

Apple Health - Postpartum Coverage

Waiver status update

Substitute Senate Bill 5068; Section 3; Chapter 90; Laws of 2021

December 1, 2021

Medicaid Programs Division
P.O. Box 42722
Olympia, Washington
Phone: (360) 725-1329
www.hca.wa.gov

Expanding Apple Health postpartum coverage

Senate Bill (SB) 5068, enacted during the 2021 legislative session, directs the Health Care Authority (HCA) to expand Apple Health postpartum coverage from 60 days to 12 months beginning the month after an individual's pregnancy ends. As part of this legislation, the Washington State Legislature directed HCA to submit a waiver to the Centers for Medicare & Medicaid Services (CMS) for postpartum services that are not federally funded.

Since the passage of SB 5068, the federal American Rescue Plan Act (ARPA) has also passed, allowing for federal funding for some of the postpartum services described in SB 5068. However, SB 5068 provisions go beyond the suite of services covered under ARPA. To request the full scope of legislative direction, HCA will include postpartum coverage in its Medicaid Transformation Project (MTP) renewal application. MTP is Washington's Section 1115 Medicaid demonstration waiver.

SB 5068 and ARPA comparison

SB 5068 directs HCA to extend postpartum coverage from 60 days to 12 months starting the month after the pregnancy ends. This will allow individuals to apply for postpartum coverage anytime during their 12-month postpartum period, and receive coverage regardless of immigration status.

ARPA gives federal authority for states to submit a state plan amendment or waiver to receive federal participation for citizens and federally qualified individuals during their 12-month postpartum period. This coverage must be the same as for pregnant individuals. HCA will be submitting a state plan amendment for federal participation in early 2022, for coverage effective in April 2022, as allowed by ARPA.

Table 1: SB 5068 and ARPA comparison

Policy element	SB 5068	ARPA
Continuous eligibility	X	X
Non-citizens*	X	
Without pregnancy coverage	X	
Full scope of coverage	X	X

*This includes individuals currently covered for pregnancy medical coverage under the CHIPRA unborn medical provision.

HCA is pursuing waiver authority for the individuals who will **not** receive federal participation under ARPA state plan amendment, including:

- **All eligible individuals under 193 percent of the federal poverty level**
ARPA only grants federal participation for citizens or those who are federally qualified. Non-qualifying pregnant individuals are currently covered under the unborn provision of the Children's Health Insurance Program Reauthorization Act (CHIPRA) for their prenatal coverage, Alien Emergency Medical (AEM) for their labor and delivery services and have a state-funded postpartum 60-day period.
- **Individuals without pregnancy coverage**
ARPA allows postpartum coverage for individuals who previously received Apple Health, but this does not apply to those seeking this coverage without previous enrollment. These individuals

could include those who moved to Washington after their pregnancy ended, had other health coverage during their pregnancy, or did not enroll in Apple Health postpartum.

HCA is not aware of CMS approving any related waivers for the above individuals, and do not yet have a sense of their willingness to do so for Washington.

Timeline and coverage

Individuals in their postpartum period are currently receiving continued coverage under the COVID-19 “maintenance of effort” provision.. This coverage will continue until the end of the public health emergency or until full system implementation, scheduled for June 2022.

Waiver submission and next steps

HCA analyzed what CMS will require for a waiver renewal application and is working on drafting requirements, with input from internal and external partners. As CMS is beginning to release guidance and options on how to cover postpartum medical, HCA is preparing for conversations with CMS on these additional coverage options.

HCA will begin to negotiate the state’s option of receiving federal participation for these two groups that are not currently covered under federal authority. Washington State anticipates submitting the MTP renewal package to CMS by mid-2022.