

## CS27 – General Eligibility - Continuous Eligibility



**Statute:** 2105(a)(4)(A) and 2107(e)(1)(J)

**Regulation:** 42 CFR 457.342 and 435.926

### INTRODUCTION

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

The state plan page CS27 captures two continuous eligibility policies for states' separate CHIPs:

1) whether states provide continuous eligibility through a pregnant individual's 12-month postpartum period and 2) whether states elect the option to provide continuous eligibility coverage for children.

This state plan page is required only of states that elected to provide either or both of the following:

- 1) Effective between April 1, 2022 and March 31, 2027, continuous eligibility during an individual's 12-month extended postpartum period in Medicaid if they have an approved CS7 and/or CS8
- 2) Optional continuous eligibility coverage to targeted low-income children.

For states that elect to cover only unborn children consistent with the CS9 through its separate CHIP, the 12-Month Postpartum Continuous Eligibility section of this template is not applicable. However, states may elect the option to provide continuous eligibility for unborn children in addition to other targeted low-income children.

### BACKGROUND

#### 12-Month Postpartum Period Continuous Eligibility

Section 2107(e)(1)(J) of the Social Security Act (the Act) requires that if states elect to provide continuous eligibility through an individual's 12-month postpartum period in Medicaid, the state is also required to provide the same extended postpartum coverage in CHIP. Additionally, separate CHIPs cannot offer the 12-month postpartum period if the state does not elect to provide the same option in Medicaid.

States implementing the extended postpartum period in CHIP are required to provide the same scope of benefits provided to other targeted low-income children or targeted low-income pregnant women under the CHIP state plan.

Section 2107(e)(1)(J) applies section 1902(e)(16) equally to CHIP and allows individuals who were eligible for and enrolled in CHIP while pregnant to remain eligible regardless of changes in circumstance except for the following:

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- The individual requests a voluntary disenrollment;
- The individual 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 individual; or
- The individual dies.

Unlike continuous eligibility for children available, states providing an extended postpartum period may not disenroll individuals during their pregnancy or 12-month postpartum period for the non-payment of premiums or becoming eligible for Medicaid.

While eligibility for Medicaid is not an exception to continuous eligibility in CHIP during pregnancy and the extended postpartum period under section 2107(e)(1)(J), it may be beneficial for a pregnant or postpartum individual to request voluntary termination of CHIP eligibility to enroll in Medicaid. As such, beneficiaries who become Medicaid eligible need to be informed about the differences between the programs, including cost sharing, benefits, provider networks, and their eligibility for extended postpartum coverage, so they can make an informed decision.

### **Optional Continuous Eligibility Period for Children**

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, regardless of a change in family circumstances that might otherwise result in the termination of eligibility.

In the November 30, 2016 final rule (81 FR 86464) CMS finalized 42 CFR 457.342(a), which applies the provisions of 42 CFR 435.926 for continuous eligibility to CHIP.

Under 42 CFR 457.342(a), states must apply the same exceptions to continuous eligibility for children in Medicaid consistent with 42 CFR 435.926.

The length of a continuous eligibility period may, not 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;
- The child dies; or

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- The child becomes eligible for Medicaid.

42 CFR 457.342(b) allows states the option to make an exception for individuals who fail to pay required premiums or enrollment fees as provided for in a state's CHIP plan.

### **TECHNICAL GUIDANCE**

#### **PREREQUISITES:**

None

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

#### **12-Month Postpartum Continuous Eligibility**

- Policy statement
- Selection of 12-Month Postpartum Continuous Eligibility
- Eligible Individuals
- Exceptions to Continuous Eligibility
- Benefits During the 12-Month Postpartum Period

#### **Optional Continuous Eligibility Period for Children**

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

#### **12-Month Postpartum Continuous Eligibility**

##### **Policy Statement**

This section begins with a policy statement that providing continuous eligibility through a pregnant individual's 12-month postpartum period is required in CHIP if the state elects to provide the same option for pregnant individuals in the Medicaid state plan.

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

In this section, states indicate whether they provide continuous eligibility during an individual's 12-month postpartum period in Medicaid.

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### **Review Criteria**

***If the state does not elect to provide continuous eligibility during an individual's 12-month postpartum period in Medicaid, they cannot provide the option under the CHIP state plan.***

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

### **Eligible Individuals**

This section provides a description of individuals who are eligible for continuous eligibility throughout their pregnancy and 12-month postpartum period. In addition to all pregnant applicants and all pregnant or postpartum enrollees in CHIP, states have the option to re-enroll individuals who were terminated from CHIP prior to the state implementing the extended postpartum option who would have otherwise been eligible for the extended postpartum period. These individuals who are re-enrolled are eligible for continuous eligibility through the remainder of their 12-month postpartum period.

Pregnant individuals are eligible for the extended postpartum option in CHIP beginning on the effective date of this CS27 template (as early as April 1, 2022) through a 5 year-period ending on March 31, 2027.

### **Review Criteria**

***The state must check off the first assurance that the state will implement the extended postpartum period consistent with section 2107(e)(1)(J) of the Act, and the second assurance describing the required eligible individuals. If the state does not check off the assurances, this state plan page cannot be approved.***

### **Exceptions to Continuous Eligibility**

The first assurance in this section lists the permissible exceptions to continuous eligibility throughout an individual's pregnancy and 12-month postpartum period. All of these exceptions are mandatory and are prechecked.

The second assurance specifies that states electing the extended postpartum option continue to provide continuous eligibility regardless of exceptions otherwise permitted in CHIP under 42 CFR 457.342(b). This includes 1) non-payment of premiums and 2) becoming eligible for Medicaid.

### **Review Criteria**

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*The state must check off both assurances in this section, otherwise the state plan pages cannot be approved.*

### **Benefits**

This section describes the benefit package states are required to provide individuals during their 12-month postpartum period.

### **Review Criteria**

*The state must check off the assurance in this section, otherwise the state plan pages cannot be approved.*

*If states want to provide additional benefits to individuals only during the 12-month postpartum period, the state should make the appropriate updates in Section 6 of the paper CHIP state plan.*

## **Optional Continuous Eligibility Period for Children**

### **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

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- For children up to age \_\_

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**

Our continuous eligibility regulations at 42 CFR 457.342 were updated and finalized on November 30, 2016. The CHIP regulations cross reference Medicaid regulations at §435.926(d), and permit the same Federal exceptions to the continuous eligibility process as Medicaid.

42 CFR 457.432 also requires an exception to continuous eligibility for becoming eligible for Medicaid and allows states to elect to apply an exception to continuous eligibility for non-payment of premiums or enrollment fees, subject to disenrollment protections at 42 CFR 457.570 and the required CHIP premium grace period at section 2103(e)(3)(c) of the Act. If states want to elect this additional exception, state will need to check the box. State-specific exceptions to continuous eligibility are not permitted.

### **Review Criteria**

***States may elect the option to consider non-payment of premiums an exception to an individual's continuous eligibility. If a state elects the option "There is a failure to pay required premiums or enrollment fees on behalf of a child, as provided for in the state plan", the state must be approved to charge premiums or enrollment fees.***

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