

HOUSE BILL NO. 62

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE HAWKER

Introduced: 1/20/09

Referred: Health and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to eligibility requirements and premium requirements for medical**
2 **assistance coverage for children; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 SHORT TITLE. This Act may be known as the Denali Kid Care Accountability Act.

7 * **Sec. 2.** AS 47.07.020(b) is amended to read:

8 (b) In addition to the persons specified in (a) of this section, the following
9 optional groups of persons for whom the state may claim federal financial
10 participation are eligible for medical assistance:

11 (1) persons eligible for but not receiving assistance under any plan of
12 the state approved under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act,
13 Supplemental Security Income) or a federal program designated as the successor to the
14 aid to families with dependent children program;

1 (2) persons in a general hospital, skilled nursing facility, or
2 intermediate care facility, who, if they left the facility, would be eligible for assistance
3 under one of the federal programs specified in (1) of this subsection;

4 (3) persons under 21 years of age who are under supervision of the
5 department, for whom maintenance is being paid in whole or in part from public
6 funds, and who are in foster homes or private child-care institutions;

7 (4) aged, blind, or disabled persons, who, because they do not meet
8 income and resources requirements, do not receive supplemental security income
9 under 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act), and who do not
10 receive a mandatory state supplement, but who are eligible, or would be eligible if
11 they were not in a skilled nursing facility or intermediate care facility to receive an
12 optional state supplementary payment;

13 (5) persons under 21 years of age who are in an institution designated
14 as an intermediate care facility for the mentally retarded and who are financially
15 eligible as determined by the standards of the federal program designated as the
16 successor to the aid to families with dependent children program;

17 (6) persons in a medical or intermediate care facility whose income
18 while in the facility does not exceed \$1,656 a month but who would not be eligible for
19 an optional state supplementary payment if they left the hospital or other facility;

20 (7) persons under 21 years of age who are receiving active treatment in
21 a psychiatric hospital and who are financially eligible as determined by the standards
22 of the federal program designated as the successor to the aid to families with
23 dependent children program;

24 (8) persons under 21 years of age and not covered under (a) of this
25 section [,] who would be eligible for benefits under the federal program designated as
26 the successor to the aid to families with dependent children program, except that they
27 have the care and support of both their natural and adoptive parents;

28 (9) pregnant women not covered under (a) of this section and who
29 meet the income and resource requirements of the federal program designated as the
30 successor to the aid to families with dependent children program;

31 (10) persons under 21 years of age not covered under (a) of this section

1 who the department has determined cannot be placed for adoption without medical
 2 assistance because of a special need for medical or rehabilitative care and who the
 3 department has determined are hard-to-place children eligible for subsidy under
 4 AS 25.23.190 - 25.23.210;

5 (11) persons who can be considered under 42 U.S.C. 1396a(e)(3) (Title
 6 XIX, Social Security Act, Medical Assistance) to be individuals with respect to whom
 7 a supplemental security income is being paid under 42 U.S.C. 1381 - 1383c (Title
 8 XVI, Social Security Act) because they meet all of the following criteria:

9 (A) they are 18 years of age or younger and qualify as disabled
 10 individuals under 42 U.S.C. 1382c(a) (Title XVI, Social Security Act);

11 (B) the department has determined that

12 (i) they require a level of care provided in a hospital,
 13 nursing facility, or intermediate care facility for the mentally retarded;

14 (ii) it is appropriate to provide their care outside of an
 15 institution; and

16 (iii) the estimated amount that would be spent for
 17 medical assistance for their individual care outside an institution is not
 18 greater than the estimated amount that would otherwise be expended
 19 individually for medical assistance within an appropriate institution;

20 (C) if they were in a medical institution, they would be eligible
 21 for medical assistance under other provisions of this chapter; and

22 (D) home and community-based services under a waiver
 23 approved by the federal government are either not available to them under this
 24 chapter or would be inappropriate for them;

25 (12) disabled persons, as described in 42 U.S.C.
 26 1396a(a)(10)(A)(ii)(XIII), who are in families whose income, as determined under
 27 applicable federal regulations or guidelines, is less than 250 percent of the official
 28 poverty line applicable to a family of that size according to the United States
 29 Department of Health and Human Services, and who, but for earnings in excess of the
 30 limit established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be
 31 individuals with respect to whom a supplemental security income is being paid under

1 42 U.S.C. 1381 - 1383c; a person eligible for assistance under this paragraph who is
 2 not eligible under another provision of this section shall pay a premium or other cost-
 3 sharing charges according to a sliding fee scale that is based on income as established
 4 by the department in regulations;

5 (13) persons under 19 years of age who are not covered under (a) of
 6 this section and whose household income does not exceed 175 percent of the federal
 7 poverty line as defined by the United States Department of Health and Human
 8 Services and revised under 42 U.S.C. 9902(2);

9 (14) pregnant women who are not covered under (a) of this section and
 10 whose household income does not exceed 175 percent of the federal poverty line as
 11 defined by the United States Department of Health and Human Services and revised
 12 under 42 U.S.C. 9902(2);

13 (15) persons who have been diagnosed with breast or cervical cancer
 14 and who are eligible for coverage under 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII);

15 **(16) persons under 19 years of age who are not covered under (a)**
 16 **of this section**

17 **(A) who pay a premium under AS 47.07.042(g);**

18 **(B) whose household income is more than 175 and not more**
 19 **than 250 percent of the federal poverty line as defined by the United**
 20 **States Department of Health and Human Services and revised under 42**
 21 **U.S.C. 9902(2);**

22 **(C) whose assets do not exceed the maximum value**
 23 **established by the United States Department of Health and Human**
 24 **Services under 42 U.S.C. 1396 - 1396p (Title XIX, Social Security Act);**
 25 **and**

26 **(D) who apply annually on a form approved by the**
 27 **department.**

28 * **Sec. 3.** AS 47.07.020 is amended by adding a new subsection to read:

29 (o) Notwithstanding the eligibility provisions under (b)(16) of this section, the
 30 department shall provide for continuous medical assistance coverage under this
 31 section for an eligible recipient for a 12-month period after approval of an application.

1 * **Sec. 4.** AS 47.07.042 is amended by adding a new subsection to read:

2 (g) In addition to the requirements established under (a) and (b) of this section,
3 the department shall require annual premiums from recipients who are eligible for
4 benefits under AS 47.07.020(b)(16) and whose household income is more than 175
5 and not more than 250 percent of the federal poverty line. The department shall

6 (1) adopt in regulation a sliding scale, providing for a premium that

7 (A) is not less than two percent of the recipient's household
8 income; and

9 (B) meets the maximums allowed under federal law; and

10 (2) implement a system for collection of the premium.

11 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 CONTINGENT EFFECT. AS 47.07.020(b)(16), 47.07.020(o), and 47.07.042(g),
14 added in secs. 2, 3, and 4 of this Act, take effect only if, before July 1, 2011, the United States
15 Department of Health and Human Services has approved the changes and provided sufficient
16 funding for the changes.

17 * **Sec. 6.** If AS 47.07.020(b)(16), 47.07.020(o), and 47.07.042(g), added in secs. 2, 3, and 4
18 of this Act, take effect, they take effect on the date that the revisor of statutes receives notice
19 from the commissioner of health and social services that the United States Department of
20 Health and Human Services has approved the changes and provided sufficient funding for the
21 additions.