

Presentation #8.D

Medicaid and Related Federal Waivers for LTSS

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Medicaid Waivers

- » States seeking additional flexibility in the design of their Medicaid programs may apply to the federal government for formal waivers of some statutory requirements.
- » California uses Section 1915(b) and (c), and 1115 waivers for its Medicaid program (Medi-Cal). For some waivers, estimated federal spending over the period for which the waiver is in effect cannot be greater than it would have been without the waiver, referred to as budget or cost neutrality.
 - » California example: Home and Community Based Alternatives (HCBA) waiver.
- » California also uses the Medicaid 1915(i), (j), and (k) State Plan options for Home and Community-Based Services.
 - » California example: In Home Supportive Services (IHSS) program.

Medicaid Waiver Application and Operations

- » States generally submit waiver applications to the federal government at least six months in advance of the proposed implementation date.
- » Prior to submitting a waiver application, states generally must provide public notice and a comment period with public hearings, as well as tribal consultation.
- » States negotiate the provisions of the waiver with the federal government.
- » Waivers periods generally range from two to five years.
- » Federal approval is required to amend or renew a waiver.
- » States must provide periodic reports to the federal government during the waiver period, and formal evaluations are required for certain waivers.
- » Individual eligibility for a waiver or State Plan program is based on the criteria established in each waiver or State Plan option.

Other Related Federal Waiver Authorities

- » Section 1115A waiver: Allows the federal Center for Medicare & Medicaid Innovation (CMMI) to test “innovative payment and service delivery models to reduce program expenditures while preserving or enhancing the quality of care” for those individuals who receive benefits through Medicare and/or Medicaid.
 - » Examples: Maryland All-Payer Model, Vermont All-Payer Model, various Medicare models
- » Section 1332 waiver, also referred to as a State Innovation Waiver: Allows states to pursue innovative strategies for providing residents with access to high quality, affordable health insurance while retaining the basic protections of the Affordable Care Act.
 - » Examples: Various state-based reinsurance programs