

## CS27 – General Eligibility - Continuous Eligibility



**Statute:** 2105(a)(4)(A)

**Regulation:** 42 CFR 457.342 and 435.926

### INTRODUCTION

This state plan page (fillable PDF) applies to states with separate child health assistance programs.

In state plan page CS27, states indicate whether they elect the option to provide continuous eligibility coverage and, if so, provide information as to the administration of continuous eligibility. This state plan page is required only of states which currently provide or elect to provide continuous eligibility coverage. States that do not provide continuous eligibility need not submit this page.

### BACKGROUND

Section 2105(a)(4)(A) of the Social Security Act gives states the option to extend coverage to children for up to a full 12-month period, despite a change in family circumstances that might otherwise result in the termination of eligibility.

In a January 22, 2013 notice of proposed rulemaking (78 FR 4594), CMS proposed the addition of 42 CFR 457.342(a) applying the provisions in proposed 42 CFR 435.926 for continuous eligibility to CHIP.

Under proposed 42 CFR 435.926, the state would specify the length of a continuous eligibility period, not to exceed 12 months. The continuous eligibility period must begin on the effective date of the individual's most recent determination or renewal of eligibility and continues until the end of the continuous eligibility time period selected by the state, unless one of the following occurs:

- The child attains the age specified by the state Agency or age 19;
- The child or child's representative requests a voluntary disenrollment;
- The child is no longer a resident of the state;
- The Agency determines that eligibility was erroneously granted at the most recent determination or renewal of eligibility because of agency error or fraud, abuse, or perjury attributed to the child or the child's representative; or
- The child dies.

Proposed 42 CFR 457.342(b) allows for an additional exception for individuals who fail to pay required premiums of enrollment fees as provided for in a state's CHIP plan.

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States may allow additional exceptions to the continuous eligibility period, provided that they are approved by CMS and consistent with 42 CFR 457.342 and 435.926.

### TECHNICAL GUIDANCE

#### PREREQUISITES:

None

This state plan page is broken down into the following sections:

- Policy Statement
- Selection of Continuous Eligibility Option
- Age
- Continuous Eligibility Period
- Exceptions to Continuous Eligibility

#### **Policy Statement**

CS27 begins with a policy statement that “The CHIP Agency may provide that children who have been determined eligible under the state plan shall remain eligible, regardless of any changes in the family’s circumstances, during a continuous eligibility period up to 12 months, or until the time the child reaches an age specified by the state (not to exceed age 19), whichever is earlier.”

#### **Selection of Continuous Eligibility Option**

In this section, states indicate that they provide continuous eligibility to children by selecting “Yes” to the statement “The CHIP Agency elects to provide continuous eligibility to children under this provision”.

#### **Review Criteria**

***If the state offers continuous eligibility to children, it must select yes to this question.***

If the answer is yes, the state must complete the remainder of the state plan page.

#### **Age**

The state then selects one of the following options for age:

- For children up to age 19
- For children up to age \_\_\_\_

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If the state selects this second option, it then selects from the drop down list the age to which the state will apply continuous eligibility.

### **Review Criteria**

***The state must select one of the options or this state plan page cannot be approved. If the state selects the second option, it must select an age from the list or this state plan page cannot be approved.***

### **Continuous Eligibility Period**

The sentence in this section states the policy for the beginning date of continuous eligibility (i.e. begins on the effective date of the child's most recent determination or redetermination of eligibility), and the state provides the length of the continuous eligibility period. The state selects from the dropdown list the time period, in number of months, at which the continuous eligibility period ends.

### **Review Criteria**

***The state must select a time period or this state plan page cannot be approved.***

### **Exceptions to Continuous Eligibility**

This section displays six mandatory exceptions to continuous eligibility, in addition to the option of “Other” which the state selects if it has additional allowable exceptions.

Since the first six exceptions are mandatory and therefore required of all states, they are pre-selected.

If the state selects “Other”, it then provides a description. In the description, states should include the rationale for the exception. If the state has more than one additional exception, the state reselects the button to the left of the description field and repeats the process until all the exceptions are entered.

### **Review Criteria**

***The description should be sufficiently clear, detailed and complete to permit the reviewer to determine that the state’s election meets applicable federal statutory, regulatory and policy requirements.***