

FIRST REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 40

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LAFAVER.

2224L.011

D. ADAM CRUMBLISS, Chief Clerk

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 37 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the expansion of the MO HealthNet program.

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*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2016, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

Section A. Section 37, article IV, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 37, to read as follows:

Section 37. **1.** The health and general welfare of the people are matters of primary public concern; and to secure them there shall be established a department of social services in charge of a director appointed by the governor, by and with the advice and consent of the senate, charged with promoting improved health and other social services to the citizens of the state as provided by law, and the general assembly may grant power with respect thereto to counties, cities or other political subdivisions of the state.

**2. Effective January 1, 2017, individuals who meet the following qualifications shall be eligible for the alternative package of MO HealthNet benefits as set forth in subsection 3 of this section, subject to the other requirements of this section:**

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

**(2) Are not pregnant;**

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.

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

14           **(4) Are not otherwise eligible for and enrolled for mandatory coverage under**  
15 **Missouri's MO HealthNet program in accordance with 42 CFR Part 435, Subpart B; and**

16           **(5) Have household income that is at or below one hundred thirty-three percent of**  
17 **the federal poverty level for the applicable family size for the applicable year as converted**  
18 **to the MAGI equivalent net income standard, except the household income may be reduced**  
19 **by a dollar amount equivalent to five percent of the federal poverty level for the applicable**  
20 **family size as required under 42 U.S.C. Section 1396a(e)(14)(I)(i).**

21           **3. Except for those individuals who meet the definition of medically frail, the**  
22 **individuals eligible for MO HealthNet benefits in subsection 2 of this section shall only**  
23 **receive a package of alternative minimum benefits. The MO HealthNet division of the**  
24 **department of social services shall promulgate regulations to be effective January 1, 2017,**  
25 **that provide an alternative benefit package that complies with the requirements of federal**  
26 **law and subject to limitations as established in regulations of the MO HealthNet division.**

27           **4. Individuals eligible for coverage under subsection 2 of this section who meet the**  
28 **definition of medically frail shall receive all coverage they are eligible to receive under**  
29 **section 208.151, RSMo.**

30           **5. The MO HealthNet program shall not provide MO HealthNet coverage under**  
31 **subsections 3 and 4 of this section to a parent or other caretaker relative living with a**  
32 **dependent child unless the child is receiving benefits under the MO HealthNet program,**  
33 **the Children's Health Insurance Program (CHIP) under 42 CFR Chapter IV, Subchapter**  
34 **D, or otherwise is enrolled in minimum essential coverage as defined in 42 CFR Section**  
35 **435.4.**

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

39           **7. The department shall provide premium subsidy and other cost supports for**  
40 **individuals eligible for medical assistance under subsection 2 of this section to enroll in**  
41 **employer-provided health plans based on cost effective principles determined by the**  
42 **department.**

43           **8. As used in this section, the following terms shall mean:**

44           **(1) "Caretaker relative", a relative of a dependent child by blood, adoption, or**  
45 **marriage with whom the child is living, who assumes primary responsibility for the child's**  
46 **care, which may, but is not required to, be indicated by claiming the child as a tax**  
47 **dependent for federal income tax purposes, and who is one of the following:**

- 48           **(a) The child's father, mother, grandfather, grandmother, brother, sister,**  
49 **stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece;**
- 50           **(b) The spouse of such parent or relative, even after the marriage is terminated by**  
51 **death or divorce;**
- 52           **(2) "Child" or "children", a person or persons who are under nineteen years of**  
53 **age;**
- 54           **(3) "Department", the Missouri department of social services, or a division or unit**  
55 **within the department as designated by the department's director;**
- 56           **(4) "MAGI", the individual's modified adjusted gross income as defined in Section**  
57 **36B(d)(2) of the Internal Revenue Code of 1986, as amended, and:**
- 58           **(a) Any foreign earned income or housing costs;**
- 59           **(b) Tax-exempt interest received or accrued by the individual; and**
- 60           **(c) Tax-exempt Social Security income;**
- 61           **(5) "MAGI equivalent net income standard", an income eligibility threshold based**  
62 **on modified adjusted gross income that is not less than the income eligibility levels that**  
63 **were in effect prior to the enactment of Public Law 111-148 and Public Law 111-152;**
- 64           **(6) "Medically frail", individuals with:**
- 65           **(a) Serious emotional disturbances;**
- 66           **(b) Disabling mental disorders;**
- 67           **(c) Substance use disorders who are at high risk for significant medical and social**  
68 **costs;**
- 69           **(d) Serious and complex medical conditions; or**
- 70           **(e) Physical or mental disabilities that significantly impair their ability to perform**  
71 **one or more activities of daily living.**

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