

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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SENATE BILL 93  
Health Care Committee Substitute Adopted 3/3/21  
Judiciary Committee Substitute Adopted 3/9/21

Short Title: Assisting NC Families in Crisis.

(Public)

Sponsors:

Referred to:

February 16, 2021

A BILL TO BE ENTITLED

AN ACT TO ALLOW PARENTS TO RETAIN MEDICAID ELIGIBILITY WHILE THEIR CHILD IS TEMPORARILY SERVED BY THE FOSTER CARE SYSTEM.

The General Assembly of North Carolina enacts:

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

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

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

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

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

- a. The parent has lost legal custody of a child pursuant to Subchapter I of Chapter 7B of the General Statutes.
- b. A child of the parent is temporarily in the legal custody of State-sponsored foster care or temporarily receiving foster care assistance under Title IV-E of the Social Security Act.
- c. The parent is making reasonable efforts to comply with a court-ordered plan of reunification, as determined by the Department.
- d. The parent continues to meet the family income requirements under subdivision (1) or (2) of this section."

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



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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.