

HHS-CMS-CMCS

April 11, 2023

Coordinator: Welcome and thank you for standing by. At this time, I'd like to inform all participants that you have been placed in a listen-only mode for the duration of today's conference.

Today's call is also being recorded. If you have any objections, you may disconnect at this time. I would now like to turn the call over to your host, Ms. Jackie Glaze. Thank you, ma'am. You may begin.

Jackie Glaze: Thank you and good afternoon and welcome everyone to today's all-state call-in webinar. I'll now turn to Dan Tsai, our Center Director, for our opening remarks. Dan?

Dan Tsai: Hi, everybody. I just have two things to note at the outset. First is for today we have a very unwinding focus agenda on the redetermination side.

I think this is our first all-state call post-April 1 where we've had significant collaboration discussions, negotiations with all states who have needed a mitigation plan for compliance with the CA requirements. And we just appreciate folks really partnering together on that.

And we'll devote quite a bit of time today to go through open Q&A folks have on unwinding. Also before that, we'll have an update on some updates we've made on [medicaid.gov](https://www.medicaid.gov) for an unwinding page.

And before that we will have Courtney Miller, our group director for MCOG, the Medicaid CHIP Operations Group, some important updates on some recent things that are of note for 1135's and such.

Then, before I turn to Courtney, I just want to note on the second item I think today is our last all-state call that Ashley Setala will be participating in. Many of you from our state and external colleagues know Ashley, who has been at CMCS for 13 years and has done many, many things and has been invaluable, not just for unwinding throughout COVID, throughout what CMCS does, but over the course of 13 years, many different pieces.

She is joining colleagues in Minnesota. And I think this is her last week. So Ashley, thank you. And I just want to acknowledge that in front of our state and other colleagues as well.

So with that, I'm going to turn it to Courtney. Thank you, Courtney.

Courtney Miller: Thanks Dan. Hey so CMS has the authority to temporarily modify or waive certain Medicaid and CHIP requirements under Section 1135 of the Social Security Act when first the President declares a state of emergency under the Stafford Act or the National Emergency Act and the Health and Human Services Secretary also declares a public health emergency.

Congress passed House Joint Resolution 7 and the President signed it on April 10, ending the COVID-19 Presidential National Emergency Declaration.

The end of the COVID-19 National Emergency Declaration on April 10 impacts COVID-19 related flexibilities, including Section 1135 Medicaid waivers and disaster related state plan amendments in the following ways.

Any existing Medicaid 1135 waivers currently in effect and authorized for the pandemic remain in place until the May 11 end date of the Secretary's COVID-19 Public Health Emergency as long as the President does not order the Secretary to end them or the Secretary decides to end them at his discretion.

This means approved disaster relief SPAs also remain in effect until the May 11 date. CMS no longer has the authority to approve new 1135 waivers related to the COVID-19 emergency.

Disaster relief SPAs that were submitted prior to the Presidentially declared National Emergency end date of yesterday, April 10, may be approved after the end of the Secretary's COVID-19 public health emergency based on the date of the disaster SPA related 1135 submission.

It is important to note the end of the COVID-19 Presidentially-declared National Emergency does not affect the separation of the end of the continuous enrollment condition from the end of the COVID-19 PHE nor does it affect the temporary FMAP increase under the Consolidated Appropriations Act of 2023.

So with that, I'll turn to Ashley for the recent updates on our [medicaid.gov](https://www.medicaid.gov) unwinding and renewal pages that we hope will make it easier for you on the public to navigate and find resources. Ashley?

Ashley Setala: Thanks, Courtney. And hi, everyone. Before we jump into today's Q&A, as others have said, I wanted to share and walk you through a number of updates that we just made to [medicaid.gov](https://www.medicaid.gov) this morning actually.

So the first update is to the [medicaid.gov](https://www.medicaid.gov) homepage. So if you go to the homepage and scroll down just a little bit, this is a screenshot of what you will see.

Previously we had a link to the COVID-19 page where we've been posting all of our COVID-related resources over the last three years directly on the homepage. But we have added a sentence and a link that also takes you to our unwinding page to hopefully make it easier to find that.

Then on the actual unwinding page, so [medicaid.gov/unwinding](https://www.medicaid.gov/unwinding), we know that we have created I think many more resources than we were initially envisioning when the page was created. And so over the last year it has gotten pretty unwieldy and a little bit hard to find the documents that you are looking for given the various headers that I think were a little bit vague.

You know, we had a tools and template section, other guidance and resources, but not super clear sort of where things fell. So we have added as of this morning a left-hand navigation to the page. So when you click on any of these sort of headers on the left-hand side, it will either take you to a new page in the case of the Section 1902(e)(14)(A) waiver approval or it will sort of bring you down the page to the section that you are looking for.

We have also done some reorganizing of the resources into now the majority of our resources are in either policy and operational resources, systems resources, communications, Medicaid marketplace coordination, et cetera.

We also under the policy and operational resources have added some sub-headers. So the guidance is organized by renewal redetermination and other program requirement guidance, best practices and strategies to support specific populations and then planning tools and templates. So hopefully that will make it easier for you all to find what you are looking for.

I will also flag that when you click on data reporting here on the left-hand navigation or communications resources that will actually take you to new pages where we are posting in the case of communications, all of our communications resources and then data reporting at the moment have our unwinding data template and may eventually post additional CAA related data resources to that page.

Then in the left-hand navigation if you click onto Medicaid and CHIP all-state calls then it will actually take you directly to our all-state call page where we have all also made some updates.

So here in the sort of at a screenshot in the upper left corner is what our all-state call page looks like now. So it's very clear what sort of the latest call that was posted is.

And then if you click on a year, say you click on the 2023 all-state calls in the left-hand navigation on that page, it will take you to - you'll see sort of the screenshot that you see in the bottom right.

We have been combing through the archives and adding the actual topics for each all-state call to the page. So if you take a look, you'll see - I think that the topics have been added for the 2023 and 2022 calls right now.

And the team is working on adding the topics for the 2021 and 2020 calls. So hopefully that will make it easier for you to find sort of archival materials if you are looking for them.

And then finally we have made a few updates to the [medicaid.gov/renewals](https://www.medicaid.gov/renewals) page. So this is a page that we launched last spring to try to easily connect individuals who are looking for their state Web site or contact information.

So you won't see it on this screenshot, but if you go to [medicaid.gov/renewals](https://www.medicaid.gov/renewals) and scroll down, you'll see a map that connects individuals. If you click on the state, it will take them to their state Web site and then also list the phone numbers and Web sites for each state program.

Our Medicaid and CHIP Operations Group state leads worked with every state over the last couple of weeks to validate the information. And many of you have created your own unwinding pages over the past year and wanted to link to those.

So all of those updates should be made as of this morning. And if you, you know, need to make additional updates or see, you know, any errors or any other additional changes that need to be made, you can just reach back out to your state lead and we can make any additional tweaks needed but otherwise those updates are live.

And then I think the only other thing we wanted to point out is this little light blue rectangle in the upper right-hand corner. If you click on this, it will open a Spanish translated PDF. So all of the sort of text here on the page is available for individuals in Spanish.

So I think that's it. Like we said, the changes just went live this morning so I wanted to do a quick walk-through and make sure everyone is aware and hope that as others have said it will make it easier for you all to navigate the resources that are available for unwinding on [medicaid.gov](https://www.medicaid.gov).

So Jackie, I think I can turn things back to you.

Jackie Glaze: Thank you, Ashley. So we will spend the remainder of our time today taking state questions. So we'll begin as we normally do by taking your questions through the chat function. So you may begin sending your questions at this point and then we will take questions over the phone line following that.

So I don't see questions now. So I'll just ask that you begin submitting your questions and then we will start there. Okay, (Krista), I see a question so I'll just turn to you at this point.

(Krista): Can CMS provide guidance on the following scenario? The individual is up for renewal on 5/31/23. The state runs their renewal process on 4/1/23 and is able to passively ex parte renew the member.

The state sends a notice to the member informing them that they will be passively renewed. And the notice also contains a prefilled packet with the information from the member's case. If the member wants to report a change, are they required to also provide a signed renewal form?

(Suzette): Hi. This is (Suzette). Why don't we take that one back? I think we need to think through this scenario and whether at the point that the individual returns the information there might be a change in circumstance. So let us take that one back and confirm to make sure we give a full answer.

Jackie Glaze: I think I see one more question, (Krista), maybe a couple more now.

(Krista): How should states handle renewals for non-MAGI coverage groups if the member is transitioning to another non -MAGI group? For example, a member eligible under the QMB MSP coverage group is up for renewal on 5/31/23. On 4/1/23 the state attempts an ex parte renewal and determines that the member is no longer eligible for QMB.

What is eligible for SLMD? Should the state inform the member that they are automatically renewed or should the state require the member to return an assigned renewal form? I think that that might be a follow-up from the previous question, is that correct?

(Suzette): Well I can say in that case, the individual would be moving to a lesser benefit. And so the state should reach out to the individual. They would send a renewal form for that individual.

(Krista): Okay. We have another...

(Sarah): Just a friendly amendment -- this is (Sarah) -- to that would be if the individual does not return the renewal form, the person should be transferred to the SLMB category. Do you agree with that statement?

(Suzette): Yes. Yes. Thank you.

(Krista): We have another question here. On a prior all-state call CMS indicated that states could terminate eligibility in the 11th month of eligibility if the renewal is returned and worked early in the renewal process. Can CMS confirm that states should terminate eligibility early and not allow the member to have the full 12-month renewal period?

For example, the renewal date is on 5/31/23. The renewal is sent on 4/1/23, returned and worked on 4/6/23. Member is no longer eligible. Should the state terminate eligibility effective 4/30/23?

Woman: So I think the last time we answered this question, I think we also talked about whether or not the state was acting on a change, bringing on a change in circumstance and a renewal at the same time or if it's just a renewal.

I think we can take this back and clarify the different scenarios, but let's say generally as a state picks up a renewal that the individual - you know, you see the entire renewal period through the 12 months that terminate at the end of the renewal period.

But let us take it back. And I'm not - if whoever is asking the question can maybe send us a question to answer any like specific scenarios you have that would be great.

(Krista): Okay. And one last question here. With the end of the National Emergency, can states still submit (e)(14)'s until the end of the Public Health Emergency?

(Suzette): Yes. I'm sorry. Can you repeat the question?

(Krista): With the end of the National Emergency, can states still submit (e)(14)'s until the end of the Public Health Emergency?

(Suzette): So say even beyond the end of the Public Health Emergency during the unwinding period if the state would like to submit a 1902(e)(14)(A) waiver request, we're happy to review this because those are tied to strategies states

need during the unwinding period. So we are happy to review those in and after the end of the Public Health Emergency.

(Krista): Thank you, (Suzette). So we'll now transition to the phone line. So I'll ask the operator to provide instructions to the participants on how to register their questions. And if you could please open the phone lines.

Coordinator: Yes, ma'am. If you would like to ask a question over the phone, please press star followed by 1. Please make sure your phone is unmuted and record your name clearly when prompted. If you wish to withdraw your question, you can press star 2.

Please allow moment for questions to come in. Thank you. I'm not seeing any questions coming in at this time.

Jackie Glaze: Thank you. I'm not seeing any additional questions through the chat function either. Let me take another quick look, I think we do. We do have a few more questions so I'll give it back to you, (Krista).

(Krista): Great. So the first question here is please confirm if an approved 1135 waiver authority under the Public Health Emergency can be extended via a regular SPA under Section 7.4(c)?

(Suzette): I believe so, but I do want to follow back up with our subject matter experts to confirm, but I believe that is accurate. But we will follow back up.

Woman: Jackie, can we just repeat the question for the audience?

Jackie Glaze: Sure, sure.

(Krista): Please confirm if an approved 1135 waiver authority under the Public Health Emergency can be extended via a regular SPA under section 7.4(c).

Woman: So Jackie, an 1135 opportunity is over now with the end of the declaration.

Jackie Glaze: That's right. So 1135 waivers cannot be extended through a SPA.

(Krista): Okay. We have one more question in the chat here. If an individual is dually eligible for an SSI related category of eligibility, like PCL and MSP, the state assumes no changes for the SSI-related categories, but sends a renewal packet for the MSP eligibility.

If the member does not return the renewal packet, can states keep the SSI-related eligibility open since we assume no changes for the category?

(Suzette): I think the question is if a renewal form is sent for the MSP group and then the state has information now about that person's income or resources, I think the state - if that information would make the person potentially ineligible for the other eligibility group, I think the state would have to use that information now as information known to the agency.

Woman: (Krista), can you repeat the question though? Because (Suzette), I think the question was if the renewal form is not returned.

(Suzette): Oh, I'm sorry.

Woman: Would they still do the ex parte for the SSI-related (unintelligible).

(Suzette): Oh, I see. I see.

(Krista): That's correct. If the member does not return the renewal packet, can states keep the SSI-related eligibility open since we assume no changes for the category?

(Suzette): Now you can jump into - but I think the answer to that is yes.

Woman: I would agree.

(Krista): Hey, another question here. I'd like to follow up on the question about renewals that are received early in the month. If the renewal is returned and the information on the renewal results in a termination, should the state terminate eligibility at the end of the 11th month or end eligibility at the end of the 12th month. This is not a change report, but a renewal response.

(Suzette): Let us take that back. We'll take that back and give a clear answer. Thank you.

(Krista): And one more here. Does CMS plan to release sample language for the 1902(e)(14)(A) request for waiver of telephonic signature collection?

(Suzette): Yes, we are. And we're in the works of being able to release that very soon. But if you have - if a state would like to request it, please reach out to our team or through the mailbox, the (NYD) mailbox and we're happy to provide new language so that you can submit.

(Krista): Thank you, (Suzette). I'm not seeing any additional questions in the chat. So we'll transition back to the phone line. So I'll ask the operator once again if you could please provide instructions for how the participants can register their questions, and then if you could open the phone lines, please.

Coordinator: Yes, ma'am. If you would like to ask a question over the phone, please press star followed by 1. Please make sure your phone is unmuted and record your name when prompted.

If you wish to withdraw your question, you can press star 2. Please allow a moment for questions to come in. Thank you. I don't see any questions coming in yet, Ms. Glaze.

Jackie Glaze: Thank you. I'm not seeing any additional questions through the chat. So we'll give folks another couple minutes and see if we have any additional questions, but we may be closing early today.

I'm not seeing any additional questions. So in closing, I'd like to thank our presenters for their presentations today. Looking forward, if you do have topics and questions, please reach out to your state lead to reach out to us or bring them to the next call. And then we will be also sending out topics and invitations for the next call, which will be forthcoming.

So we thank you again for joining us today and we hope everyone has a great afternoon. Thank you.

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