



SAINT LOUIS

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UNIVERSITY

SCHOOL OF LAW

Our ten comments focus on four significant shortcomings in the proposed phase-out of Gateway now that low-income adults in Missouri can qualify for coverage under Medicaid expansion, termed Adult Expansion Group (AEG) coverage.

- The earliest date that coverage under the Gateway Demonstration can end is March 31, 2022, or the conclusion of the COVID-19 Public Health Emergency if later.
- Gateway enrollees transitioned to AEG coverage should be eligible effective July 1, 2021.
- The Gateway phase-out should include additional steps to ensure that FSD uses updated addresses, so notices related to the phase-out are more likely to reach Gateway members.
- The Gateway phase-out plan should provide processes and protections for Gateway members who file new applications.

1. Gateway coverage must continue until March 31, 2022, or until the suspension of the COVID-19 public health emergency if later.

The proposed Phase-Out Plan, page 3, *incorrectly* states that the Gateway demonstration will end on December 31, 2021, and that all Gateway providers will be notified of that termination date. Under the Gateway Demonstration's STCs, paragraph 9, the State must submit a notification letter and draft phase-out plan to CMS no less than five (5) months before the Demonstration's termination. The State provided this notice on October 28, 2021. Therefore, the earliest date the Gateway demonstration can end is March 31, 2022.

Moreover, Missouri has accepted millions of dollars in federal Medicaid money authorized by the federal Families First Cares Act on the condition that no one is to lose Medicaid coverage during the COVID-19 public health emergency. (b) (5) - DPP

"[t]he start date of coverage under the Adult Expansion Group will be the first day of the

4. Gateway Phase-out plan should provide processes and protections for Gateway members who file new applications.

By court order, Missouri began accepting applications for AEG coverage on August 10, 2021. For more than two months, from August 10 to October 28, 2021, when the State posted the Phase-out Plan for Gateway, consumers, and advocates did not know how or when the State planned to transition Gateway members to AEG coverage. As a result, we and others have advised Gateway members to submit applications for AEG coverage. Filing an AEG application assures Gateway members that the State should make an AEG eligibility determination in 45 days as required by federal law. See, 42 C.F.R.§435.912.

This notice violates the continuous coverage requirement of the federal Families First Cares Act

additional information from most Gateway members because the Gateway application did not gather information about household tax filer status, information required to determine eligibility for AEG using MAGI rules.

FSD plan to send the request for information by December 31, but the proposed phase-

Nowhere do the letters explain that the member remains eligible for Gateway coverage. The section on "How we made the decision" talks about the member failing to qualify for "MO HealthNet Adult Expansion Group" and "MO HealthNet for Families." However, the letter will lead to massive confusion among Gateway members who may not read below the first sentence that says they do not qualify for coverage and may not realize they remain eligible for Gateway.

Recommendation: Rewrite Appendix D letters to say:

You do not qualify for MO HealthNet Adult Expansion Group coverage, but you will continue to get Gateway coverage until at least March 31, 2022, or later if the COVID-19 public health emergency continues beyond that date.

10. The Phase

Sabrina Zimmerman
Saint Louis University School of Law, J.D. anticipated 2022