

U.S. House and Senate Notification
Thursday, July 1, 2010

To: Congressional Health Staff

From: Amy Hall
Director, Office of Legislation
Centers for Medicare & Medicaid Services

Subject: CMS Releases Additional Guidance Regarding Implementation of CHIPRA

Today CMS released two additional letters in our series of guidance regarding implementation of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA). Together, these letters highlight CHIPRA's focus on expanding coverage to additional children and assuring access to care.

Medicaid/CHIP Coverage of Lawfully Residing Children and Pregnant Women

The first letter formally provides guidance regarding the new option for Medicaid and CHIP coverage of children and pregnant women who are lawfully residing in the United States, as provided in section 214 of CHIPRA. Because the term "lawfully residing" had not previously been defined, CMS will rely on existing immigration regulations that define lawful presence in the United States combined with longstanding Medicaid rules for establishing State residency in establishing this group. The letter describes the groups of children and pregnant women that will be considered to be lawfully present in the U.S. and therefore eligible for Medicaid and CHIP coverage if the State elects this new CHIPRA option and the individual otherwise meets the States' requirements for eligibility.

Increased Federal Matching Funds for Translation and Interpretation Services

The second letter offers guidance on the implementation of section 201(b) of CHIPRA, which provides increased administrative funding for translation or interpretation services provided under CHIP and Medicaid in connection with enrollment, retention and use of services by children in families for whom English is not their primary language.

Section 201(b) of CHIPRA will augment States' ability to enroll and provide translation and interpretation services to individuals eligible for or enrolled in Medicaid or CHIP. Prior to CHIPRA, States could claim Federal matching funds for translation or interpretation costs as either an administration expense or as a medical assistance-related expense, either at the 50 percent administrative match rate or at a State's regular FMAP rate, depending on how the expenses were claimed. CHIPRA provides an increased FMAP for the provision of these services as long as they are provided within the parameters of the statute. This letter also includes a series of questions and answers to address States' implementation of CHIPRA section 201(b) in more detail.

Both State Health Official letters can be viewed at
<https://www.cms.gov/SMDL/SHO/list.asp#TopOfPage>

If you have questions about this notification, please contact the CMS Office of Legislation.

Thank you.