

Public Notice

Michigan Department of Health and Human Services Medical Services Administration

Flint, Michigan Section 1115 Demonstration Waiver Extension Application

The Michigan Department of Health and Human Services (MDHHS) is hereby providing notice that it will be holding comment period seeking input on the submission of its demonstration waiver amendment application to the Centers for Medicare & Medicaid Services (CMS). MDHHS is requesting continue coverage of targeted case management services for all eligible pregnant women up to twelve (12) months post-delivery.

Flint Waiver Demonstration Description and Objectives

In 2016, CMS approved Michigan's application to establish a five-year Medicaid demonstration entitled "Flint Michigan Section 1115 Demonstration" (Project Number 11-W-00302/5), in response to the public health emergency of lead exposure related to the Flint water system. The Demonstration expanded coverage to low-income children up to age 21 years and pregnant women served by the Flint water system during a state-specified time period. The Flint Waiver was established in part to address resulting health effects and improve health outcomes.

On April 30, 2020, Michigan Department of Health and Human Services (MDHHS) submitted to ten year extension application for the Flint Michigan Section 1115 demonstration to CMS. CMS approved a five year extension application for this Demonstration on September 15, 2021. The new expiration date for the Flint Michigan Section 1115 Demonstration is September 30, 2026

Flint Waiver Demonstration Program Overview

The overarching goal of the MDHHS waiver application is to "identify and address any physical or behavioral health issues associated with actual or potential exposure to lead hazards." The Demonstration expands eligibility of all Medicaid benefits for low-income children (up to age 21 including children born to eligible pregnant women) and pregnant women (through twelve months post-delivery) served by the Flint water region from 4/1/2014 through the date when the water is deemed safe. As of 1/13/22, the water had not yet been deemed safe although lead levels were below national thresholds. The specific eligibility modifications included:

- Increase income threshold to offer coverage to children in households with incomes from 212% federal poverty level (FPL) up to and including 400% FPL.
- Increase income threshold to offer coverage to pregnant women in households with incomes from 195% FPL up to and including 400% FPL.
- Eliminate cost sharing and Medicaid premiums for eligible children and pregnant women served by the Flint water system.

Targeted Case Management (TCM) services are available to all eligible beneficiaries up to age 21, pregnant women, and women in their postpartum period, who were eligible and enrolled under the state plan while pregnant (including during a period of retroactive eligibility) through the last day of the month in which a 12 month postpartum period (beginning on the last day of the pregnancy) ends served by the Flint water system as of 4/1/2014. The activities included in the TCM benefit are:

- Assisting enrolled eligible children and pregnant women served by the Flint water system to gain access to needed medical, social, educational, and other service(s).

Enrollment

As of September 2021, a total of 45,319 cumulative pregnant women and children have been enrolled in the program.

Cost Sharing

There is no cost sharing or premiums for this Demonstration.

Delivery System

Beneficiaries will continue to receive coverage through the same Medicaid managed care and fee-for-service arrangements currently authorized in the state.

Flint Waiver Demonstration Evaluation

A condition of this waiver authorization was the requirement for an independent evaluation, conducted by Michigan State University's Institute for Health Policy (IHP), on the evaluation goals and activities determined in collaboration with CMS. The Waiver application referred to four domains in which the expanded Medicaid offerings would support attainment of the overall waiver goal:

- Access to Care
- Access to Targeted Case Management
- Improved Health Outcomes
- Lead Hazard Investigation

The evaluation includes multiple hypotheses associated with the domains to examine the Flint Waiver's overarching goal of identifying and addressing any physical or behavioral health issues associated with actual or potential exposure to lead hazards.

Demonstration Waiver and Expenditure Authorities

MDHHS seeks the continuation of the following waivers of state plan requirements contained in §1902 of the Social Security Act, subject to the Special Terms & Conditions for the Flint Waiver Section 1115 Demonstration:

- *Provision of Medical Assistance §1902(a)(8); 1902(a)(10)* – To the extent necessary to permit the state to limit the provision of medical assistance (and treatment as eligible) for individuals described in the eligibility group under 1902(a)(10)(A)(ii)(XX) and the state plan, to children up to age 21 and pregnant women who were served by the Flint water system at any time from April 2014 to the state-specified date, including any child bonito a pregnant woman served by the Flint water system from April 2014 to the state-specified date. For this purpose, an individual was served by the Flint water system if, for more than one day, the individual consumed water drawn from the Flint water system and: 1) resided in a dwelling connected to this system; 2) had employment at a location served by this system; or, 3) received child care or education at a location connected to this system.
- *Comparability §1902(a)(17) or § 1902(a)(10)(B)* – To the extent necessary to enable the state to not charge premiums to individuals who resided in the area served by the Flint water system from April 2014 up to the date specified in accordance with paragraph"18 of the special terms and conditions (STCs). Also, to the extent necessary to enable the state to provide evaluation of potential lead exposure in the home only for individual~ who meet these nonfinancial criteria.
- *Freedom of Choice §1902(a)(23)* – To the extent necessary to enable the state to restrict freedom of choice of provider for children and pregnant women with respect to targeted case management and evaluation of potential lead exposure in the home. Also, to the extent necessary to enable the state to limit beneficiary choice of providers for beneficiaries enrolled in a Managed Care Entity (MCE) and a Prepaid Inpatient Health Plan (PIHP) under the demonstration to those providers that are within the MCE and PIHP networks. No waiver of freedom of choice is authorized for family planning providers.

Additionally, MDHHS seeks the continuation of the CMS-approved expenditure authority that enables Michigan to implement the Flint Medicaid Section 1115 demonstration:

- Expenditures for evaluation of potential lead exposure in the homes of eligible children under age 21 and eligible pregnant women who resided in the area served by the Flint water system between April 2014 and the date specified in accordance with paragraph 18 of the Special Terms and Conditions, without regard to whether there has been documentation of an elevated blood lead level of an eligible household member.

Public Comment Submission

All interested parties can provide comments on the Flint Waiver Amendment. A copy of the complete Section 1115 waiver amendment application, stakeholder notice, and waiver summary is available online at <https://www.michigan.gov/mdhhs/assistance-programs/section-1115-waiver-medicaid-eligibility-for-flint-residents>.

You may also request a paper copy of the complete Section 1115 waiver amendment application, stakeholder notice, and waiver summary by contacting msapolicy@michigan.gov. You may also submit comments regarding the waiver to the address below or by email to msapolicy@michigan.gov.

Michigan Department of Health and Human Services
Medical Services Administration
Medicaid Policy Section
P.O. Box 30479
Lansing, MI 48909-7979

All comments on this topic should include a “Section 1115 – Flint Waiver Extension” reference somewhere in the written submission or the subject line if by e-mail. Comments will be accepted until XXXX.

For additional information regarding non-electronic access to the public comment information or to provide a comment through non-electronic methods, please see below:

To request a paper version in order to provide public comment, commenters can call Matthew Hambleton at (517) 284-1209.

The deadline for public comment is XXXX X, 202X.