

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

S

D

SENATE BILL 93
Health Care Committee Substitute Adopted 3/3/21
PROPOSED COMMITTEE SUBSTITUTE S93-PCS15100-TR-3

Short Title: Assisting NC Families in Crisis.

(Public)

Sponsors:

Referred to:

February 16, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW PARENTS TO RETAIN MEDICAID ELIGIBILITY WHILE THEIR
3 CHILD IS TEMPORARILY SERVED BY THE FOSTER CARE SYSTEM.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Section 9A of S.L. 2015-245, as amended by Section 2(e1) of S.L.
6 2016-121, reads as rewritten:

7 "**SECTION 9A.** Eligibility for Parents of Children in Foster Care. – DHHS is ~~authorized~~
8 ~~directed to seek approval from CMS through either the 1115 waiver required by subdivision (1)~~
9 ~~of Section 5 of this act or another federal authority to allow parents a parent to retain Medicaid~~
10 ~~eligibility while their child is being served temporarily by the foster care program. It is the intent~~
11 ~~of the General Assembly to expand Medicaid eligibility to cover this population upon~~
12 ~~implementation of the 1115 waiver, if CMS approves this coverage in the waiver.~~ when (i) the
13 parent has lost custody of a child pursuant to Subchapter I of Chapter 7B of the General Statutes,
14 (ii) the child is being served temporarily by the foster care system, regardless of the type of
15 out-of-home placement, and (iii) the parent is making reasonable efforts to comply with a
16 court-ordered plan of reunification, as determined by DHHS."

17 **SECTION 1.(b)** This section is effective upon appropriation by the General
18 Assembly of funds for the implementation of the Medicaid coverage described in Section 9A of
19 S.L. 2015-245, as amended by S.L. 2016-121 and subsection (a) of this section.

20 **SECTION 2.(a)** G.S. 108A-54.3A is amended by adding a new subdivision to read:

21 "(2a) A parent who has qualified under subdivisions (1) and (2) of this section shall
22 retain eligibility for Medicaid under this section so long as all of the following
23 criteria are met:

24 a. The parent has lost legal custody of a child pursuant to Subchapter I
25 of Chapter 7B of the General Statutes.

26 b. A child of the parent is temporarily in the legal custody of
27 State-sponsored foster care or temporarily receiving foster care
28 assistance under Title IV-E of the Social Security Act.

29 c. The parent is making reasonable efforts to comply with a
30 court-ordered plan of reunification, as determined by the Department.

31 d. The parent continues to meet the family income requirements under
32 subdivision (1) or (2) of this section."

33 **SECTION 2.(b)** This section is effective upon the approval by the Centers for
34 Medicare and Medicaid Services (CMS) of the request submitted in accordance with Section 9A
35 of S.L. 2015-245, as amended by Section 2(e1) of S.L. 2016-121 and Section 1(a) of this act, and



* S 9 3 - P C S 1 5 1 0 0 - T R - 3 *

1 on the effective date of the coverage allowed by CMS. The Secretary shall notify the Revisor of
2 Statutes of the effective date allowed by CMS upon receipt of this approval. If the approval is
3 not granted by CMS prior to June 30, 2023, then this section shall expire on that date.
4 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
5 law.