

HEALTH CARE REFORM - ASSESSMENT OF POTENTIAL LEGISLATIVE NEEDS MEDICAID EXPANSIONS

(** Indicates Mandatory Requirements Pursuant to ACA and/or existing Medicaid Law – does not reflect guidance from the final regs as of 3-16-12)

SUBJECT	CURRENT LEGISLATION	CURRENT LAW (W&IC)	SSA (ACA if not codified in SSA), IRSC or CFR REFERENCE	DISCUSSION	OPTIONS FOR CONSIDERATION
COVERAGE GROUPS					
Redetermination of All Potential Current Eligibles to MAGI, Including LIHP**	AB 43 and AB 714	14012; 15910.1	Sec. 1902 (e) (14) (D) (III) (v) and (e)(14)(E)	AB 1296. Will need to develop a process to redetermine, consistent with federal guidance, individuals subject to MAGI income eligibility; LIHP participants to be reassessed in accordance with the federally approved transition plan.	
New Mandatory Coverage Group**	AB 43	None	Sec. 1902 (a)(10)(A)(i)(VIII)	Suggest modifications to existing statute to incorporate the new mandatory coverage groups.	
Individuals Excepted From MAGI, etc. **	None known	None	Sec. 1902(e)(14)(D)	Need to discuss how to handle excepted populations that may currently be in the coverage groups to which MAGI rules generally will apply and processes needed to transitioned to a different coverage group. Requested clarification in federal regulations for how state Medicaid programs are to	

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				handle MN populations who are MAGI exempt.	
New Optional Coverage Group	SB 703	None	Sec. 1902 (a) (10) (A) (ii) (XX)	This group includes individuals not eligible under other mandatory or optional groups, with incomes above 133 percent (with a 5 percent income disregard) and a higher limit to be established at the option of the State.	
Citizenship Status: Immigrants Under the 5-Year Bar /Undocumented Aliens/Unverified Citizens**	None known	11104, 14007.5 and 14007.65 Legal immigrants under the 5-year bar, amnesty aliens, lawful permanent residents and those permanently residing under color of law also go into mandatory and optional groups; however, under federal law, they receive only emergency services, labor and delivery. In CA we	Title 8 USC, Secs. 1611-1641		

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		have traditionally supplemented with full-scope services for some of these individuals.			
State-Only and County Programs	None known	Various sections in W&IC and Health and Safety Code	Sec. 1902(a)(10)(A)(i)(VIII)	Need to consider what modifications may be needed for these programs since individuals covered in these programs have historically had automatic Medi-Cal and they may now fall into either the MAGI Medi-Cal group or Exchange coverage.	
Reduced Cost Sharing for American Indians/Alaska Natives **	None	None	ACA Sect. 1402	Need to discuss best way to identify tribal members for purposes of reduced cost sharing and/or premiums, as required under Medi-Cal, HFP and the Exchange.	
INCOME AND RESOURCES					
Tax Filing Unit vs. MFBU/Sneede/Gamma ** (Gamma) Gamma v. Belshe lawsuit modified Sneede procedures	SB 677	14008 and 14010	IRSC, Sec. 36B(d); ACA, Sec. 1414 (a)(1)(A) Sec. 1902(e)(14) 1902(a)(17)	May need to reflect tax filing unit subject to final federal regulations/guidance for household income purposes	

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Conversion to MAGI**	SB 677	None	IRSC, Sec. 36B(d)(B) ACA, Sec. 1414 (a)(1)(A) Sec. 1902(e)(14)(A)(B)(D)	Will need to change statute to reflect MAGI requirements subject to final federal regulations and guidance.	
Eliminate Resources**	SB 677	14005.30	Sec. 1902 (e)(14)(C)	Will need to change statute, as appropriate, to eliminate resource eligibility for MAGI eligible populations.	
Establish Effective Income Thresholds**	SB 677	14005.1 14005.10 14005.23 14005.30 14148	Sec. 1902 (e)(14)(A)	Will need to amend statute to reflect the use of the new effective income thresholds for all groups subject to MAGI in accordance with final federal rules/guidance.	