

Each of your questions is answered in turn below. Additionally, this link will take you to the Certificate of Review this office prepared regarding the initiative: <http://www.ag.idaho.gov/publications/op-guide-cert/2017/C110717.pdf>

1. What is meant by “certain persons,” and who determines who these “certain persons” are?

“Certain persons” is not defined within the initiative. That phrasing represents a summation for purposes of the ballot title. Persons covered under this office’s analysis of the initiative include: individuals under age sixty-five (65) with modified adjusted gross incomes less than or equal to 133% of the federal poverty level who are not otherwise eligible for Medicaid coverage. My understanding is that the Department of Health and Welfare through its Idaho Medicaid program would be required to submit a state plan amendment to the Federal Center for Medicare and Medicaid (CMS). These details will likely be included in the state plan amendment. You may want to discuss this question directly with the Department in more detail.

2. Could this be interpreted to expand Medicaid for contraception “for women aged nineteen to forty-four” who fall in the “gap” as was specifically provided for in the 2018 bill H563?

Medicaid covers contraception in the state plan. The initiative would make contraceptive coverage along with all other Medicaid state plan services available to women aged 19-44 whose modified adjusted gross incomes are less than or equal to 133% of the federal poverty level and otherwise not eligible for Medicaid coverage. In simplest terms, the initiative would require expanded eligibility for all Medicaid plan services to be made available to all individuals under age sixty-five (65) with modified adjusted gross incomes less than or equal to 133% of the federal poverty level who are not already otherwise eligible for Medicaid coverage.

3. How does language in the ballot initiative differ H563 in the 2018 legislative session

The primary difference between H. 563 and the initiative is that the initiative is not limited to family planning services and it is also not limited to women aged 19-44. The initiative will require the state to amend its Medicaid state plan to include all persons under 65 years of age and whose modified adjusted gross income is less than or equal to 133% and not otherwise eligible for any other coverage under the state plan to become eligible. H. 563 was a much more narrowly tailored bill than the initiative.

I hope you find this response helpful.

Brian