

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1184

Short Title: Medicaid Waiver/HIV AIDS Patient Elig. (Public)

Sponsors: Senators Shaw; and Atwater.

Referred to: Appropriations/Base Budget.

March 22, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO APPLY FOR A
4 MEDICAID WAIVER THAT WOULD PROVIDE MEDICAID BENEFITS TO
5 LOW-INCOME PERSONS WITH HIV.

6 Whereas, low-income individuals living with HIV are unable to afford
7 antiretroviral drug therapies that would keep the individual healthy longer and thus able
8 to remain in the workforce longer; and

9 Whereas, low-income individuals living with HIV whose incomes exceed
10 133% of the federal poverty level are ineligible for financial assistance under the
11 Medicaid program; and

12 Whereas, individuals with HIV whose income exceeds 133% of the federal
13 poverty level must wait until they become disabled as a result of contracting the AIDS
14 virus to obtain Medicaid services; and

15 Whereas, health care services to treat AIDS are more expensive than
16 antiretroviral therapy for individuals with HIV; and

17 Whereas, current federal treatment guidelines indicate that an individual
18 living with HIV should begin antiretroviral therapy before becoming disabled; and

19 Whereas, three states have applied for or received a Medicaid waiver to
20 provide Medicaid services to low-income individuals with HIV; Now, therefore,
21 The General Assembly of North Carolina enacts:

22 **SECTION 1.** The Department of Health and Human Services, Division of
23 Medical Assistance, shall apply to the Centers for Medicare and Medicaid Services
24 (CMS) for an 1115 waiver to permit individuals who test positive for HIV and have
25 incomes at or below two hundred percent (200%) of the federal poverty level to access
26 Medicaid services. If approved, the Department shall not implement the waiver except
27 as authorized by an act of the General Assembly appropriating funds for this purpose.
28 The Department shall report on the status of the waiver to the Senate Appropriations
29 Committee on Health and Human Services, the House of Representatives

- 1 Appropriations Subcommittee on Health and Human Services, and the Fiscal Research
- 2 Division not later than March 1, 2008.
- 3 **SECTION 2.** This act becomes effective July 1, 2007.