

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL DRS45076-MR-6B

Short Title: Assisting NC Families in Crisis.

(Public)

Sponsors: Senators Britt, Burgin, and Krawiec (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW PARENTS UNDERGOING COURT-ORDERED SUBSTANCE
3 ABUSE OR OTHER MENTAL HEALTH DISORDER TREATMENT OR
4 COUNSELLING TO RETAIN MEDICAID ELIGIBILITY WHILE THEIR CHILD IS
5 TEMPORARILY SERVED BY THE FOSTER CARE PROGRAM.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Section 9A of S.L. 2015-245 reads as rewritten:

8 "**SECTION 9A.** Eligibility for Parents of Children in Foster Care When the Parent is
9 Undergoing Court-Ordered Substance Abuse or Mental Health Treatment. – DHHS is ~~authorized~~
10 directed to seek approval from CMS through either the 1115 waiver required by subdivision (1)
11 of Section 5 of this act or another 1115 waiver to allow parents to retain Medicaid eligibility who
12 are participating in, and making reasonable efforts to comply with, a court-ordered substance use
13 disorder or other mental health disorder treatment program or counselling while their child is
14 being served temporarily by the foster care program. ~~It is the intent of the General Assembly to~~
15 ~~expand Medicaid eligibility to cover this population upon implementation of the 1115 waiver, if~~
16 ~~CMS approves this coverage in the waiver."~~

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

18 "(2a) A parent who has qualified under subdivisions (1) and (2) of this section and
19 who (i) is participating in a court-ordered substance use disorder or other
20 mental health disorder treatment program or counselling and (ii) has one or
21 more children that are temporarily in the legal custody of State-sponsored
22 foster care or temporarily receiving foster care assistance under Title IV-E of
23 the Social Security Act shall retain eligibility for Medicaid under this section
24 so long as that family continues to meet the income requirements under
25 subdivision (1) or (2) of this section."

26 **SECTION 2.(b)** This section is effective upon the granting of the approval by the
27 Center for Medicare and Medicaid Services (CMS) required to be obtained in Section 1 of this
28 act and upon the date allowed by CMS. The Secretary shall notify the Revisor of Statutes of the
29 effective date allowed by CMS upon receipt of this approval.

30 **SECTION 3.** Except as otherwise provided, this bill is effective when it becomes
31 law.

