section 1115 demonstration waiver or for any additional MO HealthNet waivers  
241 necessary not to exceed one million dollars in additional costs to the state, unless  
242 subject to appropriation or directed by statute, but in no event shall such waiver  
243 applications or amendments seek to waive the services of a rural health clinic or  
244 a federally qualified health center as defined in 42 U.S.C. 1396d(l)(1) and (2) or  
245 the payment requirements for such clinics and centers as provided in 42 U.S.C.  
246 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the  
247 oversight committee created in section 208.955. A request for such a waiver so  
248 submitted shall only become effective by executive order not sooner than ninety  
249 days after the final adjournment of the session of the general assembly to which  
250 it is submitted, unless it is disapproved within sixty days of its submission to a  
251 regular session by a senate or house resolution adopted by a majority vote of the  
252 respective elected members thereof, unless the request for such a waiver is made  
253 subject to appropriation or directed by statute.

254           6. Notwithstanding any other provision of law to the contrary, in any  
255 given fiscal year, any persons made eligible for MO HealthNet benefits under  
256 subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if  
257 annual appropriations are made for such eligibility. This subsection shall not  
258 apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(i).

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