

HEALTH AND HUMAN SERVICES COMMISSION

Public Notice – Amendments to the Texas State Plan for Medical Assistance and the Texas State Plan for the Children’s Health Insurance Program

The Texas Health and Human Services Commission (HHSC) announces its intent to submit the following amendments: Transmittal Number 23-0028 to amend the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act; and Transmittal Number 23-0029 to amend the Texas State Plan for the Children’s Health Insurance Program (CHIP) under Title XXI of the Social Security Act. The requested effective date of the proposed amendments is March 01, 2024.

The purpose of these amendments is to provide 12 months of continuous postpartum coverage to pregnant individuals who were enrolled under CHIP or Medicaid while pregnant. The 12-month postpartum period begins on the last day of a beneficiary’s pregnancy and extends through the end of the month in which the 12-month period ends.

Individuals who were enrolled in Medicaid or CHIP while pregnant and are still less than 12 months postpartum, but whose coverage was terminated prior to the effective date of these amendments, will be provided continuous eligibility for the remainder of their 12-month postpartum period provided they continue to be state residents.

Additionally, a previous amendment to the CHIP State Plan allowed 12-month continuous coverage for children under the age of nineteen effective January 1, 2022. This CHIP state plan amendment also reflects this coverage.

These amendments are being requested under the following authority:

- Under section 1902(e)(5) and section 1902(e)(6) of the Social Security Act, pregnant women receive Medicaid continuous coverage from the pregnancy start date through 60 days following termination of pregnancy.
- Section 9812 of the American Rescue Plan Act (ARPA) of 2021, Pub. L. No. 117-2, added section 1902(e)(16) of the Social Security Act to allow states the option to extend Medicaid eligibility for pregnant women for 12 months after the woman’s pregnancy ends. Section 9822 of the ARPA also added subparagraph (J) to section 2107(e)(1) of the Social Security Act that allowed states to extend CHIP coverage to targeted low-income pregnant children and, if applicable, to targeted low-income pregnant women for 12 months after the individual’s pregnancy ends. The ARPA made these options available for only five years.
- Section 5113 of the Consolidated Appropriations Act (CAA), 2023, Pub. L. No. 117-328, made the options allowed under ARPA permanent. Under the CAA, if states elect the option under Medicaid, they are required to

- provide the same continuous postpartum coverage in their separate CHIP programs.
- House Bill 12 (88th Texas Legislative Session, 2023) requires HHSC to continue to provide Medicaid to a woman who is eligible for Medicaid for pregnant women coverage for a period of not less than 12 months that begins on the last day of the woman's pregnancy and ends on the last day of the month in which the 12-month period ends in accordance with Section 1902(e)(16), Social Security Act (42 U.S.C. Section 1396a(e)(16)).

To obtain copies of the proposed amendment, interested parties may contact Nicole Hotchkiss, State Plan Coordinator, by mail at the Health and Human Services Commission, PO Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 438-5035; by facsimile at (512) 730-7472; or by email at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us. Copies of the proposal will also be made available for public review at the local offices of the Texas Health and Human Services Commission.