

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 93
PROPOSED COMMITTEE SUBSTITUTE S93-PCS45105-TR-2

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 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.(a)** Section 9A of S.L. 2015-245, as amended by Section 2(e1) of S.L.
8 2016-121, reads as rewritten:

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

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

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

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

30 **SECTION 2.(b)** This section becomes effective upon the approval by the Centers
31 for Medicare and Medicaid Services (CMS) of the waiver request submitted in accordance with
32 Section 9A of S.L. 2015-245, as amended by Section 2(e1) of S.L. 2016-121 and Section 1(a) of
33 this act, and on the effective date of the coverage allowed by CMS. The Secretary shall notify
34 the Revisor of Statutes of the effective date allowed by CMS upon receipt of this approval. If the
35 approval is not granted by CMS prior to June 30, 2023, then this section shall expire on that date.



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