

Unwinding from Medicaid Continuous Coverage



Pennsylvania Health Law Project
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About PHLP

- Statewide non-profit legal organization dedicated to ensuring access to public health coverage and services
- What we do:
 - Helpline for clients and advocates 1-800-274-3258 or staff@phlp.org
 - FREE legal services
 - Community education/trainings
 - Monthly email newsletter
 - Policy Advocacy



Who do we help?

- Low-income families
- Children and adults with disabilities
- Seniors
- Social workers, other advocates, providers, home health agency staff working with consumers

There is NO INCOME LIMIT to qualify for PHLP services!

All of our services are free regardless of income.

When to contact PHLP

People
should
call
PHLP
when
they:

- Are denied or terminated from Medicaid
- Need help understanding how Medicare and Medicaid work together
- Have problems getting medications at the pharmacy
- Are seeking information about Medicaid or programs to help with Medicare costs
- Are denied services by their Medicaid plan
- Have trouble accessing Medicaid-covered services

What PHLP Does Not Do



Medicare appeals



Commercial/Employer/Retiree Insurance problems



Social Security benefits

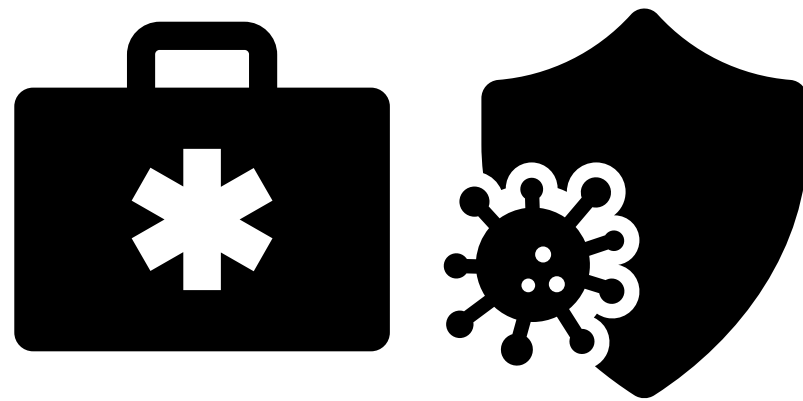


Powers of Attorney/Wills/Guardianships



Debt collection cases

COVID-19 & Medicaid Continuous Coverage

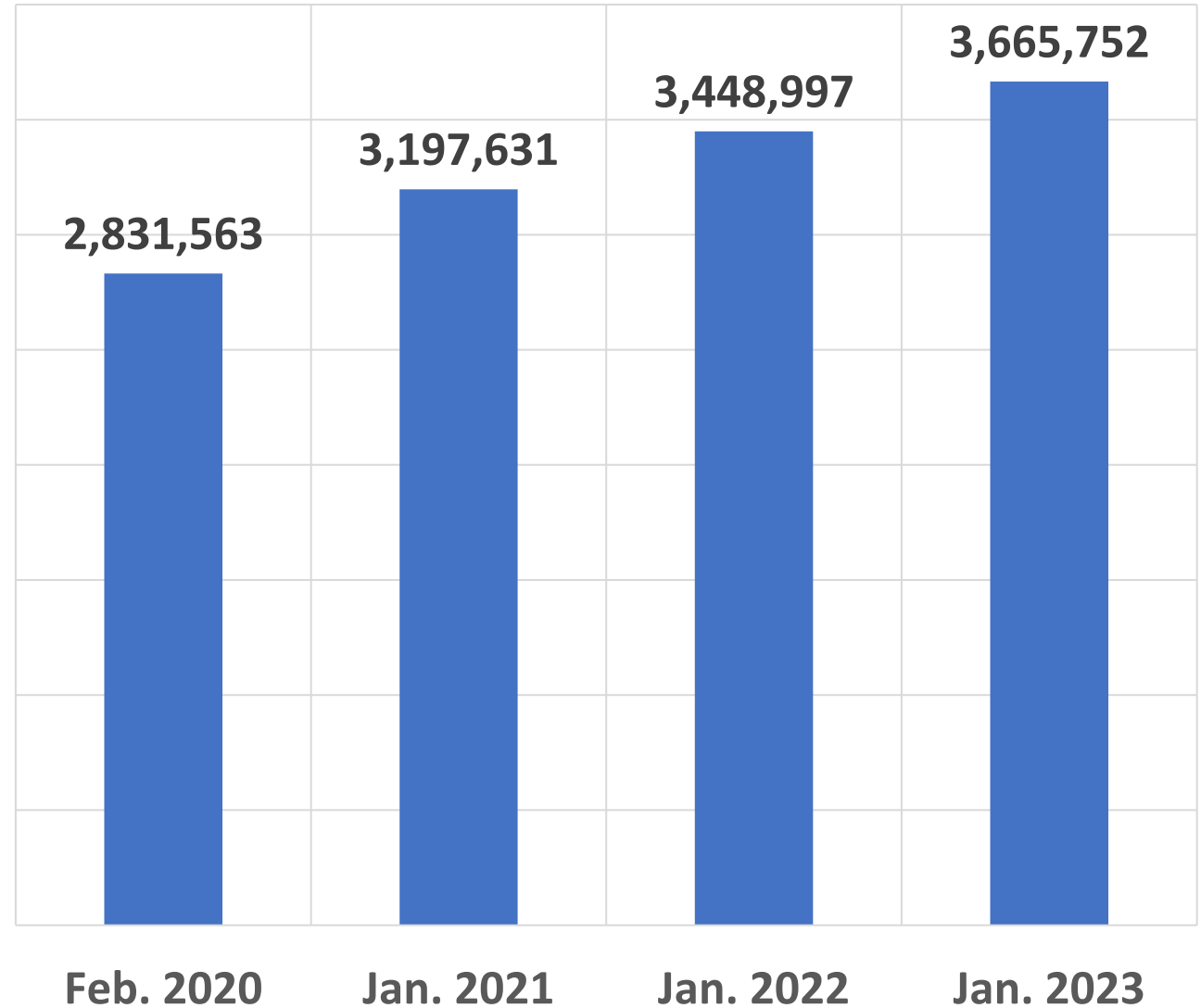


Medicaid Continuous Coverage

- January 2020 - Federal COVID-19 public health emergency (PHE) declared
- March 2020 - Families First Coronavirus Response Act (FFCRA)
 - 6.2% increase in federal Medicaid (MA) funding to states that maintain people on MA during PHE – “MA Continuous Coverage”
 - Covers people enrolled in MA 3/18/20 or later

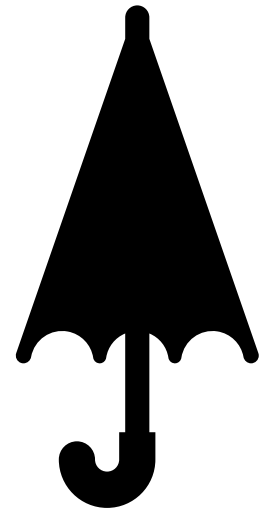


Medicaid Enrollment Growth During PHE



Exceptions to MA Continuous Coverage

- Under FFCRA
 - Voluntary terminate MA, move out of state, pass away
- November 2020 - CMS Interim Final Rule (IFR)
 - Immigrants in 5-year MA bar (who were in an exempt category)
 - “Not validly enrolled”
 - On waiver and refuse annual needs assessment
 - Asset transfer penalty period for nursing facility & waiver
 - ~~Duals ineligible for MA, but eligible for Medicare Part B Buy In only~~
- Receiving MA funded solely by PA (GA-Related MA)



Carr v. Becerra Order (1/31/23)

- Class: People who were or will be reduced from:
 - Full MA to Part B Buy-In Only, or
 - Qualified Medicare Beneficiary (QMB) to other Part B Buy-In categories
- Injunction
 - Cease reductions during MA continuous coverage
 - Retroactively reinstate



Carr Clarifying Order (3/2/2023)

- People whose Medicaid was reduced to MSP-only since November 2020 must have their Medicaid reinstated back to the date of termination
- People whose benefits were reduced since November 2020 should have been reinstated moving forward and retroactively – can contact CAO and ask for reinstatement if needed.
 - Coverage going forward: Put back in the CHC plan had before
 - Retro coverage: Through ACCESS card

Medicaid Enrollment Growth During PHE

- 834,189 (29%) increase
- 28% Pennsylvanians on Medicaid
- 1.1 million + MA maintained due to COVID continuous coverage (“**COVID Maintained**”)
 - ≈ 600,000 “COVID Flag” (information indicating no longer eligible)
 - ≈ 800,000 Overdue Renewals
 - ≈ 272,000 Overlap between above groups

Unwinding Medicaid Continuous Coverage

End of MA Continuous Coverage

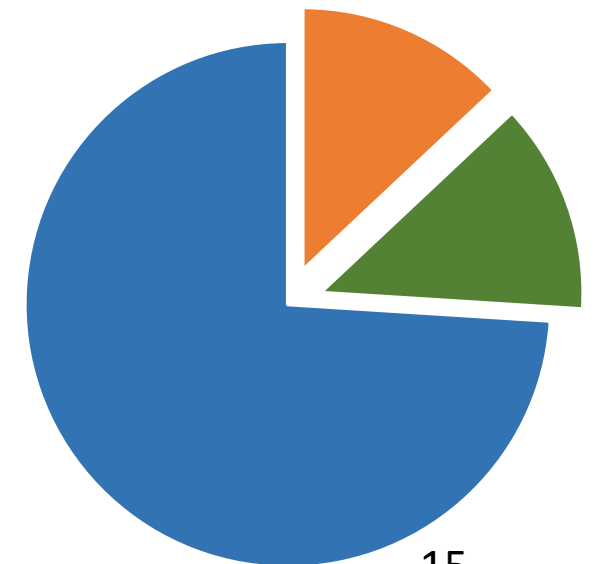
- Consolidated Appropriations Act (CAA) (December 2022)
 - MA Continuous Coverage **ended April 1, 2023** – decoupled MA continuous coverage from PHE
 - Effective April 1, DHS may terminate MA if certain conditions met **after renewals!**



April 1, 2023

Unwinding in Pennsylvania

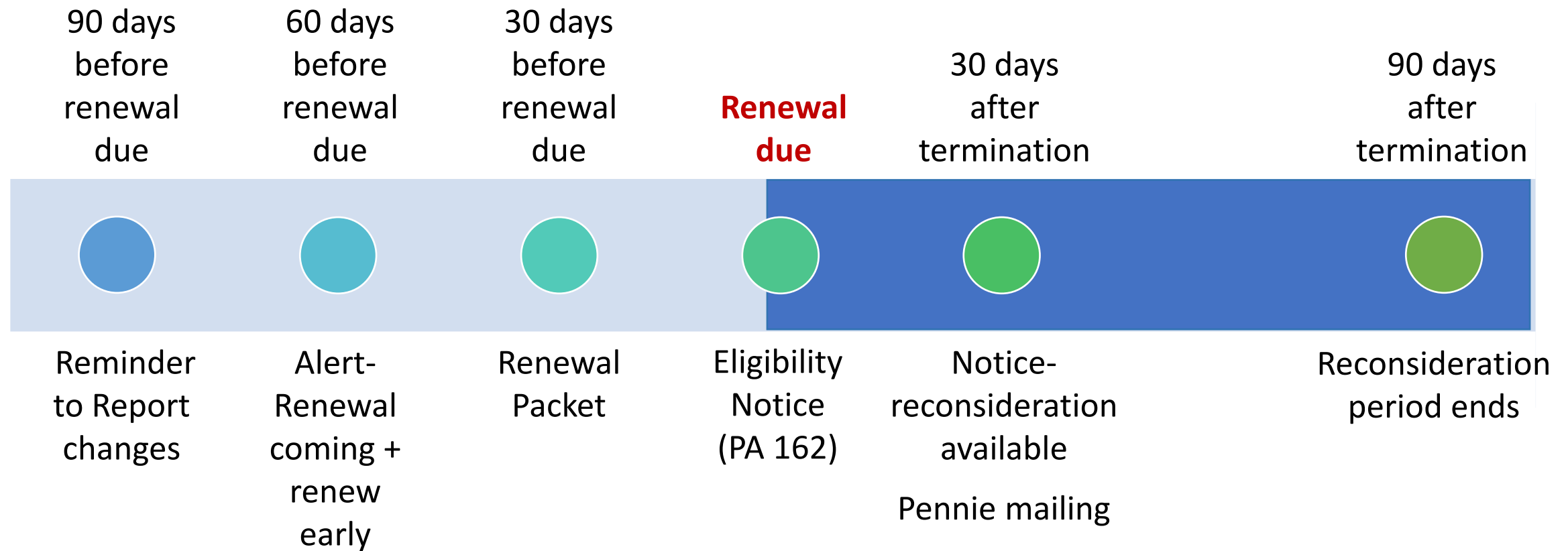
- 12 months to review eligibility for **everyone** on MA ($\approx 305,000$ / month)
- **COVID Maintained** MUST have full renewal before termination for being ineligible (even if change in circumstances)
- Hundreds of Thousands Will Be Terminated from Medicaid
 - **Terminated for Substantive Ineligibility**
 - PA DHS estimate = 466,000
 - **Terminated but Eligible (Churn)**
 - US DHHS estimates 7.9% nationwide
 - PA data from one month in 2019 suggests **MUCH higher churn rate**



When Will Renewals Occur?

- First renewals were sent in March 2023 with **April due dates**
- Most renewals will occur when normally scheduled
- Exceptions for 2 COVID-maintained groups
 1. Align MA renewals with SNAP renewals
 2. Emergency Medical Assistance renewals
 - Push out for people who will be eligible for federal MA within Unwinding Period
 - Distribute rest evenly over 12 months
 - Recertification of emergency medical condition simultaneous with financial renewal
- NOTE – People on SSI do not have MA renewals unless they are receiving home & community based services!

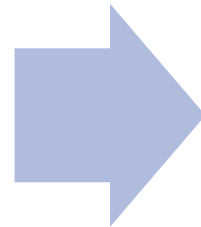
MA Renewal Communications



Full list of communications available [here](#)

When Can DHS Act on Changes?

People must
report changes to
the County
Assistance Office



CAO action depends on
whether someone is
COVID-maintained

- If person is COVID-maintained – no action until normally scheduled full renewal
- If not COVID-maintained, CAO redetermines eligibility based on changes.
 - If benefits end or are reduced → termination notice with appeal rights

Change in Circumstances COVID Maintained

- Rory is on Medicare and has been on MA since December 2019.
- During the PHE, Rory remembers seeing some renewal forms from DHS, but never returned any of them.
- In July 2023, Rory receives an \$11,000 inheritance that is reported to the CAO. The CAO does not act on the change in circumstances because Rory is Covid Maintained.
- Rory's MA eligibility is reviewed at his regularly scheduled renewal in December 2023. If Rory's resources make him ineligible for any MA category, he will be terminated.



Change in Circumstances Not COVID Maintained

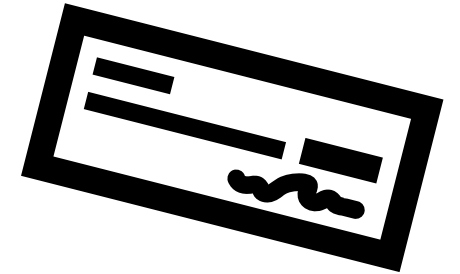
- Martha has been on MA since September 2018.
- Every September, she fills out and returns her renewal paperwork.
- She last renewed in September 2022 when her income from a part-time job was below the MA level for adults.
- In June 2023, Martha starts working full-time. She reports her new income to DHS. DHS reviews her income and determines she is not eligible for any MA category.
- Martha receives a notice terminating her MA in July 2023.



Overpayments

- What is an MA overpayment?
 - MA overpayments occur when someone receives MA when not eligible
 - No MA overpayments for CAO administrative error
- Overpayments and Unwinding (what we know so far)
 - **No overpayments for MA** received during MA continuous coverage period: **March 18, 2020 – March 31, 2023**
 - DHS **should not** impose overpayments on COVID Maintained population for MA received from April 1, 2023 to their renewal

MAWD Premiums



- Premiums for Medical Assistance for Workers with Disabilities (MAWD) were still collected during PHE
- Consequences of not paying some or all MAWD premiums during PHE:
 - Not terminated
 - Unpaid premiums accrued during PHE will be forgiven – should get notification in April/May
 - Considered COVID-maintained → should not be terminated until full MA renewal
- MAWD premiums were due again beginning April 2023
 - If don't pay premiums starting in April, will be terminated!

Preparing for Renewals

How Can MA Recipients Prepare?

- Report **address and phone number changes**
 - Customer Service Center at 877-395-8930
 - [COMPASS](#) or MyCOMPASS PA mobile app
 - In person at CAO
- Report **language needs**
 - Customer Service Center at 877-395-8930
 - Write language needs on all documents submitted to CAO
 - Ask for interpreters when calling or going to CAO

How Can MA Recipients Prepare?

- Sign up for **COMPASS**
 - Create [COMPASS](#) account
 - Download MyCOMPASS PA app
 - Sign up for [texting](#) through COMPASS
- Address potential **eligibility issues now**
- Pay attention to **DHS communications**
 - Renew timely
 - Respond to CAO information requests



What if I get an MA termination notice?

- **If believe still eligible – appeal!**
 - 30 days to appeal
 - Appeal within **15 days** of termination notice to **keep MA coverage while appeal is pending**
- If failed to turn in renewal paperwork/verification docs - request **reconsideration** within 90 days and submit missing paperwork!
 - Can also appeal termination notice
- Explore **other health insurance options** and **health programs**
- **Remember – people should get 15-day advance written notice before MA is terminated or benefits change!**

CAO Must Review for All MA Categories

MAGI

**Healthy
Horizons**

PH 95

**MA for
Workers with
Disabilities**

**Workers with
Job Success**

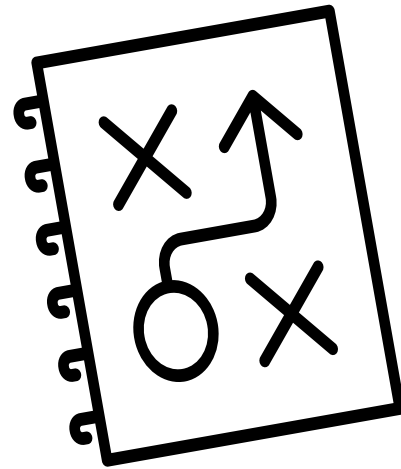
GA-Related

Waiver

... and more

[PHLP's 2023 Monthly Income and Resource Limits For Medicaid & Other Health Programs](#)

Options if Ineligible for Medicaid





- [Pennsylvania's health insurance marketplace](#) for ACA coverage
- Income-based subsidized premiums. Reduced cost sharing for some
- Most people substantively ineligible for MA sent to Pennie automatically (Not people on Medicare)
- Open to lawfully present immigrants ineligible for MA too
- **Special Enrollment Periods**
 - Enroll within 120 days of losing MA (60 days for retro coverage)
 - Only applies during Unwinding
 - MA coverage loss date = date MA managed care plan coverage ends
 - Households with income \leq 150% FPL can apply to Pennie at any time (for now)

PA MEDI



pennsylvania

Medicare Education and Decision Insight

- Free Medicare counseling
- Statewide Helpline – 1-800-783-7067
- Refer for:
 - Counseling on Medicare plans and program options
 - Assistance switching Medicare Rx and Medicare Advantage (health) plans
 - Assistance with [new 6-month Special Enrollment Period after loss of MA](#) to enroll in Medicare Part A and B without a late enrollment penalty
 - Help with new Medigap [guaranteed issue opportunity](#)
 - Help signing up for programs that help with Medicare costs – [Medicare Savings Programs](#), [Extra Help](#), [PACE/PACENET](#)



- “Children’s Health Insurance Program”
- For children under 19
 - Free or subsidized coverage if 138-319% FPL
 - Full-cost CHIP for children over 319% FPL
- CAO should be reviewing for CHIP eligibility

If No Longer MA Waiver Eligible

- **Pooled Income Spenddown Trust**
 - What: MA planning tool to put excess income into a trust to retain/obtain MA waiver
 - Who: Clinically eligible but over income for MA waiver
- **Act 150**
 - What: DHS program. Provides personal assistance services
 - Who: Under Age 60 with physical disability and can self direct care
- **Options Program**
 - What: Access through County Area Agency on Aging. Provides limited in-home assistance
 - Who: Age 60+

For more information

- PHLP's unwinding trainings & other consumer education materials – find in [PHLP's Resource Library](#)
- DHS unwinding website: <https://www.dhs.pa.gov/PHE/Pages/PHE-Individual-Communications.aspx>
- Unwinding Data Tracker by County - www.dhs.pa.gov/PHE/Pages/Unwinding-Progress-Tracker.aspx
- DHS [Unwinding Ops Memo](#)
- PA DHS [Medical Assistance Eligibility Handbook](#)

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Questions?

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