



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	DEPT OF MEDICAL ASSISTANCE SERVICES
<b>Virginia Administrative Code (VAC) citation</b>	12 VAC 30-141-100 and -141-110; 12 VAC 30 -30-10
<b>Regulation title</b>	Family Access to Medical Insurance Security Plan (FAMIS) (Title XXI); Groups Covered and Agencies Responsible for Eligibility Determinations (Title XIX)
<b>Action title</b>	CHIPRA Deemed Newborns of FAMIS Enrollees
<b>Final agency action date</b>	
<b>Document preparation date</b>	

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 FAMIS state regulations that are affected by this action are 12 VAC 30-141-100 Eligibility Requirements and 12 VAC 141-110 Duration of eligibility. The Medicaid regulations that are affected by this action are Mandatory coverage: Categorically needy and other required special groups (12 VAC 30-30-10).

This action implements a mandate in Section 111 of the Child Health Insurance Plan Reauthorization Act (CHIPRA) of 2009 that provides for automatic enrollment for children born to women receiving pregnancy-related assistance under Title XXI of the Social Security Act. FAMIS is Virginia's Children's Health Insurance Program authorized by Title XXI. CHIPRA adds Section 2112 to the *Social Security Act* which includes the following paragraph:

“(e) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child’s birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).”

Currently, a child born to a woman who is eligible for and receiving Medicaid on the date of the child’s birth is deemed eligible for Medicaid for one year from birth. However, in the FAMIS program, an application is still required to enroll a child born to a young woman who is eligible for and receiving FAMIS. Most children born to a FAMIS enrollee mother are found eligible for Medicaid, but a few are found eligible for FAMIS or are enrolled in neither program. While the income of the pregnant teens’ parents is considered in determining the eligibility of a pregnant teen less than 19 years of age, it is not considered in determining the eligibility of her infant. This action does not apply to individuals enrolled in the FAMIS MOMS program.

Under the revised policy, a child born to a young woman enrolled in FAMIS will be deemed eligible for Medicaid or FAMIS for one year from birth. Those newborns eligible for Medicaid based on an income screen will be enrolled in Medicaid. Those newborns with income too high for Medicaid will be automatically enrolled in FAMIS without having to apply as a result of this federal statutory change. This regulatory action conforms the Commonwealth’s regulations to the referenced federal statute.

Consequently, this regulatory action meets the standard set out at § 2.2-4006(A)(4)(c) of the *Code of Virginia* for regulatory conformance to changes in federal statute and does not materially differ.

**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 entitled Deemed Newborns of FAMIS enrollees with the attached amended state regulation pages (12VAC 30-30-10, 12VAC 30-141-100 and 12VAC 30-141-110) 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, of the Administrative Process Act. I hereby certify that these regulations are 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.