

DATE: September 15, 2023

Medi-Cal Eligibility Division Information Letter No.: 23-44

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY ADMINISTRATIVE OFFICERS  
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS

SUBJECT: APPROVAL OF ADDITIONAL SECTION 1902(e)(14)(A) WAIVER  
FLEXIBILITY: MEDICAL SUPPORT ENFORCEMENT

The purpose of this Medi-Cal Eligibility Division Information Letter (MEDIL) is to instruct counties on the Centers for Medicare & Medicaid Services (CMS) approval for additional Section 1902(e)(14)(A) temporary waiver request strategy requested by the Department of Health Care Services (DHCS) to assist during the continuous coverage unwinding period.

### **Background**

On June 13, 2023, CMS published additional “Strategies to Prevent Procedural Terminations” that states may request to assist in addressing the challenges as part of the transition to routine operations. CMS can authorize these strategies under Section 1902(e)(14)(A) of the Social Security Act (“1902(e)(14)(A) Strategies”).

On June 16, 2023, DHCS requested CMS approval of the waiver to temporarily suspend the requirement for Medi-Cal applicants and members to cooperate with establishing identity of a child’s parents and obtain medical support, when available. This process is typically referenced as ‘medical support enforcement.’

On September 14, 2023, CMS approved DHCS’ Section 1902(e)(14)(A) waiver request detailed above. This MEDIL outlines the select flexibility strategies that were approved.

This policy is effective with the release of this MEDIL and will continue throughout the continuous coverage unwinding period through May 2024. The temporary flexibilities, described below, applies to all Medi-Cal and Children’s Health Insurance Program populations.

### **Suspension of Medical Support Enforcement Requirement**

The Medi-Cal Eligibility Procedures Manual (MEPM) [Article 23](#) details the requirement and process of medical support enforcement. Additionally, updates to medical support enforcement policy as a result of the Affordable Care Act were released in [ACWDL 20-04](#). As a condition of eligibility, Medi-Cal applicants and

members are required to cooperate with establishing the identity of a child's parent(s) and obtain medical support, when available, using the [CW 2.1](#) form used for child support and medical support enforcement for various public assistance programs. This policy allows for cooperation within 30 days of approval of benefits after application or an eligibility redetermination. If this requirement is not met, the member may risk discontinuance.

This waiver authority allows counties to suspend, as a condition of Medi-Cal eligibility, the requirement of the Medi-Cal applicant or member to cooperate with the medical support enforcement process. County eligibility workers are not required to screen if individuals meet the criteria to complete the CW 2.1 form or any other part of the medical support enforcement process throughout the unwinding period. Additionally, individuals that have not cooperated with the process prior to the issuance of this letter are not required to be discontinued throughout the unwinding period.

This waiver will assist in temporarily reducing the workload for county eligibility staff who otherwise must follow up with applicants or Medi-Cal members to confirm they have the requirements to apply for other benefits thereby simplifying the eligibility determination, minimizing procedural terminations for individuals who are eligible if not for the requirement to apply for other benefits.

#### **Documentation of Section 1902(e)(14)(A) Waivers**

In conjunction with standard application or renewal case notes, counties must ensure that proper narratives are included within the SAWS case file when any of the Section 1902(e)(14)(A) waivers are applied to a Medi-Cal member or household. Counties must ensure the case narratives describe what flexibility was applied and for whom. Templates are available via [MEDIL I 23-06](#).

DHCS will provide additional guidance when the Section 1902(e)(14)(A) waivers end.

If you have any questions, or if we can provide further information, please contact Kathryn Floto by phone at (916) 345-8076 or by email at [Kathryn.Floto@dhcs.ca.gov](mailto:Kathryn.Floto@dhcs.ca.gov).

Original Signed By,

Theresa Hasbrouck  
Chief, Policy Development Branch  
Medi-Cal Eligibility Division  
Department of Health Care Services