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State/Territory Name: West Virginia

State Plan Amendments (SPA) #: WV-19-0006

This file contains the following documents in the order listed:

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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

OCT 11 2019

Jean Kranz
Executive Director
West Virginia Children's Health Insurance Program
350 Capitol Street, Room 251
Charleston, WV 25301

Dear Ms. Kranz:

Your title XXI Children's Health Insurance Program (CHIP) state plan amendment (SPA) number WV-19-0006 has been approved. This SPA permits West Virginia to provide coverage to uninsured pregnant women over age 18, with family income up to 300 percent of the federal poverty level. The effective date of this amendment is July 1, 2019.

Through this SPA, the state has adopted the option at section 2107(e)(1)(N) of the Social Security Act (the Act), which allows the state to extend this coverage to otherwise eligible lawfully residing, non-citizen pregnant women. It has also adopted the option at section 2112(d)(2) of the Act, which allows the state to extend coverage to pregnant women who have access to state employee coverage.

With the addition of targeted low-income pregnant women under CHIP, the deemed newborn requirements described in section 2112(e) of the Act, implementing regulations at 42 CFR 457.360, and section CS13 of the CHIP state plan are now applicable to the newborns of targeted low-income pregnant women.

Your title XXI project officer is Ticia Jones. She is available to answer questions concerning this amendment and other CHIP-related issues. Her contact information is as follows:

Centers for Medicare & Medicaid Services
Center for Medicaid and CHIP Services
7500 Security Blvd., Mail Stop: S2-01-16
Baltimore, MD 21244-1850
Telephone: (410) 786-8145
E-mail: Ticia.Jones@cms.hhs.gov

Official communication regarding program matters should be submitted simultaneously to Ticia Jones and Francis McCullough, Director, Division of Medicaid Field Operations East. Francis McCullough's address is:

Page 2 – Ms. Jean Kranz

Centers for Medicare & Medicaid Services
Division of Medicaid Field Operations East
JFK Federal Building, Suite 2325
Boston, MA 02203-0003

We look forward to continuing to work with you and your staff.

Sincerely,

/signed Anne Marie Costello/

Anne Marie Costello
Director

cc: Francis McCullough, Director, Division of Medicaid Field Operations East



CHIP Eligibility

State Name:

OMB Control Number: 0938-1148

Transmittal Number: WV - 19 - 0006

Separate Child Health Insurance Program Eligibility - Targeted Low-Income Pregnant Women

CS8

Section 2112 of the SSA

Targeted Low-Income Pregnant Women - Uninsured pregnant women who do not have access to public employee coverage and whose household income is within standards established by the state.

The CHIP Agency operates this covered group in accordance with the following provisions:

Age Standards for Pregnant Women

The state provides coverage to pregnant women:

Select an age range:

From age 19, up to the following age:

With no age restriction.

Another age range:

If there is no age restriction or if the age range overlaps with the qualifying ages for children, describe how the determination is made as to whether the applicant will be provided coverage as a child or as a pregnant woman.

Must be pregnant or post-partum

Income Standards

Pregnant women coverage may only be provided if children's qualifying income standard under the plan is at least up to 200% of FPL for all age ranges.

Income standard is applied statewide

Are there any exceptions, e.g. populations in a county which may qualify under either a statewide income standard or a county income standard?

Statewide Income Standard

CHIP coverage for pregnant women may only be provided if the qualifying income standard under Medicaid for pregnant women is at least up to 185%.

The highest income level for pregnant women cannot be higher than the highest income level for children.

Above % FPL up to and including % FPL



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.

V.20181119



CHIP Eligibility

State Name:

OMB Control Number: 0938-1148

Transmittal Number: WV - 19 - 0006

**Separate Child Health Insurance Program
Eligibility - Pregnant Women Who Have Access to Public Employee Coverage**

CS11

Sec. 2110(b)(2)(B) and (b)(6) of the SSA

Pregnant Women Who Have Access to Public Employee Coverage - Otherwise eligible targeted low-income pregnant women who have access to public employee coverage on the basis of their, or a family member's employment.

The CHIP Agency operates this covered group in accordance with the following provisions:

Select one of the following conditions as described in Section 2110(b)(6) of the Social Security Act:

- Maintenance of agency contribution as provided in 2110(b)(6)(B) of the SSA.
- Hardship criteria as provided in section 2110(b)(6)(C) of the Social Security Act.

Coverage under this option is extended to pregnant women whose household income is:

Select one of the options for the income standard when compared to Targeted Low-Income Pregnant Women

- The same as the standards for Targeted Low-Income Pregnant Women.
- Lower than the income standards for Targeted Low-Income Pregnant Women.

Indicate whether coverage under this option is extended to all pregnant women who have access to public employee coverage, or only certain pregnant women:

- All pregnant women who have access to public employee coverage.
- Certain pregnant women who have access to public employee coverage:
- Attach methodology the state has used to calculate maintenance of agency contribution.

An attachment is submitted.

The state provides assurance that the state will, on an annual basis, recalculate expenditures for each participating public agency to determine if the maintenance of effort condition continues to be met.

Age Standard

Select an age standard:

- Same as the age criteria used for Targeted Low-Income Pregnant Women.
- Different than the age criteria used for Targeted Low-Income Pregnant Women.

Must be pregnant or in a post-partum period.

Pregnant women considered to have access to public employee coverage, and therefore not excluded from CHIP through this option, otherwise meet the definition of targeted low-income pregnant woman in accordance with section 2112(d)(2) of the SSA.

PRA Disclosure Statement



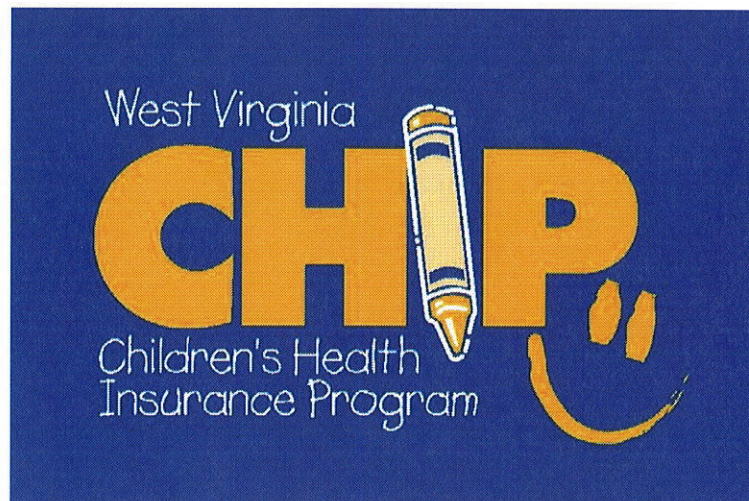
CHIP Eligibility

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V.20181119



STATE OF WEST VIRGINIA



CHILDREN'S HEALTH INSURANCE PROGRAM

CMS Maintenance of Effort Agency Contributions Analysis

Pregnant Women Who Have Access to Public Employee Coverage

September 9, 2019

West Virginia Children's Health Insurance Program Report of Independent Actuary

CMS Maintenance of Effort Agency Contributions Analysis

Pregnant Women Who Have Access to Public Employee Coverage

OVERVIEW

Continuing Care Actuaries, LLC ("Continuing Care Actuaries") was engaged by the West Virginia Children's Health Insurance Program ("CHIP Program") to assist the West Virginia CHIP Board in the analysis of actual and projected plan experience. The CHIP Program management team asked Continuing Care Actuaries to prepare the required maintenance of effort with respect to Agency contributions for public employees and dependent coverage analysis for pregnant women who have access to public employee coverage. The West Virginia Public Employees Insurance Agency ("PEIA") currently provides insurance coverage for State Employees, Teachers and Local Agencies in West Virginia and is the source of the bulk of the data used in this analysis. This analysis was based on PEIA experience in providing pregnancy benefits through Employee and Dependent coverage.

The purpose of this analysis is to compare the State Agency contributions under Employee and Dependent coverages from State Fiscal Year 1997 to date to the 1997 State Expenditures updated by the CPI-U (Medical) trend as reported by the federal government. First aggregate Employee and Dependent costs were developed and divided by enrollment to yield per capita costs. These costs were offset by the annual Employee and Dependent Premiums to yield the Agency Expenditures for 1997 and succeeding years. The final piece of the analysis was to compare Agency Expenditures to the CPI-U adjusted 1997 State Expenditures for 1998 through 2019. The results show that the PEIA Agency Expenditures on a per capita basis always exceed the CPI-U Adjusted 1997 State Expenditures for each year in the study period. The detailed results of this analysis are attached on the following page.

PREGNANCY BENEFITS

PEIA provides comprehensive pregnancy benefits which include:

- Maternity services for routine prenatal care, delivery and follow-up are paid at 100% of allowed charges under a global fee after the deductible has been met.
- Obstetrical profiles and ultrasounds are also paid at 100% of allowed charges under a global fee.
- Maternity-related professional and facility services, including prenatal care, midwife services and birthing centers. Maternity related services are covered for the employee and covered dependents.

- Maternity management provides prenatal education and high-risk pregnancy identification to help mothers carry their babies to term. This program increases the number of healthy, full-term deliveries and decreases the cost of long-term hospital stays for both mothers and babies
- PEIA provides a pre-pregnancy coaching program which helps women learn about risks and take action to prevent serious and costly medical complications before they become pregnant.
- Transition of Care pregnancy benefits to allow for changes in physicians.
- PEIA complies with the Statement of Rights under the Newborns' and Mothers' Health Protection Act. PEIA's maternity benefit meets or exceeds all of the requirements of the Act. Under federal law, PEIA does not restrict benefits for any hospital length of stay in connection with childbirth to less than 48 hours following a vaginal delivery, or less than 96 hours following a delivery by Cesarean section.
- PEIA also provides 100% coverage for the prescription tobacco cessation medications during pregnancy.

CMS – PREGNANT WOMEN WHO HAVE ACCESS TO PUBLIC EMPLOYEE COVERAGE

Maintenance of Effort Condition to Individual and Family Coverage

State	Annual	Annual			1997 State
Fiscal	Employee	Employee	Agency	Medical	Expenditure
Year	Costs	Premiums	Expenditures	CPI-U	Increased by CPI
1997	\$ 2,508.23	\$ 491.56	\$2,016.68		\$2,016.68
1998	\$ 2,625.96	\$ 481.90	2,144.05	3.22%	2,081.61
1999	\$ 3,177.61	\$ 505.59	2,672.02	3.49%	2,154.26
2000	\$ 3,149.44	\$ 504.43	2,645.01	4.06%	2,241.72
2001	\$ 3,934.88	\$ 623.50	3,311.39	4.61%	2,345.07
2002	\$ 4,249.59	\$ 872.57	3,377.02	4.71%	2,455.52
2003	\$ 4,392.64	\$ 1,077.55	3,315.09	4.02%	2,554.23
2004	\$ 4,815.64	\$ 1,351.38	3,464.26	4.40%	2,666.62
2005	\$ 5,326.46	\$ 1,348.12	3,978.34	4.22%	2,779.15
2006	\$ 5,519.65	\$ 1,465.19	4,054.46	4.01%	2,890.59
2007	\$ 5,683.16	\$ 1,641.55	4,041.60	4.42%	3,018.36
2008	\$ 6,039.18	\$ 1,638.84	4,400.33	3.71%	3,130.34
2009	\$ 6,280.77	\$ 1,633.70	4,647.07	3.17%	3,229.57
2010	\$ 6,382.30	\$ 1,765.07	4,617.23	3.49%	3,342.28
2011	\$ 6,922.75	\$ 1,837.88	5,084.87	2.92%	3,439.88
2012	\$ 7,379.38	\$ 2,004.75	5,374.63	3.95%	3,575.75
2013	\$ 6,742.30	\$ 2,010.64	4,731.66	2.15%	3,652.63
2014	\$ 7,389.54	\$ 2,013.92	5,375.62	2.58%	3,746.93
2015	\$ 8,374.20	\$ 1,901.64	6,472.56	4.07%	3,899.57
2016	\$ 7,802.80	\$ 1,897.59	5,905.21	1.78%	3,968.97
2017	\$ 7,782.04	\$ 2,132.58	5,649.46	2.01%	4,048.77
2018	\$ 7,098.22	\$ 2,131.92	4,966.30	2.01%	4,130.18
2019	\$ 7,555.84	\$ 2,108.73	5,447.11	0.00%	4,130.18

STATEMENT OF ACTUARIAL OPINION

I, Dave Bond, Managing Partner of Continuing Care Actuaries, LLC, hereby certify that I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the actuarial qualification standards to render Statements of Actuarial Opinion for Children Health Insurance Program and other self-insured entities. I have been retained by West Virginia CHIP to render a Statement of Actuarial Opinion regarding the methods and underlying assumptions developed and used in this analysis.

This Statement of Actuarial Opinion was prepared in a manner consistent with the Code of Professional Conduct and Qualification Standards of the American Academy of Actuaries, and the Standards of Practice of the Actuarial Standards Board. Concerning the projection of health care expenses, I am of the opinion that the data and assumptions used are appropriate.



Dave Bond
Fellow of the Society of Actuaries
Member of the American Academy of Actuaries
Managing Partner
Continuing Care Actuaries, LLC
Reisterstown, Maryland
September 9, 2019



Chris Borcik
Fellow of the Society of Actuaries
Member of the American Academy of Actuaries
Principal
Continuing Care Actuaries, LLC
Reisterstown, Maryland
September 9, 2019



CHIP Eligibility

State Name:

OMB Control Number: 0938-1148

Transmittal Number: WV - 19 - 0006

Separate Child Health Insurance Program **CS18**
Non-Financial Eligibility - Citizenship

Sections 2105(c)(9) and 2107(e)(1)(J) of the SSA and 42 CFR 457.320(b)(6), (c) and (d)

Citizenship

The CHIP Agency provides CHIP eligibility to otherwise eligible citizens and nationals of the United States and certain non-citizens, including the time period during which they are provided with reasonable opportunity to submit verification of their citizenship, national status or satisfactory immigration status.

The CHIP Agency provides eligibility under the Plan to otherwise eligible individuals:

Who are citizens or nationals of the United States; or

Who are qualified non-citizens as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) (8 U.S.C. §1641), or whose eligibility is required by section 402(b) of PRWORA (8 U.S.C. §1612(b)) and is not prohibited by section 403 of PRWORA (8 U.S.C. §1613); or

Who have declared themselves to be citizens or nationals of the United States, or an individual having satisfactory immigration status, during a reasonable opportunity period pending verification of their citizenship, nationality, or satisfactory immigration status consistent with requirements of 1903(x), 1137(d), and 1902(ee) of the Act, and 42 CFR 435.406, 407, 956 and 457.380.

The reasonable opportunity period begins on and extends 90 days from the date the notice of reasonable opportunity is received by the individual.

The agency provides for an extension of the reasonable opportunity period if the individual is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the agency needs more time to complete the verification process.

The agency begins to furnish benefits to otherwise eligible individuals during the reasonable opportunity period on a date earlier than the date the notice is received by the individual.

The CHIP Agency elects the option to provide CHIP coverage to otherwise eligible children up to age 19, lawfully residing in the United States, as provided in Section 2107(e)(1)(J) of the SSA (Section 214 of CHIPRA 2009, P.L. 111-3).

Otherwise eligible children means children meeting the eligibility requirements of targeted low-income children with the exception of non-citizen status.

The CHIP Agency provides assurance that lawfully residing children are also covered under the state's Medicaid program.

The CHIP Agency elects the option to provide CHIP coverage to otherwise eligible pregnant women, lawfully residing in the United States, as provided in Section 214 of CHIPRA 2009, P.L. 111-3. The state may not select this option unless the state also elects to cover lawfully residing children. A state may not select this option unless the state also covers Targeted Low-Income Pregnant Women.

Otherwise eligible pregnant women means pregnant women who meet the eligibility requirements of targeted low-income pregnant women with the exception of non-citizen status.



CHIP Eligibility

- The CHIP Agency provides assurance that lawfully residing pregnant women are also covered under the state's Medicaid program.
- An individual is considered to be lawfully residing in the United States if he or she is lawfully present and meets state residency requirements.
- An individual is considered to be lawfully present in the United States if he or she is:
 1. A qualified non-citizen as defined in 8 U.S.C. 1641(b) and (c);
 2. A non-citizen in a valid nonimmigrant status, as defined in 8 U.S.C. 1101(a)(15) or otherwise under the immigration laws (as defined in 8 U.S.C. 1101(a)(17));
 3. A non-citizen who has been paroled into the United States in accordance with 8 U.S.C. 1182(d)(5) for less than 1 year, except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings;
 4. A non-citizen who belongs to one of the following classes:
 - (i) Granted temporary resident status in accordance with 8 U.S.C. 1160 or 1255a, respectively;
 - (ii) Granted Temporary Protected Status (TPS) in accordance with 8 U.S.C. §1254a, and individuals with pending applications for TPS who have been granted employment authorization;
 - (iii) Granted employment authorization under 8 CFR 274a.12(c);
 - (iv) Family Unity beneficiaries in accordance with section 301 of Pub. L. 101-649, as amended;
 - (v) Under Deferred Enforced Departure (DED) in accordance with a decision made by the President;
 - (vi) Granted Deferred Action status;
 - (vii) Granted an administrative stay of removal under 8 CFR 241;
 - (viii) Beneficiary of approved visa petition who has a pending application for adjustment of status;
 5. Is an individual with a pending application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C. 1231, or under the Convention Against Torture, who:
 - (i) Has been granted employment authorization; or
 - (ii) Is under the age of 14 and has had an application pending for at least 180 days;
 6. Has been granted withholding of removal under the Convention Against Torture;
 7. Is a child who has a pending application for Special Immigrant Juvenile status as described in 8 U.S.C. 1101(a)(27)(J);
 8. Is lawfully present in American Samoa under the immigration laws of American Samoa; or
 9. Is a victim of severe trafficking in persons, in accordance with the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, as amended (22 U.S.C. 7105(b)).
 10. Exception: An individual with deferred action under the Department of Homeland Security's deferred action for the childhood arrivals process, as described in the Secretary of Homeland Security's June 15, 2012 memorandum, shall not be considered to be lawfully present with respect to any of the above categories in paragraphs (1) through (9) of this definition.



CHIP Eligibility

PRA Disclosure Statement

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V.20160722