



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Acting Secretary

February 7, 2023

The Honorable Joseline A. Peña-Melnyk
Chair, House Health and Government Operations Committee
Room 241, House Office Building
Annapolis, Maryland 21401

RE: HB 111 – Maryland Medical Assistance Program, Maryland Children’s Health Program, and Social Services – Eligibility and Enrollment – Letter of Support with Amendments

Dear Chair Peña-Melnyk and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter to support with amendments for House Bill (HB) 111 – Maryland Medical Assistance Program, Maryland Children’s Health Program, and Social Services – Eligibility and Enrollment. MDH supports establishment of an Express Lane Eligibility (ELE) program to expedite renewal of coverage for existing Medicaid and Maryland Children’s Health Program (MCHP) participants, subject to budget approval.

HB 111 will require MDH to establish an Express Lane Eligibility (ELE) program to streamline and expedite enrollment of eligible individuals in the Maryland Medicaid and MCHP. The bill requires MDH to designate the Supplemental Nutrition Assistance Program (SNAP) as the Express Lane Agency (ELA) to support the program and facilitate Medicaid/MCHP eligibility determinations. MDH supports HB 111 with amendments to establish an ELE program using SNAP data for renewals, consistent with the approach adopted by Massachusetts MassHealth, the state’s Medicaid Program, as described below.

Current federal statute permits state agencies to adopt the ELE option under the Children’s Health Insurance Program Reauthorization Act of 2009 (CHIPRA), P.L. 111-3. CHIPRA allows state Medicaid and/or CHIP agencies to use information already collected by another participating State agency to determine whether a child meets Medicaid and/or CHIP eligibility requirements for enrollment or renewal of coverage. The ELE option does not apply to adults.

In addition, President Biden recently enacted the Consolidated Appropriations Act, 2023 (P.L. 117-328), which requires all State Medicaid and CHIP agencies to provide up to 12 months of continuous eligibility for children by January 1, 2024. This federal requirement guarantees full-year Maryland Medicaid/MCHP coverage for eligible Maryland children up to age 19. MDH is reviewing system requirements for implementing this new requirement and has set a tentative target date for implementation in August 2023. Implementation of this initiative is expected to have a positive impact on enrollment for children.

MDH has been exploring the best means of implementing a SNAP-based ELE approach into the State’s eligibility system. Specifically, subject to budget approval, MDH can commit to implementing an ELE program that emulates the Massachusetts MassHealth approach. MassHealth partners with SNAP to renew coverage for members of the SNAP household up to age 65 already enrolled in Medicaid and/or CHIP through a data matching process. The SNAP eligibility decision is used to verify ongoing residency

in the state and serves as a proxy for income at renewal. Medicaid benefits are renewed based on the child's eligibility for SNAP. Parents, legal caretaker relatives, and childless adults who are part of the same household group as these children are included in this process and also have their Medicaid coverage renewed if they are eligible for SNAP.

Notably, State Medicaid agencies using the Express Lane option must still ensure that individuals enrolled in SNAP have submitted appropriate documentation to establish their status as citizens, nationals, or qualified aliens, in accordance with the applicable documentation requirements. Medicaid agencies are **not** permitted to borrow eligibility findings with respect to citizenship from an Express Lane agency. Further, in discussions with Maryland to date, the Centers for Medicare and Medicaid Services (CMS) has indicated that these requirements are not subject to waiver under authorities governed by CMS. Use of SNAP data for the purpose of automatic renewals allows MassHealth to rely on citizenship/immigration documentation previously submitted at the time of initial application for Medicaid or CHIP, substantially streamlining the ELE process for consumers.

To successfully operationalize HB 111, MDH will need to develop new, appropriate data use agreements in partnership with the Maryland Department of Human Services (DHS), the State's administrator of SNAP. While no such agreement currently exists, MDH will coordinate with DHS to advance these efforts. Additionally, while MDH cannot reliably estimate the potential impact on revenue or expenditures, nor renewal outcomes, MDH estimates new costs will be subject to a federal match rate of 61%.

MDH stands committed to assisting children and their families with renewing their Medicaid/MCHP coverage as well as reducing administrative burden for participants. In collaboration with the DHS, this approach will help support Maryland's most vulnerable children and families and meet the interests of HB 111. If you have any questions, please contact Megan Peters, Acting Director of Governmental Affairs, at megan.peters@maryland.gov or (410) 260-3190.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laura Hererra Scott', is positioned above the typed name.

Laura Hererra Scott, M.D., M.P.H.
Acting Secretary

AMENDMENTS TO HOUSE BILL 111

(First Reading File Bill)

On Page 2, in line 21, strike “ENROLL” and replace with “RENEW” and after “INDIVIDUALS” add “ELIGIBILITY”.

Strike lines 24 and 25.

In line 26, strike “(III)” and replace with “(II)”.

In line 31, strike “(IV)” and replace with “(III)”.

In line 32, replace “ENROLLMENT” with “RENEW”.