

FIRST REGULAR SESSION

# HOUSE BILL NO. 308

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALKER.

0814H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal section 208.146, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet buy-in for workers with disabilities program.

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

Section A. Section 208.146, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 208.146, to read as follows:

208.146. 1. The program established under this section shall be known as the "[~~Ticket to Work Health Assurance~~] **MO HealthNet Buy-In For Workers With Disabilities** Program". Subject to appropriations and in accordance with the federal Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA), Public Law 106-170, the medical assistance provided for in section 208.151 may be paid for a person who is employed and who:

(1) Except for earnings, meets the definition of disabled under the Supplemental Security Income Program or meets the definition of an employed individual with a medically improved disability under TWWIIA;

(2) Has earned income, as defined in subsection 2 of this section; **and**

(3) [~~Meets the asset limits in subsection 3 of this section;~~

———(4)] Has [~~net~~] income[, as defined in subsection 3 of this section,] that does not exceed [~~the limit for permanent and totally disabled individuals to receive nonspenddown MO HealthNet under subdivision (24) of subsection 1 of section 208.151; and~~

———(5) Has a gross income of two hundred fifty percent or less of the federal poverty level, excluding any earned income of the worker with a disability between two hundred fifty and three hundred percent of the federal poverty level. For purposes of this subdivision, "gross income" includes all income of the person and the person's spouse that would be considered in

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.

18 ~~determining MO HealthNet eligibility for permanent and totally disabled individuals under~~  
19 ~~subdivision (24) of subsection 1 of section 208.151. Individuals with gross incomes in excess~~  
20 ~~of one hundred percent of the federal poverty level shall pay a premium for participation in~~  
21 ~~accordance with subsection 4 of this section]~~ **three hundred percent of the federal poverty**  
22 **level. For purposes of this subdivision, "income" includes all income of the person that**  
23 **would be considered in determining MO HealthNet eligibility for permanent and totally**  
24 **disabled individuals under subdivision (24) of subsection 1 of section 208.151. Individuals**  
25 **with incomes in excess of one hundred percent of the federal poverty level shall pay a**  
26 **premium for participation, in accordance with subsection 4 of this section.**

27       2. For income to be considered earned income for purposes of this section, the  
28 department of social services shall document that Medicare and Social Security taxes are  
29 withheld from such income. Self-employed persons shall provide proof of payment of Medicare  
30 and Social Security taxes for income to be considered earned.

31       3. (1) For purposes of determining eligibility under this section, ~~[the available]~~ **there**  
32 **shall be no** asset limit ~~[and the definition of available assets shall be the same as those used to~~  
33 ~~determine MO HealthNet eligibility for permanent and totally disabled individuals under~~  
34 ~~subdivision (24) of subsection 1 of section 208.151 except for:~~

35 ~~—— (a) Medical savings accounts limited to deposits of earned income and earnings on such~~  
36 ~~income while a participant in the program created under this section with a value not to exceed~~  
37 ~~five thousand dollars per year; and~~

38 ~~—— (b) Independent living accounts limited to deposits of earned income and earnings on~~  
39 ~~such income while a participant in the program created under this section with a value not to~~  
40 ~~exceed five thousand dollars per year. For purposes of this section, an "independent living~~  
41 ~~account" means an account established and maintained to provide savings for transportation,~~  
42 ~~housing, home modification, and personal care services and assistive devices associated with~~  
43 ~~such person's disability].~~

44       (2) To determine ~~[net]~~ income, the following shall be disregarded:

45       (a) All earned income of the ~~[disabled worker]~~ **spouse**;

46       (b) ~~[The first sixty-five dollars and one-half of the remaining earned income of a~~  
47 ~~nondisabled spouse's earned income;~~

48 ~~—— (c)]~~ A twenty dollar standard deduction;

49       ~~[(d)]~~ **(c)** Health insurance premiums;

50       ~~[(e)]~~ **(d)** A seventy-five dollar a month standard deduction for the disabled worker's  
51 dental and optical insurance when the total dental and optical insurance premiums are less than  
52 seventy-five dollars;

53           ~~[(f)]~~ (e) All Supplemental Security Income payments, and the first fifty dollars of SSDI  
54 payments;

55           ~~[(g)]~~ (f) A standard deduction for impairment-related employment expenses equal to  
56 one-half of the disabled worker's earned income.

57           4. Any person whose ~~[gross]~~ income, **as defined in subdivision (3) of subsection 1 of**  
58 **this section**, exceeds one hundred percent of the federal poverty level shall pay a premium for  
59 participation in the medical assistance provided in this section. Such premium shall be:

60           (1) For a person whose ~~[gross]~~ income, **as defined in subdivision (3) of subsection 1**  
61 **of this section**, is more than one hundred percent but less than one hundred fifty percent of the  
62 federal poverty level, four percent of income at one hundred percent of the federal poverty level;

63           (2) For a person whose ~~[gross]~~ income, **as defined in subdivision (3) of subsection 1**  
64 **of this section**, equals or exceeds one hundred fifty percent but is less than two hundred percent  
65 of the federal poverty level, four percent of income at one hundred fifty percent of the federal  
66 poverty level;

67           (3) For a person whose ~~[gross]~~ income, **as defined in subdivision (3) of subsection 1**  
68 **of this section**, equals or exceeds two hundred percent but less than two hundred fifty percent  
69 of the federal poverty level, five percent of income at two hundred percent of the federal poverty  
70 level;

71           (4) For a person whose ~~[gross]~~ income, **as defined in subdivision (3) of subsection 1**  
72 **of this section**, equals or exceeds two hundred fifty percent up to and including three hundred  
73 percent of the federal poverty level, six percent of income at two hundred fifty percent of the  
74 federal poverty level.

75           5. Recipients of services through this program shall report any change in income or  
76 household size within ten days of the occurrence of such change. An increase in premiums  
77 resulting from a reported change in income or household size shall be effective with the next  
78 premium invoice that is mailed to a person after due process requirements have been met. A  
79 decrease in premiums shall be effective the first day of the month immediately following the  
80 month in which the change is reported.

81           6. If an eligible person's employer offers employer-sponsored health insurance and the  
82 department of social services determines that it is more cost effective, such person shall  
83 participate in the employer-sponsored insurance. The department shall pay such person's portion  
84 of the premiums, co-payments, and any other costs associated with participation in the  
85 employer-sponsored health insurance. **If the department elects to pay such person's**  
86 **employer-sponsored insurance costs under this subsection, the medical assistance provided**  
87 **under this section shall be provided to an eligible person as a secondary or supplemental**  
88 **policy to any employer-sponsored benefits which may be available to such person.**

89           7. The ~~[provisions of this section shall expire August 28, 2019]~~ **department shall**  
90 **provide to the general assembly an annual report of the number of participants in the**  
91 **program, as well as describe the outreach and education efforts to increase awareness and**  
92 **enrollment in MO HealthNet buy-in for workers with disabilities.**

93           8. **The department shall submit such state plan amendments and waivers to the**  
94 **Centers for Medicare and Medicaid Services of the federal Department of Health and**  
95 **Human Services as the department determines are necessary to implement the provisions**  
96 **of this section.**

✓