

## Hospital Presumptive Eligibility

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On July 5, 2013, the Center for Medicare and Medicaid Services (CMS) released Part 2 of the Medicaid Final Rule regulations to implement various provisions of the Affordable Care Act (ACA). The regulation packet provided final regulations on the implementation of the hospital presumptive eligibility (PE) program established by the ACA at Section 435.1110.

Specifically, Part 2 of the Medicaid Final Rule regulations states that the hospital PE program shall be implemented as follows:

- Requires DHCS to provide Medi-Cal benefits during a presumptive period to individuals who are determined by a qualified hospital, on the basis of preliminary information, to be presumptive eligible for Medi-Cal benefits, regardless of whether DHCS provides Medi-Cal during a presumptive period.
- “Qualified Hospital” is defined as a hospital that participates as a provider under the State plan or demonstration under section 1115 of the ACA and notices DHCS of its election to make presumptive eligibility determinations.
- Presumptive eligibility determinations will be made for individuals who show potential eligibility for Medi-Cal under the four primary ACA groups (children, parents caretaker relatives, pregnant women, and “new adults”) as well as former foster care children (children who were in foster care on their 18<sup>th</sup> birthday).
- The hospital PE program shall be effective January 1, 2014.

The Medicaid Final Rule regulations also provide states with options in implementing the hospital PE program. DHCS is currently analyzing the various options provided in the regulations and is open to stakeholder feedback. Such options include:

- Require qualified hospitals to assist in completing and submitting a full application for Medi-Cal benefits.
- Limit the presumptive eligibility determinations to determinations for Medi-Cal programs based on income.
- Establish performance standards for qualified hospitals.
- Establish a process for disqualifying hospitals who do not meet established performance standards.

In order to implement the hospital PE program in accordance with the requirements of Part 2 of the Medicaid Final Rule, DHCS is enacting the following:

- Individuals will be required to submit a simplified hospital PE application to receive presumptive eligibility benefits. This form is currently in development by DHCS and DHCS will solicit stakeholder feedback prior to finalizing the form.

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- The hospital PE application will be submitted online by the qualified hospital. The application will not be available for submittal in a paper format.
- The hospital PE determination will be based on income, household size, and state residency. The qualified hospital will accept self-attestation of information and will not perform any verification checks of information provided.
- The hospital PE determination will be conducted in real-time.
- Presumptive eligibility will be granted for up to 60 days. The 60 day period will begin the first day of the month the PE application is approved and will end the last day of the following month. If the individual submits a full Medi-Cal application during the PE period and is granted Medi-Cal benefits, the individual will be moved from the PE program to the appropriate Medi-Cal program.
- After completing the hospital PE application, the individual will be given a full Medi-Cal application to complete. The individual will be able to complete the Medi-Cal application online, via paper, over the phone, and in person at their local county welfare office.

SB x1 1, Section 14011.66, implements the Hospital PE program, as prescribed in the ACA, in California.