

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



Children and Adults Health Programs Group

August 14, 2013

Ms. Cynthia B. Jones
Director
Department of Medical Assistance Services
600 East Broad Street Suite 1300
Richmond, VA 23219

Dear Ms. Jones:

Thank you for your recent section 1115 demonstration application entitled, Early MAGI Implementation. The Centers for Medicare & Medicaid Services (CMS) received your application on July 31, 2013. We have completed a preliminary review of the application and have determined that the state's application has met the requirements for a complete application as specified under section 42 CFR 431.412(a).

In accordance with section 42 CFR 431.416(a), CMS acknowledges receipt of the state's application. The documents will be posted on [Medicaid.gov](http://medicaid.gov) and the comment period will last 30 days, as required under 42 CFR 431.416(b). The state's application is available at <http://medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/Waivers.html>.

We look forward to working with you and your staff on the proposed demonstration project. If you have additional questions or concerns, please contact your assigned project officer Ms. Jennifer Sheer, Division of State Demonstrations and Waivers, at (410) 786-1769, or at Jennifer.Sheer@cms.hhs.gov.

Sincerely,

//s//

Diane T. Gerrits
Director
Division of State Demonstration and Waivers

cc: Jennifer Ryan, CMCS
Francis McCullough, ARA, Region III
Margaret Kosherzenko, Philadelphia Regional Office



Centers for Medicare & Medicaid Services
Office of Information Services
Information Services Design & Development Group
7500 Security Blvd
Baltimore, MD 21244-1850

Section 1115 Demonstration Program

Request for Early MAGI Implementation in Virginia

Section 1115 Demonstration

Section I - Program Description

Effective January 1, 2014, eligibility for health coverage under all health insurance affordability programs – including Medicaid, the Children’s Health Insurance Program (CHIP) and the Advanced Premium Tax Credit – generally will be based on a new Modified Adjusted Gross Income, or MAGI, methodology. Calculating applicants’ MAGI-based income will entail defining household composition and executing income-counting procedures according to rules that differ from those currently in effect for Medicaid. During the 2013 open enrollment period (October 1, 2013 to December 31, 2013) eligibility for certain applicants will be determined using MAGI-based methodologies for coverage scheduled to start on January 1, 2014. In addition, during this period, people applying for or renewing Medicaid for coverage in 2013 will also need to have their eligibility assessed based on existing Medicaid rules. As a result, for populations subject to the MAGI-based rules, Virginia will have to determine Medicaid eligibility under both the current rules and the MAGI-based rules during this limited period of time.

The purpose of this demonstration is to enable Virginia to avoid having to operate two sets of rules for children, parents and caretaker relatives, pregnant women and other non-disabled, non-elderly adults that may be eligible for Medicaid enrollment during this period. As such, the state is requesting a waiver of 1902(a)(17) to implement, on a state-wide basis, MAGI-based eligibility determination methods to populations subject to MAGI beginning October 1, 2013 through December 31, 2013, to coincide with the start of the open enrollment period. The state proposes to test and evaluate how the early adoption of the MAGI-based methodology will affect overall Medicaid expenditures as well as how a more coordinated open enrollment process will help ensure the state’s capacity to process applications in a timely fashion. DMAS is also planning to implement early MAGI in our separate CHIP state plan program and our CHIP HIFA waiver program to align with the Medicaid early MAGI methodology.

The Department of Medical Assistance Services convened two public hearings for the purpose of accepting comments related to the agency’s intent to request a Section 1115 waiver to begin use of the MAGI rules on October 1, 2013. Only one public comment was received. The commenter was supportive of the intent to request approval to begin use of MAGI rules early.

Section II – Demonstration Eligibility

The populations affected by this demonstration are the state plan populations that are subject to MAGI-based eligibility determinations effective January 1, 2014. The state projects that approximately 55,000 individuals will be affected by the demonstration. The state proposes to apply the MAGI-based eligibility determination rules as described in 42 CFR 435.603 effective October 1, 2013 to the populations listed in the table below:

Eligibility Chart

Eligibility Group Name	Social Security Act and CFR Citations	Income Level
Parent/caretaker relatives Low Income Families	§1902(a)(10)(A)(i)(l) and §1931	28%-46% FPL based on locality groupings
Pregnant Women	§1902(a)(10)(A)(i)(l), §1931, §1902(a)(10)(A)(i)(III), §1902(a)(10)(A)(i)(IV)	143% FPL
Children	§1902(a)(10)(A)(i)(l) and §1931, §1902(a)(10)(A)(i)(III), §1902(a)(10)(A)(i)(IV), §1902(a)(10)(A)(i)(VI), §1902(a)(10)(A)(i)(VII), §1902(a)(10)(A)(ii)(IV),	143% FPL
Reasonable classifications of individuals under age 21	§1902(a)(10)(A)(ii)(I) and (IV) §1902(a)(10)(A)(ii)(VIII)	28%-40% based on locality groupings
Family Planning Option	§1902(a)(10)(A)(ii)(XXI)	211% FPL

Section III – Demonstration Benefits and Cost Sharing Requirements

- 1) Indicate whether the benefits provided under the demonstration differ from those provided under the Medicaid and/or CHIP state plan:

Yes No

- 2) Indicate whether the cost sharing requirements under the demonstration differ from those provided under the Medicaid and/or CHIP state plan:

Yes No

Section IV – Delivery System and Payment Rates for Services

- 1) Indicate whether the delivery system and payment rates for services used to provide benefits to demonstration participants will differ from the Medicaid and/or CHIP state plan:

Yes

No

Section V – Implementation of Demonstration

Virginia will operate this demonstration from October 1, 2013 through December 31, 2013.

Section VI – Demonstration Financing and Budget Neutrality

The state is not requesting section 1115 expenditure authority as the affected population is comprised of Medicaid state plan eligibility groups; therefore, no budget neutrality agreement is needed in conjunction with this demonstration.

Section VII – List of Proposed Waivers and Expenditure Authorities

The state requests a waiver of section 1902(a)(17) in order to implement MAGI-based eligibility determination methods, from October 1, 2013 through December 31, 2013, for all populations who will be subject to MAGI-based rules effective January 1, 2014.

Section VIII – Public Notice

Please include the following elements as provided for in 42 CFR 431.408 when developing this section:

- 1) Start and end dates of the state’s public comment period;
 - The comment period runs from July 1, 2013 through July 30, 2013
- 2) Certification that the state provided public notice of the application, along with a link to the state’s web site and a notice in the state’s Administrative Record or newspaper of widest circulation 30 days prior to submitting the application to CMS;
 - Public notice was provided in the *Virginia Register*
 - <http://register.dls.virginia.gov/issue.aspx?voliss=29:22&type=8> Listed under Department of Medical Assistance Services
 - Notice was provided on the Department of Medical Assistance Services website
 - <http://www.dmas.virginia.gov/> under the section titled “What’s New”
- 3) Certification that the state convened at least 2 public hearings, of which one hearing included teleconferencing and/or web capability, 20 days prior to submitting the application to CMS, including dates and a brief description of the hearings conducted;
 - Two public hearings were conducted. The first was held in Richmond, Virginia on July 9, 2013 and the second was held on July 10, 2013 in Fredericksburg, Virginia. Teleconferencing capability was provided at the Richmond public hearing site. Only one comment was received during the Richmond public hearing. No comments were received at the Fredericksburg public hearing. A copy of the transcripts of both public hearings is attached.
- 4) Certification that the state used an electronic mailing list or similar mechanism to notify the public. (If not an electronic mailing list, please describe the mechanism that was used);
 - Notification of the public hearings was posted on the Commonwealth Calendar as well as issued through the Town Hall, an electronic mailing list
 - <http://www.townhall.virginia.gov/L/meetings.cfm>.
 - Copies of the Town Hall dissemination of the public hearing notice is attached.

- 5) Comments received by the state during the 30-day public notice period;
 - Only one public comment was received during the 30-day public comment period.
- 6) Summary of the state's responses to submitted comments, and whether or how the state incorporated them into the final application;
 - The one public comment received was given during the first public hearing held on July 9, 2013 in Richmond, Virginia. The commenter only stated that she was supportive of the agency's intent to request a waiver to begin use of MAGI rules beginning October 1, 2013. This comment is noted in the application, but did not result in a change in the application request.
- 7) Certification that the state conducted tribal consultation in accordance with the consultation process outlined in the state's approved Medicaid state plan, or at least 60 days prior to submitting this demonstration application if the demonstration has or would have a direct effect on Indians, tribes, on Indian health programs, or on urban Indian health organizations, including dates and method of consultation.
 - Virginia has no federally recognized tribes; this requirement is not applicable.

If this application is an emergency application in which a public health emergency or a natural disaster has been declared, the State may be exempt from public comment and tribal consultation requirements as outlined in 42 CFR 431.416(g). If this situation is applicable, please explain the basis for the proposed emergency classification and public comment/tribal consultation exemption.

Section IX – Demonstration Administration

Please provide the contact information for the state's point of contact for the demonstration application.

Name and Title: Cindy Olson, Eligibility Policy Manager

Telephone Number: 804-225-4282

Email Address: cindy.olson@dmas.virginia.gov



Changes have been made to the following meetings:

Board of Nursing

Title:	Informal Conferences
Time:	7/24/13 09:00 AM
Location:	Perimeter Center 9960 Mayland Drive, Suite 201 Henrico, VA 23233
Contact:	Jay P. Douglas, R.N. / jay.douglas@dhp.virginia.gov / (804)367-4515

See the meeting on the Town Hall
<http://TownHall.virginia.gov//ViewMeeting.cfm?MeetingID=19914>

Board of Funeral Directors and Embalmers

Title:	Formal Administrative Hearing
Time:	7/15/13 10:00 AM
Location:	Department of Health Professions Perimeter Center 9960 Mayland Drive, Suite 201 Henrico, VA 23233
Contact:	Kathy Petersen / Kathy.Petersen@dhp.virginia.gov / (804)367-4699

See the meeting on the Town Hall
<http://TownHall.virginia.gov//ViewMeeting.cfm?MeetingID=20100>

Board of Long-Term Care Administrators

Title:	Board Meeting
Time:	9/24/13 09:30 AM
Location:	Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Suite 201, Board Room #2, Henrico, Virginia
Contact:	Lisa R. Hahn / lisa.hahn@dhp.virginia.gov / (804)367-4595

See the meeting on the Town Hall
<http://TownHall.virginia.gov//ViewMeeting.cfm?MeetingID=18591>

Board of Funeral Directors and Embalmers

Title:	Board Meeting
Time:	7/16/13 10:00 AM
Location:	Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Suite 201, Board Room #3, Henrico, Virginia
Contact:	Lisa R. Hahn / lisa.hahn@dhp.virginia.gov / (804)367-4479

See the meeting on the Town Hall
<http://TownHall.virginia.gov//ViewMeeting.cfm?MeetingID=18582>

Minutes have been posted for the following meetings:

Board of Pharmacy	
Title:	Full Board Meeting
Time:	6/18/13 09:00 AM
Location:	Perimeter Center, 9960 Mayland Drive, Suite 201, Board Room 4, Richmond, VA 23233
Minutes:	Draft minutes have been posted
Contact:	Caroline D. Juran / caroline.juran@dhp.virginia.gov / (804)367-4456
See the meeting on the Town Hall http://TownHall.virginia.gov//ViewMeeting.cfm?MeetingID=18906	

Board of Pharmacy	
Title:	Public hearing
Time:	6/18/13 09:15 AM
Location:	Perimeter Center, 9960 Mayland Drive, Suite 201, Board Room 2, Richmond, VA 23233
Minutes:	Draft minutes have been posted
Contact:	Caroline D. Juran, RPh / caroline.juran@dhp.virginia.gov / (804)367-4456
See the meeting on the Town Hall http://TownHall.virginia.gov//ViewMeeting.cfm?MeetingID=19892	

State Board of Health	
Title:	Virginia EHDI Program Advisory Committee Meeting
Time:	6/7/13 10:00 AM
Location:	Virginia Hospital Healthcare Association 4200 Innslake Dr. Glen Allen, VA 23060
Minutes:	Final minutes have been posted
Contact:	Ruth Frierson / ruth.frierson@vdh.virginia.gov / (804)864-7713
See the meeting on the Town Hall http://TownHall.virginia.gov//ViewMeeting.cfm?MeetingID=19391	

New meetings have been posted:

Board of Funeral Directors and Embalmers	
Title:	Adhoc Committee Meeting - Virtual Funeral Homes
Time:	7/15/13 11:30 AM
Location:	Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 200, Henrico, Virginia 23233
Contact:	Lisa Russell Hahn / fanbd@dhp.virginia.gov / (804)367-4479
Note:	Meeting may be cancelled last minutes if time does not permit between formal hearings.
See the meeting on the Town Hall http://TownHall.virginia.gov//ViewMeeting.cfm?MeetingID=20127	

Board of Medical Assistance Services	
Title:	New Medicaid/FAMIS Eligibility Enrollment Rules (MAGI) Public Hearing
Time:	7/9/13 01:00 PM
Location:	Department of Medical Assistance Services 600 E. Broad Street, 7B Conference Room

	Richmond, VA 23219 CALL IN: 1-866-842-5779 PASSCODE: 8047864114#
Contact:	Cindy Olson / cindy.olson@dmas.virginia.gov / (804)225-4282
See the meeting on the Town Hall http://TownHall.virginia.gov/ViewMeeting.cfm?MeetingID=20131	
Board of Medical Assistance Services	
Title:	New Medicaid/FAMIS Eligibility Enrollment Rules (MAGI) Public Hearing
Time:	7/10/13 01:00 PM
Location:	University of Mary Washington, Stafford Campus 125 University Boulevard Fredericksburg, VA 22406 North Building Room: University Hall
Contact:	Cindy Olson / cindy.olson@dmas.virginia.gov / (804)225-4282
See the meeting on the Town Hall http://TownHall.virginia.gov/ViewMeeting.cfm?MeetingID=20132	

The following meetings have been canceled:

Department for Aging and Rehabilitative Services	
Title:	Office of the State Long-Term Care Ombudsman Quality Assurance Committee
Time:	9/19/13 10:00 AM
Location:	DARS Central Office 8004 Franklin Farms Drive 2nd Floor East Conference Room Henrico 23229
Contact:	Gail Thompson / gail.thompson@dars.virginia.gov / (804)726-6617
See the meeting on the Town Hall http://TownHall.virginia.gov/ViewMeeting.cfm?MeetingID=20020	
Board of Counseling	
Title:	Board of Counseling Quarterly Board Meeting
Time:	7/12/13 10:00 AM
Location:	9960 Mayland Drive, 2nd Floor, Richmond, VA 23233
Contact:	Catherine Chappell / catherine.chappell@dhp.virginia.gov / (804)367-4406
See the meeting on the Town Hall http://TownHall.virginia.gov/ViewMeeting.cfm?MeetingID=20013	

You are signed up for the automatic e-mail notification service provided by the Virginia Regulatory Town Hall. If you no longer wish to receive these messages, visit the Town Hall to modify your preferences or remove your account.

<http://TownHall.virginia.gov/L/PublicLogin.cfm>

Please address any questions or comments to Rachael.Harrell@dpb.virginia.gov, scott.hubbard@dpb.virginia.gov.



VIRGINIA
REGULATORY TOWN HALL



Meetings and public hearings

Showing 2 meetings scheduled for **Past 30 Days** [Today](#) [Next Week](#) [Next 30 Days](#) [All Future](#) [Past Week](#) [Past Year](#) [Previous Years](#)

Agency
Department of Medical Assistance Services

Regulatory Board
All Boards

Submit

Date	Time	Meeting Title	Board
09-Jul-13 (Tue)	1:00 pm	<u>New Medicaid/FAMIS Eligibility Enrollment Rules (MAGI) Public Hearing</u>	Board of Medical Assistance Services
10-Jul-13 (Wed)	1:00 pm	<u>New Medicaid/FAMIS Eligibility Enrollment Rules (MAGI) Public Hearing</u>	Board of Medical Assistance Services

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DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

PROPOSED SECTION 1115 WAIVER FOR
EARLY IMPLEMENTATION OF MAGI RULES
PUBLIC HEARING

July 9, 2013

1:00 p.m. - 1:20 p.m.

600 East Broad Street, Conf. Room 7B

Richmond, Virginia 23219

ORIGINAL

Job No. 22331

REPORTED BY: Kurt D. Hruneni, CVR, CCR-VA

1 APPEARANCES ON BEHALF OF DMAS:

2 CINDY OLSON, Eligibility Section Manager

3 JACK QUIGLEY, Special Projects Director

4

5 APPEARANCES OF PARTICIPANTS:

6 JILL HANKEN, ATTORNEY AT LAW (via telephone)

7 Virginia Poverty Law Center

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1 (1:00 p.m., July 9, 2013)

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P R O C E E D I N G S

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5

MS. OLSON: Okay. Good afternoon ladies
6 and gentlemen. My name is Cindy Olson. I'm with
7 the Department of Medical Assistance Services.

8

This is a public hearing being held at the
9 Department of Medical Assistance Services in
10 Richmond, Virginia.

11

This hearing is held pursuant to 42 CFR,
12 Code of Federal Regulations, Section 431.408, for
13 the purpose of receiving public comment on the
14 Department's proposed action to request authority
15 from the Centers for Medicare and Medicaid
16 Services through a Section 1115 Demonstration
17 Waiver, to implement use of the new Modified
18 Adjusted Gross Income or MAGI rules for Medicaid
19 and FAMIS determinations beginning October 1st,
20 2013. The notice of the Department's intent to
21 request such a waiver was published in the
22 Virginia Register on July the 1st, 2013.

23

Let me begin by introducing the individual
24 seated with me today. This is Jack Quigley, also
25 of the Department of Medical Assistance Services.

1 A few ground rules. We will receive
2 comments regarding our intent to request approval
3 to begin use of MAGI rules in October from any
4 member of the public who wishes to speak. If
5 you've not signed up to speak and you wish to give
6 testimony today, please sign your name on the
7 sign-up sheet in the back of the room at this
8 time. Initial comments will be limited to five
9 minutes.

10 The panel may ask speakers questions or to
11 clarify statements, if needed. However, this is
12 not the proper forum for other questions to the
13 Department. If you have questions for the
14 Department, please forward them in writing to the
15 Department.

16 Any speaker who wishes to provide a written
17 statement in addition to oral testimony may do so
18 and the written statement will be marked as an
19 exhibit for this hearing.

20 Written comments not presented at this
21 hearing will be accepted at the offices of the
22 Department of Medical Assistance Services. The
23 mailing address is Department of Medical
24 Assistance Services, 600 East Broad Street, Suite
25 1300, Richmond, Virginia, 23219.

1 Comments may be sent via fax to 804-786-
2 1680, or by email to Cindy.Olson@dmas.virginia.gov
3 Written comments will be accepted until July the
4 30th, 2013.

5 Before we begin the comment period, I would
6 like to provide a little background related to why
7 DMAS is requesting permission to implement the use
8 of MAGI rules beginning in October.

9 The Patient Protection and Affordable Care
10 Act of 2010 mandates significant changes in how
11 eligibility is determined for medical assistance
12 programs for children, parent/caretaker relatives
13 and pregnant women beginning January the 1st,
14 2014.

15 This change requires the use of IRS tax
16 rules for determining countable income and
17 household composition. These new rules are based
18 on Modified Adjusted Gross Income , or MAGI.

19 During the open enrollment period that runs
20 from October 1st, 2013, through December 31st,
21 2013, for health insurance coverage that will
22 begin on January 1st, 2114, the Federal Health
23 Insurance Marketplace will begin using these new
24 rules in their determinations of eligibility for
25 the Advanced Premium Tax Credit and cost-sharing

1 reductions.

2 They will also conduct an assessment of
3 potential Medicaid or FAMIS eligibility. If an
4 individual or family appears to meet Medicaid or
5 FAMIS requirements using the new rules, the
6 Marketplace will send the application
7 electronically to local departments of social
8 services for processing.

9 However, if the Virginia medical assistance
10 programs are not using the same rules as the
11 Marketplace, individuals assessed as being
12 potentially eligible will be evaluated using a
13 different set of rules that could result in a
14 different outcome.

15 Additionally, for applications received in
16 local departments of social services during this
17 time frame, eligibility determinations may need to
18 be conducted using two separate different sets of
19 rules; current Medicaid rules to determine
20 eligibility for the October through December time
21 period, and if not eligible, the new MAGI rules to
22 determine eligibility for coverage effective
23 January the 1st, 2014.

24 If the individual is not found to be
25 eligible for Medicaid or FAMIS, a referral to the

1 Marketplace will be completed. The purpose of
2 this Section 1115 waiver request is to allow
3 Virginia to avoid having to have two sets of rules
4 in place for determinations of medical assistance
5 eligibility for the same groups of people during
6 the open enrollment period.

7 Okay. Is there anyone on the telephone?

8 MS. HANKEN: Yes.

9 MS. OLSON: Okay. Could I ask you to
10 identify yourself.

11 MS. HANKEN: Hey Cindy, this is Jill
12 Hanken. How are you?

13 MS. OLSON: I'm good, Jill. How are you?

14 MS. HANKEN: Doing okay. Thank you.

15 MS. OLSON: Did you wish to make public
16 comment?

17 MS. HANKEN: Yes, I did.

18 MS. OLSON: Okay. This is Jill Hanken.
19 She's with the Virginia Poverty Law Center.

20 MS. HANKEN: Yeah. I had several things
21 to say, Cindy. First of all, I wanted to express
22 some concern about the lack of information that
23 was issued with this public hearing announcement.

24 The description that you just provided
25 actually provides and explanation that wasn't

1 included in the public notice itself. And beyond
2 that, we're still waiting, advocates are still
3 waiting to get information from DMAS about the new
4 MAGI conversion figure as well as other decisions
5 and choices the state is making about how it
6 intends to implement MAGI in Virginia.

7 I mean there are certain areas where the
8 state will have some choices; for example,
9 determining assistance units for pregnant women.
10 And there are other issues that I know you guys
11 are working hard on right now. But the public is
12 waiting for information about those things, and an
13 opportunity to make comment on those issues as
14 well.

15 In terms of this 1115 waiver, I do support
16 the idea of early implementation of MAGI. I think
17 it will definitely be useful to be applying one
18 set of eligibility rules instead of two, and be
19 less confusing to people.

20 I am not sure if the intent is to apply the
21 new MAGI rules on October 1 only for new
22 applicants. And I think that's how we should --
23 how Virginia should implement MAGI early, by only
24 applying it to new applicants. And to do that,
25 DMAS should extend any renewals of current

1 enrollees beyond that October to December 2013
2 time frame so that in order to reduce confusion
3 and also avoid violating maintenance of effort
4 requirements, that we just hold everybody --
5 current enrollees in place until later.

6 So I don't know if that's part of the plan.
7 I don't know if you're allowed to answer questions
8 during this public comment period. But that's a
9 question I have is; are you planning to delay
10 renewals of current enrollees during that three
11 month period of 2013?

12 And then beyond that, I also have a
13 question about whether Virginia intends to take
14 advantage of the second enrollment strategy that
15 was made available by CMS recently, that being to
16 delay renewals of current enrollees until after
17 March 31st of 2014.

18 It seems to me, again, this would help to
19 limit confusion limit workload on DSS offices, to
20 just take advantage of that option to delay
21 renewals beyond March 31st of 2014.

22 So again, if you're allowed to answer
23 questions during this process, I'd be very
24 interested in knowing what your -- the Agency's
25 plans are in terms of that issue.

1 So those are the thoughts and questions and
2 comments that I have about this potential 1115
3 waiver.

4 MS. OLSON: Okay. Thank you very much,
5 Jill. At this point in time we are only here to
6 accept public comment on the proposal to submit
7 the request to CMS for the Section 1115 waiver.
8 So I can't answer other questions at this point in
9 time.

10 MS. HANKEN: Okay. Did I understand you
11 to say that you were accepting written comments on
12 this until July 30th?

13 MS. OLSON: Yes.

14 MS. HANKEN: And is that day in that
15 public announcement that came out? I'm not sure I
16 saw that.

17 MS. OLSON: It's in the public
18 announcement that's posted on the DMAS website. I
19 thought it was in the one that was drafted for the
20 Virginia Register.

21 MS. HANKEN: And the Town Hall?

22 MS. OLSON: And the Town Hall. Yes.

23 MS. HANKEN: Yeah, I'll check it again.
24 Because there may be other folks who may want to
25 comment in writing by that time. So is it

1 sufficient for you to accept my written -- my oral
2 comments today, Cindy?

3 MS. OLSON: Yes, yes.

4 MS. HANKEN: Okay. All right.

5 MS. OLSON: Thank you.

6 MS. HANKEN: Well, thank you.

7 MS. OLSON: Is there anyone else on the
8 phone who would like to make a public comment?

9 (No response.)

10 Okay. And there are no members of the
11 public in this room. So I guess we'll wait a few
12 minutes to see if anyone else has anything.

13 So we're going to sit here for a few more
14 minutes to see if anyone else has comments.

15 MS. HANKEN: All right. Well, I will get
16 off now. Thank you guys for your time. And so
17 maybe I'll pose some of those questions to you
18 offline.

19 MS. OLSON: Okay.

20 MS. HANKEN: Thank you so much.

21 MS. OLSON: Thank you.

22 MS. HANKEN: Okay. Bye, bye.

23 (Brief recess.)

24 MS. OLSON: Is there anyone else on the
25 phone?

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(No response.)

MS. OLSON: Since there's no further
comment today, I declare this public hearing is
closed.

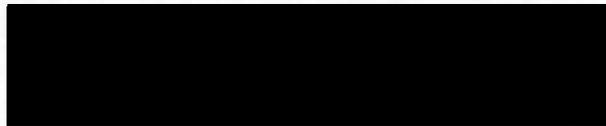
(Hearing concluded, 1:20 p.m.)

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CERTIFICATE OF COURT REPORTER

I, KURT D. HRUNENI, a Certified Verbatim Reporter, do hereby certify that I took the notes of the foregoing proceedings and thereafter reduced the same to typewriting; that the foregoing is a true record of said proceedings to the best of my knowledge and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were held; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of July, 2013.



KURT D. HRUNENI, CVR, CCR-VA

<p>WORD INDEX</p> <p>< 1 > 1 8:21 1:00 1:9 3:1 1:20 1:9 12:5 1115 1:3 3:16 7:2 8:15 10:2, 7 11th 13:14 1300 4:25 1680 5:2 1st 3:19, 22 5:13, 20, 22 6:23</p> <p>< 2 > 2010 5:10 2013 1:8 3:1, 20, 22 5:4, 20, 21 9:1, 11 13:14 2014 5:14 6:23 9:17, 21 2114 5:22 22331 1:24 23219 1:11 4:25</p> <p>< 3 > 30th 5:4 10:12 31st 5:20 9:17, 21</p> <p>< 4 > 42 3:11 431.408 3:12</p> <p>< 6 > 600 1:10 4:24</p> <p>< 7 > 7B 1:10</p> <p>< 8 > 804-786 5:1</p> <p>< 9 > 9 1:8 3:1</p> <p>< A > ability 13:7 accept 10:6 11:1 accepted 4:21 5:3 accepting 10:11 Act 5:10</p>	<p>action 3:14 13:8, 12 addition 4:17 Additionally 6:15 address 4:23 Adjusted 3:18 5:18 Advanced 5:25 advantage 9:14, 20 advocates 8:2 Affordable 5:9 afternoon 3:5 Agency's 9:24 allow 7:2 allowed 9:7, 22 announcement 7:23 10:15, 18 answer 9:7, 22 10:8 APPEARANC ES 2:1, 5 appears 6:4 applicants 8:22, 24 application 6:6 applications 6:15 apply 8:20 applying 8:17, 24 approval 4:2 areas 8:7 assessed 6:11 assessment 6:2 ASSISTANCE 1:1 3:7, 9, 25 4:22, 24 5:11 6:9 7:4 8:9 ATTORNEY 2:6 13:10 authority 3:14 available 9:15 avoid 7:3 9:3</p> <p>< B > back 4:7 background 5:6 based 5:17 beginning 3:19 5:8, 13 BEHALF 2:1 best 13:6 beyond 8:1 9:1, 12, 21 Brief 11:23</p>	<p>Broad 1:10 4:24 bye 11:22, 22</p> <p>< C > Care 5:9 caretaker 5:12 CCR-VA 1:25 13:19 Center 2:7 7:19 Centers 3:15 certain 8:7 CERTIFICAT E 13:1 Certified 13:2 certify 13:3 CFR 3:11 change 5:15 changes 5:10 check 10:23 children 5:12 choices 8:5, 8 CINDY 2:2 3:6 7:11, 21 11:2 Cindy.Olson@ dmas.virginia. ov 5:2 clarify 4:11 closed 12:4 CMS 9:15 10:7 Code 3:12 comment 3:13 5:5 7:16 8:13 9:8 10:6, 25 11:8 12:3 comments 4:2, 8, 20 5:1, 3 10:2, 11 11:2, 14 completed 7:1 composition 5:17 concern 7:22 concluded 12:5 conduct 6:2 conducted 6:18 Conf 1:10 confusing 8:19 confusion 9:2, 19 conversion 8:4 cost-sharing 5:25 counsel 13:7,</p>	<p>11 countable 5:16 COURT 13:1 coverage 5:21 6:22 Credit 5:25 current 6:19 8:25 9:5, 10, 16 CVR 1:25 13:19</p> <p>< D > day 10:14 13:14 December 5:20 6:20 9:1 decisions 8:4 declare 12:3 definitely 8:17 delay 9:9, 16, 20 Demonstration 3:16 DEPARTMEN T 1:1 3:7, 9, 25 4:13, 14, 15, 22, 23 departments 6:7, 16 Department's 3:14, 20 description 7:24 determinations 3:19 5:24 6:17 7:4 determine 6:19, 22 determined 5:11 determining 5:16 8:9 different 6:13, 14, 18 Director 2:3 DMAS 2:1 5:7 8:3, 25 10:18 Doing 7:14 drafted 10:19 DSS 9:19</p> <p>< E > EARLY 1:4 8:16, 23 East 1:10 4:24 effective 6:22 effort 9:3</p>	<p>electronically 6:7 Eligibility 2:2 5:11, 24 6:3, 17, 20, 22 7:5 8:18 eligible 6:12, 21, 25 email 5:2 employed 13:8, 11 employee 13:10 enrollees 9:1, 5, 10, 16 enrollment 5:19 7:6 9:14 evaluated 6:12 everybody 9:4 example 8:8 exhibit 4:19 explanation 7:25 express 7:21 extend 8:25</p> <p>< F > family 6:4 FAMIS 3:19 6:3, 5, 25 fax 5:1 Federal 3:12 5:22 figure 8:4 financially 13:11 First 7:21 five 4:8 folks 10:24 foregoing 13:4, 5 forum 4:12 forward 4:14 found 6:24 frame 6:17 9:2 further 12:2 13:9</p> <p>< G > gentlemen 3:6 give 4:5 going 11:13 Good 3:5 7:13 Gross 3:18 5:18 ground 4:1 groups 7:5 guess 11:11</p>	<p>guys 8:10 11:16</p> <p>< H > Hall 10:21, 22 hand 13:14 HANKEN 2:6 7:8, 11, 12, 14, 17, 18, 20 10:10, 14, 21, 23 11:4, 6, 15, 20, 22 hard 8:11 health 5:21, 22 HEARING 1:5 3:8, 11 4:19, 21 7:23 12:3, 5 held 3:8, 11 13:9 help 9:18 hereto 13:11 hereunto 13:13 Hey 7:11 hold 9:4 household 5:17 Hruneni 1:25 13:2, 19</p> <p>< I > idea 8:16 identify 7:10 implement 3:17 5:7 8:6, 23 IMPLEMENT ATION 1:4 8:16 included 8:1 Income 3:18 5:16, 18 individual 3:23 6:4, 24 individuals 6:11 information 7:22 8:3, 12 Initial 4:8 insurance 5:21, 23 intends 8:6 9:13 intent 3:20 4:2 8:20 interested 9:24 13:12 introducing 3:23</p>
---	--	--	--	---	--

<p>IRS 5:15 issue 9:25 issued 7:23 issues 8:10, 13</p> <p><J> JACK 2:3 3:24 January 5:13, 22 6:23 JILL 2:6 7:11, 13, 18 10:5 Job 1:24 July 1:8 3:1, 22 5:3 10:12 13:14</p> <p><K> know 8:10 9:6, 7 knowing 9:24 knowledge 13:6 Kurt 1:25 13:2, 19</p> <p><L> lack 7:22 ladies 3:5 LAW 2:6, 7 7:19 limit 9:19, 19 limited 4:8 little 5:6 local 6:7, 16</p> <p><M> MAGI 1:4 3:18 4:3 5:8, 18 6:21 8:4, 6, 16, 21, 23 mailing 4:23 maintenance 9:3 making 8:5 Manager 2:2 mandates 5:10 March 9:17, 21 marked 4:18 Marketplace 5:23 6:6, 11 7:1 mean 8:7 Medicaid 3:15, 18 6:3, 4, 19, 25 MEDICAL 1:1 3:7, 9, 25</p>	<p>4:22, 23 5:11 6:9 7:4 Medicare 3:15 meet 6:4 member 4:4 members 11:10 minutes 4:9 11:12, 14 Modified 3:17 5:18 month 9:11</p> <p><N> name 3:6 4:6 need 6:17 needed 4:11 neither 13:7 new 3:17 5:17, 23 6:5, 21 8:3, 21, 21, 24 notes 13:3 notice 3:20 8:1</p> <p><O> October 3:19 4:3 5:8, 20 6:20 8:21 9:1 offices 4:21 9:19 offline 11:18 Okay 3:5 7:7, 9, 14, 18 10:4, 10 11:4, 10, 19, 22 OLSON 2:2 3:5, 6 7:9, 13, 15, 18 10:4, 13, 17, 22 11:3, 5, 7, 19, 21, 24 12:2 open 5:19 7:6 opportunity 8:13 option 9:20 oral 4:17 11:1 order 9:2 outcome 6:14 13:12</p> <p><P> p.m 1:9, 9 3:1 12:5 panel 4:10 parent 5:12 part 9:6 PARTICIPAN TS 2:5</p>	<p>parties 13:8, 11 Patient 5:9 people 7:5 8:19 period 5:5, 19 6:21 7:6 9:8, 11 permission 5:7 phone 11:8, 25 place 7:4 9:5 plan 9:6 planning 9:9 plans 9:25 please 4:6, 14 point 10:5, 8 pose 11:17 posted 10:18 potential 6:3 10:2 potentially 6:12 Poverty 2:7 7:19 pregnant 5:13 8:9 Premium 5:25 presented 4:20 proceedings 13:4, 6, 9 process 9:23 processing 6:8 programs 5:12 6:10 Projects 2:3 proper 4:12 proposal 10:6 PROPOSED 1:3 3:14 Protection 5:9 provide 4:16 5:6 provided 7:24 provides 7:25 PUBLIC 1:5 3:8, 13 4:4 7:15, 23 8:1, 11 9:8 10:6, 15, 17 11:8, 11 12:3 published 3:21 purpose 3:13 7:1 pursuant 3:11</p> <p><Q> question 9:9, 13 questions 4:10, 12, 13 9:7, 23 10:1, 8 11:17</p>	<p>QUIGLEY 2:3 3:24</p> <p><R> receive 4:1 received 6:15 receiving 3:13 recess 11:23 record 13:6 reduce 9:2 reduced 13:4 reductions 6:1 referral 6:25 regarding 4:2 Register 3:22 10:20 Regulations 3:12 related 5:6 13:7 relative 13:10 relatives 5:12 renewals 8:25 9:10, 16, 21 REPORTED 1:25 REPORTER 13:1, 3 request 3:14, 21 4:2 7:2 10:7 requesting 5:7 requirements 6:5 9:4 requires 5:15 response 11:9 12:1 result 6:13 Richmond 1:11 3:10 4:25 right 8:11 11:4, 15 Room 1:10 4:7 11:11 RULES 1:4 3:18 4:1, 3 5:8, 16, 17, 24 6:5, 10, 13, 19, 19, 21 7:3 8:18, 21 runs 5:19</p> <p><S> saw 10:16 seated 3:24 second 9:14 SECTION 1:3 2:2 3:12, 16 7:2 10:7</p>	<p>see 11:12, 14 send 6:6 sent 5:1 separate 6:18 SERVICES 1:1 3:7, 9, 16, 25 4:22, 24 6:8, 16 set 6:13 8:18 13:13 sets 6:18 7:3 sheet 4:7 sign 4:6 signed 4:5 significant 5:10 sign-up 4:7 sit 11:13 social 6:7, 16 speak 4:4, 5 speaker 4:16 speakers 4:10 Special 2:3 state 8:5, 8 statement 4:17, 18 statements 4:11 strategy 9:14 Street 1:10 4:24 submit 10:6 sufficient 11:1 Suite 4:24 support 8:15 sure 8:20 10:15</p> <p><T> take 9:13, 20 tax 5:15, 25 telephone 2:6 7:7 terms 8:15 9:25 testimony 4:6, 17 Thank 7:14 10:4 11:5, 6, 16, 20, 21 things 7:20 8:12 think 8:16, 22 thought 10:19 thoughts 10:1 three 9:10 time 4:8 6:17, 20 9:2 10:5, 9, 25 11:16 today 3:24 4:6 11:2 12:3</p>	<p>Town 10:21, 22 true 13:5 two 6:18 7:3 8:18 typewriting 13:5</p> <p><U> understand 10:10 units 8:9 use 3:17 4:3 5:7, 15 useful 8:17</p> <p><V> Verbatim 13:2 violating 9:3 Virginia 1:11 2:7 3:10, 22 4:25 6:9 7:3, 19 8:6, 23 9:13 10:20</p> <p><W> wait 11:11 waiting 8:2, 3, 12 WAIVER 1:3 3:17, 21 7:2 8:15 10:3, 7 want 10:24 wanted 7:21 website 10:18 well 8:4, 14 11:6, 15 we're 8:2 11:13 WHEREOF 13:13 wish 4:5 7:15 wishes 4:4, 16 WITNESS 13:13 women 5:13 8:9 working 8:11 workload 9:19 writing 4:14 10:25 written 4:16, 18, 20 5:3 10:11 11:1</p> <p><Y> Yeah 7:20 10:23</p>
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DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

PROPOSED SECTION 1115 WAIVER FOR
EARLY IMPLEMENTATION OF MAGI RULES
PUBLIC HEARING

July 10, 2013

1:00 p.m. - 1:20 p.m.

University of Mary Washington - Stafford Campus

121 University Boulevard

Fredericksburg, Virginia 22406

ORIGINAL

Job No. 22332

REPORTED BY: Kurt D. Hruneni, CVR, CCR-VA

1 APPEARANCES ON BEHALF OF DMAS:

2 CINDY OLSON, Eligibility Section Manager

3 JACK QUIGLEY, Special Projects Director

4

5 APPEARANCES OF PARTICIPANTS:

6 (NONE)

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1 (1:00 p.m., July 10, 2013)

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P R O C E E D I N G S

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MS. OLSON: Okay. Good afternoon ladies
6 and gentlemen. I'm Cindy Olson of the Department
7 of Medical Assistance Services.

8

This is a public hearing being held at the
9 University of Mary Washington, Stafford Campus,
10 Fredericksburg, Virginia.

11

This hearing is held pursuant to 42 CFR,
12 431.408, for the purpose of receiving public
13 comment on the Department's proposed action to
14 request authority from the Centers for Medicare
15 and Medicaid Services through a Section 1115
16 Demonstration Waiver, to implement use of the new
17 Modified Adjusted Gross Income or MAGI rules for
18 Medicaid and FAMIS determinations beginning
19 October 1st, 2013. The notice of the Department's
20 intent to request such a waiver was published in
21 the Virginia Register on July the 1st, 2013.

22

Let me begin by introducing the individual
23 seated with me today; Jack Quigley.

24

A few ground rules. We will receive
25 comments regarding our intent to request approval

1 to begin use of MAGI rules in October from any
2 member of the public who wishes to speak. If
3 you've not signed up to speak and you wish to give
4 testimony today, please sign your name on the
5 sign-up sheet in the back of the room at this
6 time. Initial comments will be limited to five
7 minutes.

8 The panel may ask speakers questions or to
9 clarify statements, if needed. However, this is
10 not the proper forum for other questions to the
11 Department. If you have questions for the
12 Department, please forward them in writing to the
13 Department.

14 Any speaker who wishes to provide a written
15 statement in addition to oral testimony may do so
16 and the written statement will be marked as an
17 exhibit for this hearing.

18 Written comments not presented at this
19 hearing will be accepted at the offices of the
20 Department of Medical Assistance Services. The
21 mailing address is Department of Medical
22 Assistance Services, 600 East Broad Street, Suite
23 1300, Richmond, Virginia, 23219.

24 Comments may be sent via fax to 804-786-
25 1680, or by email to Cindy.Olson@dmass.virginia.gov

1 Written comments will be accepted until July the
2 30th, 2013.

3 Before we begin the comment period, I would
4 like to provide a little background related to why
5 DMAS is requesting permission to implement the use
6 of MAGI rules beginning in October.

7 The Patient Protection and Affordable Care
8 Act of 2010 mandates significant changes in how
9 eligibility is determined for medical assistance
10 programs for children, parent/caretaker relatives
11 and pregnant women beginning January the 1st,
12 2014.

13 This change requires the use of IRS tax
14 rules for determining countable income and
15 household composition. These new rules are based
16 on Modified Adjusted Gross Income, or MAGI.

17 During the open enrollment period that runs
18 from October 1st, 2013, through December 31st,
19 2013, for health insurance coverage that will
20 begin on January 1st, 2114, the Federal Health
21 Insurance Marketplace will begin using these new
22 rules in their determinations of eligibility for
23 the Advanced Premium Tax Credit and cost-sharing
24 reductions.

25 They will also conduct an assessment of

1 potential Medicaid or FAMIS eligibility. If an
2 individual or family appears to meet Medicaid or
3 FAMIS requirements using the new rules, the
4 Marketplace will send the application
5 electronically to local departments of social
6 services for processing.

7 However, if the Virginia medical assistance
8 programs are not using the same rules as the
9 Marketplace, individuals assessed as being
10 potentially eligible will be evaluated using a
11 different set of rules that could result in a
12 different outcome.

13 Additionally, for applications received in
14 local departments of social services during this
15 time frame, eligibility determinations may need to
16 be conducted using two separate different sets of
17 rules; current Medicaid rules to determine
18 eligibility for the October through December time
19 period, and if not eligible, the new MAGI rules to
20 determine eligibility for coverage effective
21 January the 1st, 2014.

22 If the individual is not found to be
23 eligible for Medicaid or FAMIS, a referral to the
24 Marketplace will be completed. The purpose of
25 this Section 1115 waiver request is to allow

1 Virginia to avoid having to have two sets of rules
2 in place for determinations of medical assistance
3 eligibility for the same groups of people during
4 the open enrollment period.

5 We'll suspend the hearing to see if anyone
6 shows up for public comment.

7 (Brief recess.)

8 MS. OLSON: I'd like to call this public
9 hearing back into session. Since there is no
10 further comment today, I declare this public
11 hearing closed.

12 (Hearing concluded, 1:20 p.m.)

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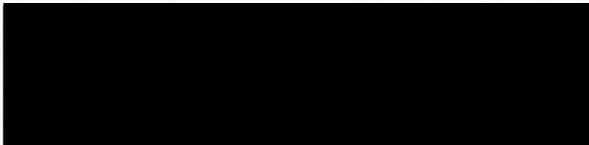
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CERTIFICATE OF COURT REPORTER

I, KURT D. HRUNENI, a Certified Verbatim Reporter, do hereby certify that I took the notes of the foregoing proceedings and thereafter reduced the same to typewriting; that the foregoing is a true record of said proceedings to the best of my knowledge and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were held; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of July, 2013.



KURT D. HRUNENI, CVR, CCR-VA

<p>WORD INDEX</p> <p>< 1 > 1:00 1:9 3:1 1:20 1:9 7:12 10 1:8 3:1 1115 1:3 3:15 6:25 11th 8:14 121 1:11 1300 4:23 1680 4:25 1st 3:19, 21 5:11, 18, 20 6:21</p> <p>< 2 > 2010 5:8 2013 1:8 3:1, 19, 21 5:2, 18, 19 8:14 2014 5:12 6:21 2114 5:20 22332 1:24 22406 1:12 23219 4:23</p> <p>< 3 > 30th 5:2 31st 5:18</p> <p>< 4 > 42 3:11 431.408 3:12</p> <p>< 6 > 600 4:22</p> <p>< 8 > 804-786 4:24</p> <p>< A > ability 8:7 accepted 4:19 5:1 Act 5:8 action 3:13 8:8, 12 addition 4:15 Additionally 6:13 address 4:21 Adjusted 3:17 5:16 Advanced 5:23 Affordable 5:7 afternoon 3:5 allow 6:25</p>	<p>APPEARANCES 2:1, 5 appears 6:2 application 6:4 applications 6:13 approval 3:25 assessed 6:9 assessment 5:25 ASSISTANCE 1:1 3:7 4:20, 22 5:9 6:7 7:2 attorney 8:10 authority 3:14 avoid 7:1</p> <p>< B > back 4:5 7:9 background 5:4 based 5:15 beginning 3:18 5:6, 11 BEHALF 2:1 best 8:6 Boulevard 1:11 Brief 7:7 Broad 4:22</p> <p>< C > call 7:8 Campus 1:10 3:9 Care 5:7 caretaker 5:10 CCR-VA 1:25 8:19 Centers 3:14 CERTIFICAT E 8:1 Certified 8:2 certify 8:3 CFR 3:11 change 5:13 changes 5:8 children 5:10 CINDY 2:2 3:6 Cindy.Olson@ dmas.virginia.g ov 4:25 clarify 4:9 closed 7:11 comment 3:13 5:3 7:6, 10</p>	<p>comments 3:25 4:6, 18, 24 5:1 completed 6:24 composition 5:15 concluded 7:12 conduct 5:25 conducted 6:16 cost-sharing 5:23 counsel 8:7, 11 countable 5:14 COURT 8:1 coverage 5:19 6:20 Credit 5:23 current 6:17 CVR 1:25 8:19</p> <p>< D > day 8:14 December 5:18 6:18 declare 7:10 Demonstration 3:16 DEPARTMEN T 1:1 3:6 4:11, 12, 13, 20, 21 departments 6:5, 14 Department's 3:13, 19 determinations 3:18 5:22 6:15 7:2 determine 6:17, 20 determined 5:9 determining 5:14 different 6:11, 12, 16 Director 2:3 DMAS 2:1 5:5</p> <p>< E > EARLY 1:4 East 4:22 effective 6:20 electronically 6:5</p>	<p>Eligibility 2:2 5:9, 22 6:1, 15, 18, 20 7:3 eligible 6:10, 19, 23 email 4:25 employed 8:8, 11 employee 8:10 enrollment 5:17 7:4 evaluated 6:10 exhibit 4:17</p> <p>< F > family 6:2 FAMIS 3:18 6:1, 3, 23 fax 4:24 Federal 5:20 financially 8:11 five 4:6 foregoing 8:4, 5 forum 4:10 forward 4:12 found 6:22 frame 6:15</p> <p>Fredericksburg 1:12 3:10 further 7:10 8:9</p> <p>< G > gentlemen 3:6 give 4:3 Good 3:5 Gross 3:17 5:16 ground 3:24 groups 7:3</p> <p>< H > hand 8:14 health 5:19, 20 HEARING 1:5 3:8, 11 4:17, 19 7:5, 9, 11, 12 held 3:8, 11 8:9 hereto 8:11 hereunto 8:13 household 5:15 Hruneni 1:25 8:2, 19</p> <p>< I ></p>	<p>implement 3:16 5:5 IMPLEMENT ATION 1:4 Income 3:17 5:14, 16 individual 3:22 6:2, 22 individuals 6:9 Initial 4:6 insurance 5:19, 21 intent 3:20, 25 interested 8:12 introducing 3:22 IRS 5:13</p> <p>< J > JACK 2:3 3:23 January 5:11, 20 6:21 Job 1:24 July 1:8 3:1, 21 5:1 8:14</p> <p>< K > knowledge 8:6 Kurt 1:25 8:2, 19</p> <p>< L > ladies 3:5 limited 4:6 little 5:4 local 6:5, 14</p> <p>< M > MAGI 1:4 3:17 4:1 5:6, 16 6:19 mailing 4:21 Manager 2:2 mandates 5:8 marked 4:16 Marketplace 5:21 6:4, 9, 24 Mary 1:10 3:9 Medicaid 3:15, 18 6:1, 2, 17, 23 MEDICAL 1:1 3:7 4:20, 21 5:9 6:7 7:2 Medicare 3:14 meet 6:2 member 4:2 minutes 4:7</p>	<p>Modified 3:17 5:16</p> <p>< N > name 4:4 need 6:15 needed 4:9 neither 8:7 new 3:16 5:15, 21 6:3, 19 notes 8:3 notice 3:19</p> <p>< O > October 3:19 4:1 5:6, 18 6:18 offices 4:19 Okay 3:5 OLSON 2:2 3:5, 6 7:8 open 5:17 7:4 oral 4:15 outcome 6:12 8:12</p> <p>< P > p.m 1:9, 9 3:1 7:12 panel 4:8 parent 5:10 PARTICIPAN TS 2:5 parties 8:8, 11 Patient 5:7 people 7:3 period 5:3, 17 6:19 7:4 permission 5:5 place 7:2 please 4:4, 12 potential 6:1 potentially 6:10 pregnant 5:11 Premium 5:23 presented 4:18 proceedings 8:4, 6, 9 processing 6:6 programs 5:10 6:8 Projects 2:3 proper 4:10 PROPOSED 1:3 3:13 Protection 5:7 provide 4:14 5:4</p>
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<p>PUBLIC 1:5 3:8, 12 4:2 7:6, 8, 10 published 3:20 purpose 3:12 6:24 pursuant 3:11</p> <p>< Q > questions 4:8, 10, 11 QUIGLEY 2:3 3:23</p> <p>< R > receive 3:24 received 6:13 receiving 3:12 recess 7:7 record 8:6 reduced 8:4 reductions 5:24 referral 6:23 regarding 3:25 Register 3:21 related 5:4 8:7 relative 8:10 relatives 5:10 REPORTED 1:25 REPORTER 8:1, 3 request 3:14, 20, 25 6:25 requesting 5:5 requirements 6:3 requires 5:13 result 6:11 Richmond 4:23 room 4:5 RULES 1:4 3:17, 24 4:1 5:6, 14, 15, 22 6:3, 8, 11, 17, 17, 19 7:1 runs 5:17</p> <p>< S > seated 3:23 SECTION 1:3 2:2 3:15 6:25 see 7:5 send 6:4 sent 4:24 separate 6:16 SERVICES 1:1 3:7, 15</p>	<p>4:20, 22 6:6, 14 session 7:9 set 6:11 8:13 sets 6:16 7:1 sheet 4:5 shows 7:6 sign 4:4 signed 4:3 significant 5:8 sign-up 4:5 social 6:5, 14 speak 4:2, 3 speaker 4:14 speakers 4:8 Special 2:3 Stafford 1:10 3:9 statement 4:15, 16 statements 4:9 Street 4:22 Suite 4:22 suspend 7:5</p> <p>< T > tax 5:13, 23 testimony 4:4, 15 time 4:6 6:15, 18 today 3:23 4:4 7:10 true 8:5 two 6:16 7:1 typewriting 8:5</p> <p>< U > University 1:10, 11 3:9 use 3:16 4:1 5:5, 13</p> <p>< V > Verbatim 8:2 Virginia 1:12 3:10, 21 4:23 6:7 7:1</p> <p>< W > WAIVER 1:3 3:16, 20 6:25 Washington 1:10 3:9 WHEREOF 8:13 wish 4:3 wishes 4:2, 14 WITNESS</p>	<p>8:13 women 5:11 writing 4:12 written 4:14, 16, 18 5:1</p>			
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