

## CS13 - Deemed Newborns



**Statute:** Section 2112(e) of the SSA

**Regulation:** 42 CFR 457.360 (78 FR 4594)

**Formal Guidance:** SHOL # 09-009, dated August 31, 2009

### INTRODUCTION

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

This state plan page is required for states electing targeted low-income pregnant women coverage (CS8). States covering pregnant women through an 1115 demonstration authority may also use this state plan page. It also provides additional state options for newborn deeming to all states covering targeted low-income children. States that do not elect to provide coverage to targeted low-income pregnant women nor elect to take up the additional options need not complete this state plan page.

This state plan page describes the one-year coverage for infants born to targeted low-income pregnant women and the state can also indicate the optional categories of coverage the state provides for newborns.

### BACKGROUND

This coverage is provided to newborns whose mothers were covered as targeted low-income pregnant women under the CHIP state plan on the date of the child's birth. The newborn is deemed eligible for CHIP or Medicaid without an application or further determination of eligibility, and the coverage lasts until the child turns one year of age.

Under the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), states were given the option to provide pregnant women coverage through an amendment to the state's CHIP plan (Section 2112 of the SSA). CHIPRA also requires states to provide deemed eligibility to children born to women receiving pregnancy-related assistance. Deemed eligibility is provided under CHIP or Medicaid, as appropriate based on income, until the child reaches age one.

In a January 22, 2013 notice of proposed rulemaking (78 FR 4594), CMS proposed to add 42 CFR 457.360 to provide states with additional options for deemed coverage of newborns. States may elect to provide deemed eligibility under CHIP to a child born to a mother who on the date of the child's birth:

- Is covered as a targeted low income child under the state's separate CHIP on the date of the newborn's birth.
- Was eligible for and receiving CHIP coverage in another state.

## CS13 - Deemed Newborns

- Is eligible for coverage under the state's Medicaid or CHIP demonstration under section 1115 of the SSA.

Guidance provided in the SHOL # 09-009, dated August 31, 2009 notes that states should use available information to first screen for Medicaid eligibility and then automatically enroll the newborn in either Medicaid or CHIP as appropriate

### TECHNICAL GUIDANCE

#### PREREQUISITES:

State plan pages CS7 (Targeted Low-Income Children) and/or CS8 (Targeted Low-Income Pregnant Women) must have been submitted prior to or concurrently with state plan page CS13.

#### Review Criteria

*For states covering targeted low-income pregnant women, state plan page CS8 (Targeted Low-Income Pregnant Women) must be approved in order for CS13 to be approved.*

*For states electing any of the optional deemed newborn coverage provisions (second part of the state plan page), state plan page CS7 (Targeted Low-Income Children) must be approved in order for CS13 to be approved.*

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

- Eligibility Assurance
- Mandatory Provision
- Optional Provisions

#### Eligibility Assurance

State plan page CS13 begins with the state assuring that it operates this eligibility group consistent with the criteria and provisions selected in the state plan page.

#### Review Criteria

*States covering targeted low-income pregnant women and states electing any of the optional deemed newborn coverage provisions must check the assurance box or this state plan page cannot be approved.*

## CS13 - Deemed Newborns



### **Mandatory Provision**

The first two provisions are pre-checked as they are required of all states covering targeted low-income pregnant women.

States which cover targeted low-income children and not targeted low-income pregnant women who choose to take up one or more of the optional deemed newborn coverage provisions may ignore the prefilled provisions in this section. Use of this state plan page does not imply coverage of, or commit a state to cover, targeted low-income pregnant women.

### **Optional Provisions**

There are three options from which states may select none, one or more:

- The state elects to cover as a deemed newborn a child born to a mother who is covered as a TLIC under the state's separate CHIP on the date of the newborn's birth.
- The state elects to recognize a child's deemed newborn status from another state and provides benefits in accordance with the requirements of section 2112(e) of the SSA.
- The state elects to cover as a deemed newborn a child born to a mother who is covered under Medicaid or CHIP through the authority of the state's section 1115 demonstration on the date of the newborn's birth.