

HOUSE BILL NO. 309

INTRODUCED BY KASTEN, CHRISTIAENS, COBB
BY REQUEST OF THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES

IN THE HOUSE

JANUARY 22, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
	FIRST READING.
FEBRUARY 1, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 2, 1993	PRINTING REPORT.
FEBRUARY 3, 1993	SECOND READING, DO PASS.
FEBRUARY 4, 1993	ENGROSSING REPORT.
FEBRUARY 5, 1993	ON MOTION, TAKEN FROM ENGROSSING AND REREFERRED TO COMMITTEE ON APPROPRIATIONS.
FEBRUARY 19, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 22, 1993	ENGROSSING REPORT.
FEBRUARY 23, 1993	THIRD READING, PASSED. AYES, 98; NOES, 1.
FEBRUARY 24, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
MARCH 12, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

MARCH 13, 1993

SECOND READING, CONCURRED IN.

MARCH 15, 1993

THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 16, 1993

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 309
 2 INTRODUCED BY Kateen Christians Cobb
 3 BY REQUEST OF THE DEPARTMENT OF SOCIAL
 4 AND REHABILITATION SERVICES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 7 53-6-131, MCA, TO ALLOW PERSONS WITH INCOME GREATER THAN THE
 8 MEDICALLY NEEDY INCOME LEVEL TO QUALIFY FOR MEDICAID BY
 9 MAKING A CASH PAYMENT TO THE STATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 53-6-131, MCA, is amended to read:

13 "53-6-131. Eligibility requirements. (1) Medical
 14 assistance under the Montana medicaid program may be granted
 15 to a person who is determined by the department of social
 16 and rehabilitation services to be eligible as follows:

17 (a) The person receives or is considered to be
 18 receiving supplemental security income benefits under Title
 19 XVI of the federal Social Security Act (42 U.S.C. 1381, et
 20 seq.) or aid to families with dependent children under Title
 21 IV of the federal Social Security Act (42 U.S.C. 601, et
 22 seq.).

23 (b) The person would be eligible for assistance under a
 24 program described in subsection (1)(a) if he that person
 25 were to apply for such assistance.

1 (c) The person is in a medical facility that is a
 2 medicaid provider and, but for residence in the facility, he
 3 the person would be receiving assistance under one of the
 4 programs in subsection (1)(a).

5 (d) The person is under 19 years of age and meets the
 6 conditions of eligibility in the state plan for aid to
 7 families with dependent children, other than with respect to
 8 school attendance.

9 (e) The person is under 21 years of age and in foster
 10 care under the supervision of the state or was in foster
 11 care under the supervision of the state and has been adopted
 12 as a hard-to-place child.

13 (f) The person meets the nonfinancial criteria of the
 14 categories in subsections (1)(a) through (1)(e) and:

15 (i) the person's income does not exceed the medically
 16 needy income level specified for federally aided categories
 17 of assistance and his the person's resources are within the
 18 resource standards of the federal supplemental security
 19 income program; or

20 (ii) the person, while having income greater than the
 21 medically needy income level specified for federally aided
 22 categories of assistance;

23 (A) has an adjusted income level, after incurring
 24 medical expenses, that does not exceed the medically needy
 25 income level specified for federally aided categories of

1 assistance ~~and his~~ or, alternatively, has paid in cash to
 2 the department the amount by which the person's income
 3 exceeds the medically needy income level specified for
 4 federally aided categories of assistance; and

5 (B) has resources that are within the resource
 6 standards of the federal supplemental security income
 7 program.

8 (g) The person is a qualified pregnant woman or child
 9 as defined in 42 U.S.C. 1396d(n).

10 (2) The Montana medicaid program shall pay for the
 11 premiums necessary for participation in the medicare program
 12 and may, within the discretion of the department, pay all or
 13 a portion of the medicare deductibles and coinsurance for a
 14 medicare-eligible person or for a qualified disabled and
 15 working individual, as defined in section 6408(d)(2) of the
 16 federal Omnibus Budget Reconciliation Act of 1989, Public
 17 Law 101-239, who:

18 (a) has income that does not exceed income standards as
 19 may be required by the federal Social Security Act; and

20 (b) has resources that do not exceed standards the
 21 department determines reasonable for purposes of the
 22 program.

23 (3) The department may pay a medicaid-eligible person's
 24 expenses for premiums, coinsurance, and similar costs for
 25 health insurance or other available health coverage, as

1 provided in 42 U.S.C. 1396b(a)(1).

2 (4) The department, under the Montana medicaid program,
 3 may provide, if a waiver is not available from the federal
 4 government, medicaid and other assistance mandated by Title
 5 XIX of the federal Social Security Act (42 U.S.C. 1396, et
 6 seq.), as may be amended, and not specifically listed in
 7 this part to categories of persons that may be designated by
 8 the act for receipt of assistance.

9 (5) Notwithstanding any other provision of this
 10 chapter, medical assistance must be provided to infants and
 11 pregnant women whose family income does not exceed 133% of
 12 the federal poverty threshold, as provided in 42 U.S.C.
 13 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C. 1396a(1)(2)(A)(i).

14 (6) A person described in subsection (5) must be
 15 provided continuous eligibility for medical assistance, as
 16 authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7)."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0309, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: A bill to allow persons with income grater than the medically needy to qualify for Medicaid by making a cash payment to the state.

ASSUMPTIONS:

1. The federal agency, HCFA, will approve the change in the state plan.
2. There are approximately 2,253 medically needy persons in the state who will be affected by HB309.
3. The average monthly cash payment for these persons would be approximately \$148.82, with the total annual payment estimated at \$4,023,498 ($2,253 * 148.82 * 12$).
4. It is estimated that about 72.7% of the 2,253 medically needy participants (i.e. 1,638) will choose the cash payment option. This estimate is based on the experience of the State of Utah. The Department of Social and Rehabilitation Services (SRS) would receive an estimated \$2,925,206 in revenue from participating clients ($1,638 * \$148.82 * 12$).
5. Primary care costs are estimated to increase by 19% per year. Medicaid expenditures would increase by approximately \$1,696,619 in FY94 and \$2,018,977 in FY95.
6. The federal participation match rate for benefits is assumed to be 28.98% in FY94 and 29.5% in FY95.
7. Medicaid reimburses providers at approximately 58% of billed charges.
8. Fiscal services will require 1.00 FTE, grade 8, to process the receipts. This position is funded at a federal participation match rate of 36.82%.
9. Teams will be modified at a cost of \$40,000 in the first year. This is funded at a federal match of 50%.

FISCAL IMPACT:

<u>Expenditures:</u>	<u>FY '94</u>			<u>FY '95</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	0.00	1.00	1.00	0.00	1.00	1.00
Personal Services	0	22,505	22,505	0	22,526	22,526
Operating	0	40,000	40,000	0	0	0
Medicaid Benefits	<u>60,548,399</u>	<u>62,245,018</u>	<u>1,696,619</u>	<u>64,931,798</u>	<u>66,950,775</u>	<u>2,018,977</u>
Total Expenditures	\$60,548,399	\$62,307,523	\$1,759,124	\$64,931,798	\$66,973,301	\$2,041,503

(Continued)

David Lewis 1-27-93
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Betty Lou Kasten 1-28-93
 BETTY LOU KASTEN, PRIMARY SPONSOR DATE

Fiscal Note for HB0309, as introduced**HB 309**

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Funding:</u>						
General Fund	17,546,926	18,066,893	519,967	19,154,880	19,758,773	603,892
State Special	0	3,087	3,087	0	3,091	3,091
Federal Funds	<u>43,001,473</u>	<u>44,237,543</u>	<u>1,236,070</u>	<u>45,776,918</u>	<u>47,211,437</u>	<u>1,434,520</u>
Total Funds	\$60,548,399	\$62,307,523	\$1,759,124	\$64,931,798	\$66,973,301	\$2,041,503
<u>Revenues:</u>						
To General Fund	0	2,925,206	2,925,206	0	2,925,206	2,925,206
<u>Net Impact:</u>						
To General Fund			2,405,239			2,321,314

TECHNICAL NOTES: The Stephens and Racicot budgets indicated a general fund savings of \$4,663,298 over the biennium as a result of this action. This fiscal note shows a general fund savings of \$4,726,553; an increase of \$63,255. The difference consists of adjusting the cost estimates/savings to reflect more current and accurate data related to: a) Medicaid matching requirement, b) Medicaid reimbursement rates of billed charges, c) anticipated primary care inflation, d) the inclusion of additional staff required to process the payments, and e) computer programming charges necessary to modify the TEAMS system.

HB 309

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Revised Fiscal Note for HB0309, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: A bill to allow persons with income greater than the medically needy to qualify for Medicaid by making a cash payment to the state.

ASSUMPTIONS:

1. The federal agency, HCFA, will approve the change in the state plan.
2. There are approximately 2,253 medically needy persons in the state who will be affected by HB309.
3. The average monthly cash payment for these persons would be approximately \$148.82.
4. It is estimated that about 72.7% of the 2,253 medically needy participants (i.e. 1,638) will choose the cash payment option. This estimate is based on the experience of the State of Utah. The Department of Social and Rehabilitation Services (SRS) would receive an estimated \$2,925,206 in revenue from participating clients (1,638 * \$148.82 * 12).
5. Forty-two percent of this amount, or \$1,228,587, represents increased net general fund revenue due to the proposal. The remaining 58% will be used to abate Medicaid expenditures (Medicaid reimburses providers at approximately 58% of billed charges.)
6. Fiscal services will require 1.00 FTE, grade 8, to process the receipts. This position is funded at a federal participation match rate of 50%.
9. Teams will be modified at a cost of \$40,000 in the first year. This is funded at a federal match of 50%.
10. Current law reflects HB2 as approved by the full appropriation committee.

FISCAL IMPACT:

<u>Expenditures:</u>	<u>FY '94</u>			<u>FY '95</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	1.00	1.00	0.00	1.00	1.00	0.00
Personal Services	22,505	22,505	0	22,526	22,526	0
Operating	40,000	40,000	0	0	0	0
Medicaid Benefits	<u>1,696,619</u>	<u>0</u>	<u>(1,696,619)</u>	<u>2,018,977</u>	<u>0</u>	<u>(2,018,977)</u>
Total Expenditures	1,759,124	62,505	(1,696,619)	\$2,041,503	22,526	(2,018,977)

(Continued)

David Lewis 3-17-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Betty Lou Kasten 3-17-93
BETTY LOU KASTEN, PRIMARY SPONSOR DATE

Revised Fiscal Note for HB0309, as introduced

HB 309 H2

Fiscal Note Request, HB0309, as introduced
Form BD-15 page 2
(continued)

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Funding:</u>						
General Fund	519,967	31,252	(488,715)	603,892	11,263	(592,629)
State Special	3,087	0	(3,087)	3,091	0	(3,091)
Federal Funds	<u>1,236,070</u>	<u>31,252</u>	<u>(1,204,818)</u>	<u>1,434,520</u>	<u>11,263</u>	<u>(1,423,257)</u>
Total Funds	\$1,759,124	62,505	(1,696,619)	\$2,041,503	22,526	(2,018,977)
<u>Revenues:</u>						
To General Fund	0	1,228,587	1,228,587	0	1,228,587	1,228,587
<u>Net Impact:</u>						
To General Fund			1,717,302			1,821,216

HB 309.4
2

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

1 House BILL NO. 309
2 INTRODUCED BY Kate Christensen Cobb
3 BY REQUEST OF THE DEPARTMENT OF SOCIAL
4 AND REHABILITATION SERVICES

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
7 53-6-131, MCA, TO ALLOW PERSONS WITH INCOME GREATER THAN THE
8 MEDICALLY NEEDY INCOME LEVEL TO QUALIFY FOR MEDICAID BY
9 MAKING A CASH PAYMENT TO THE STATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 53-6-131, MCA, is amended to read:

13 "53-6-131. Eligibility requirements. (1) Medical
14 assistance under the Montana medicaid program may be granted
15 to a person who is determined by the department of social
16 and rehabilitation services to be eligible as follows:

17 (a) The person receives or is considered to be
18 receiving supplemental security income benefits under Title
19 XVI of the federal Social Security Act (42 U.S.C. 1381, et
20 seq.) or aid to families with dependent children under Title
21 IV of the federal Social Security Act (42 U.S.C. 601, et
22 seq.).

23 (b) The person would be eligible for assistance under a
24 program described in subsection (1)(a) if he that person
25 were to apply for such assistance.

1 (c) The person is in a medical facility that is a
2 medicaid provider and, but for residence in the facility, he
3 the person would be receiving assistance under one of the
4 programs in subsection (1)(a).

5 (d) The person is under 19 years of age and meets the
6 conditions of eligibility in the state plan for aid to
7 families with dependent children, other than with respect to
8 school attendance.

9 (e) The person is under 21 years of age and in foster
10 care under the supervision of the state or was in foster
11 care under the supervision of the state and has been adopted
12 as a hard-to-place child.

13 (f) The person meets the nonfinancial criteria of the
14 categories in subsections (1)(a) through (1)(e) and:

15 (i) the person's income does not exceed the medically
16 needy income level specified for federally aided categories
17 of assistance and ~~his~~ the person's resources are within the
18 resource standards of the federal supplemental security
19 income program; or

20 (ii) the person, while having income greater than the
21 medically needy income level specified for federally aided
22 categories of assistance;

23 (A) has an adjusted income level, after incurring
24 medical expenses, that does not exceed the medically needy
25 income level specified for federally aided categories of

1 assistance and his or, alternatively, has paid in cash to
 2 the department the amount by which the person's income
 3 exceeds the medically needy income level specified for
 4 federally aided categories of assistance; and

5 (B) has resources that are within the resource
 6 standards of the federal supplemental security income
 7 program.

8 (g) The person is a qualified pregnant woman or child
 9 as defined in 42 U.S.C. 1396d(n).

10 (2) The Montana medicaid program shall pay for the
 11 premiums necessary for participation in the medicare program
 12 and may, within the discretion of the department, pay all or
 13 a portion of the medicare deductibles and coinsurance for a
 14 medicare-eligible person or for a qualified disabled and
 15 working individual, as defined in section 6408(d)(2) of the
 16 federal Omnibus Budget Reconciliation Act of 1989, Public
 17 Law 101-239, who:

18 (a) has income that does not exceed income standards as
 19 may be required by the federal Social Security Act; and

20 (b) has resources that do not exceed standards the
 21 department determines reasonable for purposes of the
 22 program.

23 (3) The department may pay a medicaid-eligible person's
 24 expenses for premiums, coinsurance, and similar costs for
 25 health insurance or other available health coverage, as

1 provided in 42 U.S.C. 1396b(a)(1).

2 (4) The department, under the Montana medicaid program,
 3 may provide, if a waiver is not available from the federal
 4 government, medicaid and other assistance mandated by Title
 5 XIX of the federal Social Security Act (42 U.S.C. 1396, et
 6 seq.), as may be amended, and not specifically listed in
 7 this part to categories of persons that may be designated by
 8 the act for receipt of assistance.

9 (5) Notwithstanding any other provision of this
 10 chapter, medical assistance must be provided to infants and
 11 pregnant women whose family income does not exceed 133% of
 12 the federal poverty threshold, as provided in 42 U.S.C.
 13 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C. 1396a(1)(2)(A)(i).

14 (6) A person described in subsection (5) must be
 15 provided continuous eligibility for medical assistance, as
 16 authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7)."

-End-

RE-REFERRED AND
APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 309

INTRODUCED BY KASTEN, CHRISTIAENS, COBB

BY REQUEST OF THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING--SECTION
53-6-131, MCA, TO ALLOW ALLOWING PERSONS WITH INCOME GREATER
THAN THE MEDICALLY NEEDY INCOME LEVEL TO QUALIFY FOR
MEDICAID BY MAKING A CASH PAYMENT TO THE STATE; PROVIDING A
RESOURCE TEST FOR PREGNANT WOMEN AND INFANTS; AMENDING
SECTION 53-6-131, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-6-131, MCA, is amended to read:

"53-6-131. Eligibility requirements. (1) Medical
assistance under the Montana medicaid program may be granted
to a person who is determined by the department of social
and rehabilitation services to be eligible as follows:

(a) The person receives or is considered to be
receiving supplemental security income benefits under Title
XVI of the federal Social Security Act (42 U.S.C. 1381, et
seq.) or aid to families with dependent children under Title
IV of the federal Social Security Act (42 U.S.C. 601, et
seq.).

(b) The person would be eligible for assistance under a

program described in subsection (1)(a) if he that person
were to apply for such assistance.

(c) The person is in a medical facility that is a
medicaid provider and, but for residence in the facility, he
the person would be receiving assistance under one of the
programs in subsection (1)(a).

(d) The person is under 19 years of age and meets the
conditions of eligibility in the state plan for aid to
families with dependent children, other than with respect to
school attendance.

(e) The person is under 21 years of age and in foster
care under the supervision of the state or was in foster
care under the supervision of the state and has been adopted
as a hard-to-place child.

(f) The person meets the nonfinancial criteria of the
categories in subsections (1)(a) through (1)(e) and:

(i) the person's income does not exceed the medically
needy income level specified for federally aided categories
of assistance and his the person's resources are within the
resource standards of the federal supplemental security
income program; or

(ii) the person, while having income greater than the
medically needy income level specified for federally aided
categories of assistance;

(A) has an adjusted income level, after incurring

1 medical expenses, that does not exceed the medically needy
 2 income level specified for federally aided categories of
 3 assistance and--his or, alternatively, has paid in cash to
 4 the department the amount by which the person's income
 5 exceeds the medically needy income level specified for
 6 federally aided categories of assistance; and

7 (B) has resources that are within the resource
 8 standards of the federal supplemental security income
 9 program.

10 (g) The person is a qualified pregnant woman or child
 11 as defined in 42 U.S.C. 1396d(n).

12 (2) The Montana medicaid program shall pay for the
 13 premiums necessary for participation in the medicare program
 14 and may, within the discretion of the department, pay all or
 15 a portion of the medicare deductibles and coinsurance for a
 16 medicare-eligible person or for a qualified disabled and
 17 working individual, as defined in section 6408(d)(2) of the
 18 federal Omnibus Budget Reconciliation Act of 1989, Public
 19 Law 101-239, who:

20 (a) has income that does not exceed income standards as
 21 may be required by the federal Social Security Act; and

22 (b) has resources that do not exceed standards the
 23 department determines reasonable for purposes of the
 24 program.

25 (3) The department may pay a medicaid-eligible person's

1 expenses for premiums, coinsurance, and similar costs for
 2 health insurance or other available health coverage, as
 3 provided in 42 U.S.C. 1396b(a)(1).

4 (4) The department, under the Montana medicaid program,
 5 may provide, if a waiver is not available from the federal
 6 government, medicaid and other assistance mandated by Title
 7 XIX of the federal Social Security Act (42 U.S.C. 1396, et
 8 seq.), as may be amended, and not specifically listed in
 9 this part to categories of persons that may be designated by
 10 the act for receipt of assistance.

11 (5) Notwithstanding any other provision of this
 12 chapter, medical assistance must be provided to infants and
 13 pregnant women whose family income does not exceed 133% of
 14 the federal poverty threshold, as provided in 42 U.S.C.
 15 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C. 1396a(1)(2)(A)(i), AND
 16 WHOSE FAMILY RESOURCES DO NOT EXCEED STANDARDS THAT THE
 17 DEPARTMENT DETERMINES REASONABLE FOR PURPOSES OF THE
 18 PROGRAM.

19 (6) A person described in subsection (5) must be
 20 provided continuous eligibility for medical assistance, as
 21 authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7)."

22 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS
 23 EFFECTIVE JULY 1, 1993.

-End-

1 House BILL NO. 309
 2 INTRODUCED BY Kate Christensen Cobb
 3 BY REQUEST OF THE DEPARTMENT OF SOCIAL
 4 AND REHABILITATION SERVICES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 7 53-6-131, MCA, TO ALLOW PERSONS WITH INCOME GREATER THAN THE
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 18 receiving supplemental security income benefits under Title
 19 XVI of the federal Social Security Act (42 U.S.C. 1381, et
 20 seq.) or aid to families with dependent children under Title
 21 IV of the federal Social Security Act (42 U.S.C. 601, et
 22 seq.).

23 (b) The person would be eligible for assistance under a
 24 program described in subsection (1)(a) if he that person
 25 were to apply for such assistance.

1 (c) The person is in a medical facility that is a
 2 medicaid provider and, but for residence in the facility, he
 3 the person would be receiving assistance under one of the
 4 programs in subsection (1)(a).

5 (d) The person is under 19 years of age and meets the
 6 conditions of eligibility in the state plan for aid to
 7 families with dependent children, other than with respect to
 8 school attendance.

9 (e) The person is under 21 years of age and in foster
 10 care under the supervision of the state or was in foster
 11 care under the supervision of the state and has been adopted
 12 as a hard-to-place child.

13 (f) The person meets the nonfinancial criteria of the
 14 categories in subsections (1)(a) through (1)(e) and:

15 (i) the person's income does not exceed the medically
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 17 of assistance and his the person's resources are within the
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 19 income program; or

20 (ii) the person, while having income greater than the
 21 medically needy income level specified for federally aided
 22 categories of assistance;

23 (A) has an adjusted income level, after incurring
 24 medical expenses, that does not exceed the medically needy
 25 income level specified for federally aided categories of

1 assistance and his or, alternatively, has paid in cash to
2 the department the amount by which the person's income
3 exceeds the medically needy income level specified for
4 federally aided categories of assistance; and

5 (B) has resources that are within the resource
6 standards of the federal supplemental security income
7 program.

8 (g) The person is a qualified pregnant woman or child
9 as defined in 42 U.S.C. 1396d(n).

10 (2) The Montana medicaid program shall pay for the
11 premiums necessary for participation in the medicare program
12 and may, within the discretion of the department, pay all or
13 a portion of the medicare deductibles and coinsurance for a
14 medicare-eligible person or for a qualified disabled and
15 working individual, as defined in section 6408(d)(2) of the
16 federal Omnibus Budget Reconciliation Act of 1989, Public
17 Law 101-239, who:

18 (a) has income that does not exceed income standards as
19 may be required by the federal Social Security Act; and

20 (b) has resources that do not exceed standards the
21 department determines reasonable for purposes of the
22 program.

23 (3) The department may pay a medicaid-eligible person's
24 expenses for premiums, coinsurance, and similar costs for
25 health insurance or other available health coverage, as

1 provided in 42 U.S.C. 1396b(a)(1).

2 (4) The department, under the Montana medicaid program,
3 may provide, if a waiver is not available from the federal
4 government, medicaid and other assistance mandated by Title
5 XIX of the federal Social Security Act (42 U.S.C. 1396, et
6 seq.), as may be amended, and not specifically listed in
7 this part to categories of persons that may be designated by
8 the act for receipt of assistance.

9 (5) Notwithstanding any other provision of this
10 chapter, medical assistance must be provided to infants and
11 pregnant women whose family income does not exceed 133% of
12 the federal poverty threshold, as provided in 42 U.S.C.
13 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C. 1396a(1)(2)(A)(i).

14 (6) A person described in subsection (5) must be
15 provided continuous eligibility for medical assistance, as
16 authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7)."

-End-

HOUSE BILL NO. 309

INTRODUCED BY KASTEN, CHRISTIAENS, COBB

BY REQUEST OF THE DEPARTMENT OF SOCIAL

AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING--SECTION
 53-6-131, MCA, TO ALLOW ALLOWING PERSONS WITH INCOME GREATER
 THAN THE MEDICALLY NEEDY INCOME LEVEL TO QUALIFY FOR
 MEDICAID BY MAKING A CASH PAYMENT TO THE STATE; PROVIDING A
RESOURCE TEST FOR PREGNANT WOMEN AND INFANTS; AMENDING
SECTION 53-6-131, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-6-131, MCA, is amended to read:

"53-6-131. Eligibility requirements. (1) Medical
 assistance under the Montana medicaid program may be granted
 to a person who is determined by the department of social
 and rehabilitation services to be eligible as follows:

(a) The person receives or is considered to be
 receiving supplemental security income benefits under Title
 XVI of the federal Social Security Act (42 U.S.C. 1381, et
 seq.) or aid to families with dependent children under Title
 IV of the federal Social Security Act (42 U.S.C. 601, et
 seq.).

(b) The person would be eligible for assistance under a

program described in subsection (1)(a) if he that person
 were to apply for such assistance.

(c) The person is in a medical facility that is a
 medicaid provider and, but for residence in the facility, he
the person would be receiving assistance under one of the
 programs in subsection (1)(a).

(d) The person is under 19 years of age and meets the
 conditions of eligibility in the state plan for aid to
 families with dependent children, other than with respect to
 school attendance.

(e) The person is under 21 years of age and in foster
 care under the supervision of the state or was in foster
 care under the supervision of the state and has been adopted
 as a hard-to-place child.

(f) The person meets the nonfinancial criteria of the
 categories in subsections (1)(a) through (1)(e) and:

(i) the person's income does not exceed the medically
 needy income level specified for federally aided categories
 of assistance and his the person's resources are within the
 resource standards of the federal supplemental security
 income program; or

(ii) the person, while having income greater than the
 medically needy income level specified for federally aided
 categories of assistance;

(A) has an adjusted income level, after incurring

1 medical expenses, that does not exceed the medically needy
 2 income level specified for federally aided categories of
 3 assistance and--his or, alternatively, has paid in cash to
 4 the department the amount by which the person's income
 5 exceeds the medically needy income level specified for
 6 federally aided categories of assistance; and

7 (B) has resources that are within the resource
 8 standards of the federal supplemental security income
 9 program.

10 (g) The person is a qualified pregnant woman or child
 11 as defined in 42 U.S.C. 1396d(n).

12 (2) The Montana medicaid program shall pay for the
 13 premiums necessary for participation in the medicare program
 14 and may, within the discretion of the department, pay all or
 15 a portion of the medicare deductibles and coinsurance for a
 16 medicare-eligible person or for a qualified disabled and
 17 working individual, as defined in section 6408(d)(2) of the
 18 federal Omnibus Budget Reconciliation Act of 1989, Public
 19 Law 101-239, who:

20 (a) has income that does not exceed income standards as
 21 may be required by the federal Social Security Act; and

22 (b) has resources that do not exceed standards the
 23 department determines reasonable for purposes of the
 24 program.

25 (3) The department may pay a medicaid-eligible person's

1 expenses for premiums, coinsurance, and similar costs for
 2 health insurance or other available health coverage, as
 3 provided in 42 U.S.C. 1396b(a)(1).

4 (4) The department, under the Montana medicaid program,
 5 may provide, if a waiver is not available from the federal
 6 government, medicaid and other assistance mandated by Title
 7 XIX of the federal Social Security Act (42 U.S.C. 1396, et
 8 seq.), as may be amended, and not specifically listed in
 9 this part to categories of persons that may be designated by
 10 the act for receipt of assistance.

11 (5) Notwithstanding any other provision of this
 12 chapter, medical assistance must be provided to infants and
 13 pregnant women whose family income does not exceed 133% of
 14 the federal poverty threshold, as provided in 42 U.S.C.
 15 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C. 1396a(1)(2)(A)(i), AND
 16 WHOSE FAMILY RESOURCES DO NOT EXCEED STANDARDS THAT THE
 17 DEPARTMENT DETERMINES REASONABLE FOR PURPOSES OF THE
 18 PROGRAM.

19 (6) A person described in subsection (5) must be
 20 provided continuous eligibility for medical assistance, as
 21 authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7)."

22 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS
 23 EFFECTIVE JULY 1, 1993.

-End-

HOUSE BILL NO. 309

INTRODUCED BY KASTEN, CHRISTIAENS, COBB

BY REQUEST OF THE DEPARTMENT OF SOCIAL

AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING--SECTION 53-6-131, MCA, TO ALLOW ALLOWING PERSONS WITH INCOME GREATER THAN THE MEDICALLY NEEDY INCOME LEVEL TO QUALIFY FOR MEDICAID BY MAKING A CASH PAYMENT TO THE STATE; PROVIDING A RESOURCE TEST FOR PREGNANT WOMEN AND INFANTS; AMENDING SECTION 53-6-131, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-6-131, MCA, is amended to read:

"53-6-131. Eligibility requirements. (1) Medical assistance under the Montana medicaid program may be granted to a person who is determined by the department of social and rehabilitation services to be eligible as follows:

(a) The person receives or is considered to be receiving supplemental security income benefits under Title XVI of the federal Social Security Act (42 U.S.C. 1381, et seq.) or aid to families with dependent children under Title IV of the federal Social Security Act (42 U.S.C. 601, et seq.).

(b) The person would be eligible for assistance under a

program described in subsection (1)(a) if he that person were to apply for such assistance.

(c) The person is in a medical facility that is a medicaid provider and, but for residence in the facility, he the person would be receiving assistance under one of the programs in subsection (1)(a).

(d) The person is under 19 years of age and meets the conditions of eligibility in the state plan for aid to families with dependent children, other than with respect to school attendance.

(e) The person is under 21 years of age and in foster care under the supervision of the state or was in foster care under the supervision of the state and has been adopted as a hard-to-place child.

(f) The person meets the nonfinancial criteria of the categories in subsections (1)(a) through (1)(e) and:

(i) the person's income does not exceed the medically needy income level specified for federally aided categories of assistance and his the person's resources are within the resource standards of the federal supplemental security income program; or

(ii) the person, while having income greater than the medically needy income level specified for federally aided categories of assistance;

(A) has an adjusted income level, after incurring



1 medical expenses, that does not exceed the medically needy
 2 income level specified for federally aided categories of
 3 assistance and--his or, alternatively, has paid in cash to
 4 the department the amount by which the person's income
 5 exceeds the medically needy income level specified for
 6 federally aided categories of assistance; and

7 (B) has resources that are within the resource
 8 standards of the federal supplemental security income
 9 program.

10 (g) The person is a qualified pregnant woman or child
 11 as defined in 42 U.S.C. 1396d(n).

12 (2) The Montana medicaid program shall pay for the
 13 premiums necessary for participation in the medicare program
 14 and may, within the discretion of the department, pay all or
 15 a portion of the medicare deductibles and coinsurance for a
 16 medicare-eligible person or for a qualified disabled and
 17 working individual, as defined in section 6408(d)(2) of the
 18 federal Omnibus Budget Reconciliation Act of 1989, Public
 19 Law 101-239, who:

20 (a) has income that does not exceed income standards as
 21 may be required by the federal Social Security Act; and

22 (b) has resources that do not exceed standards the
 23 department determines reasonable for purposes of the
 24 program.

25 (3) The department may pay a medicaid-eligible person's

1 expenses for premiums, coinsurance, and similar costs for
 2 health insurance or other available health coverage, as
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4 (4) The department, under the Montana medicaid program,
 5 may provide, if a waiver is not available from the federal
 6 government, medicaid and other assistance mandated by Title
 7 XIX of the federal Social Security Act (42 U.S.C. 1396, et
 8 seq.), as may be amended, and not specifically listed in
 9 this part to categories of persons that may be designated by
 10 the act for receipt of assistance.

11 (5) Notwithstanding any other provision of this
 12 chapter, medical assistance must be provided to infants and
 13 pregnant women whose family income does not exceed 133% of
 14 the federal poverty threshold, as provided in 42 U.S.C.
 15 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C. 1396a(1)(2)(A)(i), AND
 16 WHOSE FAMILY RESOURCES DO NOT EXCEED STANDARDS THAT THE
 17 DEPARTMENT DETERMINES REASONABLE FOR PURPOSES OF THE
 18 PROGRAM.

19 (6) A person described in subsection (5) must be
 20 provided continuous eligibility for medical assistance, as
 21 authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7)."

22 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS
 23 EFFECTIVE JULY 1, 1993.

-End-