

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 122

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PUBLIC ASSISTANCE; AMENDING SECTION 56-239, IDAHO CODE, TO RE-  
2 VISE PROVISIONS REGARDING ELIGIBILITY REQUIREMENTS FOR CHIP PLAN B;  
3 AMENDING SECTION 56-254, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
4 CERTAIN ELIGIBILITY REQUIREMENTS FOR MEDICAID AND TO MAKE TECHNICAL  
5 CORRECTIONS; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION  
6 OF A NEW SECTION 56-269, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING  
7 A CERTAIN MEDICAID STATE PLAN AMENDMENT; PROVIDING LEGISLATIVE INTENT;  
8 AND DECLARING AN EMERGENCY.  
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 56-239, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 56-239. CHIP PLAN B. (1) There is hereby created in the department  
14 a CHIP Plan B that shall be made available by the department to eligible  
15 children, as defined in section 56-238, Idaho Code, whose family's modified  
16 adjusted gross income is between one hundred fifty percent (150%) and ~~one~~  
17 ~~hundred eighty-five percent (185%)~~ two hundred fifty-five percent (255%) of  
18 the federal poverty guidelines. The director shall implement the program  
19 by adopting rules recommended by the board of the Idaho individual high risk  
20 reinsurance pool created in section 41-5502, Idaho Code, that authorize  
21 policies of health insurance for children enrolled in the CHIP Plan B.

22 (2) There is hereby created a CHIP Plan B advisory board which shall ad-  
23 vise the Idaho individual high risk reinsurance pool board concerning issues  
24 related to the CHIP Plan B. The board shall consist of eight (8) members, four  
25 (4) members to be appointed by the director and four (4) members to be ap-  
26 pointed by the governor. At least two (2) members of the board shall be par-  
27 ents of children who are eligible to participate in the CHIP Plan B.

28 SECTION 2. That Section 56-254, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 56-254. ELIGIBILITY FOR MEDICAL ASSISTANCE. The department shall make  
31 payments for medical assistance to, or on behalf of, the following persons  
32 eligible for medical assistance.

33 (1) The benchmark plan for low-income children and working-age adults  
34 with no special health needs includes the following persons:

35 (a) Children in families whose family income does not exceed ~~one hun-~~  
36 ~~dred eighty-five percent (185%)~~ two hundred fifty-five percent (255%)  
37 of the federal poverty guideline and who meet age-related and other eli-  
38 gibility standards in accordance with department rule;

39 (b) Pregnant women of any age whose family income does not exceed ~~one~~  
40 ~~hundred thirty-three percent (133%)~~ two hundred five percent (205%) of

1 the federal poverty guideline and who meet other eligibility standards  
2 in accordance with department rule, or who meet the presumptive eligi-  
3 bility guidelines in accordance with section 1920 of the social secu-  
4 rity act;

5 (c) Infants born to medicaid-eligible pregnant women. Medicaid eligi-  
6 bility must be offered throughout the first year of life as long as the  
7 infant remains in the mother's household and she remains eligible, or  
8 would be eligible if she were still pregnant;

9 (d) Adults in families with dependent children, as described in sec-  
10 tion 1931 of the social security act, who meet the requirements in the  
11 state's assistance to families with dependent children (AFDC) plan in  
12 effect on July 16, 1996;

13 (e) Families who are provided six (6) to twelve (12) months of medicaid  
14 coverage following loss of eligibility under section 1931 of the social  
15 security act due to earnings, or four (4) months of medicaid coverage  
16 following loss of eligibility under section 1931 of the social security  
17 act due to an increase in child or spousal support; and

18 (f) All other mandatory groups as defined in title XIX of the social se-  
19 curity act, if not listed separately in subsection (2) or (3) of this  
20 section.

21 (2) The benchmark plan for persons with disabilities or special health  
22 needs includes the following persons:

23 (a) Persons under age sixty-five (65) years eligible in accordance with  
24 title XVI of the social security act, as well as persons eligible for aid  
25 to the aged, blind and disabled (AABD) under titles I, X and XIV of the  
26 social security act;

27 (b) Persons under age sixty-five (65) years who are in need of the ser-  
28 vices of a licensed nursing facility, a licensed intermediate care fa-  
29 cility for the developmentally disabled, a state mental hospital, or  
30 home-based and community-based care whose income does not exceed three  
31 hundred percent (300%) of the social security income (SSI) standard and  
32 who meet the asset standards and other eligibility standards in accor-  
33 dance with federal law and regulation, Idaho law and department rule;

34 (c) Certain disabled children described in 42 CFR 435.225 who meet re-  
35 source limits for aid to the aged, blind and disabled (AABD) and income  
36 limits for social security income (SSI) and other eligibility standards  
37 in accordance with department rule;

38 (d) Persons under age sixty-five (65) years who are eligible for ser-  
39 vices under both titles XVIII and XIX of the social security act;

40 (e) Children who are eligible under title IV-E of the social security  
41 act for subsidized board payments, foster care, or adoption subsidies,  
42 and children for whom the state has assumed temporary or permanent re-  
43 sponsibility and who do not qualify for title IV-E assistance but are in  
44 foster care, shelter or emergency shelter care, or subsidized adoption  
45 and who meet eligibility standards in accordance with department rule;

46 (f) Eligible women under age sixty-five (65) years, with incomes at or  
47 below two hundred percent (200%) of the federal poverty level, for can-  
48 cer treatment pursuant to the federal breast and cervical cancer pre-  
49 vention and treatment act of 2000;

1 (g) Low-income children and working-age adults under age sixty-five  
 2 (65) years who qualify under subsection (1) of this section and who  
 3 require the services for persons with disabilities or special health  
 4 needs listed in section 56-255(3), Idaho Code;

5 (h) Persons over age sixty-five (65) years who choose to enroll in this  
 6 state plan; and

7 (i) Effective January 1, 2018, children under age eighteen (18) years  
 8 with serious emotional disturbance, as defined in section 16-2403,  
 9 Idaho Code, in families whose income does not exceed three hundred  
 10 percent (300%) of the federal poverty guideline and who meet other eli-  
 11 gibility standards in accordance with department rule.

12 (3) The benchmark plan for persons over twenty-one (21) years of age who  
 13 have medicare and medicaid coverage includes the following persons:

14 (a) Persons eligible in accordance with title XVI of the social secu-  
 15 rity act, as well as persons eligible for aid to the aged, blind and dis-  
 16 abled (AABD) under titles I, X and XIV of the social security act;

17 (b) Persons who are in need of the services of a licensed nursing fa-  
 18 cility, a licensed intermediate care facility for the developmentally  
 19 disabled, a state mental hospital, or home-based and community-based  
 20 care whose income does not exceed three hundred percent (300%) of the  
 21 social security income (SSI) standard and who meet the assets standards  
 22 and other eligibility standards in accordance with federal and state  
 23 law and department rule;

24 (c) Persons who are eligible for services under both titles XVIII and  
 25 XIX of the social security act who have enrolled in the medicare pro-  
 26 gram; and

27 (d) Persons who are eligible for services under both titles XVIII and  
 28 XIX of the social security act and who elect to enroll in this state  
 29 plan.

30 SECTION 3. That Chapter 2, Title 56, Idaho Code, be, and the same is  
 31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 32 ignated as Section 56-269, Idaho Code, and to read as follows:

33 56-269. STATE PLAN AMENDMENT -- POSTPARTUM MEDICAID COVERAGE. (1) The  
 34 state shall amend its state plan to extend medicaid eligibility for twelve  
 35 (12) months postpartum to individuals who, while pregnant, are eligible for  
 36 and receive medicaid, in accordance with section 9812 of the American rescue  
 37 plan act of 2021 and section 1902(e)(16) of the social security act.

38 (2) If federal financial participation for individuals identified in  
 39 subsection (1) of this section is reduced or eliminated by more than ten per-  
 40 cent (10%) following approval of the state plan amendment, then the senate  
 41 and house of representatives health and welfare committees shall, as soon as  
 42 practicable, review the effects of such reduction or elimination and make a  
 43 recommendation to the legislature as to whether the eligibility extension  
 44 granted by subsection (1) of this section should remain in effect. The re-  
 45 view and recommendation described in this subsection shall be conducted by  
 46 the date of adjournment of the regular legislative session following the  
 47 date of reduction in or elimination of federal financial participation.

48 (3) The department of health and welfare is required and authorized to:

1 (a) Take such actions as are necessary to implement the provisions of  
2 this section;

3 (b) Begin the application process for federal approval of the state  
4 plan amendment discussed in subsection (1) of this section no later than  
5 July 1, 2023; and

6 (c) Seek to maximize federal financial participation on medicaid cov-  
7 erage for individuals identified in subsection (1) of this section.

8 SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that  
9 the Department of Health and Welfare begin the application process for any  
10 federal approval necessary to implement the provisions of this act no later  
11 than July 1, 2023.

12 SECTION 5. An emergency existing therefor, which emergency is hereby  
13 declared to exist, this act shall be in full force and effect on and after its  
14 passage and approval.