

SB 259-FN - AS AMENDED BY THE SENATE

03/07/2019 0634s

2019 SESSION

19-0870

05/01

SENATE BILL

259-FN

AN ACT

expanding eligibility for Medicaid for employed adults with disabilities age 65 and over.

SPONSORS:

Sen. Watters, Dist 4; Sen. Hennessey, Dist 5; Sen. Fuller Clark, Dist 21; Sen. Bradley, Dist 3; Sen. Chandley, Dist 11; Sen. Feltes, Dist 15; Sen. Kahn, Dist 10; Sen. Morgan, Dist 23; Sen. Morse, Dist 22; Sen. Rosenwald, Dist 13; Sen. Sherman, Dist 24; Sen. Soucy, Dist 18; Rep. Cannon, Straf. 18; Rep. McMahon, Rock. 7

COMMITTEE:

Health and Human Services

AMENDED ANALYSIS

This bill expands eligibility for Medicaid for employed adults with disabilities age 65 and over.

Explanation:

Matter added to current law appears in ***bold italics.***

Matter removed from current law appears ~~[in brackets and struckthrough.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT expanding eligibility for Medicaid for employed adults with disabilities age 65 and over.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Department of Health and Human Services; State Plan Amendment; Medicaid for Older
2 Employed Adults with Disabilities (MOAD) Work Incentive Program. On or before January 15,
3 2020, the commissioner of the department of health and human services shall apply to the Centers
4 for Medicare and Medicaid Services for an amendment to the state Medicaid plan pursuant to 442
5 C.F.R. section 430.12 to allow working persons with disabilities who are age 65 and older to receive
6 medical assistance pursuant to 42 U.S.C. section 1396a(a)(10)(A)(ii)(XIII) and as permitted under
7 the Balanced Budget Act of 1997, to be known as Medicaid for Older Employed Adults with
8 Disabilities (MOAD). The state plan amendment shall be used to create a program similar to the
9 state's Medicaid for Employed Adults with Disabilities (MEAD) program, established pursuant to
10 RSA 167:3-i, which is currently limited to individuals between 18 and 64 years of age. Program
11 eligibility under the state plan amendment shall be structured to provide the broadest range of
12 Medicaid coverage consistent with federal eligibility criteria, and to utilize available income and
13 asset disregards so that, to the extent possible, persons eligible for the MEAD program shall also be
14 eligible for the MOAD program when they reach age 65.

15 2 New Paragraph; Definitions; MOAD Program. Amend RSA 167:6 by inserting after
16 paragraph IX the following new paragraph:

17 IX-a. A person with a disability age 65 and older who is eligible to participate in the work
18 incentive program, known as Medicaid for employed older adults with disabilities (MOAD), shall be
19 eligible for medical assistance as medically needy or categorically needy but not to exclude Medicare
20 coverage. The department of health and human services shall establish a sliding fee scale for
21 participants to contribute to the cost of such medical assistance. Participants in the MOAD
22 program shall be employed at the time of enrollment, and may remain enrolled during temporary
23 unemployment for medical reasons or other good cause.

24 3 New Section; MOAD Work Incentive Program. Amend RSA 167 by inserting after section 3-1
25 the following new section:

26 167:3-m MOAD Work Incentive Program.

27 I. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C. section
28 1396a(a)(10)(A)(ii)(XIII), the department of health and human services shall establish and
29 administer a work incentive program, known as Medicaid for employed older adults with disabilities
30 (MOAD). The purpose of the program shall be to ensure the availability of long-term supports to

SB 259-FN - AS AMENDED BY THE SENATE
- Page 2 -

workers age 65 and older with disabilities who are medically eligible for Medicaid, enabling them to maximize their employment potential and financial independence and prevent impoverishment and dependence upon cash assistance programs.

II. In addition to the requirements of RSA 167:6, IX-a, the MOAD program shall:

(a) Exclude from consideration resources accumulated from earnings, including interest earned by the resource, by a MOAD-eligible individual beginning on or after the date of eligibility through the period of MOAD eligibility and kept in a separate account from other resources, when determining future eligibility for other medical assistance programs.

(b) Provide continued eligibility during periods of temporary unemployment provided that the individual is unable to work for medical reasons but is likely to return to work, or the individual becomes unemployed for other good cause and is actively seeking employment.

(c) Define employment for eligibility purposes in a manner that permits a self-employed individual to earn less than the federal minimum wage.

(d) Permit individuals who are eligible for home and community-based care waiver services and who qualify for a special income limit, to receive medical assistance through the MOAD program, if they so choose.

(e) Provide notice and an opportunity for a fair hearing in the event of any adverse action affecting eligibility for or enrollment in the MOAD program.

(f) Establish oversight and enforcement procedures to prevent fraud and to assure that participants are consistently engaging in gainful employment.

III. Pursuant to section 1902(a)(10)(A)(ii)(XIII) of the Social Security Act, 42 U.S.C. section 1396a(a)(10)(A)(ii)(XIII), individuals shall be eligible for MOAD if their income does not exceed 250 percent of the federal poverty level, and they meet all criteria for receiving benefits under the Supplemental Security Income (SSI) program.

4 New Paragraph; Rulemaking; MOAD Program. Amend RSA 167:3-c by inserting after paragraph XII the following new paragraph:

XII-a. Administration of the MOAD work incentive program established pursuant to RSA 167:6, IX-a and RSA 167:3-m.

5 Applicability. Sections 2-4 of this act shall take effect on the date that the commissioner of the department of health and human services certifies to the secretary of state and the director of the office of legislative services that the state plan amendment submitted under section 1 of this act has been approved by the Centers for Medicare and Medicaid Services.

6 Effective Date.

I. Sections 2-4 of this act shall take effect as provided in section 5 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

LBAO
19-0870
1/23/19

**SB 259-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT expanding eligibility for the Medicaid for employed adults with disabilities (MEAD) program.

FISCAL IMPACT: ☒ **State** ☐ **County** ☐ **Local** ☐ **None**

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General Funds	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Federal

METHODOLOGY:

This bill directs the Department of Health and Human Services to apply for an amendment to the state Medicaid plan to expand the Medicaid for Employed Adults with Disabilities (MEAD) program to individuals age 65 and older and implement the program upon approval. The Department anticipates an indeterminable increase to state expenditures consisting of 50 percent general funds and 50 percent federal funds as a result of supporting an additional eligibility group under the bill. The Department states it does not have information as to how many individuals would potentially qualify for this optional eligibility group. Additionally, the effective date of the bill is contingent upon approval of the amendment to the state Medicaid plan and the Department states it is unable to provide a cost estimate without knowing when the legislation would take effect.

AGENCIES CONTACTED:

Department of Health and Human Services