

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 419

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO MEDICAID; AMENDING SECTION 56-267, IDAHO CODE, TO PROVIDE CERTAIN CONDITIONS FOR IMPLEMENTATION OF MEDICAID ELIGIBILITY EXPANSION, TO REQUIRE NOTIFICATION TO THE LEGISLATURE, AND TO PROVIDE FOR CONDITIONAL TERMINATION OF MEDICAID ELIGIBILITY EXPANSION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 56-267, Idaho Code, be, and the same is hereby amended to read as follows:

56-267. MEDICAID ELIGIBILITY EXPANSION. (1) Notwithstanding any provision of law or federal waiver to the contrary, the state ~~shall amend its state plan to expand~~ shall not implement or execute any state plan that expands medicaid eligibility to include those persons under sixty-five (65) years of age whose modified adjusted gross income is one hundred thirty-three percent (133%) of the federal poverty level or below and who are not otherwise eligible for any other coverage under the state plan, in accordance with sections 1902(a)(10)(A)(i)(VIII) and 1902(e)(14) of the social security act- on and after July 1, 2025, unless all of the following conditions are met:

(a) Federal financial participation for persons identified in this subsection remains at the ninety percent (90%) federal commitment described in section 1905(y) of the social security act;

(b) The department has, with federal approval if necessary, implemented work requirements for able-bodied adults enrolled in medicaid in which no individual shall be eligible to participate in the medicaid program unless the individual is:

(i) Working twenty (20) hours or more per week, averaged monthly;

(ii) Participating in and complying with the requirements of a work program twenty (20) hours or more per week, as determined by the department;

(iii) Volunteering twenty (20) hours or more per week, as determined by the department;

(iv) Meeting any combination of working and participating in a work program for a total of twenty (20) hours or more per week, as determined by the department; or

(v) Participating and complying with the requirements of a workfare program, unless the individual is:

1. Less than nineteen (19) years of age;

2. More than sixty-four (64) years of age;

3. Medically certified as physically or mentally unfit for employment;

4. Pregnant;

1           5. A parent or caretaker responsible for the care of a dependen-  
 2           dent child less than six (6) years of age;

3           6. A parent or caretaker personally providing the care for  
 4           a dependent child with a serious medical condition or with a  
 5           disability, as determined by the department;

6           7. Receiving unemployment compensation and complying with  
 7           work requirements as part of the federal-state unemployment  
 8           compensation system; or

9           8. Participating in a drug addiction or alcoholic treatment  
 10           and rehabilitation program;

11       (c) The department has, with federal approval if necessary, allowed  
 12       persons eligible for medicaid under this section who have a modified  
 13       adjusted gross income at or above one hundred percent (100%) of the fed-  
 14       eral poverty level to receive the advance premium tax credit to purchase  
 15       a qualified health plan through the Idaho health insurance exchange  
 16       established by chapter 61, title 41, Idaho Code, instead of enrolling in  
 17       medicaid, except that a person may choose to enroll in medicaid instead  
 18       of receiving the advance premium tax credit to purchase a qualified  
 19       health plan;

20       (d) The department implements an enrollment cap, with federal approval  
 21       if necessary, that limits enrollment at any given time for persons iden-  
 22       tified in this subsection to the lower of:

23           (i) Fifty thousand (50,000) persons; or

24           (ii) A total represented by the sum of adults enrolled in medicaid  
 25           who are disabled or over sixty-five (65) years of age;

26       (e) The department has maintained a medicaid improper payment rate of  
 27       five percent (5%) or less, as confirmed by biennial majority votes of  
 28       both the senate and the house of representatives health and welfare com-  
 29       mittees, based on a review that shall include but is not limited to data  
 30       provided by the department to those committees and to the United States  
 31       department of health and human services;

32       (f) The department has, with federal approval if necessary, suspended  
 33       requirements to renew eligibility automatically based on available in-  
 34       formation and to use pre-populated forms;

35       (g) The department has, with federal approval if necessary, imple-  
 36       mented a lifetime benefit limit of thirty-six (36) months for persons  
 37       identified in this subsection counting only time spent in that eligi-  
 38       bility category;

39       (h) The department has, with federal approval if necessary, imple-  
 40       mented biannual redetermination for persons identified in this subsec-  
 41       tion; and

42       (i) The department has, with federal approval if necessary, limited  
 43       hospital presumptive eligibility determinations to children and preg-  
 44       nant women.

45       (2) No funds shall be used to fulfill any contract or commercial trans-  
 46       action with any health care provider or health care facility under the terms  
 47       of which such health care provider or health care facility agrees to provide  
 48       services prohibited under section 18-1506C, Idaho Code.

49       (3) No funds shall be used to fulfill any gender reassignment proce-  
 50       dures, including treatments and surgery for any resident over eighteen (18)

1 years of age. Should a court impose the requirements of gender reassignment  
 2 for medicaid participants, it shall be considered a violation of the condi-  
 3 tions of the state plan.

4 ~~(2)~~ (4) No later than ninety (90) days after approval of this act July  
 5 1, 2024, the department shall submit any necessary state plan amendments  
 6 or waiver requests to the United States department of health and human  
 7 services, centers for medicare and medicaid services to implement the pro-  
 8 visions of this section. The department is required and authorized to take  
 9 all actions necessary to implement the provisions of this section as soon as  
 10 practicable. The department is required to notify the senate and the house  
 11 of representatives health and welfare committees within thirty (30) days of  
 12 the submission, approval, rejection, or withdrawal of any federal waiver  
 13 request or state plan amendment submitted to carry out the provisions of this  
 14 section. In the event that any conditions for eligibility expansion under  
 15 subsection (1) of this section are not met by July 1, 2025, the department  
 16 shall terminate eligibility for persons described in subsection (1) of this  
 17 section no later than October 1, 2025. In the event that all conditions  
 18 required for eligibility expansion under subsection (1) of this section are  
 19 met by July 1, 2025, but are not met at any point thereafter, the department  
 20 shall terminate eligibility for persons described in subsection (1) of this  
 21 section within ninety (90) days after the date such conditions are not met.

22 ~~(3)~~ Eligibility for medicaid as described in this section shall not be  
 23 delayed if the centers for medicare and medicaid services fail to approve any  
 24 waivers of the state plan for which the department applies, nor shall such  
 25 eligibility be delayed while the department is considering or negotiating  
 26 any waivers to the state plan. The department shall not implement any waiver  
 27 that would result in a reduction in federal financial participation for per-  
 28 sons identified in subsection (1) of this section below the ninety percent  
 29 (90%) commitment described in section 1905(y) of the social security act.

30 ~~(4)~~ If section 1905(y) of the social security act is held unlawful or  
 31 unconstitutional by the United States supreme court, then the legislature  
 32 shall declare this section to be null, void, and of no force and effect.

33 ~~(5)~~ If federal financial participation for persons identified in sub-  
 34 section (1) of this section is reduced below the ninety percent (90%) commit-  
 35 ment described in section 1905(y) of the social security act, then the senate  
 36 and house of representatives health and welfare committees shall, as soon as  
 37 practicable, review the effects of such reduction and make a recommendation  
 38 to the legislature as to whether medicaid eligibility expansion should re-  
 39 main in effect. The review and recommendation described in this subsection  
 40 shall be conducted by the date of adjournment of the regular legislative ses-  
 41 sion following the date of reduction in federal financial participation.

42 ~~(6)~~ The department:

43 ~~(a)~~ Shall place all persons participating in medicaid pursuant to  
 44 this section in a care management program authorized under section  
 45 56-265(5), Idaho Code, or in another managed care program to improve the  
 46 quality of their care, to the extent possible; and

47 ~~(b)~~ Is authorized to seek any federal approval necessary to implement  
 48 the provisions of this subsection.

49 ~~(7)~~ No later than January 31 in the 2023 legislative session, the sen-  
 50 ate and house of representatives health and welfare committees shall review

1 ~~all fiscal, health, and other impacts of medicaid eligibility expansion pur-~~  
2 ~~suant to this section and shall make a recommendation to the legislature as~~  
3 ~~to whether such expansion should remain in effect.~~

4 SECTION 2. An emergency existing therefor, which emergency is hereby  
5 declared to exist, this act shall be in full force and effect on and after  
6 July 1, 2024.