

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4 and 2008 Iowa Acts, chapter 1187, section 6(6), the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

This amendment removes two of the requirements for an infant to be deemed Medicaid-eligible for 12 months because of “newborn” status, a mandatory coverage group under the Medicaid program. Based on legislation enacted in the Children’s Health Insurance Program Reauthorization Act (CHIPRA), Public Law 111-3, states shall no longer require that the infant live with the mother or that the mother continue to meet the Medicaid eligibility requirements that would apply if she were still pregnant.

The effect of this amendment is that any infant in Iowa who was born to a woman who was Medicaid-eligible at the time of the infant’s birth shall remain eligible through the month of the infant’s first birthday, even if the infant is no longer living with the mother or the mother would no longer qualify for Medicaid. This change will ensure the continuous availability of medical care to infants during their first year of life and is in line with the state’s vision to provide health care to all Iowa children.

This amendment was also Adopted and Filed Emergency and published in the Iowa Administrative Bulletin on July 1, 2009, as **ARC 7929B**. Notice of Intended Action to solicit public comments on the amendment was published on the same date as **ARC 7930B**. The Department received one comment on this amendment, which was in support of the amendment.

The Department has made the following changes to the amendment as published in the Notice of Intended Action:

- The catchwords of subrule 75.1(20) have been shortened from “Newborn children of Medicaid-eligible mothers” to “Newborn children” at the request of the Administrative Rules Review Committee. Although birth to a mother who is eligible for Medicaid is an initial eligibility requirement for this coverage group, the mother no longer has to remain eligible for Medicaid throughout the “newborn” period for the infant to maintain eligibility.

- The qualifier “Effective April 1, 2009” has been added to the beginning of the third sentence in the subrule. The Centers for Medicare and Medicaid Services is requiring states to make these eligibility factors retroactive to April 1, 2009, because that is the effective date specified in CHIPRA. The Department is identifying any newborns whose coverage was canceled in April, May, or June due to one of the excluded conditions and is restoring the infants’ eligibility.

This amendment does not provide for waivers in specified situations, since the change is a benefit to the infants affected. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted this amendment on August 12, 2009.

This amendment is intended to implement Iowa Code section 249A.4 and Public Law 111-3, Section 113(b)(1).

This amendment will become effective on October 14, 2009.

The following amendment is adopted.

Amend subrule 75.1(20) as follows:

**75.1(20)** *Newborn children of Medicaid-eligible mothers.* Medicaid shall be available without an application to newborn children of women who are determined eligible for Medicaid for the month of the child’s birth or for three-day emergency services for labor and delivery for the child’s birth. Eligibility Effective April 1, 2009, eligibility begins with the month of the birth and continues through the month of the first birthday as long as the child ~~lives with the mother and the mother~~ remains eligible for Medicaid ~~or would be eligible if she were still pregnant or qualified for emergency services for childbirth~~ an Iowa resident.

*a.* and *b.* No change.

[Filed 8/13/09, effective 10/14/09]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/9/09.