

H-8180

1 Amend House File 2716 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. 249P.1 Definitions.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "*Countable income*" means the income of an individual when
8 the income is received and can be used to meet the individual's
9 needs for food, clothing, and shelter. "*Countable income*" does
10 not include the income of another member of the individual's
11 household, or certain receipts as described in 20 C.F.R.
12 §416.1103.

13 2. "*Department*" means the department of health and human
14 services.

15 3. "*Disability*" means a qualifying disability as determined
16 by the federal social security administration, or the
17 individual is determined by the department to have a physical
18 or mental impairment, or combination of impairments, that have
19 lasted or are expected to last for at least twelve months or
20 result in death.

21 4. "*Long-term services and supports*" means the broad
22 range of health, health-related, and personal care assistance
23 services and supports, provided in home and community-based
24 settings, necessary for persons with disabilities who
25 experience limitations in their capacity for self-care due to a
26 physical, cognitive, or mental disability or condition.

27 5. "*Program*" means the work without worry program
28 established in section 249P.3.

29 Sec. 2. NEW SECTION. 249P.2 Program — intent.

30 It is the intent of the general assembly to remove barriers
31 to employment for individuals who, but for income and
32 resources, meet the definition of disability, by providing
33 medical assistance to employed individuals with disabilities
34 through a work without worry program in accordance with section
35 1902(a)(10)(A)(ii)(XIII) of the federal Social Security Act,

1 and Medicaid eligibility, using less restrictive income and
2 resource requirements through the application of section
3 1902(r)(2) of the federal Social Security Act, and cost-sharing
4 requirements established by the department and approved by the
5 centers for Medicare and Medicaid services of the United States
6 department of health and human services.

7 **Sec. 3. NEW SECTION. 249P.3 Program — established.**

8 1. The work without worry program is established under the
9 medical assistance program and shall be administered by the
10 department to provide employed individuals with disabilities
11 access to health care coverage through the medical assistance
12 program.

13 2. Except as otherwise specified in this chapter,
14 provisions applicable to the medical assistance program
15 pursuant to chapter 249A shall be applicable to the program.

16 3. In addition to the benefits received under the program,
17 an individual shall have access to all traditional Medicaid
18 services under the medical assistance program, as well as
19 additional long-term services and supports and community-based
20 services, including waiver services, for which the individual
21 meets any applicable level of care requirements.

22 4. The department shall make every effort to coordinate
23 benefits with the health care coverage provided by an employer
24 of an employed individual with a disability receiving benefits
25 under this chapter.

26 **Sec. 4. NEW SECTION. 249P.4 Program — eligibility.**

27 1. Except as otherwise provided in this chapter, an
28 individual may participate in the program if the individual
29 meets all of the following criteria:

30 *a.* The individual is eligible for the medical assistance
31 program under chapter 249A.

32 *b.* The individual is at least eighteen years of age.

33 *c.* The individual is less than sixty-five years of age.

34 *d.* The individual has a disability.

35 *e.* The individual is employed, earns income from employment

1 which may include self-employment, and works at least one hour
2 per month.

3 2. The department shall not adopt a rule for program
4 eligibility based upon any of the following:

5 a. An individual's income or resources.

6 b. A resource test or limit.

7 c. An individual's receipt of federal disability benefits.

8 3. An individual who receives supplemental security
9 income shall be automatically eligible for the program and may
10 participate the program.

11 4. An individual may be eligible for or receive other health
12 care coverage including through an employer, through Medicare,
13 through the medically needy program, the qualified Medicare
14 beneficiary program, or the specified low-income Medicare
15 beneficiary program. If the individual has such other coverage
16 and is subject to payment of copayments or premiums for that
17 coverage, notwithstanding the premium requirements under the
18 program to the contrary, the individual shall not be subject to
19 payment of premiums otherwise applicable under the program.

20 Sec. 5. NEW SECTION. 249P.5 Program — premiums.

21 1. An individual's monthly program premium amount shall
22 equal, rounded down to the nearest whole dollar, any of the
23 following:

24 a. If the individual's verified countable income is less
25 than one hundred fifty percent of the federal poverty level
26 applicable to the individual's household's size, zero percent
27 of the individual's verified countable income.

28 b. If the individual's verified countable income is between
29 one hundred fifty percent and two hundred fifty percent of
30 the federal poverty level applicable to the individual's
31 household's size, three percent of the individual's verified
32 countable income.

33 c. If the individual's verified countable income is more
34 than two hundred fifty percent of the federal poverty level
35 applicable to the individual's household's size, six percent of

1 the individual's verified countable income.

2 2. a. An individual shall report any change in the
3 individual's countable income to the department.

4 b. The department shall utilize the individual's verified
5 countable income until the individual reports a change in
6 countable income and the change is processed by the department,
7 unless there is good cause for the department's delay in
8 verifying the change in the individual's countable income.

9 c. A change in an individual's program premium amount shall
10 be effective the month after the change in the individual's
11 countable income is reported to and verified by the department.

12 3. An individual shall be covered under the program for
13 six consecutive months beginning the first day of the month in
14 which the department approves the individual's application for
15 the program.

16 4. The department shall create a six-month grace period that
17 provides continuous program coverage to an individual following
18 the individual's temporary loss of employment, or a health
19 crisis that temporarily prevents the individual from continuing
20 employment. The individual shall be required to continue to
21 pay the program premium based on the individual's verified
22 countable income during the six-month grace period.

23 5. The department may terminate an individual's program
24 coverage if the individual fails to pay four consecutive months
25 of program premiums.

26 6. An individual must pay a program premium in full for any
27 month that program coverage is provided, including a month when
28 a redetermination of coverage is made, a month when continued
29 coverage is requested, and during the period of an eligibility
30 determination appeal.

31 Sec. 6. NEW SECTION. 249P.6 Rules.

32 The department shall adopt rules pursuant to chapter 17A to
33 administer this chapter.

34 Sec. 7. WORK WITHOUT WORRY PROGRAM — DEPARTMENT OF HEALTH
35 AND HUMAN SERVICES.

1 1. The department of health and human services shall submit
2 any waiver request or state plan amendment, or combination
3 thereof, to the centers for Medicare and Medicaid services of
4 the United States department of health and human services as
5 necessary to create a work without worry program in accordance
6 with this Act.

7 2. Any individual participating in the Medicaid for
8 employed persons with disabilities program when the work
9 without worry program is implemented shall be transferred to
10 and enrolled in the work without worry program.

11 Sec. 8. EFFECTIVE DATE. This Act, being deemed of immediate
12 importance, takes effect upon enactment.>

13 2. Title page, by striking lines 1 through 5 and inserting
14 <An Act relating to the establishment of the work without worry
15 program under the medical assistance program for employed
16 individuals with disabilities, and including effective date
17 provisions.>

SCHOLTEN of Woodbury