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**DEPARTMENTAL MEMORANDUM**

**MAD-IPP: 22-01**

**DATE: March 1, 2022**

**TO: ISD AND MAD STAFF**

**FROM: NICOLE COMEAUX, J.D., M.P.H., MEDICAL ASSISTANCE DIVISION DIRECTOR**

**KARMELA MARTINEZ, DIRECTOR, INCOME SUPPORT DIVISION**

**THROUGH: ROY BURT, BUREAU CHIEF, ELIGIBILITY BUREAU**

**SUBJECT: COVID-19 CONTINUOUS MEDICAID ELIGIBILITY FOR THE DURATION OF THE EMERGENCY**

**\*\*Note: This IPP supersedes MAD-IPP 20-01 issued on May 7, 2021**

**New Update**

Due to COVID-19 there has been continuous Medicaid eligibility for individuals for the duration of the public health emergency (PHE) with few exceptions. During the PHE individuals on the MAGI Adult Medicaid category have had their Medicaid eligibility sustained even if receiving Medicare and being approved for a Medicare Savings Program (MSP e.g., QMB, SLIMB, and Q1) category of eligibility. Both MAGI Adult and MSP categories have been allowed to coexist to sustain active Medicaid clients at the same benefit level throughout the PHE as required by the Centers for Medicare and Medicaid Services (CMS).

During the PHE CMS issued guidance that allows for states to close MAGI Adult Medicaid when an individual is also approved for an MSP category of eligibility. An individual receiving Medicare and covered on an MSP category is considered to meet the federal definition of Minimum Essential Coverage (MEC), so states can close MAGI Adult Medicaid for active MSP individuals and not have it considered a reduction in the benefit level during the PHE.

ASPEN changes to close MAGI Adult Medicaid for MSP receiving individuals are being implemented on January 23, 2022 with the Sprint 20 release. **This means those MAGI Adult Medicaid cases with an active MSP category will close in ASPEN with an end date of February 28, 2022.** Ongoing after February 28, 2022 active MAGI Adult Medicaid cases will close in ASPEN when an MSP category is approved. Those individuals active on MAGI Adult and Medicare not active on an MSP category will continue to have eligibility sustained on the MAGI Adult category.

Another ASPEN change being implemented on January 23, 2022 is allowing individuals on the MAGI Pregnancy-Related Services Medicaid category to transition to MAGI Adult if past their two-month postpartum period and are eligible for the MAGI Adult category. Those individuals not eligible for MAGI Adult will remain in MAGI Pregnancy-Related Medicaid. The transition from MAGI Pregnancy-Related Services to the MAGI Adult category will occur with an effective date of March 01, 2022.

**\*\* Note: Original IPP 20-01 text below is still valid except for the new update cited above.**

On March 18, 2020 the Families First Coronavirus Response Act (FFCRA) was signed into law. One of the requirements of FFCRA is that Medicaid eligibility be maintained from March 18, 2020 through the duration of the emergency. This continuous eligibility requirement applies to all Medicaid eligibility categories with three exceptions: recipients requesting closure, deceased recipients, and recipients who no longer reside in New Mexico. There is also a requirement that recipients maintain their same level of Medicaid coverage for the duration of the emergency.

An ASPEN change was implemented on April 26, 2020 to reopen and sustain the Medicaid eligibility for April 30, 2020 closures and any ongoing closures. The continuous Medicaid eligibility requirement applies to active Medicaid recipients and does not apply to new applicants who must continue to meet the eligibility requirements. However, once Medicaid is approved for any months, the continuous eligibility requirements apply.

The following are some of the highlighted changes that apply to Medicaid for the duration of the emergency:

**MAGI Categories of eligibility (COEs):**

Continuous eligibility applies to all MAGI categories of eligibility (COEs). A child who is turning age 19 and aging out of MAGI Children can transition to the MAGI Adult category. However, if not eligible for MAGI Adult, the child will remain on the MAGI Children category for the duration of the emergency. A newborn not eligible to transition to MAGI Children will remain on the newborn category.

An adult who is turning age 65 will remain on the MAGI Adult category if not eligible for another full coverage Medicaid category. A MAGI Adult individual either aging out or receiving Medicare will continue to be covered on the MAGI Adult category. ~~In order to pay their Medicare Part B premiums, individuals with Medicare who remain on MAGI Adult can be approved for a Medicare Savings Program (MSP e.g. QMB, SLIMB, and Q11) simultaneously and will show both categories approved in ASPEN.~~ **Note: Per the new update MAGI Adult Medicaid will close when an MSP category is approved.**

An individual over income for MAGI Parent currently transitions to either MAGI Adult or directly to a Transitional Medical Assistance (TMA) category during his/her twelve-month TMA period. The transition in categories is allowed during the emergency. An individual whose twelve-month TMA period is expiring will maintain coverage either on MAGI Adult or a TMA category.

A recipient on MAGI Pregnancy Services will remain on this category past the two-month postpartum period if not eligible for MAGI Adult or another full coverage Medicaid category. The recipient will not transition to family planning as that is a limited coverage Medicaid category.

**Medicare Savings Program COEs:**

A QMB recipient cannot transition to a SLIMB or Q11 category for the duration of the emergency because that would be a lesser benefit. Conversely, a SLIMB or Q11 recipient can transition to QMB, if eligible, as QMB is better coverage.

**SSI/Terminated SSI/SSI Extension COEs:**

Individuals who lose their SSI coverage, Terminated SSI, or their SSI extension category will be maintained on the same category for the duration of the emergency.

**Institutional Care (IC)/Waiver/PACE/WDI/BCC COEs:**

Individuals on IC, Waiver, PACE, WDI, and BCC categories will maintain their coverage throughout the duration of the emergency. These recipients can transition to other full coverage Medicaid categories.

**Emergency Medical Services for Non-Citizens (EMSNC):**

Individuals approved on EMSNC continue to have limited coverage for emergency services only. An ASPEN fix was not implemented to reopen and sustain the Medicaid eligibility for EMSNC individuals. Instead EMSNC recipients already approved on or after March 18, 2020 will be reopened in Omnicaid for the duration of the emergency. New applications will continue to be processed for EMSNC in ASPEN by ISD as usual. However, for EMSNC individuals reopened in Omnicaid, providers will be instructed to first verify EMSNC eligibility in the Medicaid portal and if eligible submit their medical records and claims directly to Conduent.

**Other:**

Individuals receiving Medicaid during a reasonable opportunity period (ROP) will continue to have their Medicaid approved for the duration of the emergency.

A noncitizen who is no longer eligible for full Medicaid coverage due to no longer meeting the criteria i.e., a lawfully residing child under age 21, or the post-partum period has ended for a lawfully residing pregnant woman and is not otherwise in satisfactory immigration status as a qualified noncitizen can have his/her full Medicaid coverage closed. Eligibility is limited to services necessary for the treatment of an emergency medical condition under EMSA.

Individuals on a Refugee category are not eligible for continuous coverage on a Refugee category once the eight-month coverage period expires.

**ASPEN**

ASPEN will not auto-renew or administratively renew for twelve-months individuals who have their eligibility sustained solely due to the COVID-19 emergency. Individuals who are active and not having their eligibility sustained due to the COVID-19 emergency will continue to auto-renew and be administratively renewed for twelve-months.

**ISD caseworkers should continue to process new applications, changes in circumstances, and renewals for Medicaid as usual.** The ASPEN logic will ensure continuous coverage is applied as delineated in this IPP. ASPEN will populate automated case comments for individuals reopened and sustained due to the emergency. ASPEN will also automatically issue Notice to Clients (ISD 201 or ISD 205s) letting impacted recipients know their eligibility is sustained during the emergency.

Please address questions regarding this IPP to Roy Burt at [roy.burt@state.nm.us](mailto:roy.burt@state.nm.us).