

1 S.89

2 Introduced by Senator Sears

3 Referred to Committee on Health and Welfare

4 Date: March 9, 2011

5 Subject: Health; Medicaid; employment; Medicaid for Working Persons with  
6 Disabilities

7 Statement of purpose: This bill proposes to promote work incentives and  
8 increase the stability of health coverage for individuals receiving Medicaid for  
9 Working Persons with Disabilities and to make it easier for these individuals  
10 and eligible spouses to receive additional services.

11 An act relating to Medicaid for Working Persons with Disabilities

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 ~~Sec. 1. STATE PLAN AMENDMENT; RULEMAKING~~

14 ~~(a) No later than July 1, 2011, the secretary of human services shall apply~~  
15 ~~to the Centers for Medicare and Medicaid Services for an amendment to the~~  
16 ~~state Medicaid plan pursuant to 42 CFR § 430.12 to specify that the income of~~  
17 ~~an individual receiving Medicaid pursuant to 33 V.S.A. § 1902(b) shall be~~  
18 ~~disregarded in determining the eligibility of such person's spouse to receive~~  
19 ~~medical assistance pursuant to Title XIX (Medicaid) of the Social~~  
20 ~~Security Act.~~

1 ~~(b) Upon approval of the state plan amendment pursuant to subsection (a)~~  
2 ~~of this section, the secretary of human services shall adopt rules pursuant to~~  
3 ~~chapter 25 of Title 3 necessary to implement the income disregard.~~

4 Sec. 2. TEMPORARY WORK STOPPAGE

5 The agency of human service shall adopt rules pursuant to chapter 25 of  
6 Title 3 to permit an individual receiving Medicaid pursuant to 33 V.S.A.  
7 § 1902(b) immediately preceding a hospitalization or period of temporary  
8 unemployment to maintain his or her eligibility for Medicaid during that  
9 period, provided the period of hospitalization or unemployment does not  
10 exceed 90 days.

11 Sec. 3. STATE PLAN AMENDMENT

12 No later than July 1, 2011, the secretary of human services shall apply to  
13 the Centers for Medicare and Medicaid Services for an amendment to the state  
14 Medicaid plan pursuant to 42 CFR § 430.12 to specify that an individual's  
15 enrollment in the Medicaid for Working People with Disabilities program  
16 establishes his or her financial eligibility for services under the state's  
17 developmental services waiver; provided that the individual shall still be  
18 required to meet clinical eligibility and funding priority criteria in order to  
19 receive services pursuant to the waiver.

1 ~~Sec. 4. ANALYSIS OF COSTS AND SAVINGS~~

2 ~~(a) The agency of human services, in consultation with the legislative joint~~  
3 ~~fiscal office, shall analyze the costs or savings associated with the following~~  
4 ~~options:~~

5 ~~(1) Entering into an agreement with the Social Security Administration~~  
6 ~~in which the state pays the Medicare Part B premium for individuals enrolled~~  
7 ~~in the Medicaid for Working People with Disabilities program.~~

8 ~~(2) Increasing or eliminating the income limits or asset limits or both for~~  
9 ~~eligibility for the Medicaid for Working People with Disabilities program.~~

10 ~~(3) Disregarding spousal income or spousal assets or both when~~  
11 ~~determining eligibility for the Medicaid for Working People with Disabilities~~  
12 ~~program.~~

13 ~~(4) Using benefits counselors at public and nonprofit organizations to~~  
14 ~~increase public awareness of the Medicaid for Working People with~~  
15 ~~Disabilities program and other work incentives for individuals with disabilities.~~

16 ~~(b) No later than January 15, 2012, the secretary of human services shall~~  
17 ~~report to the house committees on human services and on appropriations and~~  
18 ~~the senate committees on health and welfare and on appropriations the results~~  
19 ~~of the analysis conducted pursuant to subsection (a) of this section, as well as~~  
20 ~~recommendations about whether and how to pursue any or all of the options~~  
21 ~~described in subdivisions (a)(1), (2), (3), and (4) of this section.~~

1 ~~Sec. 5. EFFECTIVE DATE~~

2 ~~This act shall take effect on passage.~~

*Sec. 1. ANALYSIS OF COSTS AND SAVINGS*

*(a) The agency of human services, in consultation with the legislative joint fiscal office, shall analyze the costs or savings associated with the following options:*

*(1) Entering into an agreement with the Social Security Administration in which the state pays the Medicare Part B premium for individuals enrolled in the Medicaid for Working People with Disabilities program.*

*(2) Increasing or eliminating the income limits or asset limits or both for eligibility for the Medicaid for Working People with Disabilities program.*

*(3) Disregarding spousal income or spousal assets or both when determining eligibility for the Medicaid for Working People with Disabilities program.*

*(4) Disregarding the income of a spouse enrolled in the Medicaid for Working People with Disabilities program when determining the other spouse's eligibility to receive Medicaid benefits.*

*(5) Permitting an individual receiving Medicaid pursuant to 33 V.S.A. § 1902(b) immediately preceding a hospitalization or period of temporary unemployment to maintain his or her Medicaid eligibility during that period, as long as the period of hospitalization or unemployment does not exceed 90 days.*

*(6) Allowing an individual's enrollment in the Medicaid for Working People with Disabilities program to establish his or her eligibility for developmental disability services under Vermont's Global Commitment to Health waiver.*

*(7) Using benefits counselors at public and nonprofit organizations to increase public awareness of the Medicaid for Working People with Disabilities program and other work incentives for individuals with disabilities.*

*(b) No later than January 15, 2013, the secretary of human services shall report to the house committees on human services and on appropriations and the senate committees on health and welfare and on appropriations the results of the analysis conducted pursuant to subsection (a) of this section, as well as recommendations about whether and how to pursue any or all of the options described in subdivisions (a)(1) through (7) of this section.*

*Sec. 2. STATE PLAN AMENDMENT; SPOUSAL INCOME DISREGARD;  
RULEMAKING*

*(a) If the general assembly is not in session upon completion of the analysis required pursuant to subdivision (a)(4) of Sec. 1 of this act and if the agency's cost-benefit analysis supports implementation of the spousal income disregard, the secretary of human services shall request approval from the joint fiscal committee to apply to the Centers for Medicare and Medicaid Services for an amendment to the state Medicaid plan pursuant to 42 CFR § 430.12 to specify that the income of an individual receiving Medicaid pursuant to 33 V.S.A. § 1902(b) shall be disregarded in determining the eligibility of such person's spouse to receive medical assistance pursuant to Title XIX (Medicaid) of the Social Security Act.*

*(b) Upon approval by the joint fiscal committee, the secretary shall apply for a state plan amendment pursuant to subsection (a) of this section in a timely manner in order to ensure that the income disregard will be in place as soon as practicable when the new Medicaid eligibility and enrollment system is operational.*

*(c) Upon approval of the state plan amendment pursuant to subsection (a) of this section, the secretary of human services shall adopt rules pursuant to 3 V.S.A. chapter 25 necessary to implement the income disregard.*

*Sec. 3. STATE PLAN AMENDMENT; DEVELOPMENTAL SERVICES  
WAIVER*

*(a) If the general assembly is not in session upon completion of the analysis required pursuant to subdivision (a)(6) of Sec. 1 of this act and if the agency's cost-benefit analysis supports implementation of the presumptive eligibility, the secretary of human services shall request approval from the joint fiscal committee to apply to the Centers for Medicare and Medicaid Services for an amendment to the state Medicaid plan pursuant to 42 CFR § 430.12 to specify that an individual's enrollment in the Medicaid for Working People with Disabilities program establishes his or her financial eligibility for developmental disability services under the state's Medicaid Section 1115 Global Commitment to Health waiver.*

*(b) Upon approval by the joint fiscal committee, the secretary shall apply for a state plan amendment pursuant to subsection (a) of this section in a timely manner in order to ensure that the financial eligibility criteria will be in place as soon as practicable when the new Medicaid eligibility and enrollment system is operational.*

*Sec. 4. EFFECTIVE DATE*

*This act shall take effect on passage.*