AN ACT RELATING TO MEDICAID ELIGIBILITY EXPANSION; AMENDING SECTION 56-267, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE SHALL INFORM CERTAIN MEDICAID PARTICIPANTS OF THE DEPARTMENT'S EMPLOYMENT AND TRAINING PROGRAM AND OFFER THE OPPORTUNITY TO ENROLL IN SUCH PROGRAM, TO ESTABLISH PROVISIONS REGARDING PREMIUM ASSISTANCE FOR A QUALIFIED HEALTH PLAN, TO PROVIDE FOR RESEARCH ON WAIVER OPPORTUNITIES FOR SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES, TO PROVIDE FOR A REVIEW OF AND A RECOMMENDATION REGARDING MEDICAID ELIGIBILITY EXPANSION, TO PROVIDE THAT THE PROVISIONS OF THIS SECTION SHALL BE NULL, VOID, AND OF NO FORCE AND EFFECT UNDER CERTAIN CIRCUMSTANCES, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 56-267, Idaho Code, be, and the same is hereby amended to read as follows:

56-267. MEDICAID ELIGIBILITY EXPANSION. (1) Notwithstanding any provision of law or federal waiver to the contrary, the state shall amend its state plan to expand Medicaid eligibility to include those persons under sixty-five (65) years of age whose modified adjusted gross income is one hundred thirty-three percent (133%) of the federal poverty level or below and who are not otherwise eligible for any other coverage under the state plan, in accordance with sections 1902(a)(10)(A)(i)(VIII) and 1902(e)(14) of the Social Security Act.

(2) No later than ninety (90) days after approval of this section, the department shall submit any necessary state plan amendments to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to implement the provisions of this section. The department is required and authorized to take all actions necessary to implement the provisions of this section as soon as practicable.

(3) The Department shall inform Medicaid participants eligible pursuant to this section of the department's employment and training program and offer to such participants the opportunity to enroll in the program.

(4) If a person with a modified adjusted gross income above one hundred percent (100%) of the federal poverty level is eligible for Medicaid pursuant to subsection (1) of this section, the department shall, to the extent possible, provide premium assistance to purchase a qualified health plan through the Idaho health insurance exchange established by chapter 61, title 41, Idaho Code, to such person, instead of enrolling such person in Medicaid. The department will limit the choice of qualified health plans to ensure cost-effective coverage. The Department is authorized to seek any waiver or other approval necessary to implement the provisions of this subsection.
(5) The director shall research options for federal waivers to enable cost-efficient use of medicaid funds to pay for substance abuse and mental health services in institutions for mental disease.

(6) No later than January 31, 2023, the senate and house of representa- tives health and welfare committees shall review all health, fiscal, and other impacts of medicaid eligibility expansion pursuant to this section and shall make a recommendation to the legislature as to whether such expansion should remain in effect.

(7) If federal financial participation for persons identified in sub- section (1) of this section is reduced below the ninety percent (90%) commitment described in 42 U.S.C. 1396d(y), this section shall become null, void, and of no force and effect at the end of the next legislative session or at the end of the current legislative session if the legislature is in session at the time such reduction is made.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.