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TO: Health Advocates  
FROM: Katie Murphy, WCLP  
REL Katrina relief update: Medi-Cal  
DATE: September 20, 2005

Today I got an update from state DHS on their efforts to provide Medi-Cal to evacuees who are here. I apologize if any of this is old news to this group, as WCLP's email has been down for a few days, I'm just starting to fill in on this issue while Jen Flory is out for a few weeks, and I'm not sure who already knows what. So here is the report from DHS:

### **Generally**

Right now, and until further notices, the procedures in ACL 05-30 (that WCLP released in a fact sheet Sept 9) are in place to provide expedited enrollment same-day, to allow self-verification, and to allow applicants to meet the residency requirement even if they don't know how long they'll stay (or whether they have intent to stay). DHS is working on a waiver proposal under the new federal template (see below) and if that is approved they would change their rules. OR, Congress could act and change everything. But until further notice, the rules in ACL 05-30 and all other existing Medi-Cal rules and procedures apply.

### **Numbers**

They still don't know how many evacuees are here. Public health departments report 5,500, but that number could be low because it does not count people who came here outside of organized and governmental evacuation efforts.

Nearly everyone who is getting on Medi-Cal is qualifying for CalWORKs as well. This is good, but it means they are going into aid code 3N (Section 1931(b) Medi-Cal) instead of the evacuee aid code 65, so DHS cannot count them. They are working with DSS to identify them, but don't have numbers yet. Only 20 – yes, only 20 – people are in Aid Code 65 right now. This is likely because nobody has jobs or documentation that makes them ineligible for CalWORKs. Yet. I don't know about the SSI numbers – maybe disability advocates are tracking those?

### **On the Waiver**

1. DHS just released ACL 05-31 announcing that CMS has released a Multi-State Demonstration Application template – Medicaid and SCHIP Coverage for Evacuees of Hurricane Katrina, attached to that ACL, and that DHS “will be

submitting this waiver application promptly.” Maybe all of you already have this? You can get the ACL at

<http://www.dhs.ca.gov/mcs/mcpd/MEB/ACLs/ACWDLsIndex/2005ACWDLs/30thru39.htm> and the CMS Waiver Template is an attachment to it.

2. Retroactive to Aug 24, states can provide time-limited Medicaid and SCHIP for a five month period to a new demonstration population up to an including levels on a chart (attached to the template).
3. Evacuees can apply with this status until Jan 31, 2005. The eligibility period is up to 5 months.
4. States have the option of covering people either 1) using the “simplified” eligibility levels provided by CMS or 2) using eligibility levels in the applicant’s home state.
5. Evacuees can self-declare displacement, income, and immigration status “but evacuees must be required to cooperate in demonstrating evacuee and eligibility status.” We don’t know what that means yet.
6. A Host State may apply or waive the host state’s resource test, but if we use the Home state rules, we must use their resource test.
7. **PROBLEM:** This says if an evacuee wishes to be determined eligible for regular Medicaid/SCHIP at the end of the evacuee period, they must reapply. Not legal under CA state law, SB 87. Will push for DHS to apply our own rules here and require a redetermination under SB 87 rules. The waiver doc does say while the state is not required to redetermine eligibility, it “may elect to redetermine.”
8. The duration of this demo will be Aug 24, 2005 to June 30, 2006.
9. Eligible populations will be parents, pregnant women, children under 19, individuals with disabilities, low-income Medicare recipients, and low income individuals needing long term care. States must report enrollment to the feds monthly.
10. Benefits: those of the Title XIX and XXI programs in the host state.
11. FFP Claiming: host states submit claims directly to CMS rather than to home states.
12. Reporting requirements: states will be required to track all expenditures associated with the waiver, including admin and program costs.
13. Notice: sates must provide notice that this benefit is limited to 5 months from the time of application and that they must reapply at the end.
14. Due process: no fair hearings and appeals are available in this demo program.
15. Financial requirements: no budget neutrality test.
16. Cost sharing: states may exempt evacuees from cost sharing
17. Pre-authorization: normal prior auth and out-of-network requirements may be waived for managed care enrollees.
18. Waivers of federal law: there is a section on the template that asks for waiver of the following, and the state selects which waivers they seek:
  - a. Statewideness and Eligibility methods and standards 1902(a)(1) and 1902(a)(17)
  - b. Comparability 1902(a)(10)(B)
  - c. Fair Hearings and Notices – 1902(a)(3)
  - d. Cooperation in establishing paternity – 1902(a)(45)

- e. Freedom of choice 1902(a)(27)
- f. Provider agreements 1902(a)(32)
- g. Annual redeterminations of eligibility – 1902(a)(4) and (a)(19)
- h. Amount, duration and scope 1902(a)(10)(B)
- i. Retroactive eligibility – 1902(a)(34)

**SCHIP**

- a. eligibility screening – sec. 2102(a), 2103(a)
- b. federal matching payments – 2105
- c. annual reporting requirements – 2108
- d. annual redeterminations 2102

**What WCLP Plans to do**

We're going to keep monitoring DHS. We plan to write a letter with recommendations for the waiver – this “template” from the feds offers a lot of opportunities but presents a lot of potential problems. Are any of you working on something similar? We don't want to duplicate efforts, please contact me.

We're available for technical assistance.

We hope to get MRMIB to do something proactive so once families get jobs and a little more income Healthy Families is ready for them – no change so far that we know of in that program to accommodate them.

We'll do fact sheets when there are new developments at the state level and provide back-up assistance to any of you working locally.

We've asked DHS for a stakeholder process when Congress acts. We're asking for something similar (and expedited) on this waiver.

**Contact:** Jen Flory, [jflory@wclp.org](mailto:jflory@wclp.org) and 213-487-7211 x34, is leading Katrina Medical efforts for WCLP but is out until October 12. Katie Murphy is her back-up and working on this in the interim. [kmurphy@wclp.org](mailto:kmurphy@wclp.org) and x26. WCLP's email and internet are down until further notice, so please contact us by phone, or if necessary, at [katiesmurphy@hotmail.com](mailto:katiesmurphy@hotmail.com) until further notice.