

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” and Chapter 76, “Application and Investigation,” Iowa Administrative Code.

These amendments provide that:

- The resource limits for Medicaid’s Medicare savings programs will increase each year beginning January 1, 2010, to match the resource limit for the full low-income subsidy (LIS) for the Medicare Part D drug program. “Medicare savings program” coverage groups include “qualified Medicare beneficiaries,” “qualified disabled and working persons,” “specified low-income Medicare beneficiaries,” and “expanded specified low-income Medicare beneficiaries” (depending on a person’s income level). Eligibility under one of these groups entitles the member to Medicaid payment for some or all of the person’s out-of-pocket costs under Medicare, such as premiums, deductibles, copayments, and coinsurance. Since the LIS resource limits are more than double the limits currently in effect for the Medicare savings programs, this change will allow more people to qualify.

- An application for LIS benefits will be considered an application for Medicare savings plan coverage (or any other coverage group for which the Department finds the applicant eligible). The Social Security Administration will forward data to the Department on all LIS applications except those on which the applicant has specifically declined to have information shared with the state. Currently, applications for Medicare savings coverage must be individually initiated by the applicant. This change is expected to increase the number of LIS recipients who become eligible for Medicare savings program coverage.

These changes are required by the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA), Public Law 110-275, Sections 112 and 113.

The amendments also make technical changes to update the title of the review form used for children in foster care, subsidized adoption, or subsidized guardianship.

These amendments do not provide for waivers in specified situations because they expand eligibility. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on August 26, 2009, as **ARC 8056B**. The Department received no comments on the Notice of Intended Action.

The Department has restructured paragraph 76.1(1)“e” and added new subparagraph 76.1(1)“e”(2) to specify what application form will be used to gather the rest of the information needed to determine Medicaid eligibility for LIS applicants. Paragraph 76.1(1)“e” now reads as follows:

“e. The department shall initiate a medical assistance application for a person whose application data is received from the federal Social Security Administration pursuant to 42 U.S.C. 1320b-14(c)(3).

“(1) The Social Security Administration transmits data from Form SSA-1020B-OCR-SM, Application for Extra Help with Medicare Prescription Drug Plan Costs, to the department. The date that the Social Security Administration transmits its application data to the department shall be treated as the date of application for medical assistance.

“(2) The department shall mail Form 470-4846, Medicare Savings Program and Food Assistance Application, to the person whose data was transmitted to gather the rest of the information needed to determine eligibility.”

The Council on Human Services adopted these amendments on October 14, 2009.

These amendments are intended to implement Iowa Code section 249A.3.

These amendments shall become effective on January 1, 2010.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [75.1, 75.52(3), 76.1(1), 76.7(4)] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 8056B**, IAB 8/26/09.

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[For replacement pages for IAC, see IAC Supplement 11/4/09.]