



Summary of Proposed and Final Rules

Notices, Appeals, and Other Medicaid and CHIP Eligibility Provisions

Medicaid and CHIP Payment and Access Commission
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Background

- November 30, 2016 final rule related to eligibility notices, fair hearings and appeal processes, other eligibility provisions
- Finalizes most of the remaining pieces of proposed January 2013 rule
 - Much of this rule was finalized in July 2013
- Companion Notice of Proposed Rulemaking (NPRM)
 - Comments by January 23, 2017

Purpose of the Rule

- Simplify the procedures for applicants, beneficiaries, and states
- Establish consistent approaches across states
- In doing so, it also limits state flexibility in designing and implementing their Medicaid programs

Provisions of the Final Rule

- Eligibility notices
- Appeals and fair hearings
- Eligibility pathways and determinations
- Verification of citizenship and satisfactory immigration status
- Miscellaneous provisions

Eligibility Notices

- Notices must be accessible and written in plain language
- Establishes minimum standards for content in approval and denial notices
- Requires coordinated content and combined notices with exchanges to the extent feasible

Appeals and Fair Hearings

- Requires joint appeals requests with the exchange (when an individual receives a combined eligibility notice)
- Requires coordination agreements and secure electronic interfaces to share information
- Clarifies when and how a fair hearing can be requested
- Establishes expedited appeals process for eligibility and fee-for-service benefits

Eligibility Pathways and Determinations

- Codifies a number of statutorily established pathways and streamlines and updates others
- Clarifies provisions related to income counting rules for some groups
- Two specific provisions of interest to the Commission:
 - Former foster youth from other states cannot be covered under a SPA
 - Codifies 12-month continuous eligibility option for children in Medicaid and CHIP

Verification of Citizenship and Satisfactory Immigration Status

- Codifies provisions extending citizenship documentation to CHIP and exempting deemed newborns
- Requires the use electronic verification and simplifies paper documentation process when electronic verification is unsuccessful
- Establishes a 90-day time frame for the reasonable opportunity period

Miscellaneous Provisions

- Requires the fair hearing process be accessible for individuals who have limited English proficiency and individuals with disabilities
- Directs states to use an automated, e-filing format to submit state plan amendments
- Gives states the option of accepting self-attestation under certain special circumstances

Proposed Rule

- Further aligning appeals timelines across programs
- Reducing the amount of time to adjudicate an expedited appeal
- Requiring states to establish timeliness and performance standards for fair hearing requests



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