

HOUSE BILL 1087

By Baum

AN ACT to amend Tennessee Code Annotated, Title 71,
Chapter 5, relative to TennCare.

WHEREAS, it is the desire of the General Assembly to assist Tennesseans in times of need; and

WHEREAS, such assistance should be provided in a manner that does not foster long-term, chronic dependency on government assistance; and

WHEREAS, the temporary provision of high-quality healthcare coverage is one form of that assistance; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "CoverKids program" means the program established pursuant to the CoverKids Act of 2006, compiled in chapter 3, part 11 of this title, to provide health coverage to children; and

(2) "Temporary TennCare benefits program" means medical assistance provided on a temporary basis to an individual who is otherwise ineligible on the basis of income for enrollment in medical assistance under this part or in the CoverKids program.

(b) The bureau of TennCare shall submit by December 31, 2023, a waiver application to the federal centers for medicare and medicaid services that establishes a temporary TennCare benefits program.

(c) The temporary TennCare benefits program must include provisions for the following:

(1) Medical assistance must be available for a period not to exceed twelve (12) months in any period of twenty-four (24) months, up to a cumulative maximum of sixty (60) months during the years prior to the individual's twenty-first birthday, for an individual who:

(A) Is less than twenty-one (21) years of age;

(B) Is from a family that has income not greater than one hundred thirty-eight percent (138%) of the federal poverty level; and

(C) Is not currently eligible for medical assistance under this part, enrollment in the CoverKids program, or a successor program;

(2) Medical assistance must be available for a period not to exceed twelve (12) months in any period of twenty-four (24) months, up to a cumulative maximum of sixty (60) months during the individual's remaining lifetime, for an individual who:

(A) Is twenty-one (21) years of age or older;

(B) Has an income not greater than one hundred thirty-eight percent (138%) of the federal poverty level; and

(C) Is not currently eligible for medical assistance under this part;

(3)

(A) The temporary benefits provided in subdivisions (c)(1) and (c)(2) do not replace or substitute for enrollment in medical assistance under this part, the CoverKids program, or successor programs if the individual becomes eligible for one (1) or more of those programs while the individual is enrolled in the temporary TennCare benefits program;

(B) Receipt of the temporary benefits provided in subsection (c) does not preclude an individual who becomes eligible for medical assistance, the CoverKids program, or a successor program from applying for enrollment in those programs;

(C) If an individual becomes enrolled in medical assistance, the CoverKids program, or a successor program while the individual is receiving temporary benefits, then the temporary benefits are paused;

(D) For an individual contemplated in subdivision (c)(2), the sixty-month limit resets upon the individual's twenty-first birthday. Any remaining time does not carry forward from prior to the individual's twenty-first birthday; and

(E) Enrollment in the temporary TennCare benefits program must begin six (6) months following the date of federal approval of any necessary waiver;

(4) The program is funded using ninety percent (90%) federal funds and ten percent (10%) state funds; and

(5) The program and any federal waiver sought to enable the program must leave unchanged the TennCare block grant financing agreement that was negotiated pursuant to § 71-5-163 and subsequently approved by the federal centers for medicare and medicaid services and by joint resolution of the general assembly.

(d) The bureau of TennCare shall promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to administer the temporary TennCare benefits program. The rules must include:

(1) An application system for new and returning beneficiaries;

(2) A record of beneficiaries including:

(A) A beneficiary who becomes eligible for medical assistance, the CoverKids program, or a successor program while the beneficiary is receiving temporary benefits; and

(B) A beneficiary who was previously enrolled in medical assistance, the CoverKids program, or a successor program; and

(3) A time-tracking system that maintains a record of a beneficiary's use of the program and that makes the record available to the beneficiary.

(e) The bureau shall strive to enable applicants for temporary benefits to access benefits in a timely fashion.

(f) The temporary TennCare benefits program does not constitute an entitlement to coverage for eligible individuals, and the availability of program benefits is subject to appropriations made in the annual appropriations act for that purpose.

SECTION 2. Tennessee Code Annotated, Section 71-5-126, is amended by deleting the section.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.