

House Study Bill 625

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the disposition of medical assistance special
2 needs trusts, including the payment rate for nursing facility
3 levels of care.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5190DP 80
6 pf/sh/8

PAG LIN

1 1 Section 1. Section 633.707, subsections 10 and 11, Code
1 2 2003, are amended by striking the subsections.
1 3 Sec. 2. Section 633.709, subsection 3, Code 2003, is
1 4 amended to read as follows:
1 5 3. Subsections 1 and 2 shall apply to the following
1 6 beneficiaries; however, the following amounts indicated shall
1 7 be applied in lieu of the statewide average charge for nursing
1 8 facility services:
1 9 a. For a beneficiary who meets the medical assistance
1 10 level of care requirements for services in an intermediate
1 11 care facility for persons with mental retardation and who
1 12 either resides in an intermediate care facility for persons
1 13 with mental retardation or is eligible for medical assistance
1 14 home and community-based waiver services except that the
1 15 beneficiary's income exceeds the allowable maximum, the
1 16 applicable rate is the maximum monthly medical assistance
1 17 payment rate for services in an intermediate care facility for
1 18 persons with mental retardation.
1 19 ~~b. For a beneficiary who meets the medical assistance~~
~~1 20 level of care requirements for hospital-based, medicare-~~
~~1 21 certified, skilled nursing facility care and who either~~
~~1 22 resides in a hospital-based, medicare-certified, skilled~~
~~1 23 nursing facility or is eligible for medical assistance home~~
~~1 24 and community-based waiver services except that the~~
~~1 25 beneficiary's income exceeds the allowable maximum, the~~
~~1 26 applicable rate is the statewide average charge to private-pay~~
~~1 27 patients for hospital-based, medicare-certified, skilled~~
~~1 28 nursing facility care.~~
1 29 ~~c. For a beneficiary who meets the medical assistance~~
~~1 30 level of care requirements for nonhospital-based, medicare-~~
~~1 31 certified, skilled nursing facility care and who either~~
~~1 32 resides in a nonhospital-based, medicare-certified, skilled~~
~~1 33 nursing facility or is eligible for medical assistance home~~
~~1 34 and community-based waiver services except that the~~
~~1 35 beneficiary's income exceeds the allowable maximum, the~~
2 1 ~~applicable rate is the statewide average charge to private-pay~~
2 2 ~~patients for nonhospital-based, medicare-certified, skilled~~
2 3 ~~nursing facility care.~~
2 4 ~~d. b.~~ For a beneficiary who meets the medical assistance
2 5 level of care requirements for services in a psychiatric
2 6 medical institution for children and who resides in a
2 7 psychiatric medical institution for children, the applicable
2 8 rate is the statewide average charge to private-pay patients
2 9 for psychiatric medical institution for children care.
2 10 ~~e. c.~~ For a beneficiary who meets the medical assistance
2 11 level of care requirements for services in a state mental
2 12 health institute and who either resides in a state mental
2 13 health institute or is eligible for medical assistance home
2 14 and community-based waiver services except that the
2 15 beneficiary's income exceeds the allowable maximum, the
2 16 applicable rate is the statewide average charge for state
2 17 mental health institute care.
2 18 ~~d.~~ For a beneficiary who meets the medical assistance
2 19 level of care requirements for services in a nursing facility
2 20 and is receiving care or is receiving specialized care such as
2 21 an adult receiving Alzheimer's care, a child receiving skilled
2 22 nursing facility care, or an adult or child receiving skilled

2 23 nursing facility care for neurological disorders, the
2 24 applicable rate is the statewide average charge for nursing
2 25 facility services for the services or specialized services
2 26 provided.

2 27 EXPLANATION

2 28 This bill relates to certain eligibility provisions under
2 29 the medical assistance (Medicaid) program.

2 30 With regard to disposition of medical assistance income
2 31 trusts, the bill eliminates two level of care bases for
2 32 determining the charge for different levels of nursing
2 33 facility care and provides instead for a determination based
2 34 on the average charge for nursing facility services including
2 35 for specific specialized services such as Alzheimer's care
3 1 provided to an adult, skilled nursing facility care provided
3 2 to a child, and skilled nursing facility care for neurological
3 3 disorders provided to a child or an adult.

3 4 LSB 5190DP 80

3 5 pf/sh/8.1