

# Implementation Guide: Medicaid State Plan Eligibility Eligibility and Enrollment Process Continuous Eligibility for Children

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## Continuous Eligibility for Children

### **POLICY CITATION**

**Statute:** Sections 1902(e)(7) and 1902(e)(12) of the Act

**Regulation:** 42 CFR 435.172; 42 CFR 435.926

### **BACKGROUND**

#### **Overview**

This reviewable unit (RU) describes the requirement for states to provide continuous eligibility in Medicaid to hospitalized children under specific circumstances, as described in section 1902(e)(7) of the Social Security Act (the Act) and 42 CFR 435.172. It also describes the requirement for states to provide 12 months continuous eligibility for children under age 19, as described at 1902(e)(12) of the Act and 42 CFR 435.926.

#### **Mandatory: Continuous Eligibility for Hospitalized Children**

States must provide continuous eligibility for certain hospitalized children. Regulations require that states continue to provide Medicaid coverage until the end of an inpatient stay for children who are eligible and enrolled in the eligibility group for children under age 19, which is described at 42 CFR 435.118 and who would otherwise become ineligible based on age while hospitalized. To be eligible for continued coverage, the child must have been receiving inpatient services covered by Medicaid on the date the child becomes ineligible based on age. In addition, the child must be otherwise eligible for Medicaid except for age.

#### **Mandatory: Continuous Eligibility for Children**

States must provide continuous eligibility to children who are under age 19 and are eligible for and enrolled in a mandatory or optional eligibility group under the Medicaid state plan. Continuous eligibility must be provided to all children who are under age 19 and who are eligible and enrolled in Medicaid, excluding medically needy children and children who have been determined presumptively eligible under section 1920A of the Act but have not yet received a determination of full Medicaid eligibility. States may not limit the provision of continuous eligibility to individuals in the eligibility group for children under age 19 or another eligibility group that is specific to children.

A child's continuous eligibility period begins on the effective date of the individual's initial eligibility determination or most recent redetermination or renewal.

States may not terminate coverage for a child receiving continuous eligibility, regardless of any changes in circumstances, unless:

- (1) The child attains age 19;
- (2) The child or child's representative requests a voluntary termination of eligibility;
- (3) The child ceases to be a resident of the state;
- (4) The agency determines that eligibility was erroneously granted at the most recent determination, redetermination or renewal of eligibility because of agency error or fraud, abuse, or perjury attributed to the child or the child's representative; or
- (5) The child dies.

Outside these exceptions, a state may not terminate the eligibility of a child prior to the end of the 12 month continuous eligibility period. For example, a child who is enrolled in the SSI beneficiaries eligibility group and becomes ineligible for Supplemental Security Income (SSI) during the seventh month of a 12-month continuous eligibility period would remain enrolled in the SSI beneficiaries eligibility group until the end of the 12<sup>th</sup> month. For children enrolled in the program on January 1, 2024, the state must ensure that they receive 12 months continuous eligibility based on the start date of their eligibility period. For example, if a child's eligibility start date is July 1, 2023, the state must ensure that their eligibility period continues until June 30, 2024.

## **INSTRUCTIONS**

### **A. Mandatory Continuous Eligibility for Hospitalized Children**

This section includes statements describing mandatory continuous eligibility for hospitalized children.

### **B. Mandatory Continuous Eligibility for Children**

This section includes statements describing mandatory continuous eligibility for children.

### **C. Additional Information (optional)**

Except in limited circumstances, this field remains blank. Please consult with CMS before adding any additional information concerning this RU.

## **REVIEW CRITERIA**

*None*