

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

**S**

**D**

**SENATE DRS85208-LN-218 (3/13)**

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

---

Sponsors: Senator Shaw.

---

Referred to:

---

A BILL TO BE ENTITLED

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

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.

1 The Department shall report on the status of the waiver to the Senate Appropriations  
2 Committee on Health and Human Services, the House of Representatives  
3 Appropriations Subcommittee on Health and Human Services, and the Fiscal Research  
4 Division not later than March 1, 2008.

5 **SECTION 2.** This act becomes effective July 1, 2007.