

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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**HOUSE BILL 842
Committee Substitute Favorable 4/23/15**

Short Title: Medicaid Waiver Protections/Military Families.

(Public)

Sponsors:

Referred to:

April 15, 2015

A BILL TO BE ENTITLED

1 AN ACT TO PROTECT ACCESS TO MEDICAID WAIVERS BY DEPENDENTS OF
2 MEMBERS OF THE ARMED FORCES.
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4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The Department of Health and Human Services shall ensure that the
6 eligibility criteria for Medicaid home- and community-based waivers allow the dependent of a
7 member of the Armed Forces to maintain the dependent's waiver status upon the transfer of the
8 service member to an assignment outside of North Carolina, so long as the service member
9 maintains the State of North Carolina as the legal residence to which the service member
10 intends to return following completion of military service, and the dependent meets Medicaid
11 eligibility criteria and all other waiver eligibility criteria upon returning to North Carolina.
12 Consequently, a dependent who is on the waiting list for a waiver slot would maintain the
13 dependent's position on the waiting list. A dependent who was receiving waiver services prior
14 to the service member's transfer, upon the dependent's return to North Carolina, would be
15 reinstated to the dependent's waiver slot, if the slot remains available, or would receive a
16 priority position on the waiting list for the next available waiver slot. This section shall not be
17 construed to authorize the provision of waiver services outside of North Carolina.

18 **SECTION 2.** The Department of Health and Human Services shall submit any
19 Medicaid State Plan Amendments or waiver amendments necessary to accomplish the
20 requirements in Section 1 of this act.

21 **SECTION 3.** Section 1 of this act becomes effective January 1, 2016. The
22 remainder of this act is effective when it becomes law.

