

FIRST REGULAR SESSION

# SENATE BILL NO. 203

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIFTON.

Pre-filed December 15, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0546S.01I

## AN ACT

To repeal section 208.146, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet buy-in for workers with disabilities program.

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

Section A. Section 208.146, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 208.146, to read as follows:

208.146. 1. The program established under this section shall be known  
2 as the "[Ticket to Work Health Assurance] **MO HealthNet Buy-In For**  
3 **Workers With Disabilities** Program". Subject to appropriations and in  
4 accordance with the federal Ticket to Work and Work Incentives Improvement Act  
5 of 1999 (TWWIIA), Public Law 106-170, the medical assistance provided for in  
6 section 208.151 may be paid for a person who is employed and who:

7 (1) Except for earnings, meets the definition of disabled under the  
8 Supplemental Security Income Program or meets the definition of an employed  
9 individual with a medically improved disability under TWWIIA;

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

11 (3) [Meets the asset limits in subsection 3 of this section;

12 (4)] Has [net] income[, as defined in subsection 3 of this section,] that does  
13 not exceed [the limit for permanent and totally disabled individuals to receive  
14 nonspenddown MO HealthNet under subdivision (24) of subsection 1 of section  
15 208.151; and

16 (5) Has a gross income of two hundred fifty percent or less of the federal  
17 poverty level, excluding any earned income of the worker with a disability  
18 between two hundred fifty and three hundred percent of the federal poverty  
19 level. For purposes of this subdivision, "gross income" includes all income of the

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 person and the person's spouse that would be considered in determining MO  
21 HealthNet eligibility for permanent and totally disabled individuals under  
22 subdivision (24) of subsection 1 of section 208.151. Individuals with gross  
23 incomes in excess of one hundred percent of the federal poverty level shall pay a  
24 premium for participation in accordance with subsection 4 of this section] **three**  
25 **hundred percent of the federal poverty level. For purposes of this**  
26 **subdivision, "income" includes all income of the person that would be**  
27 **considered in determining MO HealthNet eligibility for permanent and**  
28 **totally disabled individuals under subdivision (24) of subsection 1 of**  
29 **section 208.151. Individuals with incomes in excess of one hundred**  
30 **percent of the federal poverty level shall pay a premium for**  
31 **participation in accordance with subsection 4 of this section.**

32 2. For income to be considered earned income for purposes of this section,  
33 the department of social services shall document that Medicare and Social  
34 Security taxes are withheld from such income. Self-employed persons shall  
35 provide proof of payment of Medicare and Social Security taxes for income to be  
36 considered earned.

37 3. (1) For purposes of determining eligibility under this section, [the  
38 available] **there shall be no** asset limit [and the definition of available assets  
39 shall be the same as those used to determine MO HealthNet eligibility for  
40 permanent and totally disabled individuals under subdivision (24) of subsection  
41 1 of section 208.151 except for:

42 (a) Medical savings accounts limited to deposits of earned income and  
43 earnings on such income while a participant in the program created under this  
44 section with a value not to exceed five thousand dollars per year; and

45 (b) Independent living accounts limited to deposits of earned income and  
46 earnings on such income while a participant in the program created under this  
47 section with a value not to exceed five thousand dollars per year. For purposes  
48 of this section, an "independent living account" means an account established and  
49 maintained to provide savings for transportation, housing, home modification, and  
50 personal care services and assistive devices associated with such person's  
51 disability].

52 (2) To determine [net] income, the following shall be disregarded:

53 (a) All earned income of the [disabled worker] **spouse;**

54 (b) [The first sixty-five dollars and one-half of the remaining earned  
55 income of a nondisabled spouse's earned income;

56 (c)] A twenty dollar standard deduction;

57 [(d)] (c) Health insurance premiums;

58 [(e)] (d) A seventy-five dollar a month standard deduction for the  
59 disabled worker's dental and optical insurance when the total dental and optical  
60 insurance premiums are less than seventy-five dollars;

61 [(f)] (e) All Supplemental Security Income payments, and the first fifty  
62 dollars of SSDI payments;

63 [(g)] (f) A standard deduction for impairment-related employment  
64 expenses equal to one-half of the disabled worker's earned income.

65 4. Any person whose [gross] income, **as defined in subdivision (3) of**  
66 **subsection 1 of this section**, exceeds one hundred percent of the federal  
67 poverty level shall pay a premium for participation in the medical assistance  
68 provided in this section. Such premium shall be:

69 (1) For a person whose [gross] income, **as defined in subdivision (3)**  
70 **of subsection 1 of this section**, is more than one hundred percent but less  
71 than one hundred fifty percent of the federal poverty level, four percent of income  
72 at one hundred percent of the federal poverty level;

73 (2) For a person whose [gross] income, **as defined in subdivision (3)**  
74 **of subsection 1 of this section**, equals or exceeds one hundred fifty percent  
75 but is less than two hundred percent of the federal poverty level, four percent of  
76 income at one hundred fifty percent of the federal poverty level;

77 (3) For a person whose [gross] income, **as defined in subdivision (3)**  
78 **of subsection 1 of this section**, equals or exceeds two hundred percent but less  
79 than two hundred fifty percent of the federal poverty level, five percent of income  
80 at two hundred percent of the federal poverty level;

81 (4) For a person whose [gross] income, **as defined in subdivision (3)**  
82 **of subsection 1 of this section**, equals or exceeds two hundred fifty percent up  
83 to and including three hundred percent of the federal poverty level, six percent  
84 of income at two hundred fifty percent of the federal poverty level.

85 5. Recipients of services through this program shall report any change in  
86 income or household size within ten days of the occurrence of such change. An  
87 increase in premiums resulting from a reported change in income or household  
88 size shall be effective with the next premium invoice that is mailed to a person  
89 after due process requirements have been met. A decrease in premiums shall be  
90 effective the first day of the month immediately following the month in which the  
91 change is reported.

92           6. If an eligible person's employer offers employer-sponsored health  
93 insurance and the department of social services determines that it is more cost  
94 effective, such person shall participate in the employer-sponsored insurance. The  
95 department shall pay such person's portion of the premiums, co-payments, and  
96 any other costs associated with participation in the employer-sponsored health  
97 insurance. **If the department elects to pay such person's employer-**  
98 **sponsored insurance costs pursuant to this subsection, then the medical**  
99 **assistance provided under this section shall be provided to an eligible**  
100 **person as a secondary or supplemental policy to any employer-**  
101 **sponsored benefits which may be available to such person.**

102           7. The [provisions of this section shall expire August 28, 2019]  
103 **department shall provide to the general assembly an annual report of**  
104 **the number of participants in the program, as well as describe the**  
105 **outreach and education efforts to increase awareness and enrollment**  
106 **in MO HealthNet buy-in for workers with disabilities.**

107           8. The department shall submit such state plan amendments and  
108 **waivers to the Centers for Medicare and Medicaid Services of the**  
109 **federal Department of Health and Human Services as the department**  
110 **determines are necessary to implement the provisions of this section.**

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