

HOUSE BILL NO. 386

INTRODUCED BY R. RIPLEY

A BILL FOR AN ACT ENTITLED: "AN ACT EXCLUDING CERTAIN LIFE ESTATES FROM ASSETS
CONSIDERED FOR MEDICAID ELIGIBILITY; AND AMENDING SECTION 53-6-131, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-6-131, MCA, is amended to read:

"53-6-131. Eligibility requirements. (1) Medical assistance under the Montana medicaid program may be granted to a person who is determined by the department of public health and human services, in its discretion, to be eligible as follows:

(a) The person receives or is considered to be receiving supplemental security income benefits under Title XVI of the Social Security Act, 42 U.S.C. 1381, et seq., and does not have income or resources in excess of the applicable medical assistance limits.

(b) The person would be eligible for assistance under the program described in subsection (1)(a) if that person were to apply for that assistance.

(c) The person is in a medical facility that is a medicaid provider and, but for residence in the facility, the person would be receiving assistance under the program in subsection (1)(a).

(d) The person is under 21 years of age and in foster care under the supervision of the state or was in foster care under the supervision of the state and has been adopted as a child with special needs.

(e) The person meets the nonfinancial criteria of the categories in subsections (1)(a) through (1)(d) and:

(i) the person's income does not exceed the income level specified for federally aided categories of assistance and the person's resources are within the resource standards of the federal supplemental security income program; or

(ii) derives a portion of the person's income from ownership of a life estate or its dividends unless the person's equity interest in the life estate exceeds \$500,000. The \$500,000 life estate limit does not apply if the person intends to return home or if one of the following lawfully resides in the home:

(A) the person's spouse;

(B) the person's child who is under 21 years of age or the person's child who is blind or disabled; or

1 (C) a reliant relative of the person.

2 ~~(ii)~~(iii) the person, while having income greater than the medically needy income level specified for
3 federally aided categories of assistance:

4 (A) has an adjusted income level, after incurring medical expenses, that does not exceed the medically
5 needy income level specified for federally aided categories of assistance or, alternatively, has paid in cash to the
6 department the amount by which the person's income exceeds the medically needy income level specified for
7 federally aided categories of assistance; and

8 (B) has resources that are within the resource standards of the federal supplemental security income
9 program.

10 (f) The person is a qualified pregnant woman or child as defined in 42 U.S.C. 1396d(n).

11 (2) The department may establish income and resource limitations. Limitations of income and resources
12 must be within the amounts permitted by federal law for the medicaid program.

13 (3) The Montana medicaid program shall pay, as required by federal law, the premiums necessary for
14 medicaid-eligible persons participating in the medicare program and may, within the discretion of the department,
15 pay all or a portion of the medicare premiums, deductibles, and coinsurance for a qualified medicare-eligible
16 person or for a qualified disabled and working individual, as defined in section 6408(d)(2) of the federal Omnibus
17 Budget Reconciliation Act of 1989, Public Law 101-239, who:

18 (a) has income that does not exceed income standards as may be required by the Social Security Act;
19 and

20 (b) has resources that do not exceed standards that the department determines reasonable for purposes
21 of the program.

22 (4) The department may pay a medicaid-eligible person's expenses for premiums, coinsurance, and
23 similar costs for health insurance or other available health coverage, as provided in 42 U.S.C. 1396b(a)(1).

24 (5) In accordance with waivers of federal law that are granted by the secretary of the U.S. department
25 of health and human services, the department of public health and human services may grant eligibility for basic
26 medicaid benefits as described in 53-6-101 to an individual receiving section 1931 medicaid benefits, as defined
27 in 53-4-602, as the specified caretaker relative of a dependent child under the section 1931 medicaid program.
28 A recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C.
29 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage, as provided in 53-6-101.

30 (6) The department, under the Montana medicaid program, may provide, if a waiver is not available from

1 the federal government, medicaid and other assistance mandated by Title XIX of the Social Security Act, 42
2 U.S.C. 1396, et seq., as may be amended, and not specifically listed in this part to categories of persons that may
3 be designated by the act for receipt of assistance.

4 (7) Notwithstanding any other provision of this chapter, medical assistance must be provided to infants
5 and pregnant women whose family income does not exceed 133% of the federal poverty threshold, as provided
6 in 42 U.S.C. 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C. 1396a(l)(2)(A)(i), and whose family resources do not exceed
7 standards that the department determines reasonable for purposes of the program.

8 (8) Subject to appropriations, the department may cooperate with and make grants to a nonprofit
9 corporation that uses donated funds to provide basic preventive and primary health care medical benefits to
10 children whose families are ineligible for the Montana medicaid program and who are ineligible for any other
11 health care coverage, are under 19 years of age, and are enrolled in school if of school age.

12 (9) A person described in subsection (7) must be provided continuous eligibility for medical assistance,
13 as authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).

14 (10) Full medical assistance under the Montana medicaid program may be granted to an individual during
15 the period in which the individual requires treatment of breast or cervical cancer, or both, or of a precancerous
16 condition of the breast or cervix, if the individual:

17 (a) has been screened for breast and cervical cancer under the Montana breast and cervical health
18 program funded by the centers for disease control and prevention program established under Title XV of the
19 Public Health Service Act, 42 U.S.C. 300k, or in accordance with federal requirements;

20 (b) needs treatment for breast or cervical cancer, or both, or a precancerous condition of the breast or
21 cervix;

22 (c) is not otherwise covered under creditable coverage, as provided by federal law or regulation;

23 (d) is not eligible for medical assistance under any mandatory categorically needy eligibility group; and

24 (e) has not attained 65 years of age."

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