



Medicaid Coverage of Youth Formerly in Foster Care Changes under Section 1002(a) of the SUPPORT Act December 16, 2022



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Agenda

- Background
- SUPPORT Act Changes to the Former Foster Care Children (FFCC) Group Eligibility
- Considerations for Implementation
- State Workaround Strategies to Support Enrollment
- Appendix

Introduction and Objectives



Introduction

- Section 1002(a) of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (the “SUPPORT Act”), enacted on October 24, 2018, directs states to provide Medicaid eligibility for certain individuals in the former foster care children (FFCC) eligibility group if they were receiving Medicaid while in foster care in any state.
- The SUPPORT Act also provides that individuals who meet the eligibility requirements of the FFCC group may be enrolled in this group even if they meet the eligibility requirements for, but are not enrolled in, another mandatory eligibility group.

The objectives of this webinar are to:

- Describe the key changes made by the SUPPORT Act related to the FFCC group; and
- Provide guidance to states and stakeholders regarding the effective date and implementation of these new requirements.

Background

Overview of Youth Formerly in Foster Care

Each year, over 20,000 young people transition to independent adulthood from foster care in the United States. Youth aging out of foster care can experience barriers to health coverage and access to services, which can exacerbate disparities in health and social outcomes.



- Children in foster care and youth aging out of foster care are much more likely to have experienced multiple adverse childhood experiences (e.g., witnessing violence, having an unsafe home environment, or experiencing abuse or neglect) than the overall population, increasing their risk of negative health outcomes in adulthood.
- Youth transitioning from foster care often have a history of complex trauma and are at high risk for behavioral, emotional, and cognitive problems.
- Children with disabilities are disproportionately represented in foster care, particularly at the age when youth transition out of foster care.

Ensuring continued coverage for these individuals through Medicaid – a key source of health coverage for this population – as they leave the foster care system and transition to adulthood is critical to addressing these inequities.

Affordable Care Act Eligibility Requirements for the FFCC Group

Under the statute and regulations in effect under the Affordable Care Act, the FFCC group is limited to individuals who were in foster care in the same state in which they seek to establish eligibility in the FFCC group.

Under the Affordable Care Act, eligibility in the FFCC eligibility group¹ is available to individuals who:

- ✓ Are under age 26;
- ✓ Are not eligible for or enrolled in another mandatory eligibility group²;
- ✓ Were in foster care in the state in which the individual is seeking Medicaid eligibility upon attaining age 18 (or higher age of 19, 20, or 21 as the state has elected in its title IV-E plan); and
- ✓ Were enrolled in Medicaid in such state while in such foster care.³

¹ Section 1902(a)(10)(A)(i)(IX) of the Social Security Act and 42 C.F.R. 435.150.

² If an individual meets the requirements for both the FFCC group and the adult group (described in section 1902(a)(10)(A)(i)(VIII) of the Act), the agency must enroll the individual in the FFCC group. See Clause (XVII) in the matter following section 1902(a)(10)(G) of the Social Security Act.

³ States have the option to make individuals eligible for the FFCC group if they were enrolled in Medicaid at any point during the period in foster care from which they aged out. Throughout this slide deck we will use the term “aging out of foster care” to refer generally to this requirement, including states that have elected such option. For more information on this state option, see 42 C.F.R. 435.150(c)(1) and slide 10 of the 2017 MAC Learning Collaborative deck linked in the Appendix.

SUPPORT Act Changes to FFCC Group Eligibility

SUPPORT Act Changes to Eligibility for the FFCC Group

Section 1002(a) of the SUPPORT Act amends section 1902(a)(10)(A)(i)(IX) of the Social Security Act to make two important changes to the eligibility requirements for the FFCC group. These changes will become effective, with certain limitations, on January 1, 2023.



Section 1002(a):

1. Requires states to cover under the FFCC group individuals who aged out of foster care from another state than where they currently live.
2. Eliminates the requirement that an individual not be eligible for another mandatory eligibility group (other than the Adult Group) to be eligible for the FFCC group.
 - This means that a person may be enrolled in the FFCC group even if the individual meets the eligibility requirements for a separate mandatory group so long as the individual is not actually *enrolled* in such a group.

Note: The requirement that individuals who meet the eligibility requirements for both the FFCC group and the adult group must be enrolled in the FFCC group has not changed.

Updated Eligibility Requirements for FFCC Group

States must recognize the former foster care status of individuals from any state.

Old FFCC Eligibility Group Requirements	New FFCC Eligibility Group Requirements*
<ul style="list-style-type: none">✓ Are under age 26;✓ Are not eligible for or enrolled in another mandatory eligibility group;✓ Were in foster care in the state in which the individual is seeking Medicaid eligibility upon attaining age 18 (or such higher age as the state has elected in its title IV-E plan); and✓ Were enrolled in Medicaid in such state while in such foster care.	<ul style="list-style-type: none">✓ Are under age 26;✓ Are not enrolled in another mandatory eligibility group (even if they meet the eligibility requirements for such group);✓ Were in foster care in any state upon attaining age 18 (or such higher age as that state has elected); and✓ Were enrolled in Medicaid in any state while in such foster care.

There is no income or resource test for the FFCC eligibility group.

* See slide 10 for more information on the effective date of the new FFCC eligibility group requirements.

Effective Date of SUPPORT Act Changes



Both of the changes to the FFCC eligibility group prescribed under section 1002(a) apply as follows:

- The original eligibility requirements for the FFCC group – related to eligibility for another mandatory eligibility group and also aging out of foster care from another state – will continue to apply for youth formerly in foster care who turned 18 prior to January 1, 2023; and
- All of the new requirements will apply exclusively to those who turn 18 on or after January 1, 2023.

The following slides consider different eligibility scenarios under these new requirements.

Eligibility Scenario #1 Under Section 1002(a) Requirements



Kaylie

- Kaylie is both in foster care under the responsibility of State A and enrolled in State A's Medicaid program.
- Kaylie ages out of foster care upon turning age 18 on December 31, 2022, and subsequently moves to State B.
- **Kaylie will be ineligible** for the state plan FFCC group in State B because she turned 18 prior to January 1, 2023.*
- In addition, if Kaylie moves back to State A and State A determines that Kaylie meets the eligibility requirements for a separate mandatory eligibility group, because she turned 18 prior to January 1, 2023, she will also not qualify for the FFCC group in State A.
 - In this situation, Kaylie would be enrolled in State A's separate mandatory eligibility group for which the state has determined she is eligible.
 - If Kaylie is enrolled in but ultimately loses eligibility for another mandatory group, she will be eligible in State A's FFCC group, so long as she is under the age of 26.

*If State B has a section 1115 demonstration to cover youth formerly in foster care from another state, Kaylie could potentially qualify for coverage under such state's demonstration.

Eligibility Scenario #2 Under Section 1002(a) Requirements



Jayden

- Jayden is in foster care under the responsibility of State A and enrolled in State A's Medicaid program.
- Jayden turns 18 on January 1, 2023. Upon aging out of foster care, Jayden moves to State B and applies for Medicaid.
- **Jayden's Medicaid eligibility will be determined under the SUPPORT Act's changes because he turned 18 on or after January 1, 2023.**
 - Because Jayden was enrolled in Medicaid when he aged out of a state's foster care, he satisfies the eligibility requirements for the FFCC group.
 - In addition, whether or not Jayden moves from State A to State B, if he meets the eligibility requirements for a separate mandatory group, he can still be enrolled in the FFCC group.

Considerations for Implementation

Considerations for Implementation

Beginning on January 1, 2023, the SUPPORT Act changes will require that states employ separate eligibility rules in determining eligibility for the FFCC group, depending on when an individual turned age 18. This may present administrative challenges for states. The following slides outline a range of considerations for states as they implement these new requirements.

To successfully implement the SUPPORT Act changes for the FFCC eligibility group, states will want to consider policy requirements, options and opportunities in the following areas:

- State Plan Amendment Submission
- Application Changes
- Verification Plan Updates
- Eligibility and Enrollment Systems Changes
- Updates to Presumptive Eligibility Materials
- 1115 Demonstrations

FFCC Eligibility Group State Plan Amendment Submission



- CMS has provided a Medicaid SPA template for the FFCC group in the MACPro System.
- Each state must submit a Medicaid eligibility SPA to align its state plan with the SUPPORT Act amendments.
- States must submit these SPAs by March 31, 2023, in order to have an effective date of January 1, 2023.
- The SPA will be submitted and processed through the MACPro system.

Application Changes

States are encouraged to streamline existing processes to promote continuity of coverage, remove enrollment barriers, and ensure timely access to Medicaid coverage for youth formerly in foster care.

- States must evaluate their single, streamlined application (paper and online) to ensure that applications are collecting sufficient information to determine eligibility for the FFCC group once the SUPPORT Act changes are effective.
- States are encouraged to create a separate, simplified application specifically for youth formerly in foster care that solicits only the required information to determine eligibility.

Reminders:

- ✓ *Single, streamlined applications may only require information that is necessary to determine eligibility*
- ✓ *Online applications must utilize dynamic functionality, targeting questions only as required and as necessary based on the circumstances of the applicant*

More Detail on Application Requirements and Operational Expectations: For more information on these requirements and expectations, please see slide 32 of the September 2019 Medicaid and CHIP Coverage Learning Collaborative Resource “Ensuring Continuity of Coverage for Foster Youth Aging out of Foster Care and Young Adults Eligible for the Former Foster Care Group” ([link](#))

Required Application Information

In implementing the SUPPORT Act changes, states should ensure they are limiting information requested on the application to information required to determine eligibility for the FFCC group.

- **Information Required for All Applications:** The following information must be included in applications to determine eligibility for youth formerly in foster care:
 - ✓ Date of birth and
 - ✓ Attestation of enrollment in foster care and in Medicaid at age 18 (or higher age if applicable)

NOTE: States that have elected the option to make individuals eligible for the FFCC group if they were enrolled in Medicaid at any point during their period in foster care from which they aged out (described in footnote 3 on slide 6) would seek an attestation that the applicant was enrolled in Medicaid at any point while enrolled in such foster care.

Other Considerations for Application Changes

- **Online Applications:** States must evaluate the flow of questions and system logic to ensure that these individuals who may be eligible for the FFCC group are only required to provide the information necessary to determine eligibility given the age of the individual (i.e., when turned age 18).
 - Because states are no longer required to screen an individual who turns 18 on or after January 1, 2023, for eligibility in a mandatory eligibility group before enrolling in the FFCC group, the states should program system logic so that the FFCC applicant will not be asked information needed to screen for eligibility under other mandatory groups (other than the adult group) (e.g., whether they are a primary caretaker of a child or if they are pregnant).
 - **Paper Applications:** States are encouraged to add instructions that direct individuals who turn 18 on or after January 1, 2023 who attest to having aged out of foster care to skip questions used to screen for mandatory eligibility groups.
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- States are not required to submit a state plan amendment (SPA) to implement changes to single, streamlined applications as a result of section 1002(a) of the SUPPORT Act.
 - CMS is available to provide technical assistance to support states with the changes needed to applications.

Verification Strategies for Former Foster Care Status



- **Self-Attestation:** States are encouraged to accept self-attestation of former foster care and/or Medicaid enrollment status, particularly for youth who were enrolled in Medicaid in another state while in foster care. This will minimize burden on both new applicants and states.
- **Assuming Former Enrollment in Medicaid:** A state that enrolls all foster care children in Medicaid (including state-funded foster care children) may assume that an applicant indicating former foster care status in the same state was also enrolled in Medicaid while in such foster care.
- **Verification at Renewal:** Because previous foster care and Medicaid enrollment status are not factors of eligibility subject to change, states do not need to re-verify these factors of eligibility when redetermining eligibility for enrolled youth. Because there's no income test in the FFCC eligibility group, beneficiaries enrolled in the FFCC eligibility group remain eligible for Medicaid as long as they remain residents of the state until they reach age 26. At age 26, states must act on the change in circumstances and redetermine eligibility on all bases.

More Detail on Verification Strategies, Renewals and Redeterminations at age 26: For more information on these strategies, please see slides 25-29 and 35-36 of the September 2019 Medicaid and CHIP Coverage Learning Collaborative Resource “Ensuring Continuity of Coverage for Foster Youth Aging out of Foster Care and Young Adults Eligible for the Former Foster Care Group” ([link](#))

Sources: Centers for Medicare & Medicaid Services, Ensuring Access to Medicaid Coverage for Former Foster Care Youth (July 2017). Available at: <https://www.medicaid.gov/state-resource-center/mac-learning-collaboratives/downloads/foster-care-ensuring-access.pdf>; Centers for Medicare & Medicaid Services, CMCS Informational Bulletin, “Medicaid and Children’s Health Insurance Program (CHIP) Renewal Requirements,” page 4 (December 2020). Available at <https://www.medicaid.gov/federal-policy-guidance/downloads/cib120420.pdf>.

Verification Processes and Plan Updates



- States may need to update their verification processes to address how the state will verify that an individual was in foster care and was receiving Medicaid prior to aging out of foster care in another state.
- States should document their policies for verifying former foster care and Medicaid enrollment status in their state verification plan documents.
 - Some states may elect to document their policies in their MAGI verification plan, but since the FFCC group is a non-MAGI group, states may address relevant verification practices where they document non-MAGI verification policies.

Eligibility and Enrollment Systems: Operational Changes

States will need to make systems enhancements to their eligibility and enrollment systems to comply with the changes required by the SUPPORT Act.

Specifically, states must update systems to recognize when an individual turned age 18 (before January 1, 2023, or on or after January 1, 2023) to:

1. Determine eligibility correctly for individuals who aged out of foster care in a different state; and
2. Apply the correct hierarchy of eligibility groups, depending on the individual's date of birth.

Eligibility and Enrollment Systems: Financing

State Medicaid agency IT System costs may be eligible for enhanced federal financial participation (FFP) to support systems enhancements needed due to SUPPORT Act changes:

- Approval for enhanced match requires the submission and approval of an Advanced Planning Document (APD).
- Enhanced 90% FFP is available for the design, development, installation, or enhancement of Medicaid eligibility determination systems;
 - Interested states should refer to 45 C.F.R. Part 95 Subpart F – Automatic Data Processing Equipment and Services-Conditions for FFP for the specifics related to APD submission.
- Enhanced 75% FFP may be available for ongoing operations of such systems; and
 - Interested states should refer to 42 C.F.R. Part 433 Subpart C – Mechanized Claims Processing and Information Retrieval Systems for the specifics related to systems approval; and
- Administrative 50% FFP is available for other activities important to implementing the requirements of the SUPPORT Act, such as eligibility policy development and outreach.

Sources: See section 1903(a)(3)(A)(i) of the Act and 42 C.F.R. § 433.15(b)(3), 80 FR 75817-75843; <https://www.hhs.gov/guidance/document/medicaidchip-affordable-care-act-frequently-asked-questions-availability-enhanced-funding>; <https://www.medicaid.gov/federal-policy-guidance/downloads/SMD16004.pdf>; See section 1903(a)(3)(B) of the Act and 42 C.F.R. § 433.15(b)(4); See section 1903(a)(7) of the Act and 42 C.F.R. § 433.15(b)(7).

Updates to Presumptive Eligibility Materials

- States are required to ensure that qualified hospitals participating in hospital presumptive eligibility (PE) can make PE determinations for all populations covered under the state plan, including youth formerly in foster care.
- Similarly, states operating a regular PE program that elect to provide PE for former foster care children must ensure that all qualified entities can make PE determinations for youth formerly in foster care.

To ensure compliance with the SUPPORT Act changes, states must make changes to the following PE materials:

- Update the state's PE application or enrollment forms as well as any materials used to train hospitals or other qualified entities to ensure eligibility is appropriately assessed for the FFCC group; and
- Update application and provider training materials to reflect the existing limitations on eligibility for youth formerly in foster care who turn 18 prior to January 1, 2023, and the new requirements that will apply exclusively to those who turn 18 on or after January 1, 2023.

States will *not* be required to submit a SPA to implement changes to the hospital PE or PE application or provider training materials that are needed to implement section 1002(a) of the SUPPORT Act.

Section 1115 Demonstration Opportunity

States may request section 1115 authority to cover youth formerly in foster care from other states who turned 18 before January 1, 2023.

States that do not have a section 1115 demonstration to cover youth formerly in foster care in another state:

- States may consider a new section 1115 demonstration (or an amendment to an existing demonstration, as appropriate) to cover youth formerly in foster care from other states who turned 18 prior to January 1, 2023, and are not eligible for the FFCC group in the state where they are applying.

States that currently have a section 1115 demonstration to cover youth formerly in foster care in another state:

- States may continue to use existing section 1115 demonstrations to cover youth formerly in foster care from other states who will be newly eligible for the FFCC group under the SUPPORT Act changes (they received Medicaid while in foster care and turn 18 on or after January 1, 2023) until the state has fully effectuated coverage into the state plan FFCC group.
- States may continue covering youth formerly in foster care from other states who turned 18 before January 1, 2023, under their section 1115 demonstration until these individuals reach age 26.

CMS section 1115 project officers and eligibility subject matter experts are available to provide technical assistance to states, as needed.

State Workaround Strategies to Support Enrollment

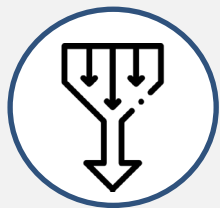
States Can Adopt Strategies to Simplify and Support Enrollment of Youth Formerly in Foster Care

States can implement temporary and permanent strategies to simplify or support enrollment for individuals eligible for the FFCC group, particularly when states continue to make operational changes consistent with the SUPPORT Act.

Strategies fall into one of the following three groups:

1. Short-term Eligibility Operational Simplifications
2. Assistance and Outreach Strategies
3. Post-Determination Backstop Strategies

Short-Term Eligibility Policy and Operational Simplifications



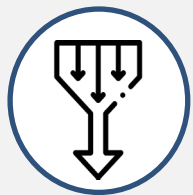
Section 1902(e)(14) Waiver Authority: States may request section 1902(e)(14) waiver authority to waive the requirement to vary FFCC Group rules based on whether individuals were age 18 on or after January 1, 2023, in order to provide coverage to youth formerly in foster care in any state regardless of when they turned 18.

- This temporary authority would simplify eligibility determination processes until the state comes into full compliance with the state plan requirements or is approved for a section 1115 demonstration.

Short-Term Eligibility Policy and Operational Simplifications (Cont'd.)

Create a Simplified Application for Youth Formerly in Foster Care: This application may be particularly helpful for states to make accurate determinations of eligibility for those who turn age 18 on or after January 1, 2023, while the state implements necessary changes to its system logic and single, streamlined application. CMS recommends that such application include the following:

- A simplified application for youth formerly in foster care who turn 18 on or after January 1, 2023 should include instructions describing who should complete the application consistent with the eligibility criteria (e.g., to be completed by those who turn 18 on or after January 1, 2023 and meet the new eligibility requirements for FFCC eligibility group described on slide 9.)
- It should instruct those who turn 18 prior to January 1, 2023 to instead complete the single, streamlined application.
- The application should explain the purpose of the application and the limitations of its use, including that:
 1. The application collects information only to determine eligibility based on the applicant's foster care status;
 2. Applicants determined ineligible based on this application are strongly encouraged to submit a full single, streamlined application because they may be eligible for Medicaid under another eligibility group; and
 3. How to obtain assistance with the application.



Assistance and Outreach Strategies



Identify Dedicated Call Center and Staff: States may have dedicated call center staff/specific unit or team to focus on FFCC applications and work with assisters/advocates on supporting the application process. These efforts can further facilitate enrollment in the FFCC group with the following strategies:

- Directing youth formerly in foster care to submit telephonic applications;
- Using tailored scripts and instructions to support call center staff who may interact with youth formerly in foster care; or
- Providing policy training to call center staff and application assisters to understand the unique needs and eligibility criteria of the FFCC group, supplementing policy training with scripts and other informational materials.



Implement Web-Enabled Support/Engagement: Use web-enabled help text boxes embedded in the online application or live chat features to provide more information to applicants who were formerly in foster care about the new eligibility requirements and eligibility process or directing them to application modalities, assistance and resources for a timely eligibility determination while states implement the SUPPORT Act changes.

Assistance and Outreach Strategies (Cont.)



Leverage Partnerships: Collaborate with existing network of interested stakeholders that support youth formerly in foster care to inform them about the availability of coverage and how to apply, including:

- Advocacy groups and community organization
- High schools, colleges and universities
- Shelters and transitional housing programs
- Health care providers, including community health clinics, including FQHCs, behavioral health and substance use disorder clinics and providers as well as hospitals and qualified entities making Presumptive Eligibility determinations
- Trusted messengers (e.g., faith community leaders, supportive adults, independent living coordinators)



Release FAQs: Provide published frequently asked questions to educate government and community organization staff and youth formerly in foster care about the new requirements and the process for applying.

Post-Determination Backstop Strategies



Run Eligibility Denial Reports to Identify Eligible Individuals: States could use this strategy to identify individuals eligible for the FFCC group who were not captured in the initial Medicaid determination process, until the state makes needed system or application programming changes. Criteria for reports could include applicants who:

- Indicated former foster care and had Medicaid (regardless of state) (use application attestation, or indication later in process);
- Turned age 18 on or after January 1, 2023; and
- Were denied Medicaid eligibility.

Identify Eligible Individuals through Reconsiderations or Appeals: Use the appeals process as a backstop to identify eligible but not enrolled-individuals eligible for the FFCC group who have inappropriately been denied at initial application or renewal. States that use this strategy could:

- Direct individuals and the assisters/advocates working with them to request a fair hearing;
- Include messaging in denial notices to encourage appeal of a denial;
- Use informal resolution process to restore eligibility for the individual without having to go to a hearing; and/or
- Train hearings office staff to identify and resolve these cases quickly.

Key Takeaways

Effective January 1, 2023, section 1002(a) of the SUPPORT Act requires states to make important changes to eligibility rules for the Former Foster Care Children (FFCC) group.



States ***must cover*** individuals who turn 18 on or after January 1, 2023 and who were enrolled in Medicaid when they aged out of foster care ***in any state.***



Individuals who turn 18 on or after January 1, 2023 and who were enrolled in Medicaid when they aged out of foster care in any state ***can be enrolled in the FFCC group,*** whether or not they are eligible for a separate mandatory eligibility group.



FFCC eligibility changes ***do not apply*** to individuals who turned 18 prior to January 1, 2023.

Key Takeaways

States will need to take action to align state policies and processes with new Medicaid eligibility rules for the FFCC group defined in section 1002(a) of the SUPPORT Act.

All states must:

- Submit Medicaid eligibility SPA by March 31, 2023, to align state plan with SUPPORT Act requirements
- Make eligibility and enrollment system enhancements based on FFCC eligibility rule changes (Note: Enhanced FFP is available to support system enhancements)
- Update forms and training materials to ensure that all qualified entities can make PE determinations for youth formerly in foster care in alignment with SUPPORT Act changes

All states should:

- Update and consider approaches to streamline Medicaid applications for determining eligibility based on new FFCC group eligibility rules
- Update and streamline verification strategies for former foster care status and document policies in state verification plan documents (e.g., accepting self-attestation of former foster care status)
- Consider requesting section 1115 demonstration authority to cover youth formerly in foster care from other states who will not be eligible for the FFCC group under the SUPPORT Act changes
- Implement additional policy or operational strategies – either in the short- or long-term – to inform stakeholders and beneficiaries of the changes and simplify or support enrollment for individuals eligible for the FFCC group

Questions?

Appendix

Resources for Ensuring Access and Continuity of Coverage for Youth Formerly in Foster Care

- **Ensuring Continuity of Coverage for Foster Youth Aging out of Foster Care and Young Adults Eligible for the Former Foster Care Group (September 2019).** This Medicaid and CHIP Coverage Learning Collaborative deck ([link](#)) provides an overview of changes made to the FFCC group under the SUPPORT Act, reviews requirements and best practices related to eligibility and enrollment of youth formerly in foster care, and shares best practices for conducting outreach to youth formerly in foster care. The guidance in the deck includes requirements for redetermining eligibility at the time youth age out of foster care to ensure continuity of coverage, steps to enroll otherwise eligible individuals who move to a new state or need to re-enroll in coverage, and best practices for verifying former foster care status when a new application is needed.
- **Ensuring Access to Medicaid Coverage for Former Foster Care Youth (June 2017).** This Medicaid and CHIP Coverage Learning Collaborative deck ([link](#)) provides an overview of coverage in the FFCC group and steps for states to process applications and renewals for youth formerly in foster care who turn 18 before January 1, 2023. The deck also includes guidance that is applicable to enrolling youth formerly in foster care regardless of when they aged out of foster care, including accepting self-attestation of former foster care status and Medicaid enrollment.