

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 354  
Appropriations/Base Budget Committee Substitute Adopted 4/23/09  
House Committee Substitute Favorable 5/26/09

Short Title: Social Security Increase/Medicaid Elig.

(Public)

Sponsors:

Referred to:

March 2, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO  
ADOPT A POLICY ALLOWING A CERTAIN INCOME DISREGARD UNDER THE  
MEDICAID PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Department of Health and Human Services, Division of Medical Assistance, shall adopt and implement a policy that will prevent a Medicaid recipient (including MQB, QI-1, and QWD recipients) from losing Medicaid eligibility when the annual Social Security and Railroad Retirement Cost of Living Adjustments (COLAs) and the annual Federal Poverty Level adjustment cause a Medicaid recipient to become income-ineligible for Medicaid benefits. The policy shall apply only in cases where Medicaid income eligibility is affected only by Social Security and Railroad Retirement COLAs and Federal Poverty Level adjustments and shall not render a Medicaid recipient eligible if all other eligibility requirements are not met. If approval from the Centers for Medicare and Medicaid Services (CMS) is required for this policy to be implemented, the Department shall apply to CMS for approval.

**SECTION 2.(a)** The Department of Health and Human Services, Division of Medical Assistance, shall apply for a Medicaid State Plan Amendment to implement Section 1 of this act. If the State Plan amendment is approved by the Centers for Medicare and Medicaid Services (CMS), then the Department may use funds available to reinstate eligibility lost due to federal adjustments to income described under Section 1 of this act.

**SECTION 2.(b)** If the State Plan amendment required under subsection (a) of this section is approved by CMS, then there is appropriated from the General Fund to the Department of Health and Human Services, Division of Medical Assistance, the sum of eleven million two hundred eighty-eight thousand two hundred twenty-four dollars (\$11,288,224) for the 2009-2010 fiscal year and the sum of twelve million three hundred forty-eight thousand five hundred twenty-five dollars (\$12,348,525) for the 2010-2011 fiscal year to implement Section 1 of this act.

**SECTION 3.** Section 2(b) of this act becomes effective July 1, 2009. The remainder of this act is effective when it becomes law and applies to all eligible Medicaid recipients as of March 31, 2009.

