

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE BILL 302**

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

Sponsors: Senators Shaw; and Atwater.

Referred to: Health Care.

February 25, 2009

A BILL TO BE ENTITLED

1 AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,  
2 DIVISION OF MEDICAL ASSISTANCE, TO APPLY FOR A MEDICAID WAIVER  
3 THAT WOULD PROVIDE MEDICAID BENEFITS TO LOW-INCOME PERSONS  
4 WITH HIV.  
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6 Whereas, low-income individuals living with HIV are unable to afford antiretroviral  
7 drug therapies that would keep the individual healthy longer and thus able to remain in the  
8 workforce longer; and

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

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

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

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

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

21 **SECTION 1.** The Department of Health and Human Services, Division of Medical  
22 Assistance, shall apply to the Centers for Medicare and Medicaid Services (CMS) for an 1115  
23 waiver to permit individuals who test positive for HIV and have incomes at or below two  
24 hundred percent (200%) of the federal poverty level to access Medicaid services. If approved,  
25 the Department shall not implement the waiver except as authorized by an act of the General  
26 Assembly appropriating funds for this purpose. The Department shall report on the status of  
27 the waiver to the Senate Appropriations Committee on Health and Human Services, the House  
28 of Representatives Appropriations Subcommittee on Health and Human Services, and the  
29 Fiscal Research Division not later than October 1, 2009.

30 **SECTION 2.** This act is effective when it becomes law.

