

SECOND REGULAR SESSION

# SENATE BILL NO. 1049

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHIELDS.

Read 1st time February 13, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4941S.011

## AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to the disabled employee's health assistance program, with an emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 208, RSMo, is amended by adding thereto one new section, to be known as section 208.146, to read as follows:

**208.146. 1. This section shall be known as the "Disabled Employee's Health Assistance Program". Pursuant to the federal Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA) Public Law 106-170, the medical assistance provided for in section 208.151 may be paid for a person who is employed and who:**

**(1) Except for earnings, meets the definition of disabled under the supplemental security income program or meets the definition of an employed individual with a medically improved disability under TWWIIA;**

**(2) Has earned income as defined in subsection 2 of this section;**

**(3) Meets the asset limits in subdivision (1) of subsection 3 of this section;**

**(4) Has net income as defined in subsection 3 of this section that does not exceed the limit for permanent and totally disabled individuals to receive non-spenddown Medicaid under subdivision (24) of subsection 1 of section 208.151; and**

**(5) Has a gross income of two hundred fifty percent or less of the federal poverty level. For purposes of this subdivision, "gross income" includes all income of the person and the person's spouse that would be considered in determining Medicaid eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of**

22 section 208.151. Individuals with gross incomes in excess of one  
23 hundred percent of the federal poverty level shall pay a premium for  
24 participation in accordance with subsection 4 of this section.

25 2. For income to be considered earned income for the purposes  
26 of this section, the department of social services must document that  
27 Medicare and Social Security taxes are withheld from the income. Self-  
28 employed persons shall provide proof of payment of Medicare and  
29 Social Security taxes for income to be considered earned.

30 3. (1) For purposes of determining eligibility under this section,  
31 the available asset limit and the definition of available assets shall be  
32 the same as those used to determine Medicaid eligibility for permanent  
33 and totally disabled individuals under subdivision (24) of subsection 1  
34 of section 208.151.

35 (2) To determine net income the following shall be disregarded:

36 (a) All earned income of the disabled worker;

37 (b) The first sixty-five dollars and one-half of the remaining  
38 earned income of a non-disabled spouse's earned income;

39 (c) A twenty-dollar standard deduction;

40 (d) Health insurance premiums;

41 (e) All supplemental security income payments;

42 (f) A standard deduction for impairment-related employment  
43 expenses equal to one-half of the disabled worker's earned income.

44 4. Any person whose gross income exceeds one hundred percent  
45 of the federal poverty level shall pay a premium for participation in the  
46 medical assistance provided in this section. The premium shall be:

47 (1) For a person whose gross income is above one hundred  
48 percent of the federal poverty level and below one hundred fifty  
49 percent of the federal poverty level, seven and one-half percent of  
50 income at one hundred percent of the federal poverty level;

51 (2) For a person whose gross income is equal to or above one  
52 hundred fifty percent of the federal poverty level and below two  
53 hundred percent of the federal poverty level, seven and one-half  
54 percent of income at one hundred fifty percent of the federal poverty  
55 level;

56 (3) For a person whose income is equal to or above two hundred  
57 percent of the federal poverty level, seven and one-half percent of  
58 income at two hundred percent of the federal poverty level.

59           **5. Enrollees shall report any change in income or household size**  
60 **within ten days of the occurrence of such change. An increase in**  
61 **premiums resulting from a reported change in income or household size**  
62 **shall be effective with the next premium invoice that is mailed to a**  
63 **person after due process requirements have been met. A decrease in**  
64 **premiums shall be effective the first day of the month immediately**  
65 **following the month in which the change is reported.**

66           **6. If an eligible individual's employer offers employer-sponsored**  
67 **health insurance and the department of social services determines that**  
68 **it is more cost effective, the individual shall participate in the**  
69 **employer-sponsored insurance. The department shall pay such**  
70 **individual's portion of the premiums, co-payments and any other costs**  
71 **associated with participation in the employer-sponsored health**  
72 **insurance.**

73           **7. The department of social services shall apply for any and all**  
74 **grants that may be available to offset the costs associated with the**  
75 **implementation of this section.**

76           **8. Recipients of services through this chapter who pay a**  
77 **premium shall do so by electronic funds transfer or employer deduction**  
78 **unless good cause is shown to pay otherwise.**

79           **9. Any person who applies for or receives medical assistance**  
80 **under this section who knowingly provides false documentation**  
81 **required for verification or reverification of eligibility shall be subject**  
82 **to all remedies and sanctions permitted under federal and state law**  
83 **and shall be permanently barred from participation in any state-funded**  
84 **medical assistance program.**

85           **10. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

86           **(1) The provisions of the new program authorized under this**  
87 **section shall sunset automatically six years after the effective date of**  
88 **this section unless reauthorized by an act of the general assembly; and**

89           **(2) If such program is reauthorized, the program authorized**  
90 **under this section shall sunset automatically twelve years after the**  
91 **effective date of the reauthorization of this section; and**

92           **(3) This section shall terminate on September first of the**  
93 **calendar year immediately following the calendar year in which the**  
94 **program authorized under this section is sunset.**

Section B. Because of the immediate need to provide assistance to

2 disabled employees, section A of this act is deemed necessary for the immediate  
3 preservation of the public health, welfare, peace, and safety, and is hereby  
4 declared to be an emergency act within the meaning of the constitution, and  
5 section A of this act shall be in full force and effect on July 1, 2006, upon its  
6 passage and approval, whichever later occurs.

✓

Unofficial

Bill

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