

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 754, Page 5,
2 Section 208.798, Line 2, by inserting after all of said section and line the following:

- 3
4 "208.991. 1. For purposes of this section and section 208.990, the following terms mean:
- 5 (1) "Child" or "children", a person or persons who are under nineteen years of age;
 - 6 (2) "CHIP-eligible children", children who meet the eligibility standards for Missouri's
7 children's health insurance program as provided in sections 208.631 to 208.658, including paying the
8 premiums required under sections 208.631 to 208.658;
 - 9 (3) "Department", the Missouri department of social services, or a division or unit within the
10 department as designated by the department's director;
 - 11 (4) "MAGI", the individual's modified adjusted gross income as defined in Section
12 36B(d)(2) of the Internal Revenue Code of 1986, as amended, and:
 - 13 (a) Any foreign earned income or housing costs;
 - 14 (b) Tax-exempt interest received or accrued by the individual; and
 - 15 (c) Tax-exempt Social Security income;
 - 16 (5) "MAGI equivalent net income standard", an income eligibility threshold based on
17 modified adjusted gross income that is not less than the income eligibility levels that were in effect
18 prior to the enactment of Public Law 111-148 and Public Law 111-152;
 - 19 (6) "Medically frail", individuals:
 - 20 (a) Described in 42 CFR 438.50(d)(3);
 - 21 (b) With disabling mental disorders;
 - 22 (c) With chronic substance use disorders;
 - 23 (d) With serious and complex medical conditions;
 - 24 (e) With a physical, intellectual, or developmental disability that significantly impairs their
25 ability to perform one or more activities of daily living; or
 - 26 (f) With a disability determination based on Social Security criteria.
 - 27 2. (1) Effective January 1, 2014, notwithstanding any other provision of law to the contrary,
28 the following individuals shall be eligible for MO HealthNet coverage as provided in this section:
 - 29 (a) Individuals covered by MO HealthNet for families as provided in section 208.145;
 - 30 (b) Individuals covered by transitional MO HealthNet as provided in 42 U.S.C. Section
31 1396r-6;
 - 32 (c) Individuals covered by extended MO HealthNet for families on child support closings as
33 provided in 42 U.S.C. Section 1396r-6;
 - 34 (d) Pregnant women as provided in subdivisions (10), (11), and (12) of subsection 1 of
35 section 208.151;
 - 36 (e) Children under one year of age as provided in subdivision (12) of subsection 1 of section

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208.151;

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

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

(h) CHIP-eligible children; and

(i) Uninsured women as provided in section 208.659.

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

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

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

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

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

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

3. Effective January 1, 2015, individuals who meet the following qualifications shall be eligible for the alternative benefit plan as set forth in subsection 4 of this section, subject to the other requirements of this section:

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

(b) Are not pregnant;

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

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

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

4. Except for those individuals who meet the definition of medically frail, individuals eligible for MO HealthNet benefits under subsection 3 of this section shall receive only an alternative benefit plan. Notwithstanding the provisions of chapter 536, the MO HealthNet division shall promulgate regulations to be effective upon implementation of subsection 3 of this section that provide an alternative benefit plan that complies with the requirements of federal law and is subject to limitations.

5. Upon implementation of subsection 3 of this section, all persons who have an income up to one hundred thirty-three percent of the federal poverty level for the applicable family size, for the applicable year as converted to the MAGI equivalent net income standard, who are eligible for MO HealthNet benefits under subsection 3 of this section who meet the definition of medically frail shall

1 receive all benefits they are eligible to receive under sections 208.152, 208.900, 208.903, 208.909,
2 and 208.930.

3 6. The department shall establish a screening process in conjunction with the department of
4 mental health and the department of health and senior services for determining whether an individual
5 is medically frail.

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

14 [4.] 8. The department shall submit such state plan amendments and waivers to the Centers
15 for Medicare and Medicaid Services of the federal Department of Health and Human Services as the
16 department determines are necessary to implement the provisions of this section. The department
17 shall request of the federal government an enhanced federal funding rate for persons newly eligible
18 under subsection 3 of this section whereby the federal government agrees to pay the percentages
19 specified in Section 2001 of P.L. 111-148, as that section existed on March 23, 2010."; and
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21 Further amend said bill by amending the title, enacting clause, and intersectional references
22 accordingly.
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