

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes approved December 27, 1967 (81 Stat.774; D.C. Official Code §1-307.02 (2012 Repl. & 2014 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code §7-771.05(6) (2012 Repl.)), hereby gives notice of the intent to amend Chapter 95 (Medicaid Eligibility) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR) by adopting a new Section 9510, entitled "Transitional Medicaid".

Under Section 1925 of the Social Security Act (the Act), as amended, 42 U.S.C.A. § 1396r-6, state Medicaid programs may extend Transitional Medical Assistance (TMA) to families and dependent children with low-incomes. TMA may be provided to families who no longer qualify under Section 1931 of the Act due to increased earned income or working hours of the caretaker relative's employment, or the loss of a time-limited earned income disregard. Under TMA, state Medicaid programs may offer temporary Medicaid for two six (6)-month periods or one twelve (12)-month period. DHCF has elected to provide one 12-month period of TMA to improve the health outcomes of families living in the District of Columbia, with low-incomes and with dependent children. Accordingly, this proposed rule establishes standards governing TMA eligibility determinations and coverage. Pursuant to the Fiscal Impact Statement, approved by the Office of the Chief Financial Officer on October 20, 2014, the total computed cost of TMA is estimated at \$4,444,657 for fiscal years 2015, 2016, 2017, and 2018.

The corresponding amendment to the State Plan requires approval by the Council of the District of Columbia (Council) and the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services (CMS). The proposed rule is contingent upon approval of the corresponding State Plan amendment by the Council and by CMS.

The Director also gives notice of the intent to take final rulemaking action to adopt this proposed rule in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 95, MEDICAID ELIGIBILITY, of Title 29 DCMR, PUBLIC WELFARE, is amended by adding a new Section 9510 to read as follows:

9510 TRANSITIONAL MEDICAID

9510.1 Under Section 1925 of the Social Security Act (the Act), as amended, 42 U.S.C §§ 1396r-6, the Department of Health Care Finance (DCHF) may extend Transitional Medical Assistance (TMA) to certain families and dependent children with low-income who were: Medicaid eligible (includes retroactive

eligibility) during at least three (3) of the six (6) months immediately preceding the month in which the family became ineligible.

9510.2 Twelve (12) months of full Medicaid coverage under TMA may be provided to families who no longer qualify under Section 1931 of the Act due to:

- (a) Increased earned income, or working hours, from a parent or other caretaker relative's employment, or
- (b) The loss of a time-limited earned income disregard.

9510.3 TMA shall begin on the date of termination of Medicaid.

9510.99 DEFINITIONS

For the purposes of this section, the following terms shall have the meanings ascribed:

Disregard: means the amount(s) of income deducted in determining financial eligibility for Medicaid.

Comments on these rules should be submitted in writing to Claudia Schlosberg, J.D., Interim Senior Deputy Director/Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4th Street, NW, Suite 900 South, Washington DC 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.