

**NUMBER**

#23-21-27

**DATE**

December 20, 2023

**OF INTEREST TO**

County Directors

Social Services Supervisors and  
Staff

Financial Assistance Supervisors  
and Workers

Tribal Chairpersons and Tribal  
Health Directors

Navigators, Certified  
Application Counselors and  
Brokers

**ACTION/DUE DATE**

Implement the policies in this  
bulletin effective January 1,  
2024

**EXPIRATION DATE**

December 20, 2025

## DHS Implements Continuous Medical Assistance Eligibility for Children Under Age 19

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### TOPIC

Continuous Medical Assistance (MA) eligibility for children under age 19.

### PURPOSE

This bulletin provides policy information about continuous MA eligibility for children under age 19.

### CONTACT

Counties and Tribal agencies should submit policy questions via HealthQuest. All others should direct questions to:

Health Care Eligibility and Access Division  
PO Box 64989  
540 Cedar Street  
St. Paul, MN 55164-0989

### SIGNED



JULIE MARQUARDT  
Interim State Medicaid Director

### TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

## I. Background

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On December 29, 2022, the Consolidated Appropriations Act, 2023, was signed into law. The new federal law requires states to provide 12 months of uninterrupted coverage, known as continuous eligibility, for children under age 19 in Medicaid and the Children's Health Insurance Program (CHIP), effective January 1, 2024.

The 2023 Minnesota Legislature passed a state law to conform to the Consolidated Appropriations Act. In Minnesota, Medicaid and CHIP programs include Medical Assistance (MA), CHIP-funded MA, Medicare Savings Programs, and the Minnesota Family Planning Program (MFPP).

The state law also extends 12-month continuous eligibility to children ages 19 and 20 and continuous eligibility for children through the month a child turns age 6. These changes, however, require approval of a section 1115 waiver by the Centers for Medicare & Medicaid Services (CMS) and will be implemented at a later date.

Research shows that children who are enrolled in health care coverage continuously for 12 months are more likely to have fewer unmet health care needs and better health outcomes. Additionally, changes in financial eligibility are often temporary, and many children who lose MA coverage due to an income increase become eligible again within a matter of months. This pattern of short-term enrollment and the churn of children losing and then regaining eligibility not only drives up administrative costs, but it also decreases the child's access to timely and appropriate health care services. Continuous eligibility ensures that children who experience income volatility in their household will receive consistent access to health care coverage over the course of 12 months.

## II. Continuous Eligibility Policy

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### A. Continuous MA Eligibility for 12 Months

Effective January 1, 2024, children under age 19 will have 12 months of continuous eligibility for MA or CHIP-funded MA. County and tribal nation servicing agencies may not end MA eligibility based on changes in circumstances, including changes reported by the child or the child's representative or found through electronic data sources, unless one of the following exceptions applies:

- The child turns age 19 (a child is considered 19 the month following the month of the child's 19<sup>th</sup> birthday).
- The child is no longer a resident of Minnesota.
- The child or the child's representative requests a voluntary closure of MA.
- The child is deceased.
- The child was approved for MA based on attested information and outstanding post-eligibility verification was not provided or was provided and results in ineligibility.
- The agency determines that eligibility was granted in error at the most recent determination, redetermination, or renewal of eligibility because of agency error or fraud attributed to the child or the child's representative.

## 1. Populations impacted by continuous eligibility

Continuous eligibility protects all children under age 19 who are either enrolled in, or determined eligible for, MA. Continuous eligibility applies to the following populations:

- MA infants aged 0 through 1.
- MA children ages 2 through 18.
- CHIP-funded infants aged 0 through 1.
- Children receiving NorthStar Adoption Assistance, NorthStar Kinship Assistance, and Children in Foster Care.
- Children who are receiving MA for Long-Term Services (MA-LTC) including for home and community-based services (HCBS) waiver programs.
- Children with disabilities under age 19, including MA for Employed Persons with Disabilities (MA-EPD).
- Children who are eligible for MA under the TEFRA Option.
- Children who are enrolled in Medicare Savings Programs (MSP).
- Children who are eligible for Emergency Medical Assistance (EMA).
- Children who are enrolled in the Minnesota Family Planning Program (MFPP).

Note: Continuous eligibility does not change the scope of coverage including for limited benefit programs, such as EMA and MFPP.

Continuous eligibility in place prior to January 1, 2024, continues for the following populations:

- Children who are eligible for MA as a Pregnant Person.
  - Children under age 19 who are enrolled in or move to a Pregnant Person MA basis of eligibility are continuously eligible during pregnancy and through the end of the 12-month postpartum period. See the Eligibility Policy Manual (EPM) [Section 2.2.2.1.2 Pregnant Person Basis of Eligibility](#) for more information.
- Children eligible for MA as an auto-newborn.
  - Children eligible for MA as an auto-newborn are continuously eligible until the end of the month of the child's first birthday. See the EPM [Section 2.2.2.1.1 Auto Newborn Basis of Eligibility](#) for more information.
    - When an auto-newborn turns 1, eligibility must be redetermined. Since the child has already had 12 months of continuous eligibility, if they are ineligible for another MA basis of eligibility, their MA must be closed with 10-day advance notice. If the child remains MA eligible, they must transition to the new MA basis with continuous eligibility under that basis until their annual renewal, or an exception to continuous eligibility occurs.

Continuous eligibility **does not apply** to the following populations:

- Children who are eligible for MA or EMA with a spenddown.
- Children who have temporary eligibility for MA through the Hospital Presumptive Eligibility (HPE) program.
- Children who are eligible for MA through Transitional Medical Assistance (TMA) or Transitional Year Medical Assistance (TYMA).
- Children who are eligible for MinnesotaCare.

## **2. Transitions between MA bases of eligibility during continuous eligibility**

A child may transition between different MA bases of eligibility during the continuous eligibility period if the child becomes eligible for a new MA basis.

### Example 1:

In February 2024, Ana is enrolled in MA as a Child aged 2 through 18. In April Ana's family reports that she has been determined disabled by the Social Security Administration and needs HCBS waiver services. Ana is redetermined eligible for MA under the certified disabled basis of eligibility unless an exception to continuous eligibility occurs. Ana remains continuously eligible for MA until her eligibility renewal for February 2025. Continuous eligibility does not stop Ana from moving from one MA basis of eligibility to another.

If the child becomes ineligible for the current basis of eligibility and is not eligible for any other MA basis, the child retains the current basis of eligibility until the next renewal, unless an exception to continuous eligibility as described in section II.A. occurs.

### Example 2:

Eve, age 9, is enrolled in MA as a Child Aged 2 through 18 with a household income of 240% of the Federal Poverty Guidelines (FPG). Eve's household reports an income increase to 300% FPG. Eve is no longer financially eligible for MA as a Child Aged 2 through 18, but after a redetermination, she is not eligible for MA under any other basis. Eve remains enrolled in MA under the Child Aged 2 through 18 basis of eligibility until her next annual renewal unless an exception to continuous eligibility occurs. If Eve's household income is still at 300% FPG when her eligibility is redetermined at renewal, MA will close at the end of the current certification period.

Example 3:

Leo, age 1, is enrolled under the CHIP-funded MA Infant basis of eligibility with a household income of 282% FPG. His household reports a new job, with an income increase to 290% FPG and enrollment in employer-sponsored health insurance. Since Leo is not eligible for another MA basis, he keeps his CHIP-funded MA Infant basis of eligibility, despite having other health insurance, until his next annual renewal or an exception to continuous eligibility occurs. The worker gathers information about Leo's employer-sponsored insurance as third-party liability. If his household income is still at 290% FPG at renewal, Leo's CHIP-funded MA will close at the end of his current certification period.

There are certain circumstances where a child with continuous eligibility who becomes ineligible for the current MA basis of eligibility must move to a new MA basis of eligibility, even if the child is not eligible for MA under the new basis of eligibility. This must occur when a child is no longer age-eligible for the current basis or is no longer eligible for MA for Children in Foster Care, MA Northstar Kinship Assistance, or MA Northstar Adoption Assistance.

When a child is no longer eligible for the current MA basis due to age, but the child is ineligible for the next age-related basis of eligibility, the child must still move to that next age-related basis. This ensures that children receive age-appropriate health care services.

Example 4:

Remi, age 1, is enrolled in MA as an Infant Age 0 through 1 with a household income of 283% FPG. Remi turns age 2 on August 11, 2024. His household income exceeds the 275% FPG limit for the MA Child Ages 2 through 18 basis of eligibility. However, since Remi is no longer eligible for his current basis due to age, and he does not qualify for any other MA basis of eligibility, Remi will move from the Infant Age 0 through 1 basis to Child Ages 2 through 18 basis of eligibility beginning September 2024 until his annual renewal. If his household income is still at 283% FPG at renewal, Remi's MA will end at the end of his current certification period.

When a child is no longer eligible for MA for Children in Foster Care, MA Northstar Kinship Assistance, or MA Northstar Adoption Assistance, the child must be moved to the appropriate age-related basis of eligibility even if the child is ineligible for that basis, until their next renewal or until an exception listed above is met.

Example 5:

Hope, age 6, is enrolled in MA for Children in Foster Care beginning June 2024. Her social worker reports in October 2024 that Hope is leaving foster care and moving back home with her family. Hope's family has income over 275% FPG, but because continuous eligibility protects her MA, Hope will move to the MA Child Ages 2 through

18 basis of eligibility until her annual renewal, unless an exception to continuous eligibility occurs.

### **3. Children with outstanding post-eligibility verifications**

MA eligibility is approved for applicants, including children, who have provided their Social Security number (SSN), attest to meeting the citizenship or immigration status eligibility requirements, and meet all other eligibility factors. Applicants approved for MA without verification of their SSN, citizenship, or immigration status, have a 95-day reasonable opportunity period to work with the county or tribal servicing agency to resolve discrepancies preventing electronic verification (required for SSN) or to provide paper proof.

Workers must close MA with 10-day advance notice for a child with MA approved based on attested information if verification of the child's SSN, citizenship or immigration status are not attained by the end of the reasonable opportunity period. MA closure for this reason is an exception to continuous eligibility.

If post-eligibility verifications returned or resolved during the reasonable opportunity period show the child is ineligible for MA, close MA and determine eligibility for other Minnesota Health Care Programs. MA closure for this reason is an exception to continuous eligibility.

During the reasonable opportunity period, the county or tribal servicing agency must assist with obtaining paper documentation and must continue efforts to complete electronic verification. The reasonable opportunity period for verification of an SSN and immigration status can be extended while good faith efforts are made to resolve discrepancies and gather documentation. See Eligibility Policy Manual (EPM) [Section 2.2.1.2. MA-FCA Mandatory Verifications](#) and [Section 2.3.1.1. MA-ABD Mandatory Verifications](#) for more information about post-eligibility verifications.

### **4. Data matching between renewals**

Inconsistent information or changes in circumstances derived from electronic data matches received during a child's continuous eligibility period do not affect the child's MA eligibility unless the information indicates death, or the household confirms an exception to continuous eligibility has occurred.

Beginning January 1, 2024, data discrepancies about income received between renewals, such as those reported through Periodic Data Matching (PDM) or the Interstate Eligibility Verification System (IEVS), do not affect MA eligibility for children under age 19. Income discrepancies will continue to affect household members enrolled in MA who do not have continuous eligibility.

Data matches about state residency, such as those reported through the Public Assistance Reporting Information System (PARIS), are considered inconsistent information about state residency. See EPM [Section 1.3.2.4 Inconsistent Information](#) for more information. When a household responds to a PARIS match notice or a request for information about the child's state residency during a child's continuous eligibility period and confirms that a child is no longer a Minnesota resident, close the child's MA. No longer being a resident of Minnesota is an exception to continuous eligibility.

Beginning January 1, 2024, if a household does not respond to the PARIS match notice or a request for information about a child's state residency, the child's MA eligibility continues until annual renewal or until the agency receives confirmation that the child is no longer a Minnesota resident. Do not close coverage for a child with continuous eligibility for failure to respond or whereabouts unknown during the continuous eligibility period, even if other household members have MA closed for these reasons.

Data matches about death, such as those reported through the Social Security Administration (SSA) or the Minnesota Department of Health (MDH), are considered a substantiated report of death. A child's death is an exception to continuous eligibility. Eligibility and coverage ends for a child who has died, in accordance with current policies. See the EPM [Section 1.3.2.1.1 Death of an Applicant or Enrollee](#) for more information.

## B. Continuous Eligibility Period

### 1. Continuous eligibility period start and end dates

The continuous eligibility period begins the first day of the month that the child is determined eligible for MA, excluding any retroactive months, and ends the last day of the certification period unless an exception to continuous eligibility occurs. If an exception to continuous eligibility is met, the continuous eligibility period ends the last day of the month that 10-day advance notice is provided.

At the end of the 12-month continuous eligibility period, process a renewal for the child's eligibility. If the child remains eligible for MA at renewal, the child will receive another 12-month continuous eligibility period. If the child is no longer eligible for MA at renewal, redetermine the child's eligibility and transition the child to another Minnesota Health Care Program if eligible.

Example 6:

Allen, age 12, is determined eligible for MA effective April 1, 2024, with three months retroactive coverage. Allen's 12-month continuous eligibility period will align with his new certification period, starting on April 1, 2024, and ending on March 31, 2025.

Continuous eligibility does not apply to retroactive coverage, so the months of January 2024 through March 2024 are not included in Allen's continuous eligibility period.

#### **a. Changes reported after renewal but before new certification period**

When a child's MA eligibility is renewed, the new continuous eligibility period begins on the first day of the new certification period and ends on the last day of the new certification period unless an exception to continuous eligibility occurs. Because eligibility can be renewed in advance of the start date of the new certification period, for example by ex parte renewal processes (automatic renewal), changes may occur between the renewal determination and the new certification period. If a family reports an adverse change after a child's eligibility has been renewed but before the beginning of the new certification period, end the child's MA eligibility at the end of the current certification period if 10-day advance

notice can be given. If a worker cannot give 10-day advance notice, the child's eligibility remains open for the new certification period, and continuous eligibility requirements apply.

**b. *Children added to an MA household***

Currently, a person such as a new spouse or child returning home, who joins a family with members on an existing MA case and is determined MA eligible, will have the same certification period and renewal month as the other family members on MA. This prevents family members from having renewals at different times.

Likewise, a family member who requests MA after the application of other family members or between their renewals, will have the same certification period and renewal month as the other family members already on MA. This also prevents family members from having renewals at different times.

When a child under 19 joins family members on an existing MA case or requests MA after the application of other family members or between renewals, the child will have an initial continuous eligibility period of less than 12 months. If the child is still MA eligible when they renew with the rest of the household, the subsequent continuous eligibility period will be 12 months, unless an exception to continuous eligibility occurs.

**Example 7:**

Maria, age 8, moves from her father's household into her mother's household permanently on July 1, 2024. Her mother is already on MA and requests coverage for Maria. Her mother has a MA certification period of March 2024 through February 2025. Maria is determined MA eligible effective July 1, 2024, with continuous eligibility for eight months, from July 2024 through February 2025, unless a continuous eligibility exception occurs. If Maria remains MA eligible at the March 2025 renewal, she will receive continuous eligibility for 12 months, from March 2025 through February 2026, unless a continuous eligibility exception occurs.

**2. Initial continuous eligibility period for current MA enrollees under age 19**

Continuous eligibility for children under age 19 is effective January 1, 2024. Children who have MA eligibility on or after January 1, 2024, will have continuous eligibility for the remainder of their current certification period. Depending on the child's MA renewal month, the initial continuous eligibility period may be less than 12 months.

**Example 8:**

Jane, age 14, was redetermined eligible for MA at her September 2023 renewal. Her certification period is from September 2023 through August 2024. Since continuous eligibility is effective January 1, 2024, Jane's initial continuous eligibility period is eight months, from January 2024 through August 2024. If she remains MA eligible at her September 2024 renewal,

Jane will receive continuous eligibility for 12 months, from September 2024 through August 2025, unless a continuous eligibility exception occurs.

### **III. Action Required**

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Effective January 1, 2024, county and tribal eligibility workers must follow the policies outlined in this bulletin.

### **IV. Legal Authority**

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Consolidated Appropriations Act, 2023 (P.L. No. 117-328)

Laws of Minnesota 2023, chapter 70, article 16, section 11

### **Americans with Disabilities Act (ADA) Advisory**

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