

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 228

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO MEDICAID; AMENDING SECTION 56-253, IDAHO CODE, TO PROVIDE THAT  
2 A HEALTH RISK ASSESSMENT SHALL INCLUDE QUESTIONS RELATING TO SUBSTANCE  
3 USE DISORDERS, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF HEALTH  
4 AND WELFARE SHALL SEEK CERTAIN WAIVERS AND CONDUCT CERTAIN RESEARCH,  
5 TO PROVIDE THAT APPROVED WAIVERS SHALL BE IMPLEMENTED AS SOON AS POS-  
6 SIBLE, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 56-267,  
7 IDAHO CODE, TO PROVIDE THAT THE LEGISLATURE MAY DECLARE THE SECTION TO  
8 BE NULL, VOID, AND OF NO FORCE AND EFFECT UNDER CERTAIN CIRCUMSTANCES,  
9 TO PROVIDE THAT THE SECTION SHALL BECOME NULL, VOID, AND OF NO FORCE AND  
10 EFFECT UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR A REVERSION OF CER-  
11 TAIN FUNDING, TO PROVIDE FOR A REVIEW OF AND A RECOMMENDATION REGARDING  
12 MEDICAID ELIGIBILITY EXPANSION, AND TO MAKE TECHNICAL CORRECTIONS; AND  
13 PROVIDING SEVERABILITY.  
14

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

16 SECTION 1. That Section 56-253, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 56-253. POWERS AND DUTIES OF THE DIRECTOR. (1) The director is hereby  
19 encouraged and empowered to obtain federal approval in order that Idaho de-  
20 sign and implement changes to its medicaid program that advance the qual-  
21 ity of services to participants while allowing access to needed services and  
22 containing excessive costs. The design of Idaho's medicaid program shall  
23 incorporate the concepts expressed in section 56-251, Idaho Code.

24 (2) The director may create health-need categories other than those  
25 stated in section 56-251(2)(a), Idaho Code, subject to legislative ap-  
26 proval, and may develop a medicaid benchmark plan for each category.

27 (3) Each benchmark plan shall include explicit policy goals for the  
28 covered population identified in the plan, as well as specific benefit pack-  
29 ages, delivery system components and performance measures in accordance  
30 with section 67-1904, Idaho Code.

31 (4) The director shall establish a mechanism to ensure placement of  
32 participants into the appropriate benchmark plan as allowed under section  
33 6044 of the deficit reduction act of 2005. This mechanism shall include,  
34 but not be limited to, a health risk assessment. This assessment shall com-  
35 ply with federal requirements for early and periodic screening, diagnosis  
36 and treatment (EPSDT) services for children, in accordance with section  
37 1905(a)(4)(B) of the social security act. The health risk assessment shall  
38 include questions related to substance use disorders to allow referral to  
39 treatment for such disorders by the department.

40 (5) The director may require, subject to federal approval, partici-  
41 pants to designate a medical home. Applicants for medical assistance shall  
42 receive information about primary care case management, and, if required to

1 so designate, shall select a primary care provider as part of the eligibility  
2 determination process.

3 (6) The director may, subject to federal approval, enter into contracts  
4 for medical and other services when such contracts are beneficial to partic-  
5 ipant health outcomes as well as economically prudent for the medicaid pro-  
6 gram.

7 (7) The director may obtain agreements from medicare, school districts  
8 and other entities to provide medical care if it is practical and cost-effec-  
9 tive.

10 (8) The director shall seek waivers from the federal government to:

11 (a) Limit retroactive medicaid eligibility for persons described in  
12 section 56-267, Idaho Code, from ninety (90) days to thirty (30) days;

13 (b) Provide the ability to receive, at a person's option, if such per-  
14 son is eligible for medicaid pursuant to section 56-267, Idaho Code, and  
15 has a modified adjusted gross income at one hundred percent (100%) of  
16 the federal poverty level or greater, the advanced premium tax credit to  
17 purchase a qualified health plan through the Idaho health insurance ex-  
18 change established by chapter 61, title 41, Idaho Code, as an alterna-  
19 tive to enrolling in medicaid. The department shall limit the choice of  
20 qualified health plans to ensure cost-effective coverage; and

21 (c) Require an employment and training program for medicaid partici-  
22 pants consistent with the employment and training program for persons  
23 receiving supplemental nutrition assistance program (SNAP) benefits.  
24 The exemptions from participation in the employment and training pro-  
25 gram for SNAP beneficiaries shall also apply to medicaid participants,  
26 except that medicaid participants with children under the age of eigh-  
27 teen (18) years shall be exempt from participation in the employment and  
28 training program.

29 The department shall implement the waivers as soon as possible once fed-  
30 eral approval has been obtained.

31 (9) The director shall research options for federal waivers to enable  
32 cost-efficient use of medicaid funds to pay for substance abuse and/or men-  
33 tal health services in institutions for mental disease.

34 (10) The director is given authority to promulgate rules consistent  
35 with this act.

36 SECTION 2. That Section 56-267, Idaho Code, be, and the same is hereby  
37 amended to read as follows:

38 56-267. MEDICAID ELIGIBILITY EXPANSION. (1) Notwithstanding any pro-  
39 vision of law or federal waiver to the contrary, the state shall amend its  
40 state plan to expand ~~M~~medicaid eligibility to include those persons under  
41 sixty-five (65) years of age whose modified adjusted gross income is one hun-  
42 dred thirty-three percent (133%) of the federal poverty level or below and  
43 who are not otherwise eligible for any other coverage under the state plan,  
44 in accordance with sections 1902(a)(10)(A)(i)(VIII) and 1902(e)(14) of the  
45 ~~S~~social ~~S~~security ~~A~~act.

46 (2) No later than ninety (90) days after approval of this act, the  
47 department shall submit any necessary state plan amendments to the United  
48 States ~~D~~department of ~~H~~health and ~~H~~human ~~S~~services, ~~C~~centers for ~~M~~medicare  
49 and ~~M~~medicaid ~~S~~services to implement the provisions of this section. The

1 department is required and authorized to take all actions necessary to im-  
2 plement the provisions of this section as soon as practicable.

3 (3) If section 1905(y) of the social security act is amended or is held  
4 unlawful or unconstitutional by a court of competent jurisdiction, then the  
5 legislature may declare this section to be null, void, and of no force and  
6 effect.

7 (4) This section shall become null, void, and of no force and effect as  
8 of the first day of March following the date that federal financial partic-  
9 ipation for persons identified in subsection (1) of this section is reduced  
10 below the ninety percent (90%) commitment described in section 1905(y) of  
11 the social security act, and any funding transferred from other programs to  
12 fund the requirements of this section will revert to such other programs.

13 (5) No later than January 31 in the 2023 legislative session, the sen-  
14 ate and house of representatives health and welfare committees shall review  
15 all fiscal, health, and other impacts of medicaid eligibility expansion pur-  
16 suant to this section and shall make a recommendation to the legislature as  
17 to whether such expansion should remain in effect.

18 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared  
19 to be severable and if any provision of this act or the application of such  
20 provision to any person or circumstance is declared invalid for any reason,  
21 such declaration shall not affect the validity of the remaining portions of  
22 this act.