



November 2013 Updates:

Coverage for Pregnant Women under Affordable Care Act (ACA) Implementation in California

We wanted to share the following recently received good news flowing from MCHA's advocacy in collaboration with many other groups and partners.

Medi-Cal's 200% Parental Income Disregard Program

- State Department of Health Care Services (DHCS) intends to keep the 200% Parental Income Disregard Program ([see ACL No. 03-34](#)), which is great news for teens living at home when their parents' income is over 200% of poverty.
- DHCS does not believe a State Plan Amendment (SPA) is needed before the end of the year to do this, notwithstanding the federal Centers for Medicaid and Medicare (CMS) Frequently Asked Questions (FAQ) # 8 of August 9, 2013, that a SPA might be required.
- However, to be sure the opportunity isn't missed, DHCS has asked CMS whether any action needs to be taken before the end of the year to preserve this important Medi-Cal program.
- Note: DHCS also does not plan to drop the separate state-only Minor Consent program, which allows certain minors to apply for Medi-Cal for certain limited benefits on their own.

Access for Infants and Mothers

- 1) **Access for Infants and Mothers (AIM) enrollment for women pregnant women applying through Covered California at any time from October 1 through December 31, 2013**

Pregnant women should apply directly to the AIM program, or to Medi-Cal.

Somehow, AIM was omitted from the new enrollment process launched October 1 by Covered California for California's ACA "insurance affordability programs" (IAP). AIM, which is funded by the federal Children's Health Insurance Program (CHIP), is an IAP. We are concerned that pregnant women who may be eligible for AIM have been applying for coverage on-line at Covered California's website, by sending in the new Single Streamlined Application (SSApp), or calling the Covered California Service Center. MCHA's detailed recommendations for addressing this crisis, most of which MRMIB adopted on November 20, will be posted at our website, www.mchaccess.org. Highlights follow:

- Applications, whether completed or not, that include a pregnant individual who may be eligible for AIM are being forwarded to AIM for an eligibility review as of November 22.
- A woman who passes the 30th week of pregnancy before her eligibility for AIM has been determined will not be denied AIM eligibility. This special rule for women applying through Covered California is an important exception to AIM's usual rule excluding women who have passed the 30th week by the time the application is complete.

- MCHA continues to urge that the 30-week ban end for all AIM applicants: it is an unlawful pre-existing exclusion under the ACA and unlawful discrimination based on gestational age under CHIP.
- Other criteria, such as providing medical verification of pregnancy, having to pre-pay \$50, and having to indicate whether anyone in the household smokes, will be dropped as conditions of eligibility. Self-attestation of state residency will be accepted.
 - We are elated that these improvements will apply to all women applying for AIM, not just those going through Covered California before the end of this year.
- However, women applying before the end of this year may be asked additional questions about income sources and for proof of income. AIM believes this is necessary because Covered California has been using the new “MAGI” income methodology rules and e-verification process for MAGI income. But MAGI does not take effect in AIM (or Medi-Cal) until January 1.
 - MCHA is concerned that requiring women to provide paper documentation could add to even further delays in AIM (or Medi-Cal) enrollments.
 - **We continue to urge AIM (and Medi-Cal) to adopt additional administrative accommodations so that applicants from October 1 – December 31 will be enrolled in AIM (or Medi-Cal) as quickly as possible.**
 - AIM should require income documentation by paper only of women whose income was not e-verified by Covered California or whose e-verified income was near the lowest (200%) or highest (300%) income limit for AIM.
- AIM will also notify Covered California of the women approved for AIM, so that Covered California can contact the women about how to get reimbursed for any premiums they may have already paid to an Exchange plan before being enrolled in AIM.

2) **AIM enrollments starting January 1, 2014**

MRMIB adopted emergency regulations on November 20, 2013 for ACA implementation. You can view the regulations as proposed and draft new ACA AIM application here:

<http://mrmib.ca.gov/MRMIB/Agenda.html>. MCHA’s comments will be posted at www.mchaccess.org.

Some of the improved eligibility rules and procedures have been summarized above. In addition:

- Women will be able to apply for AIM using either the SSApp or a new AIM paper application being prepared based on MAGI’s household and income counting rules and other ACA requirements.
- AIM will not be a part of CalHEERS, the computer system that runs the MAGI household and income eligibility rules for Covered California and Medi-Cal, until July 2014. In the meantime, however, AIM will have a computer interface with CalHEERS to run MAGI determinations, starting January 1. This means that paper documentation of income will no longer be required then.

- Women whose e-verifications do not check out will have an opportunity to provide additional information.
- **But MCHA continues to urge that AIM benefits be granted pending a 90-day period to resolve the differences, as is done for Covered California’s Exchange plan enrollments.**
- The risk of a woman being retroactively disenrolled from AIM and having her health plan rescinded back to the end of her postpartum period for “failure” to report the end of her pregnancy to AIM has been greatly reduced.

3) **No ACA penalties for pregnant women enrolling in AIM?**

CMS is considering a rule that would exempt women who enroll in programs like AIM from penalties under the ACA. Because of the way AIM is funded by CHIP, from the federal perspective it is technically the unborn child who has “minimum essential coverage” (MEC) under AIM, not the woman, so a federal exception from the “individual mandate” to have MEC is needed for pregnant women who enroll in AIM.

- **MCHA has weighed in with strong support for an exception from ACA penalties for women enrolling in AIM.**
- It is important to note, however, that under the federal approach, because the woman herself is not considered to be the one eligible for AIM, or to have MEC if she were to enroll in AIM, she can choose to enroll instead into subsidized Exchange coverage, if otherwise eligible. But she cannot be enrolled in both AIM and the Exchange with a subsidy at the same time. This means that a CHIP Premium Assistance program for AIM would not be a state policy option. How does this affect AIM-eligible women as a practical matter?
 - AIM-eligible applicants can choose to enroll in AIM for full-scope coverage at 1.5% of annual income without any cost-sharing at all, or to instead enroll in the Exchange paying 6.3% to 9.5% of income toward subsidized premiums, plus cost-sharing for services other than prenatal and other preventive care.

DHCS’ Proposed Medi-Cal Premium Assistance Program

You will find background information about the state’s proposed Medi-Cal Premium Assistance program along with a summary of advocates’ concerns on the **attached group document**. We have shared these concerns with both the state and CMS. We recently learned that CMS is meeting with a group of states over the best ways to operationalize “dual enrollments” for pregnant women eligible both for Medicaid (Medi-Cal) and Exchange subsidies. One of our major concerns, i.e., that low-income women could lose access to the unique pregnancy-related services that public programs like Medi-Cal provide, is among the issues being discussed in that forum. **Please stay tuned!**

For more information about any of these Updates, please contact lynnk@mchaccess.org or lucyqmas@gmail.com.