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Medi-Cal Eligibility Division Information Letter No.: I-16-03

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

SUBJECT: Workaround for Pregnant Women Enrolled in a Qualified Health Plan

The purpose of this letter is to provide information on the workaround process to insure that women enrolled in a Qualified Health Plan (QHP) with Advanced Premium Tax Credits (APTC) have the option to remain in their QHP and not transition to Medi-Cal when a pregnancy is reported.

BACKGROUND:

Pregnancy Expansion

Senate Bill 857 (Chapter 31, Statutes of 2014) added Welfare and Institutions Code Sections (§) 14005.22 and 14005.225, authorizing the expansion of full-scope Medi-Cal coverage to pregnant women with income from 60 percent Federal Poverty Level (FPL) to up to and including 138 percent of the FPL. The Centers for Medicare and Medicaid Services (CMS) approved a State Plan Amendment 14-0021 and a § 1115 Waiver amendment, both effective August 1, 2015, that authorized this expansion. Please review the All County Welfare Directors Letter (ACWDL) 15-35 for more information on the pregnancy expansion. <http://www.dhcs.ca.gov/services/medi-cal/eligibility/Documents/ACWDL2015/ACWDL15-35.pdf>

Minimum Essential Coverage (MEC)

CMS orally authorized the Department of Health Care Services (DHCS) to consider Pregnancy Related Medi-Cal as MEC effective October 12, 2015; formal written approval was received February 12, 2016. Pregnancy Related Medi-Cal that meets MEC is provided to women who have satisfactory citizenship or immigration status with incomes above 138 percent and up to and including 213 percent (aid code M9). Pregnancy Related Medi-Cal is also provided to pregnant women who do not have satisfactory immigration status, with income up to and including 213 percent (aid code

M8 and M0), but is not considered MEC. In order to qualify for MEC, the pregnant woman must have satisfactory immigration status (this requirement can be found in 26 United States Code § 5000A(d)(3) - Requirement to MEC). Programming logic was added to California Healthcare Eligibility, Enrollment and Retention System (CalHEERS) that identified pregnant women with satisfactory immigration status in Pregnancy Related Medi-Cal as having MEC.

Pregnancy-related services are defined as “services required to assure the health of the pregnant woman and the fetus, or that have become necessary as a result of the woman having been pregnant. These include, but are not limited to, prenatal care, delivery, postpartum care, family planning services and services for other conditions that might complicate the pregnancy. Services for other conditions that might complicate the pregnancy include those for diagnoses, illnesses, or medical conditions which might threaten the carrying of the fetus to full term or the safe delivery of the fetus. Pregnancy-related services may be provided prenatally from the day that pregnancy is reported and postnatally to the end of the month in which the 60-day period following termination of pregnancy ends.”

Women enrolled in a QHP

Individuals eligible for MEC Medi-Cal are not eligible for a QHP with APTC through Covered California. There is an exception to that rule for women who are enrolled in APTC and then become pregnant which makes them eligible for MEC Medi-Cal (State Health Official (SHO) Letter 14-002 <http://www.medicaid.gov/federal-policy-guidance/downloads/sho-14-002.pdf>). This exception to the rule allows these pregnant women to keep their QHP rather than being transitioned to Medi-Cal, if they choose to do so. Currently, women in a Covered California QHP, with income at or above 100 percent FPL up to and including 213 percent FPL, who report a pregnancy, are being automatically transitioned from their QHP to Medi-Cal, without being provided the opportunity to keep their QHP if they so choose. A Change Request (CR) has been submitted to CalHEERS to add additional system logic that will allow these women to remain in their QHP, if they choose to do so, and inform them of their option to transition to free Medi-Cal. This CR is tentatively scheduled for implementation in October 2016. A manual workaround has been created to assist women enrolled in a QHP who become pregnant and elect to remain in their QHP. Below are the M9 workaround instructions for a County Eligibility Worker (CEW).

M9 WORKAROUND INSTRUCTIONS:

Informing the impacted pregnant women:

- Covered California sends an informing letter to all impacted pregnant women moved from their QHP to the pregnancy aid code M9. This letter explains to the pregnant woman that she has been determined eligible for Medi-Cal, but has the option to remain in her QHP. The letter explains that she can choose to do nothing and will receive Medi-Cal, or she can request to remain in her QHP.

Pregnant Woman elects to remain with her QHP:

- Pregnant women can either contact the County or Covered California when they are electing to remain with their QHP. To complete the workaround, an action must be taken by the CEW and a Covered California Service Center Representative.

Steps for the CEW:

1. The CEW will explain the following to the pregnant woman:
 - a. In order to restore QHP enrollment through Covered California, the pregnant woman will be discontinued from Medi-Cal.
 - b. A Notice of Action (NOA) will be sent to the pregnant woman confirming the discontinuance from Medi-Cal.
 - c. The importance of the pregnant woman continuing to pay the QHP premiums, so there is no loss of health care coverage.
 - d. The pregnancy record will be removed from the Covered California account (CalHEERS), but if the pregnant woman reports the pregnancy again to Covered California online or through the service center, then she will be moved back into Medi-Cal again.
2. The CEW will then take a negative action (requested discontinuance) on the woman in aid code M9, and issue the NOA. The negative action shall only be taken on the pregnant woman and not any other individuals who may be active on the case.
3. The CEW will use the established county process to contact the Covered California county liaison for the next step in this workaround.

Steps for the Covered California county liaison:

1. When the Covered California county liaison is contacted by the county, the Covered California county liaison will perform a Report a Change (RAC) action in CalHEERS to remove the pregnancy. This RAC will trigger the Business Rules Engine (BRE). The BRE will make a new determination allowing the woman to maintain her QHP eligibility. If other family members on the case are on Medi-Cal, this will result in an unsolicited Determination of Eligibility Response that should be processed. This workaround will ensure Modified Adjusted Gross Income Medi-Cal is maintained for other eligible household members who are in soft pause categories.
2. A CalHEERS notice (NOD01) will also be sent to the pregnant women confirming her QHP eligibility through Covered California.

If you have any questions, or if we can provide further information, please contact Ms. Cynthia Cannon by telephone at (916) 552-9499 or by email at Cynthia.Cannon@dhcs.ca.gov.

Sandra Williams, Chief
Medi-Cal Eligibility Division