



HOUSE BILL 842: Medicaid Waiver Protections/Military Families.

2015-2016 General Assembly

Committee:	Date:	July 27, 2016
Introduced by:	Prepared by:	Jennifer Hillman
Analysis of:	S.L. 2016-71	Staff Attorney

OVERVIEW: *Effective January 1, 2017, S.L. 2016-71 directs the Department of Health and Human Services (DHHS) to ensure that the eligibility criteria for Medicaid home and community-based waivers allow a dependent of a member of the Armed Forces to maintain the dependent's waiver status upon transfer of the service member to an assignment outside of North Carolina, so long as the member maintains North Carolina as the legal residence to which the member intends to return upon completion of military service.*

Effective June 30, 2016, DHHS must submit any Medicaid State Plan Amendments or waiver amendments necessary to accomplish the requirements of this act.

CURRENT LAW: In accordance with federal law, North Carolina residents meeting Medicaid eligibility criteria are eligible for Medicaid state plan services. As permitted under federal law, individuals requiring an institutional level of care may be eligible for additional home and community-based services through a Medicaid waiver program. North Carolina operates three home and community-based waiver programs serving individuals with developmental disabilities, disabled adults, and medically fragile children. Due to waiver funding restrictions, there are a limited number of slots for individuals to be served through a waiver program, and a waiting list of individuals who have requested a slot is maintained.

BILL ANALYSIS:

Section 1 of the act requires the Department of Health and Human Services (DHHS) to ensure that a dependent of a member of the Armed Forces maintains his or her position on the waiting list for a waiver slot when the service member is transferred to an assignment outside of North Carolina, as long as the service member intends to return to North Carolina upon completion of the military service. If a dependent of a service member was receiving waiver services prior to the transfer out of North Carolina, then upon return to North Carolina, the dependent must be reinstated to his or her slot, if it remains available, or receive a priority position on the waiting list for the next available slot. Upon return to North Carolina, the dependent must meet Medicaid eligibility requirements and all other waiver eligibility requirements.

Section 2 of the act requires DHHS to submit any Medicaid State Plan amendments or waiver amendments necessary to implement the act.

EFFECTIVE DATE: Section 1 of the act is effective January 1, 2017, and the remainder of the act is effective June 30, 2016.

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Legislative Analysis
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