



MISSISSIPPI DIVISION OF
MEDICAID

Administrative Code

Title 23: Medicaid

Part 100 General Provision

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Title 23: Division of Medicaid

Part 100: General Provisions

Part 100 Chapter 1: Introduction

Rule 1.1: History and Legal Base.

- A. Title XIX of the Social Security Act, enacted in 1965, provides authority for states to establish Medicaid programs to provide medical assistance to needy individuals. The program is jointly financed by federal and state governments and administered by states. Within broad federal rules, each state decides eligible groups, types and range of services, payment levels for services, and administrative and operating procedures. Payments for services are made directly by the state to the providers that furnish the services.
- B. Enabling legislation for the Medicaid program in Mississippi was enacted during a special session of the legislature in 1969. Funds were appropriated and the Mississippi Medicaid Commission was designated as the single state agency to administer the program. State statutes governing Medicaid may be found in Sections 43-13-101 et. seq. of the Mississippi Code of 1972.
- C. From 1969 to 1973, the determination of Medicaid eligibility was the responsibility of the State Department of Public Welfare (DPW). During this time period, DPW authorized money payments for the aged, blind and disabled and dependent children.

Source: Miss. Code Ann. § 43-13-101 et. seq. (Rev.1969).

Rule 1.2: SSI Program.

- A. The passage of Public Law 92-603 amended Title XVI of the Social Security Act and established the Supplemental Security Income (SSI) Program for the aged, blind and disabled. State statutes were amended to specify that DPW would no longer determine eligibility for a monthly payment for the aged, blind and disabled.
- B. PL 92-603 allowed States an option to either grant Medicaid to all persons receiving SSI (known as Section 1634) or to grant Medicaid to persons who met more restrictive criteria set by States (known as 209b). The Mississippi Legislature voted to limit Medicaid eligibility to persons who met more restrictive criteria and to designate the DPW as the certifying agency for Medicaid.
- C. During the 1980 session of the Mississippi Legislature, Senate Bill 2118 changed the Medicaid eligibility criteria to 1634 status whereby Medicaid would be granted to all individuals receiving SSI. In addition, SSI criteria would be used to determine eligibility for all aged, blind and disabled individuals. During the 1981 Legislative Session, Senate Bill 2478 authorized the Mississippi Medicaid Commission to make its own Medicaid determinations for aged, blind and disabled individuals. Regional Medicaid offices were opened in July,

1981, for the purpose of certifying the eligibility of aged, blind and disabled individuals who did not receive SSI cash assistance.

Source: Miss. Code Ann. § 43-13-115.2 (Rev. 1980).

Rule 1.3: Current Structure.

- A. Senate Bill 3050, entitled the “Mississippi Administrative Reorganization Act of 1984,” transferred the powers and responsibilities of the Mississippi Medicaid Commission to the Division of Medicaid in the Office of the Governor. The Division of Medicaid is the single state agency designed to administer the Medicaid Program.
- B. The Mississippi Department of Human Services (MDHS, formerly known as DPW) continued to determine eligibility for the Medicaid Programs for children and families as authorized under Section 43-13-115 of the Mississippi Code of 1972, Annotated, and later adding determination of eligibility for Children’s Health Insurance Program (CHIP) in 1999 under Section 41-86-15.
- C. However, during the 2004 Session of the Mississippi Legislature, House Bill 1434 made significant changes to Section 43-13-115 of the Mississippi Code of 1972. While retaining all Medicaid coverage groups and CHIP (Section 41-86-1 and so forth), the Division of Medicaid was given the responsibility for determining initial and ongoing eligibility for all children, families, and pregnant women. The transition of the Families, Children and CHIP (FCC) programs from MDHS to Division of Medicaid was effective January 1, 2005.
- D. DHS remains the certifying agency for children under Title IV-E services and other related custody and adoption assistance and those eligible for Medicaid coverage under the Refugee Assistance grant program.
- E. During the 2012 Session of the Mississippi Legislature, House Bill 316 transferred the existing contract for insurance services for the Children’s Health Insurance Program (CHIP) from the State and School Employees Health Insurance Management Board to the Division of Medicaid effective January 1, 2013. The Division of Medicaid has all authority set forth in 43-13-101 et seq. in administering the Children’s Health Insurance Program (CHIP).

Source: Miss. Code Ann. § 43-13-115 (Rev. 2003) and Miss Code Ann § 41-86-9 (Rev.2012).

Part 100 Chapter 2: Agency Duties

Rule 2.1: Duties of the Division of Medicaid.

- A. The duties of the Medicaid Agency are set out by enabling State and Federal legislation and the approved State Plan to include: To set regulations and standards for the administration of the Medicaid programs, with approval of the Governor, and in accordance with the Administrative Procedures Law.

1. To provide Medicaid to all qualified recipients under the provisions of state law and within appropriated funds.
2. To establish reasonable fee, charges and rates for medical services and drugs.
3. To provide for fair and impartial hearings.
4. To provide safeguards for preserving the confidentiality of records.
5. For detecting and processing fraudulent practices and abuses of the program.
6. To receive and expend funds for the program.
7. To submit a state plan for Medicaid in accordance with state and federal regulations.
8. To make the necessary reports to the state and federal governments.
9. To define and determine the scope, duration, and amount of Medicaid coverage.
10. To cooperate and contract with other state agencies for the purpose of conducting the Medicaid program.
11. To bring suit in its own name.
12. To recover payments incorrectly made to or by recipients or providers, including recovery from state tax refunds of recipients and providers.
13. To investigate alleged and suspected violations or abuses of the Medicaid program.
14. To establish and provide methods of administration for the operation of the Medicaid program.
15. To contract with the federal government to provide Medicaid to certain refugees.
16. To enter into an agreement with the federal health insurance marketplace as necessary to fulfill the requirements of federal healthcare laws relating to insurance affordability programs that include Medicaid, CHIP and subsidies for insurance coverage through a federal marketplace, effective January, 2014.

Source: Miss. Code Ann. § 43-13-121 (Rev. 2012) and 42 CFR § 435.1200 (Rev. 2012)

Rule 2.2: Duties of the Department of Human Services (DHS).

A. The duties of DHS with regard to Medicaid include:

1. To provide the opportunity for persons to apply for Medicaid benefits through all foster care and refugee programs.
2. To determine eligibility for foster children and adoption assistance-related Medicaid applicants and certify them as eligible, notify them of eligibility and determine retroactive eligibility, when appropriate.
3. To re-determine foster care and adoption assistance Medicaid eligibility at required intervals.
4. To provide the opportunity for filing appeals and to conduct hearings for eligibility certifications that DHS certifies.
5. To provide Medicaid Quality Control for foster care and adoption assistance recipients.
6. To identify and report third party resources for foster care and adoption assistance recipients.

Source: Miss. Code Ann. § 43-13-115.6 (Rev. 2004).