

FIRST REGULAR SESSION

# HOUSE BILL NO. 966

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES GARDNER (Sponsor), MORGAN, PACE, DUNN, MCNEIL,  
SCHIEFFER, OTTO, MONTECILLO, RIZZO, SWEARINGEN, ELLINGTON, SMITH (85), MAY,  
LAFEVER, MCKENNA AND NEWMAN (Co-sponsors).

2127L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 208, RSMo, by adding thereto two new sections relating to the MO HealthNet program.

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

Section A. Chapter 208, RSMo, is amended by adding thereto two new sections, to be  
2 known as sections 208.990 and 208.995, to read as follows:

**208.990. 1. Notwithstanding any other provisions of law, in order to be eligible for  
2 MO HealthNet coverage individuals shall meet eligibility criteria set forth in 42 CFR Part  
3 435, including, but not limited to the requirements that:**

4       **(1) The individual is a resident of the state of Missouri;**

5       **(2) The individual has a valid Social Security number;**

6       **(3) The individual is a citizen of the United States or a qualified alien as described  
7 in Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act  
8 of 1996, 8 U.S.C. Section 1641, who has provided satisfactory documentary evidence of  
9 qualified alien status which has been verified with the Department of Homeland Security  
10 under a declaration required by Section 1137(d) of the Personal Responsibility and Work  
11 Opportunity Reconciliation Act of 1996 that the applicant or beneficiary is an alien in a  
12 satisfactory immigration status;**

13       **(4) An individual claiming eligibility as a pregnant woman shall verify pregnancy.**

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.

14           **2. Notwithstanding any other provisions of law, effective January 1, 2014, the**  
15 **family support division shall conduct an annual review of all MO HealthNet participants'**  
16 **eligibility as provided in 42 CFR Section 435.916.**

17           **3. Notwithstanding any other provisions of law, applications for MO HealthNet**  
18 **shall be submitted in accordance with the requirements of 42 CFR Section 435.907 and**  
19 **other applicable law. The individual shall provide all required information and**  
20 **documentation necessary to make an eligibility determination or for a purpose directly**  
21 **connected to the administration of the medical assistance program.**

22           **4. Notwithstanding any other provisions of law, in order to be eligible for MO**  
23 **HealthNet coverage under section 208.995, individuals shall meet the eligibility**  
24 **requirements set forth in subsection 1 of this section and all other eligibility criteria set**  
25 **forth in 42 CFR Parts 435 and 457, including, but not limited to the requirement that:**

26           **(1) The department of social services shall determine the individual's financial**  
27 **eligibility on income based on projected annual household income and family size for the**  
28 **remainder of the current calendar year;**

29           **(2) The department of social services shall determine household income for**  
30 **purposes of determining the modified adjusted gross income by including all actually**  
31 **available cash support provided by the person claiming such individual as a tax dependent;**

32           **(3) The department of social services shall determine a pregnant woman's**  
33 **household size by counting the pregnant woman plus the number of children she is**  
34 **expected to deliver;**

35           **(4) CHIP-eligible children shall be uninsured, shall not have access to affordable**  
36 **insurance, and shall pay the required premium;**

37           **(5) An individual claiming eligibility as an uninsured woman shall be uninsured.**

38           **5. The MO HealthNet program shall not provide MO HealthNet coverage under**  
39 **subsections 4 and 5 of section 208.995 to a parent or other caretaker relative living with a**  
40 **dependent child unless the child is receiving benefits under the MO HealthNet program,**  
41 **the Children's Health Insurance Program (CHIP) under 42 CFR Chapter IV, Subchapter**  
42 **D, or otherwise is enrolled in minimum essential coverage as defined in 42 CFR Section**  
43 **435.4.**

**208.995. 1. For purposes of this section and section 208.990 the following terms**  
2 **mean:**

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

- 7           (a) The child's father, mother, grandfather, grandmother, brother, sister,  
8 stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece;
- 9           (b) The spouse of such parent or relative, even after the marriage is terminated by  
10 death or divorce;
- 11           (2) "Child" or "children", a person or persons who are under the age of nineteen;
- 12           (3) "CHIP-eligible children", children who are eligible for Missouri's children's  
13 health insurance program as provided in sections 208.631 to 208.658, including paying the  
14 premiums required under sections 208.631 to 208.658;
- 15           (4) "Department", the Missouri department of social services, or a division or unit  
16 within the department as designated by the department's director;
- 17           (5) "MAGI", the individual's modified adjusted gross income as defined in Section  
18 36B(d)(2) of the Internal Revenue Code of 1986, as amended, and:
- 19           (a) Any foreign earned income or housing costs;
- 20           (b) Tax exempt interest received or accrued by the individual; and
- 21           (c) Tax exempt Social Security income;
- 22           (6) "MAGI equivalent net income standard", an income eligibility threshold based  
23 on modified adjusted gross income that are not less than the effective income eligibility  
24 levels that were in effect prior to enactment of Public Law 111-148 and Public Law  
25 111-152;
- 26           (7) "Medically frail", individuals with:
- 27           (a) Serious emotional disturbances;
- 28           (b) Disabling mental disorders;
- 29           (c) Substance use disorders who are at high risk for significant medical and social  
30 costs;
- 31           (d) Serious and complex medical conditions; and
- 32           (e) Physical or mental disabilities that significantly impair their ability to perform  
33 one or more activities of daily living.
- 34           2. (1) Effective January 1, 2014, notwithstanding any other provision of law, the  
35 following individuals shall be eligible for MO HealthNet coverage as provided in this  
36 section:
- 37           (a) Individuals covered by MO HealthNet for families as provided in section  
38 208.145;
- 39           (b) Individuals covered by transitional MO HealthNet as provided in 42 U.S.C.  
40 Section 1396r-6;
- 41           (c) Individuals covered by extended MO HealthNet for families on child support  
42 closings as provided in 42 U.S.C. Section 1396r-6;

43 (d) Pregnant women as provided in subdivisions (10), (11), and (12) of subsection  
44 1 of section 208.151;

45 (e) Children under age of one as provided in subdivision (12) of subsection 1 of  
46 section 208.151;

47 (f) Children under age of six as provided in subdivision (13) of subsection 1 of  
48 section 208.151;

49 (g) Children under age of nineteen as provided in subdivision (14) of subsection 1  
50 of section 208.151;

51 (h) CHIP-eligible children; and

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

53 (2) Effective January 1, 2014, the department of social services shall determine  
54 eligibility for individuals eligible for MO HealthNet under subdivision (1) of this subsection  
55 based on the following income eligibility standards:

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

60 (b) For individuals listed in paragraphs (d), (f), (g) and (i) of subdivision (1) of this  
61 subsection, the department of social services shall apply one hundred thirty-three percent  
62 of the federal poverty level converted to the MAGI equivalent net income standard;

63 (c) For individuals listed in paragraph (h) of subdivision (1) of this subsection, the  
64 department of social services shall convert the income eligibility standard set forth in  
65 section 208.633 to the MAGI equivalent net income standard;

66 (d) For individuals listed in paragraph (e) of subdivision (1) of this subsection, the  
67 department of social services shall apply one hundred eighty-five percent of the federal  
68 poverty level converted to the MAGI equivalent net income standard.

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

71 3. Effective January 1, 2014, individuals who meet the following qualifications shall  
72 be eligible for the alternative package of MO HealthNet benefits as set forth in subsection  
73 4 of this section, subject to the other requirements of this section:

74 (a) Are age nineteen or older and under age sixty-five;

75 (b) Are not pregnant;

76 (c) Are not entitled to or enrolled for Medicare benefits under Part A or B of Title  
77 XVIII of the Social Security Act;

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

80 (e) Have household income that is at or below one hundred percent of the federal  
81 poverty level for the applicable family size for the applicable year.

82 4. Except for those individuals who meet the definition of medically frail, the  
83 individuals eligible for MO HealthNet benefits in subsection 3 of this section shall only  
84 receive a package of alternative minimum benefits. The MO HealthNet division of the  
85 department of social services shall promulgate regulations to be effective January 1, 2014,  
86 that provide an alternative benefit package that complies with the requirements of federal  
87 law and subject to limitations as established in regulations of the MO HealthNet division.

88 5. Individuals eligible for coverage under subsection 3 of this section who meet the  
89 definition of medically frail shall receive all coverage they are eligible to receive under  
90 section 208.151.

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

94 7. The department shall provide premium subsidy and other cost supports for  
95 individuals eligible for medical assistance under subsection 3 of this section to enroll in  
96 employer-provided health plans based on cost effective principles determined by the  
97 department.

98 8. The department of social services or appropriate divisions of the department  
99 shall promulgate rules to implement this section. Any rule or portion of a rule, as the term  
100 is defined in section 536.010, that is created under the authority delegated in this section  
101 shall become effective only if it complies with and is subject to all of the provisions of  
102 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
103 nonseverable and if any of the powers vested with the general assembly pursuant to  
104 chapter 536 to review, to delay the effective date or to disapprove and annul a rule are  
105 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
106 proposed or adopted after August 28, 2013, shall be invalid and void.

107 9. The department of social services shall submit such state plan amendments and  
108 waivers to the centers for Medicare and Medicaid services of the United States Department  
109 of Health and Human Services as the department determines are necessary to implement  
110 this section.

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