

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 138

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO MEDICAID; AMENDING SECTION 56-267, IDAHO CODE, TO PROVIDE CERTAIN CONDITIONS FOR IMPLEMENTATION OF MEDICAID ELIGIBILITY EXPANSION, TO REQUIRE NOTIFICATION TO THE LEGISLATURE, AND TO PROVIDE FOR CONDITIONAL TERMINATION OF MEDICAID ELIGIBILITY EXPANSION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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~~ not implement or execute any state plan that expands 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- on and after July 1, 2026, unless all of the following conditions are met:

(a) Federal financial participation for persons identified in this subsection remains at the ninety percent (90%) federal commitment described in section 1905 (y) of the social security act;

(b) The department has, with federal approval if necessary, implemented work requirements for able-bodied adults enrolled in medicaid in which no individual shall be eligible to participate in the medicaid program unless the individual is:

(i) Working twenty (20) hours or more per week, averaged monthly;

(ii) Participating in and complying with the requirements of a work program twenty (20) hours or more per week, as determined by the department;

(iii) Volunteering twenty (20) hours or more per week, as determined by the department;

(iv) Meeting any combination of working and participating in a work program for a total of twenty (20) hours or more per week, as determined by the department; or

(v) Participating and complying with the requirements of a workfare program, unless the individual is:

1. Younger than nineteen (19) years of age;

2. Older than sixty-four (64) years of age;

3. Medically certified as physically or mentally unfit for employment;

4. Pregnant;

1 5. A parent or caretaker responsible for the care of a depen-
2 dent child younger than six (6) years of age;

3 6. A parent or caretaker personally providing the care for
4 a dependent child with a serious medical condition or with a
5 disability, as determined by the department;

6 7. Receiving unemployment compensation and complying with
7 work requirements as part of the federal-state unemployment
8 compensation system; or

9 8. Participating in a drug addiction or alcohol treatment
10 and rehabilitation program;

11 (c) The department has, with federal approval if necessary, allowed
12 persons eligible for medicaid under this section who have a modified
13 adjusted gross income at or above one hundred percent (100%) of the fed-
14 eral poverty level to receive the advance premium tax credit to purchase
15 a qualified health plan through the Idaho health insurance exchange
16 established by chapter 61, title 41, Idaho Code, instead of enrolling in
17 medicaid, except that a person may choose to enroll in medicaid instead
18 of receiving the advance premium tax credit to purchase a qualified
19 health plan;

20 (d) The department implements an enrollment cap, with federal approval
21 if necessary, that limits enrollment at any given time for persons iden-
22 tified in this subsection to the lower of:

23 (i) Fifty thousand (50,000) persons; or

24 (ii) A total represented by the sum of adults enrolled in medicaid
25 who are disabled or over sixty-five (65) years of age;

26 (e) The department has maintained a medicaid improper payment rate of
27 five percent (5%) or less, as confirmed by biennial majority votes of
28 both the senate and the house of representatives health and welfare com-
29 mittees, based on a review that shall include but is not limited to data
30 provided by the department to those committees and to the United States
31 department of health and human services;

32 (f) The department has, with federal approval if necessary, suspended
33 requirements to renew eligibility automatically based on available in-
34 formation and to use pre-populated forms;

35 (g) The department has, with federal approval if necessary, imple-
36 mented a lifetime benefit limit of thirty-six (36) months for persons
37 identified in this subsection counting only time spent in that eligi-
38 bility category;

39 (h) The department has, with federal approval if necessary, imple-
40 mented biannual redetermination for persons identified in this subsec-
41 tion;

42 (i) The department has, with federal approval if necessary, limited
43 hospital presumptive eligibility determinations to children and preg-
44 nant women;

45 (j) The department implements a policy requiring that no funds shall be
46 used to fulfill any contract or commercial transaction with any health
47 care provider or health care facility under the terms of which such
48 health care provider or health care facility agrees to provide services
49 prohibited under section 18-1506C, Idaho Code; and

1 (k) The department implements a policy requiring that no funds shall be
2 used to fulfill any gender reassignment procedures, including treat-
3 ment and surgery for any resident eighteen (18) years of age or older.
4 Should a court impose the requirements of gender reassignment for
5 medicaid participants, it shall be considered a violation of the condi-
6 tions of the state plan.

7 ~~(2) No later than ninety (90) days after approval of this act October~~
8 ~~1, 2025, the department shall submit any necessary state plan amendments~~
9 ~~or waiver requests to the United States department of health and human~~
10 ~~services, centers for medicare and medicaid services to implement the pro-~~
11 ~~visions of this section. The department is required and authorized to take~~
12 ~~all actions necessary to implement the provisions of this section as soon as~~
13 ~~practicable. The department is required to notify the senate and the house~~
14 ~~of representatives health and welfare committees within thirty (30) days of~~
15 ~~the submission, approval, rejection, or withdrawal of any federal waiver~~
16 ~~request or state plan amendment submitted to carry out the provisions of this~~
17 ~~section. In the event that any conditions for eligibility expansion under~~
18 ~~subsection (1) of this section are not met by July 1, 2026, the department~~
19 ~~shall terminate eligibility for persons described in subsection (1) of this~~
20 ~~section no later than October 1, 2026. In the event that all conditions~~
21 ~~required for eligibility expansion under subsection (1) of this section are~~
22 ~~met by July 1, 2026, but are not met at any point thereafter, the department~~
23 ~~shall terminate eligibility for persons described in subsection (1) of this~~
24 ~~section within ninety (90) days after the date such conditions are not met.~~

25 (3) An individual is exempt from the provisions of this section if the
26 individual is an American Indian or Alaska native who is eligible for ser-
27 vices through the Indian health service or through a tribal program pursuant
28 to the Indian self-determination and education assistance act or the Indian
29 health care improvement act.

30 ~~(3) Eligibility for medicaid as described in this section shall not be~~
31 ~~delayed if the centers for medicare and medicaid services fail to approve any~~
32 ~~waivers of the state plan for which the department applies, nor shall such~~
33 ~~eligibility be delayed while the department is considering or negotiating~~
34 ~~any waivers to the state plan. The department shall not implement any waiver~~
35 ~~that would result in a reduction in federal financial participation for per-~~
36 ~~sons identified in subsection (1) of this section below the ninety percent~~
37 ~~(90%) commitment described in section 1905(y) of the social security act.~~

38 ~~(4) If section 1905(y) of the social security act is held unlawful or~~
39 ~~unconstitutional by the United States supreme court, then the legislature~~
40 ~~shall declare this section to be null, void, and of no force and effect.~~

41 ~~(5) If federal financial participation for persons identified in sub-~~
42 ~~section (1) of this section is reduced below the ninety percent (90%) commit-~~
43 ~~ment described in section 1905(y) of the social security act, then the senate~~
44 ~~and house of representatives health and welfare committees shall, as soon as~~
45 ~~practicable, review the effects of such reduction and make a recommendation~~
46 ~~to the legislature as to whether medicaid eligibility expansion should re-~~
47 ~~main in effect. The review and recommendation described in this subsection~~
48 ~~shall be conducted by the date of adjournment of the regular legislative ses-~~
49 ~~sion following the date of reduction in federal financial participation.~~

50 ~~(6) The department:~~

1 ~~(a) Shall place all persons participating in medicaid pursuant to~~
2 ~~this section in a care management program authorized under section~~
3 ~~56-265(5), Idaho Code, or in another managed care program to improve the~~
4 ~~quality of their care, to the extent possible; and~~
5 ~~(b) Is authorized to seek any federal approval necessary to implement~~
6 ~~the provisions of this subsection.~~
7 ~~(7) No later than January 31 in the 2023 legislative session, the sen-~~
8 ~~ate and house of representatives health and welfare committees shall review~~
9 ~~all fiscal, health, and other impacts of medicaid eligibility expansion pur-~~
10 ~~suant to this section and shall make a recommendation to the legislature as~~
11 ~~to whether such expansion should remain in effect.~~

12 SECTION 2. An emergency existing therefor, which emergency is hereby
13 declared to exist, this act shall be in full force and effect on and after
14 July 1, 2025.