

1. The Consolidated Omnibus Budget Reconciliation Act of 1985, P.L. 99-272, and any subsequent modifications to that Act;
 2. The Federal Employees Health Benefits Amendment Act of 1988, P.L. 100-654, and any subsequent modifications to that Act; or
 3. Article 48A of the Code; or
- (ii) The individual is receiving health benefits:
1. Under a policy issued by an authorized insurer or nonprofit health service plan;
 2. As an enrollee of an authorized health maintenance organization; or
 3. From an employer under a health benefits plan that meets the conditions of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 et seq., and any subsequent modifications to that Act;
- (4) The individual is not eligible for health insurance through another family member;
- (5) A physician certifies that the individual is:
- (i) HIV positive; and
 - (ii) Due to this illness, the individual is either too ill to continue working in the individual's current position, or there is a substantial likelihood that within 3 months the individual will be unable to work;
- (6) The individual is a resident of the State; and
- (7) The Department determines that it is cost effective to enroll the individual in the Program.

(D) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (C)(1) AND (2) OF THIS SECTION, AN INDIVIDUAL IS ELIGIBLE FOR THE PROGRAM IF:

(1) CASH ASSETS OWNED BY THE INDIVIDUAL'S FAMILY, INCLUDING SAVINGS ACCOUNTS, CHECKING ACCOUNTS, STOCKS, AND BONDS, THAT EXCEED \$10,000 ARE PAID TO THE DEPARTMENT TO BE USED FOR THE PAYMENT OF HEALTH INSURANCE ON BEHALF OF THE INDIVIDUAL;

(2) THE INDIVIDUAL'S FAMILY INCOME, EARNED AND UNEARNED, THAT EXCEEDS 300 PERCENT OF THE FEDERAL POVERTY LEVEL IS PAID TO THE DEPARTMENT TO BE USED FOR THE PAYMENT OF HEALTH INSURANCE ON BEHALF OF THE INDIVIDUAL; AND

(3) THE INDIVIDUAL MEETS THE ELIGIBILITY REQUIREMENTS OF SUBSECTION (C)(3), (4), (5), (6), AND (7) OF THIS SECTION.