

NATIONAL HEALTH LAW PROGRAM

Medicaid Eligibility and Services for Children

Sarah Somers
Managing Attorney
National Health Law Program
Advanced Juvenile Law: The Courts' Response to Children
with Mental Health Needs
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NHeLP

- Non-profit law firm working to improve health access and quality for low-income individuals and individuals with disabilities
 - Activities: Administrative advocacy, litigation, education, research, training
 - Offices: Washington D.C., Los Angeles, CA, Carrboro, NC
 - Website: www.healthlaw.org

 Medicaid Eligibility and Services for Children

Overview of Session

- Medicaid eligibility
- Medicaid services
- Questions

 Medicaid Eligibility and Services for Children

Youth in the juvenile justice system

- Majority are low-income and qualify for Medicaid
 - Estimates: up to 75%



Medicaid Eligibility and Services for Children

Health Needs

Studies confirm importance of

- community-based services
 - best practices and ADA
- early treatment and prevention
 - avoidance of use of emergency departments



Medicaid Eligibility and Services for Children

Medicaid

- Cooperative federal-state program
 - U.S. Dep't Health & Human Servs., Centers for Medicare & Medicaid Servs. (CMS)
 - N.C. Dep't Health & Human Servs., Division of Med. Assistance (DMA), Division of MH/DD/SAS
 - Federal match of state funds (65%)



Medicaid Eligibility and Services for Children

Medicaid

- Covers certain children, elderly, people with disabilities, caretaker relatives
 - At state option, covers single, childless adults under 138 % of federal poverty level (FPL)
 - Option not taken in NC – *so far!*
- Must have very low income and resources
- Generally, must be a citizen
 - Very few immigrants eligible (e.g. certain refugees) and are subject to limitations
 - Undocumented immigrants eligible only for coverage of emergency services



Medicaid Eligibility and Services for Children

Medicaid eligibility

- Children with low family incomes
 - Birth through 5 – 210% of FPL (about \$50,000 for family of four)
 - 6-19 – 133% of FPL (about \$31,000 for family of four)
- Foster and many adopted children
 - Special needs and Title IV-E adoption
- Children with disabilities
 - Children qualifying for SSI
 - Children on the CAP waiver programs
- Children in long-term care (out of home more than 12 months)



Medicaid Eligibility and Services for Children

Medicaid eligibility

- Individuals in juvenile detention (including camps and training schools) are not eligible for Medicaid

BUT

 - Medicaid applications can be accepted
 - Majority of youth adjudicated delinquent serve probation
 - Many others not adjudicated delinquent

NC Family and Children's Medicaid Manual 3360,
<http://info.dhhs.state.nc.us/olm/manuals/dma/fcm/man/>



Medicaid Eligibility and Services for Children

Medicaid

- Early and Periodic Screening, Diagnosis and Treatment
- Comprehensive program of screening and treatment
- Must be covered for Medicaid-eligible children and youth up to age 21
- Reasons for EPSDT
 - Children are not little adults
 - Adolescents are not big children



Medicaid Eligibility and Services for Children

Medicaid

- EPSDT is called "Health Check" in North Carolina
 - "Health Choice" is a different program, NC CHIP



Medicaid Eligibility and Services for Children

Health Check

- "Periodic" and "interperiodic" screenings
 - Set according to age, professional guidelines
- Medical, including psychological
- Dental
- Lab tests, including lead blood levels



Medicaid Eligibility and Services for Children

Mental health services covered in NC

- Multi-systemic therapy
- Intensive in-home supports
- Assertive community treatment team
- In- and outpatient substance abuse treatment
- Case management
- Community support team



Medicaid Eligibility and Services for Children

Multi-systemic therapy

- Intensive, in-home treatment
- Designed for youth 7 to 17
 - With antisocial/aggressive behavior
 - At risk of out-of-home placement due to delinquency OR
 - Returning from out-of-home placement
 - Can be used to address substance abuse, sexual abuse, sex offending
- Involves families and other systems
 - School, probation officers, extended families, and community connections



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Intensive in-home supports

- Family preservation
- Team-based, in-home therapeutic resources
 - Medical and non-medical on CFT
- Monitor/manage psychiatric or addiction symptoms
- Prevention of out of home placement
 - Time limited
 - Crisis response



Medicaid Eligibility and Services for Children

NC EPSDT Policy

- A model for the U.S.
- Restates and explains EPSDT federal requirements
 - No waiting list for services
 - No monetary cap on total costs (except CAP)
 - No upper limit on hours or units
 - No limit on number of visits to provider
 - No set list specifying when EPSDT services or equipment may be covered
 - No co-payment or other costs

NC Div. of Med. Assistance, *EPSDT Policy Instructions Update*,
<https://www2.ncdhhs.gov/dma/epsdt/epsdtpolicyinstructions.pdf>



Medicaid Eligibility and Services for Children

EPSDT – Service Limitations

- Equally effective, less costly alternative
- Must be service listed in 1396d(a)
- Not “experimental”



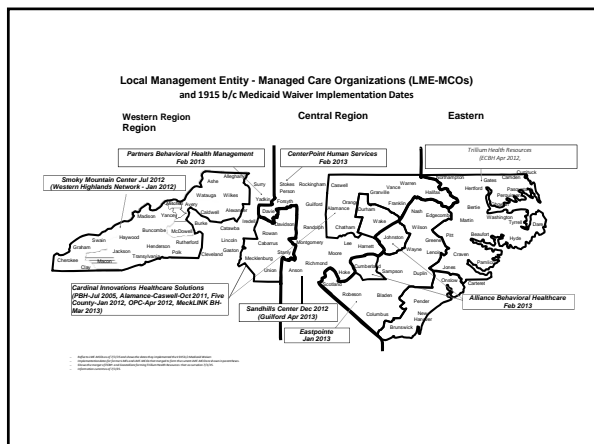
Medicaid Eligibility and Services for Children

Medicaid

- 1915(c) waiver
 - Innovations waiver for ID/DD
 - Limited number, long waiting list
 - CAP-C (Community Alternatives Program for Children)
- For children who need institutional level of care
- Services not otherwise covered by Medicaid
 - e.g. respite, home modifications



Medicaid Eligibility and Services for Children



The “Medical Home”

- Community Care of North Carolina
 - Very successful
 - Being phased out

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 Medicaid Eligibility and Services for Children

Medicaid Reform – Coming Soon

- Transforming system to capitated managed care
 - Prepaid Health Plans
 - Provider-led Entities
- Eligibility categories and services to remain the same
- Application to U.S. D.H.H.S. for 1115 Demonstration Waiver
 - Draft is public, final to be filed with HHS by June 1, 2016
 - Estimated completion – July 1, 2019 *at the earliest*

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 Medicaid Eligibility and Services for Children

Prior authorization

- To control costs, prevent fraud
- Authorized by federal and state law and regulations
- Per caselaw, should not excessively delay delivery of services



Medicaid Eligibility and Services for Children

Prior Authorization

- NC Tracks, *Provider Claims and Billing Assistance Guide*
- EPSDT Policy Instructions
- “covered” v. “non-covered”
- Use of contractors
- Requests should be acted on with “reasonable promptness” usually w/in 15 business days
 - A loose requirement
 - Issues with incomplete information



Medicaid Eligibility and Services for Children

Provider availability

- Federal Medicaid law requires
 - Rates sufficient to ensure provider supply comparable to private market (42 U.S.C. § 1396a(a)(30)(A))
 - Providing or arranging for corrective treatment (42 U.S.C. § 1396a(a)(43))



Medicaid Eligibility and Services for Children

Due process

- Notice and opportunity for hearing must be provided when:
 - Medicaid eligibility denied or terminated
 - Medicaid services denied, terminated, suspended or reduced
 - Prior authorization denied



Medicaid Eligibility and Services for Children

Issues for discussion

- Variation between counties
 - LMEs/DSS offices
 - Juvenile court counselors
- Self-Incrimination
 - No statement made to a juvenile court counselor are admissible prior to the dispositional hearing. N.C. Stat. § 7B-2408.



Medicaid Eligibility and Services for Children

Litigation

- *D.T.M. v. Cansler*, No. 7:08-CV-57-H (E.D. N.C.) (settlement agreement)
- *K.C. v. Cansler and Piedmont Behavioral Health*, No. 5:11-cv-354-FL (settlement agreement)

Questions?

www.healthlaw.org
somers@healthlaw.org



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