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**State/Territory Name:** Texas

**State Plan Amendment (SPA) #:** TX-22-0004

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DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop S2-01-16  
Baltimore, MD 21244-1850



Children and Adults Health Programs Group

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August 11, 2022

Stephanie Stephens  
Medicaid Director, Medicaid/CHIP Division  
Medical and Social Services  
State of Texas, Health and Human Services Commission  
4900 Lamar Boulevard  
Austin, TX 78751

Dear Ms. Stephens:

Your title XXI Children's Health Insurance Program (CHIP) State Plan Amendment (SPA) number TX-22-0004, submitted on June 21, 2022, has been approved. This SPA relates to continuous eligibility for children and has an effective date of January 1, 2022.

Through SPA number TX-22-0004, the state is removing state-specific exceptions to continuous eligibility to comply with 42 CFR 457.342. This regulation only permits certain federal exceptions to the continuous eligibility period.

Your Project Officer is Sandra Phelps. She is available to answer your questions concerning this amendment and other CHIP-related matters. Her contact information is as follows:

Centers for Medicare & Medicaid Services  
Center for Medicaid and CHIP Services  
7500 Security Boulevard, Mail Stop: S2-01-16  
Baltimore, MD 21244-1850  
Telephone: (410) 786-1968  
E-mail: [Sandra.Phelps@cms.hhs.gov](mailto:Sandra.Phelps@cms.hhs.gov)

If you have additional questions, please contact Ms. Meg Barry, Director, Division of State Coverage Programs, at (410) 786-1536. We look forward to continuing to work with you and your staff.

Sincerely,  
/Signed by Amy  
Lutzky/

Amy Lutzky  
Deputy Director



# CHIP Eligibility

State Name:

OMB Control Number: 0938-1148

Transmittal Number:  -  -

## Separate Child Health Insurance Program General Eligibility - Continuous Eligibility

CS27

2105(a)(4)(A) of the SSA and 42 CFR 457.342 and 435.926; 2107(e)(1)(J) and 1902(e)(16) of the SSA

### Mandatory 12-Month Postpartum Continuous Eligibility in CHIP for States Electing This Option in Medicaid

At state option in Medicaid, states may elect to provide continuous eligibility for an individual's 12-month postpartum period consistent with section 1902(e)(16) of the SSA. If elected under Medicaid, states are required to provide the same continuous eligibility and extended postpartum period for pregnant individuals in its separate CHIP. A separate CHIP cannot implement this option if not also elected under the Medicaid state plan.

State elected the Medicaid option to provide continuous eligibility through the 12- month postpartum period

### Optional Continuous Eligibility for Children

The CHIP Agency may provide that children who have been determined eligible under the state plan shall remain eligible, regardless of any changes in the family's circumstances, during a continuous eligibility period up to 12 months, or until the time the child reaches an age specified by the state (not to exceed age 19), whichever is earlier.

The CHIP Agency elects to provide continuous eligibility to children under this provision.

For children up to age 19

For children up to age

The continuous eligibility period begins on the effective date of the child's most recent determination or redetermination of eligibility, and ends:

At the end of the  months continuous eligibility period.

The state assures that a child's eligibility is not terminated during a continuous eligibility period, regardless of any changes in circumstances, unless:

The child attains the age specified by the state Agency or age 19.

The child or child's representative requests voluntary disenrollment.

The child is no longer a resident of the state.

The Agency determines that eligibility was erroneously granted at the most recent determination or renewal of eligibility because of Agency error or fraud, abuse, or perjury attributed to child or child's representative.

The child dies.

The child becomes eligible for Medicaid

There is a failure to pay required premiums or enrollment fees on behalf of a child, as provided for in the state plan.



# CHIP Eligibility

## PRA Disclosure Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148. The time required to complete this information collection is estimated to average 50 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

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## **Periodic Income Check for Children's Health Insurance Program (CHIP)**

For the CHIP program, children in households with income above 185 percent of the federal poverty level (FPL) are provided with a 6-month continuous eligibility period. At the end of the 6-month continuous eligibility period, a child's eligibility may be terminated based on an automated income check that is administered, as required by Texas statute, Section 62.102(b), Health and Safety Code. If the child is determined to be income eligible for CHIP after the automated income check, the child receives a second, contiguous, 6-month continuous eligibility period.