

FULL PUBLIC NOTICE

Department of Health

Continuous Eligibility for Children up to Age Six & Annual 1115 Public Forum

In compliance with 42 CFR 431.408(a)(1), the New York State Department of Health is pleased to announce that it will conduct two virtual public hearings, to provide an overview of the State's 1115 waiver Continuous Eligibility for Children up to Age Six Amendment request and allow members of the public to provide comments. Additionally, the second of these hearings, indicated below, will serve as the Annual 1115 Public forum, during which the public may provide oral comments on the entirety of New York's 1115 Medicaid Redesign Team waiver.

This notice further serves to open the 30-day public comment period for the Continuous Eligibility for Children up to Age Six Amendment, which will close on February 16, 2024, during which the public will be afforded the opportunity to provide written comments on this amendment.

The Department of Health will host two virtual public hearings during which the public may provide oral comments. Any updates related to the public hearings will be sent via the MRT ListServ.

The two virtual public hearings will be held as follows:

1. First Public Hearing
 - a. Wednesday, February 21, 2024, 1:00 PM – 4:00 PM
 - b. Pre-registration is required for anyone wishing to provide oral comment using this link:
<https://meetny.webex.com/weblink/register/r1939adfa0f20020858cc4bc655879d24>
 - c. Individuals who wish to provide comment will need to register with an "SP" in front of their name (ex: SP Jane Doe) and must email 1115waivers@health.ny.gov no later than Tuesday, February 20, 2024, at 4pm to confirm registration.
 - d. Individuals will speak in the order of registration. We kindly request that all comments be limited to five minutes per presenter to ensure that all public comments may be heard.
2. Second Public Hearing & Annual 1115 Public Forum
 - a. Wednesday, February 28, 2024, 1:00 PM – 4:00 PM
 - b. Pre-registration is required for anyone wishing to provide oral comment using this link:
<https://meetny.webex.com/weblink/register/rffed05506eb878b9847bddba913c7773>
 - c. Individuals who wish to provide comment will need to register with an "SP" in front of their name (ex: SP Jane Doe) and must email 1115waivers@health.ny.gov no later than Tuesday, February 27, 2024, at 4pm to confirm registration.

- d. Individuals will speak in the order of registration. We kindly request that all comments be limited to five minutes per presenter to ensure that all public comments may be heard.

American Sign Language (ASL) interpretation will be available, and the WebEx platform includes a closed captioning feature.

Public comment may also be submitted in writing through **Friday, February 16, 2024**. **Please see the end of this notice for details.**

About the 1115 Waiver

- The 1115 Demonstration Waiver, also known as the MRT Waiver in New York State, is an agreement between the federal Centers for Medicare and Medicaid Services (CMS) and New York State that allows the State to use a managed care delivery system to deliver benefits to Medicaid recipients, create efficiencies in the Medicaid program, and enable the extension of coverage to certain individuals who would otherwise be without health insurance.
- The MRT Waiver was renewed on April 1, 2022, effective through March 31, 2027.
- The MRT Waiver is a vehicle by which the State has implemented the initiatives of the Medicaid Redesign Team and subsequent health systems reforms.
- In addition, New York's goals in implementing its MRT Waiver include improving access to health services and the quality of health care services for New Yorkers through multiple programs.

Continuous Eligibility Amendment Proposal Summary and Objectives

Through this amendment, New York State is seeking to ensure continuous Children's Medicaid and Child Health Plus coverage for children up to six years of age. Continuous enrollment would ensure that children receiving Medicaid and CHP remain enrolled in health coverage during the first years of their lives, improve continuity of care, and promote health equity.

Gaps in coverage for young children can be detrimental to their long-term health and well-being. During the COVID-19 pandemic, children faced interruptions in physical health, behavioral health, and social care while simultaneously enduring severe negative life experiences. Early data on the effects of COVID-19 on New York's children estimated that about 4,200 children lost a parent or caregiver,¹ 325,000 children were pushed into or near poverty, and 24,000 children experienced an additional Adverse

¹ Ramos-Callan, K. and Brundage, S, Covid-19 Ripple Effect: The Impact of Covid-19 on Children in New York State, Part 1: Death of a Parent or Caregiver, United Hospital Fund, September, 2020. Available at https://uhfnyc.org/media/filer_public/22/4b/224bf5ba-6ab2-42f6-8744-929135f2f42b/covid_ripple_effect_part_1_final.pdf.

Childhood Experience. These experiences can have negative long-term implications for children's mental and physical health, educational attainment, and financial security.²

NYS has a longstanding continuous eligibility policy for children. The State adopted the 12-month continuous coverage state plan option for children in 1999. While the current continuous eligibility policy is effective in maintaining coverage during the 12 months between redeterminations, even with a streamlined renewal process, coverage losses at redetermination continue to be an issue for children in Medicaid and Child Health Plus. While NYS has developed a robust outreach plan for the Medicaid public health emergency unwind and redeterminations for all Medicaid members, the State still expects some procedural disenrollments due to unreturned paperwork or income volatility. Having a continuous enrollment policy in place for children from birth up to age six could mitigate some of these losses during the later months of the unwinding.

This proposal is aimed at ending churn for young children and will not change eligibility limits for Children's Medicaid or Child Health Plus. New York State currently covers children ages zero to one up to 223 percent FPL and children ages one to six up to 154 percent FPL with Medicaid funds and up to 400 percent FPL with Children's Health Insurance Program (CHIP) funds. NYS will continue to allow disenrollment for individuals who are no longer NYS residents, client request, those who enrolled in error, non-compliance with eligibility requirements, death, and for individuals receiving treatment in a setting where Medicaid eligibility is not available (e.g., institution for mental disease).

Eligibility, Benefits, and Cost-Sharing Changes

NYS is not seeking to modify existing eligibility criteria for Medicaid and Child Health Plus. The populations affected by this amendment request are:

1. Children in Medicaid from birth up to age six, even if a child's family income exceeds eligibility limits. NYS estimates 60,152 enrollees will be continuously enrolled in the first year under this amendment, and 60,152 will be continuously enrolled during DY27 to DY28.
2. Children in Child Health Plus from birth up to age six, even if a child's family income exceeds eligibility limits. NYS estimates 6,025 enrollees will be continuously enrolled in the first year under this amendment, and 6,025 will be continuously enrolled during DY27 to DY28.

Benefits provided under this waiver amendment request, as well as cost-sharing requirements, will not change from those provided under the Medicaid or Child Health Plus state plan.

² Ramos-Callan, K. and Brundage, S, Covid-19 Ripple Effect: The Impact of Covid-19 on Children in New York State, United Hospital Fund, September 30, 2020. Available at <https://uhfnyc.org/publications/publication/covid-19-ripple-effect-impact-covid-19-children-new-york-state/>.

Enrollment and Fiscal Projections

The addition of the continuous eligibility for children from birth up to age six to New York's MRT 1115 Demonstration is estimated to result in an additional enrollment of approximately 66,177 members annually. Current average annual enrollment is estimated to be 4.8 million.

This amendment is expected to increase the average annual demonstration cost of \$45.2 billion by \$44.5 million. More detailed enrollment and cost breakdowns by demonstration year are included in the tables below.

1115 Waiver Amendment Projected Enrollment

Proposal	DY24	DY25	DY26	DY27	DY28
Projected Enrollment	4,709,605	4,720,694	4,732,039	4,743,646	4,755,524
Enrollment- Continuous Eligibility Ages 0 up to 6	-	-	66,177	66,177	66,177
Total Projected Enrollment:	4,709,605	4,720,694	4,798,216	4,809,823	4,821,701

1115 Waiver Amendment Estimated Funding Schedule (\$ in Millions)

Proposal	DY24	DY25	DY26	DY27	DY28	Total
Estimated Cost	\$37,740	\$44,009	\$46,227	\$48,035	\$50,035	\$226,046
Estimated Cost- Continuous Eligibility Ages 0 up to 6	-	-	\$23	\$45	\$45	\$112
Total Estimated Cost:	\$37,740	\$44,009	\$46,250	\$48,080	\$50,080	\$226,158

Hypotheses and Evaluation

NYS will evaluate this waiver amendment in alignment with all CMS requirements. The State will amend its existing evaluation design to evaluate the hypotheses identified below and will include the methodology, measures, and data sources that will be used to assess the impact of the amendment. This evaluation design will be incorporated into the current evaluation design.

Hypothesis	Example Measures (Not Final)	Data Sources
Goal: Expand coverage to additional low-income New Yorkers (Children from birth up to age six)		
Hypothesis 1: More individuals in the targeted population will be enrolled in Medicaid		
Was the percentage of uninsured children reduced?	Examine health care coverage for children from birth up to age six by race and ethnicity to determine uninsured rates over time.	Behavioral Risk Factor Surveillance System National Survey of Children's Health (Children enrolled in Medicaid)
Hypothesis 2: Members will have more comprehensive coverage		
Did continuous eligibility for children up to age six reduce gaps in coverage for young children enrolled in Medicaid and CHIP?	Examine enrollment data for children by race and ethnicity to determine churn rate over time.	State reported data

Waiver and Expenditure Authorities

In addition to the Waiver and Expenditure authorities already granted in the current 1115 waiver demonstration, the State is requesting the following Waiver and Expenditure authorities necessary to implement the continuous eligibility for children from birth up to age six.

Waiver Authority:

#	Authority	Waived
1	To permit New York to waive the annual redetermination requirements with respect to income eligibility and requirements for individuals to report and the agency to act on changes, thereby providing continuous Medicaid enrollment for children until their sixth birthday.	42 CFR 435.916
2	To enable New York to waive the annual redetermination requirements, including required procedures for reporting and acting on changes, thereby providing continuous Child Health Plus enrollment for children until their sixth birthday.	42 CFR 457.343

Expenditure Authority:

#	Program	Authority
1	Continuous enrollment for children	Expenditures to allow federal financial participation for the continuous enrollment of children in Medicaid and Child Health Plus without regard to whether a child's family income exceeds eligibility limits.

Submission and Review of Public Comments

A draft of the proposed amendment request is available for review under the “MRT 1115 Waiver Amendments” tab, under “Continuous Medicaid and Child Health Plus Eligibility for Children up to Age Six” at:

https://www.health.ny.gov/health_care/medicaid/redesign/medicaid_waiver_1115.htm.

For individuals with limited online access and require special accommodation to access paper copies, please call (518) 473-0868.

Prior to finalizing the proposed MRT Waiver Continuous Eligibility for Children up to Age Six Amendment application, the Department of Health will consider all written and verbal comments received. These comments will be summarized and addressed in the final version of the amendment request that is submitted to CMS. The Department will post a transcript of the public hearings and 1115 Annual Public Forum on the following website:

https://www.health.ny.gov/health_care/medicaid/redesign/medicaid_waiver_1115.htm.

Please direct all questions to 1115waivers@health.ny.gov.

Written comments will be accepted by email at 1115waivers@health.ny.gov (please include “1115 Public Forum Comment,” “Continuous Eligibility for Children up to Age Six 1115 Amendment,” or both in the subject line) **or** by mail at:

Department of Health
Office of Health Insurance Programs
Waiver Management Unit
99 Washington Avenue
8th fl. (Suite 826)
Albany, NY 12210

All written comments must be postmarked or emailed by February 16, 2024.