

SENATE FILE NO. SF0118

Medicaid-staged expansion.

Sponsored by: Senator(s) Rothfuss, Craft, Emerich,
Esquibel, F., Hastert, Johnson, Schiffer and
Von Flatern and Representative(s) Barlow,
Byrd, Connolly, Filer, Greene, Petroff,
Throne and Zwonitzer, Dn.

A BILL

for

1 AN ACT relating to Medicaid; providing for expansion of
2 coverage to low income persons as specified; authorizing a
3 Medicaid demonstration waiver; providing waiver
4 requirements as specified; creating the healthcare reserve
5 account; providing for transfer of appropriated funds as
6 specified; and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 42-4-401 through 42-4-404 are created
11 to read:

12

13

ARTICLE 4

14

MEDICAID EXPANSION

15

1 **42-4-401. Temporary Medicaid expansion.**

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3 (a) Commencing as practicable after March 15, 2014,
4 the department shall provide for all persons described under
5 section 1902(a)(10)(A)(i)(VIII) of the Social Security Act,
6 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII), to be eligible for
7 services under this chapter. However, this subsection shall
8 not apply if the federal medical assistance percentage,
9 pursuant to 42 U.S.C. § 1396d(y), is less than ninety
10 percent (90%).

11

12 (b) This section is repealed effective March 30, 2015.

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14 **42-4-402. Medicaid expansion.**

15

16 (a) The director of the department, the insurance
17 commissioner and the governor shall negotiate with the
18 center for Medicare and Medicaid services of the United
19 States department of health and human services for a
20 demonstration waiver to provide Medicaid coverage effective
21 April 1, 2015, for all persons described under section
22 1902(a)(10)(A)(i)(VIII) of the Social Security Act, 42
23 U.S.C. § 1396a(a)(10)(A)(i)(VIII).

24

1 (b) Any expansion of Medicaid pursuant to this
2 section shall be subject to the following:

3

4 (i) The waiver shall be limited to a maximum
5 period of three (3) years without additional legislative
6 authorization;

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8 (ii) The program shall include premium
9 assistance for eligible higher income individuals to enable
10 their enrollment in a qualified health plan through the
11 health insurance exchange or through an employer sponsored
12 group plan;

13

14 (iii) The program shall include for eligible
15 moderate income individuals cost sharing as authorized
16 under federal law and regulations;

17

18 (iv) The program shall include for eligible
19 lower income individuals the same benefits with the same
20 restrictions as provided those persons who would be
21 eligible for Medicaid without regard to the expansion of
22 eligibility authorized by the Patient Protection and
23 Affordable Care Act, P.L. 111-148;

24

1 (v) The program shall provide for state general
2 fund cost neutrality, which for purposes of this paragraph
3 means that the average cost of care for recipients under
4 this article is reasonably estimated to not exceed the
5 average cost of care provided to similar recipients under
6 the traditional Medicaid program and provides the maximum
7 realized financial benefit to the state;

8
9 (vi) Premiums shall not exceed two percent (2%)
10 of annual income for beneficiaries whose income is less
11 than or equal to one hundred percent (100%) of the federal
12 poverty level;

13
14 (vii) Maximum annual out-of-pocket expense shall
15 not exceed limits applicable to health insurance policies
16 obtained through the federally operated health insurance
17 exchange in Wyoming by individuals whose income is greater
18 than one hundred percent (100%) of the federal poverty
19 level and less than or equal to one hundred thirty-three
20 percent (133%) of the federal poverty level, calculated as
21 provided in the Patient Protection and Affordable Care Act,
22 P.L. 111-148;

23

1 (viii) Initial and continuing income eligibility
2 standards shall be structured to avoid creating a
3 disincentive for a beneficiary to increase that
4 beneficiary's household income.

5
6 (c) In negotiating the waiver pursuant to this
7 section, the department and the governor shall consider
8 whether the waiver shall include:

9
10 (i) Provision of wellness benefits;

11
12 (ii) Waiver of any co-pay or deductible
13 provisions for wellness benefits;

14
15 (iii) Reductions in cost sharing obligations for
16 beneficiaries who attain or maintain specified uniform
17 standards of healthy behaviors. Uniform standards shall
18 include, at a minimum, completion of an approved annual
19 health risk assessment to identify unhealthy
20 characteristics, including alcohol use, substance use
21 disorders, tobacco use, obesity and deficiencies in
22 immunization status;

1 (iv) An individual financing structure that
2 allows nonaged, nondisabled eligible beneficiaries to
3 enroll in a program that will create and utilize accounts
4 that operate similar to a health savings account or medical
5 savings account. The accounts shall allow a participant to
6 purchase cost effective high deductible health insurance
7 and promote independence and self-sufficiency;

8
9 (v) An option for beneficiaries to remain in the
10 program with the same benefit and financing structure even
11 if the beneficiary's household income drops below one
12 hundred percent (100%) of the federal poverty level.

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14 **42-4-403. Medicaid expansion; federal funding**
15 **contingency.**

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17 The program created by W.S. 42-4-401 and 42-4-404 shall not
18 be administered during any time period in which the federal
19 medical assistance percentage, as currently provided
20 pursuant to 42 U.S.C. § 1396d(y), is less than ninety
21 percent (90%).

22
23 **42-4-404. Healthcare reserve account.**

1 (a) The healthcare reserve account is created.

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(b) The account shall consist of monies appropriated to but unspent as a result of Medicaid expansion under this article and identified by the director of the department of health and the directors of other affected agencies.

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8 (c) Funds identified by the directors of the various
9 departments as required by this article shall be
10 transferred to the healthcare reserve account pursuant to
11 the governor's authority under W.S. 9-2-1005(b) (i).

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13 (d) Funds in the healthcare reserve account shall not
14 be expended without further legislative enactment.

15

16 **Section 2.** This act is effective immediately upon
17 completion of all acts necessary for a bill to become law
18 as provided by Article 4, Section 8 of the Wyoming
19 Constitution.

20

21 (END)