



Minnesota Department of Human Services
Health Care Administration
540 Cedar Street
PO Box 64983
St Paul, MN 55164-0983

March 23, 2023

Mehreen Rashid, Acting Director
State Demonstrations Group
Centers for Medicare & Medicaid Services
Mail Stop: S2-25-26
7500 Security Boulevard
Baltimore, MD 21244-1850

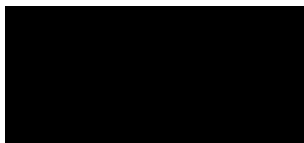
Re: ROP §1115 waiver application to extend citizenship verification requirements

Dear Ms. Rashid,

Minnesota is seeking approval for a demonstration waiver under §1115(a) of the Social Security Act. The waiver would extend the reasonable opportunity period (ROP) for individuals who must verify or attest to citizenship or immigration status. The waiver is necessary during the unwinding of the continuous enrollment requirement when Medicaid eligibility determinations resume, to permit adequate time for this group of people to provide required documentation. The Centers for Medicare & Medicaid services created a template for the ROP waiver to address this issue.

Minnesota's waiver application template is included with this letter. We appreciate the direction and assistance provided by your team and look forward to CMS' response. If you have any questions, please contact Patrick Hultman, Deputy Assistant Medicaid Director, at 651-431-4311. Thank you.

Sincerely,



Julie A. Marquardt
Acting Assistant Commissioner, Health Care Administration and Acting State Medicaid Director

Cc Katherine Friedman
Sandra Porter

COVID-19 Section 1115(a) Demonstration Application Template

The State of Minnesota, Department of Human Services proposes emergency relief as an affected state, through the use of section 1115(a) demonstration authority as outlined in the Social Security Act (the Act), to address the multi-faceted effects of the novel coronavirus (COVID-19) on the state's Medicaid program.

I. DEMONSTRATION GOAL AND OBJECTIVES

Effective retroactively to the last day of the COVID-19 public health emergency (PHE) the State of Minnesota seeks section 1115(a) demonstration authority to operate its Medicaid program without regard to the specific statutory or regulatory provisions (or related policy guidance) described below, in order to furnish medical assistance in a manner intended to protect, to the greatest extent possible, the health, safety, and welfare of individuals and providers who may be affected by the COVID-19 PHE. Specifically, this demonstration action tests whether, in the context of the current COVID-19 PHE and the related unwinding period, an exemption from the statutory prohibition in 1902(ee)(1)(B)(ii)(II) of the Social Security Act promotes the objectives of Medicaid. CMS will investigate how eliminating this statutory requirement and extending the reasonable opportunity period (ROP) during the unwinding period ensures equitable application of the verification policies and processes for individuals who have attested to U.S. citizenship and individuals who have attested to satisfactory immigration status. States can utilize the good faith extension permitted under existing regulatory authority at 42 C.F.R. § 435.956(b)(2)(ii)(B) to extend the ROP for individuals who have attested to satisfactory of immigration status to align with and manage their redetermination workload and other outstanding verifications during the unwinding period.

To achieve the same goal of assisting states in aligning and managing their redetermination workload, states will need expenditure authority for the state to continue verification of individuals who have attested to citizenship, for 15 months beginning with the first month of a state's unwinding period. These 15 months include a state's 12-month unwinding period, plus three additional months for the state to complete its verification process for an individual whose case comes up for processing in month 12 of the unwinding period. For any given beneficiary, the authority to extend the ROP will terminate 3 months after the state initiates a renewal (or other eligibility action) for the beneficiary. At the end of the verification process for a specific beneficiary, if the state is either unable to verify an individual's status or determines the individual is not a U.S. citizen, the state must take action to terminate eligibility within 30 days in accordance with section 1902(ee)(1)(B)(ii)(III) of the Social Security Act and 42 C.F.R. § 435.956(b)(3) and 42 C.F.R. 431 subpart E (relating to notice and fair hearing rights).

To that end, the expenditure authority during the unwinding period is expected to help maintain beneficiary access to care, and state alignment and management of the redetermination workload. This exemption allows the state to maintain coverage for individuals declaring to be U.S. citizens if the agency needs more time to verify the individual's status through available electronic data

sources, if the agency determines that the individual is making a good faith effort to obtain any necessary documentation, or to assist the individual in obtaining documents needed to verify their status.

This authority is effective from the date the state begins its unwinding period and lasts for up to 15 months.

II. DEMONSTRATION DELIVERY SYSTEM PROJECT FEATURES

A. Delivery System:

| Check to Apply | Delivery System Description |
|----------------|--|
| X | The health care delivery system for the provision of services under this demonstration will be implemented in the same manner as under the state's current state plan. |
| | Other as described here: <i>[state to insert description]</i> |

III. ENROLLMENT AND EXPENDITURE PROJECTIONS

- A. **Enrollment and Enrollment Impact.** The demonstration provides expenditure authority for the state to continue to provide eligibility to individuals who have attested to U.S. citizenship, and whose benefits have been maintained during a reasonable opportunity period (ROP) in order to comply with the continuous enrollment condition under section 6008(b)(3) of the Families First Coronavirus Response Act. The state projects that the demonstration will continue to provide coverage for approximately 1,862 individuals for the CY23 period of the demonstration and 1,862 individuals for the CY24 period of the demonstration.
- B. **Expenditure Projection.** The state projects that the total aggregate expenditures associated with this section 1115 demonstration will be \$7,936,404. for the CY23 period and \$7,936,404. for the CY24 period.

In light of the unprecedented emergency circumstances associated with the COVID-19 pandemic and consistent with the President's proclamation that the COVID-19 outbreak

constitutes a national emergency consistent with section 1135 of the Act, and the time-limited nature of demonstrations that would be approved under this opportunity, the Department will not require the state to submit budget neutrality calculations for section 1115 demonstration projects designed to combat and respond to the spread of COVID-19. In general, CMS has determined that the costs to the Federal Government are likely to have otherwise been incurred and allowable. The state will still be required to monitor and descriptively evaluate the effectiveness of extending the ROP in order to align and manage redetermination workload as part of the state's response to the public health emergency through this opportunity. Due to the COVID-19 public health emergency (PHE), this demonstration is deemed budget neutral.

IV. EXPENDITURE AUTHORITY

The only authority available under this section 1115 demonstration opportunity is the expenditure authority provided below. Note: Any requests for waiver or expenditure authorities in addition to those identified in this template will not be considered.

Expenditure Authority

Pursuant to section 1115(a)(2) of the Act, the state is requesting the following expenditure authority:

Permit Minnesota, for up to 15 months beginning with the first day of the first month of a state's unwinding period, to provide coverage beyond the 90-day ROP provided under section 1902(ee)(1)(B)(ii), for individuals who have attested to U.S. citizenship, but for whom that status has not been verified. This expenditure authority allows for coverage of beneficiaries who have been in an ROP beginning on March 18, 2020 or at any time thereafter during the PHE, and who have had their coverage maintained in order to comply with the continuous enrollment condition under section 6008(b)(3) of the Families First Coronavirus Response Act.

This expenditure authority exempts the state from compliance with the requirements under section 1902(ee)(1)(B)(ii)(II) of the Act and allows Minnesota to maintain coverage for individuals declaring to be U.S. citizens if the agency needs more time to verify the individual's status through available electronic data sources, if the agency determines that the individual is making a good faith effort to obtain any necessary documentation, or to assist the individual in obtaining documents needed to verify their status. At the end of the verification process, if the individual is either unable to be verified or is determined to not be a U.S. citizen, the state must take action to terminate eligibility within 30 days in accordance with 1902(ee)(1)(B)(ii)(III) of the Social Security Act and 42 C.F.R. § 435.956(b)(3), and in accordance with part 42 C.F.R. 431 subpart E (relating to notice and fair hearing rights).

The authority ends no more than 15 months from the beginning with the first day of the first month of a state's unwinding period. These 15 months include a state's 12-month unwinding period, plus 90 additional days for the state to extend the ROP to complete the verification of citizenship for an individual whose case comes up for renewal in month 12 of the unwinding period. For any given beneficiary, the authority to extend the ROP will terminate 3 months after the state initiates a renewal (or other eligibility action) for the beneficiary.

V. PUBLIC NOTICE

Pursuant to 42 C.F.R. § 431.416(g), the state is exempt from conducting a state public notice and input process as set forth in 42 C.F.R. § 431.408 to expedite a decision on this section 1115 demonstration that addresses the COVID-19 public health emergency.

VI. EVALUATION REQUIREMENTS

- A. Evaluation Hypotheses and Design Parameters.** The demonstration amendment will test how the expenditure authority to provide coverage beyond the 90-day ROP for individuals who have attested to U.S. citizenship but for whom that status has not been verified will support reducing barriers to care. The parameters of the state's Evaluation Design, which will be expected no later than 180 calendar days after the approval of the demonstration, will support an evaluation that will advance the state and CMS's understanding of the successes and challenges in implementing the expenditure authority in the wake of the COVID-19 PHE to help inform best practices for similar situations in the future.
- B. Final Report.** The state is required to prepare and submit a Final Report, which will consolidate the monitoring and evaluation reporting requirements for this section 1115 expenditure authority. The draft Final Report will be due to CMS no later than 18 months after the expiration of the approval period of this authority. The Final Report will accommodate a qualitative assessment of the expenditure authority with applicable descriptive and contextual data to address evaluation questions that support understanding the successes, challenges, and lessons learned in implementing the authority. Per 42 C.F.R. § 431.428, the Final Report will also capture all *applicable* requirements stipulated for an annual report (e.g., incidence and results of any audits, investigations or lawsuits, or any state legislative developments that may impact the demonstration amendment).

CMS will provide technical assistance to help the state fulfill the monitoring and evaluation requirements, including developing the Evaluation Design and on the scope, structure, and content of the Final Report.

VII. STATE CONTACT AND SIGNATURE

State Medicaid Director Name: Julie A. Marquardt, Acting SMD
Telephone Number: 651-431-2669
E-mail Address: julie.a.marquardt@state.mn.us

State Lead Contact for Demonstration Application: Patrick Hultman
Telephone Number: 651-431-4311

E-mail Address: patrick.hultman@state.mn.us

Authorizing Official (Typed): Julie A. Marquardt

Authorizing Official (Signature): _____

Date: March 23, 2023

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 (Expires 03/31/2024). The time required to complete this information collection is estimated to average 1 to 2 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. Your response is required to receive a waiver under Section 1115 of the Social Security Act. All responses are public and will be made available on the CMS web site. 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. ***CMS Disclosure*** Please do not send applications, claims, payments, medical records or any documents containing sensitive information to the PRA Reports Clearance Office. Please note that any correspondence not pertaining to the information collection burden approved under the associated OMB control number listed on this form will not be reviewed, forwarded, or retained. If you have questions or concerns regarding where to submit your documents, please contact Mehreen Rashid at 410-786-9686 or at 1115demorequests@cms.hhs.gov.