

**Senate File 2082 - Introduced**

SENATE FILE 2082

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**A BILL FOR**

1 An Act relating to the submission of a Medicaid state plan  
2 amendment for the provision of home and community-based  
3 services to elders.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. MEDICAID — SECTION 1915(i) STATE PLAN  
2 AMENDMENT — HOME AND COMMUNITY-BASED SERVICES FOR ELDER. The  
3 department of human services shall convene a workgroup of  
4 stakeholders with interest or expertise in issues relating  
5 to elders to develop a section 1915(i) medical assistance  
6 program state plan amendment in accordance with section  
7 2402 of the federal Patient Protection and Affordable Care  
8 Act to cover home and community-based services for eligible  
9 elders 65 years of age or older. The workgroup shall make  
10 recommendations on or before September 1, 2014, relating to  
11 financial eligibility; benefits, including whether individuals  
12 receiving 1915(i) services should be eligible for full Medicaid  
13 benefits; available services; and the needs-based level of  
14 care criteria for determination of eligibility under the state  
15 plan amendment. The recommendations of the workgroup shall be  
16 incorporated into a 1915(i) state plan amendment and submitted  
17 by the department of human services to the centers for Medicare  
18 and Medicaid services of the United States department of health  
19 and human services for approval.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with  
22 the explanation's substance by the members of the general assembly.

23 This bill directs the department of human services (DHS)  
24 to convene a workgroup of stakeholders with interest or  
25 expertise in issues relating to elders to develop a section  
26 1915(i) Medicaid state plan amendment to provide home and  
27 community-based services (HCBS) to eligible elders. The  
28 workgroup is directed to make recommendations on or before  
29 September 1, 2014, relating to financial eligibility; benefits,  
30 including whether individuals receiving 1915(i) services should  
31 be eligible for full Medicaid benefits; available services; and  
32 the needs-based level of care criteria for determination of  
33 eligibility under the state plan amendment. The bill directs  
34 DHS to incorporate the recommendations of the workgroup into  
35 a state plan amendment to be submitted to the centers for

1 Medicare and Medicaid services of the United States department  
2 of health and human services for approval.

3 The 1915(i) state plan amendment option under the federal  
4 Patient Protection and Affordable Care Act (ACA) allows states  
5 to provide HCBS to eligible individuals without requiring  
6 the individuals to meet the institutional level of care  
7 criteria. Rather, an individual must meet a needs-based  
8 criteria specified by the state that is less restrictive  
9 than the state's institutional level of care criteria. The  
10 ACA provision also allows states to expand the scope of  
11 allowable services; allows states to provide a specific set  
12 of HCBS benefits to a targeted population group; allows the  
13 use of increased income eligibility up to 300 percent of the  
14 supplemental security income (SSI) federal benefit level; and  
15 allows states to provide full Medicaid state plan benefits to  
16 those eligible for the 1915(i) HCBS option. Because the HCBS  
17 option is based on a state plan amendment rather than a waiver,  
18 the HCBS must be offered to all eligible individuals on a  
19 statewide basis. The state cannot limit the number of eligible  
20 individuals, establish a waiting list for these individuals, or  
21 limit services to only specified areas of the state.