



Exempt Action Final Regulation Agency Background Document

Agency name	DEPT OF MEDICAL ASSISTANCE SERVICES
Virginia Administrative Code (VAC) citation	12 VAC 30 -30-10
Regulation title	Groups Covered and Agencies Responsible for Eligibility Determinations
Action title	Clarify Requirements for Coverage as a Child Under Age 1
Final agency action date	
Document preparation date	April 23, 2009

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The section of the State Plan for Medical Assistance that is affected by this action is Attachment 2.2-A Item 12 (12 VAC 30-30-10).

This mandatory change is a result of passage of the Children's Health Insurance Reauthorization Act of 2009 (CHIPRA), Public Law 111-3, Section 113 (b):

“(b) Amendments to Medicaid.— (1) Eligibility of a Newborn.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking “so long as the child is a member of the woman’s household and the woman remains (or would remain if pregnant) eligible for such assistance”.

Current Medicaid regulations provide that a child born to a mother eligible for Medicaid coverage on the date of the child’s birth is automatically eligible for Medicaid for one year as long as certain conditions are met. The conditions require that a newborn is only deemed eligible for Medicaid coverage through age 1 as long as he remains in the mother’s household and the mother remains eligible for Medicaid (or would

have remained eligible if pregnant during the one year period). The requirement to remain in the mother’s home and for the mother to otherwise remain eligible for Medicaid is problematic as many children never go home with their mothers, leading to loss of Medicaid coverage for the children.

A provision in CHIPRA mandates continuous eligibility for newborns through age 1, regardless of the child’s living arrangement or the mother’s eligibility. Removing the requirement for the child to live in the home with the mother and the mother to remain eligible for Medicaid will ensure that the child will receive ongoing Medicaid coverage through his first year of life. Virginia must change the current Medicaid regulation in order to be in compliance with the mandates of CHIPRA.

This action meets the exemption provided by the Code of Virginia 2.2-4006 (A) (4) (c) because it conforms these attached regulations to the requirements of CHIPRA (Public Law 111-3) and does not materially differ. Additionally, the Agency has no discretion concerning the implementation of this mandated requirement.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

I hereby approve the foregoing Agency Background Document with the attached amended regulations: Clarify Requirements for Coverage as a Child under Age 1(12VAC 30-30-10) and adopt the action stated therein. I certify that this final regulatory action has completed all the requirements of the Code of Virginia § 2.2-4012.1, of the Administrative Process Act and is full, true, and correctly dated.

Date

Patrick W. Finnerty, Director
Dept. of Medical Assistance Services

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

These changes do not strengthen or erode the authority or rights of parents in the education, nurturing, and supervision of their children; or encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents. It does not strengthen or erode the marital commitment, but may decrease disposable family income depending upon which provider the recipient chooses for the item or service prescribed.

