

HOUSE BILL NO. 1239

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KELLY (45) (Sponsor), HUMMEL, RIZZO, MCDONALD, NEWMAN, ELLINGER, SCHUPP, MEREDITH, CARPENTER, NICHOLS, KIRKTON, NORR, GARDNER, DUNN, PIERSON, RUNIONS, MAYFIELD, PACE, WALTON GRAY, ELLINGTON, SMITH (85), COLONA, WEBBER, HODGES, FRAME, SWEARINGEN, MCCANN BEATTY, MCMANUS, MONTECILLO, WRIGHT, MCKENNA, ROORDA, KRATKY, ENGLISH, BUTLER, PETERS AND LAFAVER (Co-sponsors).

5152H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 208.991, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet program.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 208.991, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 208.991, to read as follows:

208.991. 1. For purposes of this section and section 208.990, the following terms mean:

(1) "Child" or "children", a person or persons who are under nineteen years of age;

(2) "CHIP-eligible children", children who meet the eligibility standards for Missouri's children's health insurance program as provided in sections 208.631 to 208.658, including paying the premiums required under sections 208.631 to 208.658;

(3) "Department", the Missouri department of social services, or a division or unit within the department as designated by the department's director;

(4) "MAGI", the individual's modified adjusted gross income as defined in Section 36B(d)(2) of the Internal Revenue Code of 1986, as amended, and:

(a) Any foreign earned income or housing costs;

(b) Tax-exempt interest received or accrued by the individual; and

(c) Tax-exempt Social Security income;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 (5) "MAGI equivalent net income standard", an income eligibility threshold based on
14 modified adjusted gross income that is not less than the income eligibility levels that were in
15 effect prior to the enactment of Public Law 111-148 and Public Law 111-152;

16 (6) "**Medically frail**", individuals with:

17 (a) **Serious emotional disturbances;**

18 (b) **Disabling mental disorders;**

19 (c) **Substance use disorders who are at high risk for significant medical and social**
20 **costs;**

21 (d) **Serious and complex medical conditions; and**

22 (e) **Physical or mental disabilities that significantly impair their ability to perform**
23 **one or more activities of daily living.**

24 2. (1) Effective January 1, 2014, notwithstanding any other provision of law to the
25 contrary, the following individuals shall be eligible for MO HealthNet coverage as provided in
26 this section:

27 (a) Individuals covered by MO HealthNet for families as provided in section 208.145;

28 (b) Individuals covered by transitional MO HealthNet as provided in 42 U.S.C. Section
29 1396r-6;

30 (c) Individuals covered by extended MO HealthNet for families on child support closings
31 as provided in 42 U.S.C. Section 1396r-6;

32 (d) Pregnant women as provided in subdivisions (10), (11), and (12) of subsection 1 of
33 section 208.151;

34 (e) Children under one year of age as provided in subdivision (12) of subsection 1 of
35 section 208.151;

36 (f) Children under six years of age as provided in subdivision (13) of subsection 1 of
37 section 208.151;

38 (g) Children under nineteen years of age as provided in subdivision (14) of subsection
39 1 of section 208.151;

40 (h) CHIP-eligible children; and

41 (i) Uninsured women as provided in section 208.659.

42 (2) Effective January 1, 2014, the department shall determine eligibility for individuals
43 eligible for MO HealthNet under subdivision (1) of this subsection based on the following
44 income eligibility standards, unless and until they are changed:

45 (a) For individuals listed in paragraphs (a), (b), and (c) of subdivision (1) of this
46 subsection, the department shall apply the July 16, 1996, Aid to Families with Dependent
47 Children (AFDC) income standard as converted to the MAGI equivalent net income standard;

48 (b) For individuals listed in paragraphs (f) and (g) of subdivision (1) of this subsection,
49 the department shall apply one hundred thirty-three percent of the federal poverty level converted
50 to the MAGI equivalent net income standard;

51 (c) For individuals listed in paragraph (h) of subdivision (1) of this subsection, the
52 department shall convert the income eligibility standard set forth in section 208.633 to the MAGI
53 equivalent net income standard;

54 (d) For individuals listed in paragraphs (d), (e), and (i) of subdivision (1) of this
55 subsection, the department shall apply one hundred eighty-five percent of the federal poverty
56 level converted to the MAGI equivalent net income standard.

57 (3) Individuals eligible for MO HealthNet under subdivision (1) of this subsection shall
58 receive all applicable benefits under section 208.152.

59 **3. Effective January 1, 2015, individuals who meet the following qualifications shall**
60 **be eligible for the alternative package of MO HealthNet benefits as set forth in subsection**
61 **4 of this section, subject to the other requirements of this section:**

62 **(1) Are age nineteen or older and under age sixty-five;**

63 **(2) Are not pregnant;**

64 **(3) Are not entitled to or enrolled for Medicare benefits under Part A or B of Title**
65 **XVIII of the Social Security Act;**

66 **(4) Are not otherwise eligible for and enrolled for mandatory coverage under the**
67 **MO HealthNet program in accordance with 42 CFR Part 435, Subpart B; and**

68 **(5) Have household income that is at or below one hundred thirty-three percent of**
69 **the federal poverty level for the applicable family size for the applicable year.**

70 **4. Except for those individuals who meet the definition of medically frail, the**
71 **individuals eligible for MO HealthNet benefits in subsection 3 of this section shall only**
72 **receive a package of alternative minimum benefits. The MO HealthNet division of the**
73 **department of social services shall promulgate regulations to be effective January 1, 2015,**
74 **that provide an alternative benefit package that complies with the requirements of federal**
75 **law and subject to limitations as established in regulations of the MO HealthNet division.**

76 **5. Individuals eligible for coverage under subsection 3 of this section who meet the**
77 **definition of medically frail shall receive all coverage they are eligible to receive under**
78 **section 208.151.**

79 **6. The department of social services shall establish a screening process in**
80 **conjunction with the department of mental health and department of health and senior**
81 **services for determining whether an individual is medically frail.**

82 **7. The department or appropriate divisions of the department shall promulgate rules to**
83 **implement the provisions of this section. Any rule or portion of a rule, as the term is defined in**

84 section 536.010, that is created under the authority delegated in this section shall become
85 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
86 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
87 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
88 date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
89 rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid
90 and void.

91 [4.] 8. The department shall submit such state plan amendments and waivers to the
92 Centers for Medicare and Medicaid Services of the federal Department of Health and Human
93 Services as the department determines are necessary to implement the provisions of this section.

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