



State of Louisiana
Louisiana Department of Health
Office of the Secretary

VIA ELECTRONIC MAIL ONLY

September 9, 2021

Sandra Phelps
Title XXI Project Officer
Centers for Medicare & Medicaid Services
Center for Medicaid and CHIP Services
7500 Security Boulevard, Mail Stop S2-01-16
Baltimore, MD 21244-1850

Dear Ms. Phelps:

RE: LA SPA TN 21-0016 Twelve Months Continuous Eligibility

Please refer to our proposed amendment to the Medicaid State Plan submitted under transmittal number (TN) 21-0016 with the proposed effective date of July 1, 2021. The State Plan amendment (SPA) proposes to amend the provisions governing eligibility for the Medical Assistance Program to update the list of beneficiaries under the age 19 for whom twelve months of continuous eligibility is not available.

We are providing the following in response to your request for additional information (RAI) dated August 17, 2021.

1. Louisiana proposes to add two exceptions to its continuous eligibility policy. One exception relates to terminating individuals who do not verify citizenship or immigration status. Please describe the state's current policies for verifying citizenship and immigration status, including the state's policies related to the reasonable opportunity period.

LDH RESPONSE:

Louisiana uses the Social Security Administration (SSA) connection through the HUB and all three steps of the Systematic Alien Verification for Entitlement Program (SAVE) connection to verify citizenship and immigration status. Paper documentation is used to clear discrepancies or when the Data Services Hub (HUB) does not provide definitive data.

For eligible individuals who declare to be a citizen or to have satisfactory immigration status but Louisiana is unable to verify, the individual is enrolled and allowed a reasonable opportunity period of 90 days to secure acceptable documentation of citizenship or immigration status. If citizenship or immigration status is not verified by the end of the reasonable opportunity period, adverse action is sent.

2. The state indicates that the two exceptions to continuous eligibility are already in place. When did the state begin implementing the exceptions?

LDH RESPONSE:

For citizenship/immigration status, there was not a specific implementation date. Prior to the Affordable Care Act, applicants did not become eligible until citizenship or acceptable immigration status was established. In 2006, updates to federal regulations stipulated allowing a reasonable opportunity period to provide verification that aligned with request timeframes for other facets of eligibility but again applicants did not become eligible until citizenship/immigration status was verified. Federal regulations were again updated in 2016 requiring a 90-day reasonable opportunity period to request and/or resolve verification. It also stated the agency may not delay benefits to otherwise eligible individuals during the reasonable opportunity period and must terminate eligibility of those who have not been verified by the end of the reasonable opportunity period. Exceptions were noted relating to maintaining and reinstating benefits during appeals but not continuous eligibility, therefore this has not been treated as an exception but rather an application of other regulations. The State does not believe this pertains to 12 months continuous eligibility and would like to remove this exception.

The implementation date of obtaining creditable insurance was the day the program went live in June 2008, as it was included in Section 4.1.8 of the Comprehensive Title XXI State Plan. This item was inadvertently left off the MACPro template CS27 when first completed in 2014.

How many individuals have been subject to each of the two exceptions?

- a. The number of closures of LaCHIP Affordable Plan (LAP) children due to obtaining creditable health coverage is approximately 175 since go live of new eligibility system in November 2018. More time is needed to gather the number from the previous legacy system.
- b. The number of closures of LAP children due to the parents failure to provide verification of citizenship/immigrations status after a reasonable opportunity period since go live of new eligibility system in November 2018 is zero.

3. Please confirm our understanding that the two proposed continuous eligibility exceptions are not applicable to the unborn population.

LDH RESPONSE:

Louisiana confirms that the two proposed continuous eligibility exceptions are not applicable to the unborn population.

4. Please clarify whether the proposed exceptions are also applicable to the state's Medicaid continuous eligibility process.

LDH RESPONSE:

The proposed exception for children whose parent/guardian fails to provide verification of citizenship or immigration status after a reasonable opportunity has been allowed is also applicable to the State's Medicaid continuous eligibility process.

5. Has Louisiana received any comments on this CHIP SPA amendment as part of its tribal consultation process? If yes, please describe.

LDH RESPONSE:

The State has not received any comments as part of the tribal consultation process.

Please consider this a formal request to begin the 90-day clock. We trust this additional information will result in the approval of the pending SPA. We look forward to negotiating with CMS to ensure approval.

As always, we appreciate CMS' assistance in resolving these issues. If further information is required, you may contact Karen H. Barnes at Karen.Barnes@la.gov or by phone (225) 342-3881.

Sincerely,



Patrick Gillies
Medicaid Executive Director

PG:KHB:RD