

## 1 SENATE BILL NO. 412

2 INTRODUCED BY C. KAUFMANN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE 3-MONTH WAITING PERIOD FOR COVERAGE  
5 UNDER THE CHILDREN'S HEALTH INSURANCE PROGRAM; AMENDING SECTION 53-4-1004, MCA; AND  
6 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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10 **Section 1.** Section 53-4-1004, MCA, is amended to read:11 **"53-4-1004. (Temporary) Eligibility for program -- rulemaking.** (1) To be considered eligible for the  
12 program, a child:

13 (a) must be 18 years of age or younger;

14 (b) must have a combined family income at or below 250% of the federal poverty level or at a lower level  
15 determined by the department of public health and human services as provided in subsection (4);16 (c) may not already be covered by private insurance that offers creditable coverage, as defined in 42  
17 U.S.C. 300gg(c), ~~for 3 months prior to enrollment in the program or since birth, whichever period is less;~~

18 (d) may not be eligible for medicaid benefits; and

19 (e) must be a United States citizen or qualified alien and a Montana resident.

20 (2) The department of public health and human services shall adopt rules that establish the program's  
21 criteria for residency. The criteria must conform as nearly as practicable with the residency requirements for  
22 medicaid eligibility.23 (3) Subject to 53-4-1009(3), rules governing eligibility may also include financial standards and criteria  
24 for income and resources, treatment of resources, and nonfinancial criteria.25 (4) If the department determines that there is insufficient funding for the program, it may lower the  
26 percentage of the federal poverty level established in subsection (1)(b) in order to reduce the number of persons  
27 who may be eligible to participate or may limit the amount, scope, or duration of specific services provided.  
28 (Terminates on occurrence of contingency--sec. 15, Ch. 571, L. 1999; sec. 14, I.M. No. 155, approved November  
29 4, 2008.)"

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