FIRST REGULAR SESSION

PERFECTED

SENATE BILL NO. 514

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATTER.

Read 1st time February 28, 2019, and ordered printed.
Read 2nd time March 14, 2019, and referred to the Committee on Seniors, Families and Children.
Reported from the Committee April 4, 2019, with recommendation that the bill do pass.
Taken up for Perfection April 25, 2019. Bill declared Perfected and Ordered Printed.

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 208.151, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet benefits for persons in foster care.

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Section A. Section 208.151, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 208.151, to read as follows: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 as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

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

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

(3) All participants receiving blind pension benefits;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

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

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

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

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

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

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

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

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its
(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

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

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

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

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the
woman's household and either the woman remains eligible for such assistance or
for children born on or after January 1, 1991, the woman would remain eligible
for such assistance if she were still pregnant. Upon notification of such child's
birth, the family support division shall assign a MO HealthNet eligibility
identification number to the child so that claims may be submitted and paid
under such child's identification number;

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

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

(20) Pregnant women who are eligible for, have applied for and have
received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this
subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy. Pregnant women receiving substance abuse treatment within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for substance abuse treatment and mental health services for the treatment of substance abuse for no more than twelve additional months, as long as the woman remains adherent with treatment. The department of mental health and the department of social services shall seek any necessary waivers or state plan amendments from the Centers for Medicare and Medicaid Services and shall develop rules relating to treatment plan adherence. No later than fifteen months after receiving any necessary waiver, the department of mental health and the department of social services shall report to the house of representatives budget committee and the senate appropriations committee on the compliance with federal cost neutrality requirements;

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

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

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

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

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

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. Section
198 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of
199 presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;
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201 (26) [Effective August 28, 2013.] Persons who are in foster care under the
202 responsibility of the state of Missouri on the date such persons attained the age
203 of eighteen years, or at any time during the thirty-day period preceding their
204 eighteenth birthday, or persons who received foster care for at least six
205 months in another state, are residing in Missouri, and are at least
206 eighteen years of age, without regard to income or assets, if such persons:
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208 (a) Are under twenty-six years of age;
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210 (b) Are not eligible for coverage under another mandatory coverage group;
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214 (c) Were covered by Medicaid while they were in foster care.
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216 2. Rules and regulations to implement this section shall be promulgated
217 in accordance with chapter 536. Any rule or portion of a rule, as that term is
218 defined in section 536.010, that is created under the authority delegated in this
219 section shall become effective only if it complies with and is subject to all of the
220 provisions of chapter 536 and, if applicable, section 536.028. This section and
221 chapter 536 are nonseverable and if any of the powers vested with the general
222 assembly pursuant to chapter 536 to review, to delay the effective date or to
disapprove and annul a rule are subsequently held unconstitutional, then the
223 grant of rulemaking authority and any rule proposed or adopted after August 28,
224 2002, shall be invalid and void.
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226 3. After December 31, 1973, and before April 1, 1990, any family eligible
227 for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least
228 three of the last six months immediately preceding the month in which such
229 family became ineligible for such assistance because of increased income from
230 employment shall, while a member of such family is employed, remain eligible for
231 MO HealthNet benefits for four calendar months following the month in which
232 such family would otherwise be determined to be ineligible for such assistance
233 because of income and resource limitation. After April 1, 1990, any family
234 receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least
235 three of the six months immediately preceding the month in which such family
236 becomes ineligible for such aid, because of hours of employment or income from
237 employment of the caretaker relative, shall remain eligible for MO HealthNet
238 benefits for six calendar months following the month of such ineligibility as long
239 as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each
family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

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

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