

House Bill 2597

Sponsored by Representative KOTEK; Representatives GELSER, TOMEI

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Increases income limit from 185 percent to 200 percent of federal poverty guidelines for eligibility of pregnant women for medical assistance.

A BILL FOR AN ACT

Relating to medical assistance for pregnant women; amending ORS 414.025 and 414.706.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 414.025, as amended by section 18a, chapter 861, Oregon Laws 2007, is amended to read:

414.025. As used in this chapter, unless the context or a specially applicable statutory definition requires otherwise:

(1) "Category of aid" means assistance provided by the Oregon Supplemental Income Program, aid granted under ORS 412.001 to 412.069 and 418.647 or federal Supplemental Security Income payments.

(2) "Categorically needy" means, insofar as funds are available for the category, a person who is a resident of this state and who:

(a) Is receiving a category of aid.

(b) Would be eligible for, but is not receiving a category of aid.

(c) Is in a medical facility and, if the person left such facility, would be eligible for a category of aid.

(d) Is under the age of 21 years and would be a dependent child as defined in ORS 412.001 except for age and regular attendance in school or in a course of professional or technical training.

(e)(A) Is a caretaker relative, as defined in ORS 412.001, who cares for a child who would be a dependent child except for age and regular attendance in school or in a course of professional or technical training; or

(B) Is the spouse of the caretaker relative.

(f) Is under the age of 21 years, is in a foster family home or licensed child-caring agency or institution under a purchase of care agreement and is one for whom a public agency of this state is assuming financial responsibility, in whole or in part.

(g) Is a spouse of an individual receiving a category of aid and who is living with the recipient of a category of aid, whose needs and income are taken into account in determining the cash needs of the recipient of a category of aid, and who is determined by the Department of Human Services to be essential to the well-being of the recipient of a category of aid.

(h) Is a caretaker relative as defined in ORS 412.001 who cares for a dependent child receiving aid granted under ORS 412.001 to 412.069 and 418.647 or is the spouse of the caretaker relative.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (i) Is under the age of 21 years, is in a youth care center and is one for whom a public agency
2 of this state is assuming financial responsibility, in whole or in part.

3 (j) Is under the age of 21 years and is in an intermediate care facility which includes institutions
4 for persons with mental retardation; or is under the age of 22 years and is in a psychiatric hospital.

5 (k) Is under the age of 21 years and is in an independent living situation with all or part of the
6 maintenance cost paid by the Department of Human Services.

7 (L) Is a member of a family that received aid in the preceding month under ORS 412.006 or
8 412.014 and became ineligible for aid due to increased hours of or increased income from employ-
9 ment. As long as the member of the family is employed, such families will continue to be eligible for
10 medical assistance for a period of at least six calendar months beginning with the month in which
11 such family became ineligible for assistance due to increased hours of employment or increased
12 earnings.

13 (m) Is an adopted person under 21 years of age for whom a public agency is assuming financial
14 responsibility in whole or in part.

15 (n) Is an individual or is a member of a group who is required by federal law to be included in
16 the state's medical assistance program in order for that program to qualify for federal funds.

17 (o) Is an individual or member of a group who, subject to the rules of the department and within
18 available funds, may optionally be included in the state's medical assistance program under federal
19 law and regulations concerning the availability of federal funds for the expenses of that individual
20 or group.

21 (p) Is a pregnant woman who would be eligible for aid granted under ORS 412.001 to 412.069 and
22 418.647, whether or not the woman is eligible for cash assistance.

23 (q) Except as otherwise provided in this section and to the extent of available funds, is a preg-
24 nant woman or child for whom federal financial participation is available under Title XIX **or XXI**
25 of the federal Social Security Act.

26 (r) Is not otherwise categorically needy and is not eligible for care under Title XVIII of the
27 federal Social Security Act or is not a full-time student in a post-secondary education program as
28 defined by the Department of Human Services by rule, but whose family income is less than the
29 federal poverty level and whose family investments and savings equal less than the investments and
30 savings limit established by the department by rule.

31 (s) Would be eligible for a category of aid but for the receipt of qualified long term care insur-
32 ance benefits under a policy or certificate issued on or after January 1, 2008. As used in this para-
33 graph, "qualified long term care insurance" means a policy or certificate of insurance as defined in
34 ORS 743.652 (6).

35 (3) "Income" has the meaning given that term in ORS 411.704.

36 (4) "Investments and savings" means cash, securities as defined in ORS 59.015, negotiable in-
37 struments as defined in ORS 73.0104 and such similar investments or savings as the Department of
38 Human Services may establish by rule that are available to the applicant or recipient to contribute
39 toward meeting the needs of the applicant or recipient.

40 (5) "Medical assistance" means so much of the following medical and remedial care and services
41 as may be prescribed by the Department of Human Services according to the standards established
42 pursuant to ORS 414.065, including payments made for services provided under an insurance or
43 other contractual arrangement and money paid directly to the recipient for the purchase of medical
44 care:

45 (a) Inpatient hospital services, other than services in an institution for mental diseases;

- 1 (b) Outpatient hospital services;
- 2 (c) Other laboratory and X-ray services;
- 3 (d) Skilled nursing facility services, other than services in an institution for mental diseases;
- 4 (e) Physicians' services, whether furnished in the office, the patient's home, a hospital, a skilled
- 5 nursing facility or elsewhere;
- 6 (f) Medical care, or any other type of remedial care recognized under state law, furnished by
- 7 licensed practitioners within the scope of their practice as defined by state law;
- 8 (g) Home health care services;
- 9 (h) Private duty nursing services;
- 10 (i) Clinic services;
- 11 (j) Dental services;
- 12 (k) Physical therapy and related services;
- 13 (L) Prescribed drugs, including those dispensed and administered as provided under ORS chapter
- 14 689;
- 15 (m) Dentures and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases
- 16 of the eye or by an optometrist, whichever the individual may select;
- 17 (n) Other diagnostic, screening, preventive and rehabilitative services;
- 18 (o) Inpatient hospital services, skilled nursing facility services and intermediate care facility
- 19 services for individuals 65 years of age or over in an institution for mental diseases;
- 20 (p) Any other medical care, and any other type of remedial care recognized under state law;
- 21 (q) Periodic screening and diagnosis of individuals under the age of 21 years to ascertain their
- 22 physical or mental impairments, and such health care, treatment and other measures to correct or
- 23 ameliorate impairments and chronic conditions discovered thereby;
- 24 (r) Inpatient hospital services for individuals under 22 years of age in an institution for mental
- 25 diseases; and
- 26 (s) Hospice services.
- 27 (6) "Medical assistance" includes any care or services for any individual who is a patient in a
- 28 medical institution or any care or services for any individual who has attained 65 years of age or
- 29 is under 22 years of age, and who is a patient in a private or public institution for mental diseases.
- 30 "Medical assistance" includes "health services" as defined in ORS 414.705. "Medical assistance"
- 31 does not include care or services for an inmate in a nonmedical public institution.
- 32 (7) "Medically needy" means a person who is a resident of this state and who is considered el-
- 33 igible under federal law for medically needy assistance.
- 34 (8) "Resources" has the meaning given that term in ORS 411.704. For eligibility purposes, "re-
- 35 sources" does not include charitable contributions raised by a community to assist with medical
- 36 expenses.
- 37 **SECTION 2.** ORS 414.706 is amended to read:
- 38 414.706. The Legislative Assembly shall approve and fund health services to the following per-
- 39 sons:
- 40 (1) Persons who are categorically needy as described in ORS 414.025 (2)(n) and (o);
- 41 (2) Pregnant women with incomes no more than [185] **200** percent of the federal poverty guide-
- 42 lines;
- 43 (3) Persons under 19 years of age with incomes no more than 200 percent of the federal poverty
- 44 guidelines;
- 45 (4) Persons described in ORS 414.708; and

