

APA-1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No: 560 . Department or Agency: Alabama Medicaid Agency

Rule No: 560-X-25-.14

Rule Title: Pregnant Women and Young Children with Income Equal to or Below 133% of the Federal Poverty Level and children with Income Equal to or Below 100% of the Federal Poverty Level.

_____ New Rule; X Amend; _____ Repeal; _____ Adoption by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? _____ no

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? _____ yes

Is there another, less restrictive method of regulation available that could adequately protect the public? _____ no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? _____ no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? _____ no

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? _____ yes

Does the proposed rule have any economic impact? _____ no

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer: Stephanie Lindsay

Date: 12-17-2013

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ALABAMA MEDICAID AGENCY

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 560-X-25-.14 Pregnant Women and Young Children with Income Equal to or Below 133% of the Federal Poverty Level and Children with Income Equal to or Below 100% of the Federal Poverty Level.

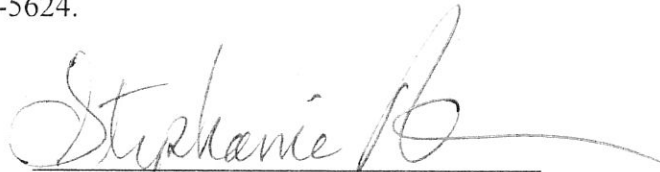
INTENDED ACTION: Amend 560-X-25-.14

SUBSTANCE OF PROPOSED ACTION: The above referenced rule is being amended to change the title “Pregnant Women and Young Children with Income Equal to or Below 133% of the Federal Poverty Level and Children with Income Equal to or Below 100% of the Federal Poverty Level” to “Pregnant Women and Children age 0 – 18 with Income Equal to or Below 141% of the Federal Poverty Level”. This rule will also change “family unit” to “household”; the age for a child to qualify for Medicaid under poverty provisions from at least six years of age to 0-18 years old; and to accept self-attestation for pregnancy unless there is information that is not reasonably compatible with such attestation. A standard income disregard of 5% of the federal poverty level is applied if the individual is not eligible for coverage due to excess income. This rule describes Medicaid income limit for children from birth until the individual reaches age nineteen.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or oral comments may be submitted to the Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Agency business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written/Oral comments concerning this change must be received by the Alabama Medicaid Agency no later than January 2, 2014.

CONTACT PERSON AT AGENCY: Stephanie Lindsay, Administrative Secretary, Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624.



Stephanie McGee Azar
Acting Commissioner

Rule No. 560-X-25-14 Pregnant Women and Young Children With Income Equal To or Below 133% of the Federal Poverty Level and Children With Income Equal To or Below 100% of the Federal Poverty Level. Pregnant Women and Children age 0 – 18 With Income Equal To or Below 141%.

1. Pregnant women are defined as “women who are pregnant or post-partum, with household income at or below 141% of the Federal Poverty Level (FPL)”.

~~(1)~~ Medicaid coverage under poverty provisions is available for pregnant women and young children meeting the requirements listed below:

(a) ~~The family unit household income must be equal to or less than 133%~~ 141% of the current federal poverty level. A standard income disregard of 5% of the federal poverty level is applied if the individual is not eligible for coverage due to excess income.

~~(b) For pregnant women, pregnancy must be verified. Self-attestation must be accepted for pregnancy unless there is information that is not reasonably compatible with such attestation.~~

~~(c) Children’s eligibility will continue through the month of their 6th birthday. The individual must be pregnant or post-partum.~~

~~(d) The person to be covered must be living in Alabama and must be a United States citizen or meet alienage requirements.~~

~~(e) Any private insurance benefits must be assigned to the State.~~

~~(f) Application must be made for any other benefits for which the person's family appears eligible.~~

~~(g) Changes in income and/or living arrangements must be reported at annual review.~~

~~(h) The person to be covered must furnish or apply for a Social Security number.~~

2. Children age 0 -18 are defined as “infants and children under age 19 with household income at or below 141% of the Federal Poverty Level”.

~~(2)~~ Medicaid coverage under poverty provisions is available to children age 0 -18 with income at or below 100% 141% of the Federal Poverty Level meeting the requirements listed below:

(a) ~~The family unit household income must be equal to or less than 100%~~ 141% of the current federal poverty level. A standard income disregard of 5% of the federal poverty level is applied if the individual is not eligible for coverage due to excess income.

~~(b) The child must be at least six years of age. The child must be 0 – 18 years old.~~

~~(c) Children’s eligibility will continue through the month of their 19th birthday.~~

~~(d) The child to be covered must be living in Alabama and must be a United States citizen or meet alienage requirements.~~

- (e) Any private insurance benefits must be assigned to the State.
- (f) Application must be made for any other benefits for which the person's family appears eligible.
- (g) Changes in income and/or living arrangements must be reported at annual review.
- (h) The person to be covered must furnish or apply for a Social Security number.

Author: Denise Banks, Medicaid Administrator I, Policy, Training, and Operational Readiness
Statutory Authority: Section 6401 of P.L. 101-239, Omnibus Budget Reconciliation Act of 1989 (OBRA 89). Section 4601 of P.L. 101-508, Omnibus Budget Reconciliation Act of 1990 (OBRA 90), and 42 CFR 435.116, 435.118.

History: Emergency Rule effective September 1, 1991. Permanent rule effective December 12, 1991. **Amended:** Filed February 19, 1999; effective April 1, 1999. **Amended:** Filed October 19, 2001; effective January 16, 2002. **Amended:** Filed April 19, 2002; effective July 17, 2002. **Amended:** Emergency Rule Filed and effective April 9, 2003. **Amended:** Filed April 21, 2003; effective July 16, 2003. **Amended:** Filed December 17, 2013.