

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 699

AN ACT

To repeal section 208.146, RSMo, and to enact in lieu thereof one new section relating to the ticket to work health assurance program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Section 208.146, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 208.146,
3 to read as follows:

4 208.146. 1. The program established under this section
5 shall be known as the "Ticket to Work Health Assurance Program".
6 Subject to appropriations and in accordance with the federal
7 Ticket to Work and Work Incentives Improvement Act of 1999
8 (TWWIIA), Public Law 106-170, the medical assistance provided for
9 in section 208.151 may be paid for a person who is employed and
10 who:

11 (1) Except for earnings, meets the definition of disabled
12 under the Supplemental Security Income Program or meets the
13 definition of an employed individual with a medically improved
14 disability under TWWIIA;

15 (2) Has earned income, as defined in subsection 2 of this
16 section;

17 (3) Meets the asset limits in subsection 3 of this section;
18 and

1 (4) Has [net] income, as defined in subsection 3 of this
2 section, that does not exceed [the limit for permanent and
3 totally disabled individuals to receive nonspenddown MO HealthNet
4 under subdivision (24) of subsection 1 of section 208.151; and

5 (5) Has a gross income of] two hundred fifty percent [or
6 less] of the federal poverty level, excluding any earned income
7 of the worker with a disability between two hundred fifty and
8 three hundred percent of the federal poverty level. [For
9 purposes of this subdivision, "gross income" includes all income
10 of the person and the person's spouse that would be considered in
11 determining MO HealthNet eligibility for permanent and totally
12 disabled individuals under subdivision (24) of subsection 1 of
13 section 208.151. Individuals with gross incomes in excess of one
14 hundred percent of the federal poverty level shall pay a premium
15 for participation in accordance with subsection 4 of this
16 section].

17 2. For income to be considered earned income for purposes
18 of this section, the department of social services shall document
19 that Medicare and Social Security taxes are withheld from such
20 income. Self-employed persons shall provide proof of payment of
21 Medicare and Social Security taxes for income to be considered
22 earned.

23 3. (1) For purposes of determining eligibility under this
24 section, the available asset limit and the definition of
25 available assets shall be the same as those used to determine MO
26 HealthNet eligibility for permanent and totally disabled
27 individuals under subdivision (24) of subsection 1 of section
28 208.151 except for:

1 (a) Medical savings accounts limited to deposits of earned
2 income and earnings on such income while a participant in the
3 program created under this section with a value not to exceed
4 five thousand dollars per year; [and]

5 (b) Independent living accounts limited to deposits of
6 earned income and earnings on such income while a participant in
7 the program created under this section with a value not to exceed
8 five thousand dollars per year. For purposes of this section, an
9 "independent living account" means an account established and
10 maintained to provide savings for transportation, housing, home
11 modification, and personal care services and assistive devices
12 associated with such person's disability; and

13 (c) Retirement accounts, including but not limited to,
14 individual accounts, 401(k) plans, 403(b) plans, Keogh plans, and
15 pension plans; provided, that income from such accounts be
16 calculated as income under subdivision (4) of subsection 1 of
17 this section.

18 (2) To determine [net] income, the following shall be
19 disregarded:

20 (a) [All earned income of the disabled worker;

21 (b)] The first [sixty-five dollars and one-half] fifty
22 thousand dollars of [the remaining] earned income of [a
23 nondisabled spouse's earned income] the person's spouse;

24 [(c)] (b) A twenty dollar standard deduction;

25 [(d)] (c) Health insurance premiums;

26 [(e)] (d) A seventy-five dollar a month standard deduction
27 for the disabled worker's dental and optical insurance when the
28 total dental and optical insurance premiums are less than

seventy-five dollars;

[(f)] (e) All Supplemental Security Income payments, and the first fifty dollars of SSDI payments;

[(g)] (f) A standard deduction for impairment-related employment expenses equal to one-half of the disabled worker's earned income.

4. Any person whose [gross] income exceeds one hundred percent of the federal poverty level shall pay a premium for participation in the medical assistance provided in this section. Such premium shall be:

(1) For a person whose [gross] income is more than one hundred percent but less than one hundred fifty percent of the federal poverty level, four percent of income at one hundred percent of the federal poverty level;

(2) For a person whose [gross] income equals or exceeds one hundred fifty percent but is less than two hundred percent of the federal poverty level, four percent of income at one hundred fifty percent of the federal poverty level;

(3) For a person whose [gross] income equals or exceeds two hundred percent but less than two hundred fifty percent of the federal poverty level, five percent of income at two hundred percent of the federal poverty level;

(4) For a person whose [gross] income equals or exceeds two hundred fifty percent up to and including three hundred percent of the federal poverty level, six percent of income at two hundred fifty percent of the federal poverty level.

5. Recipients of services through this program shall report any change in income or household size within ten days of the

1 occurrence of such change. An increase in premiums resulting
2 from a reported change in income or household size shall be
3 effective with the next premium invoice that is mailed to a
4 person after due process requirements have been met. A decrease
5 in premiums shall be effective the first day of the month
6 immediately following the month in which the change is reported.

7 6. If an eligible person's employer offers
8 employer-sponsored health insurance and the department of social
9 services determines that it is more cost effective, such person
10 shall participate in the employer-sponsored insurance. The
11 department shall pay such person's portion of the premiums,
12 co-payments, and any other costs associated with participation in
13 the employer-sponsored health insurance. If the department
14 elects to pay such person's employer-sponsored insurance costs
15 under this subsection, then the medical assistance provided under
16 this section shall be provided to an eligible person as a
17 secondary or supplemental policy to any employer-sponsored
18 benefits which may be available to such person and may only be
19 used for health care services not covered by the employer-
20 sponsored insurance.

21 7. The department shall provide to the general assembly an
22 annual report of the number of participants in the program, as
23 well as describe the outreach and education efforts to increase
24 awareness and enrollment in MO HealthNet buy-in for workers with
25 disabilities.

26 8. The department shall submit such state plan amendments
27 and waivers to the Centers for Medicare and Medicaid Services of
28 the federal Department of Health and Human Services as the

1 department determines are necessary to implement the provisions
2 of this section.

3 [7.] 9. The provisions of this section shall expire August
4 28, [2019] 2021.