



**Steve Bullock, Governor**

**Sheila Hogan, Director**

June 19, 2020

Sarah DeLone, Acting Director and Deputy Director for  
Policy, Children and Adults Health Programs Group, CMCS  
7500 Security Blvd  
Baltimore, MD 21244

Dear Ms. DeLone:

Thank you for your continued support and partnership as Montana responds to the current COVID-19 crisis. The Department of Public Health and Human Services is actively engaged in social distancing in response to COVID-19, and we have identified limitations in our capacity to meet the timeliness requirements related to eligibility and enrollment and fair hearings. Additionally, a proportion of our eligibility and enrollment and fair hearings workforce have either become sick or are experiencing personal circumstances that prevent them from fulfilling their work obligations related to processing Medicaid and CHIP eligibility determinations. We also anticipate that individuals will become temporarily displaced in another state due to myriad reasons as a result of this national emergency.

**Flexibilities Pursuant to the CMS Inventory of Medicaid and CHIP Flexibilities and Authorities in the Event of a Disaster**

We write to request concurrence from the Center for Medicaid and Medicare Services (CMS) with Montana's plan to temporarily apply the following Medicaid policies on a Statewide basis as we continue to respond to this COVID-19 emergency. These flexibilities are all articulated in the CMS Inventory of Medicaid and CHIP Flexibilities and Authorities in the Event of a Disaster:<sup>1</sup>

- Eligibility requirements:
  - Consider Medicaid beneficiaries displaced from Montana State temporarily absent and maintain Medicaid enrollment in Montana State during that time (42 CFR § 435.403(j)(3))
- Verification processes:
  - Delay application and renewal processing timeframes (42 CFR § 435.912(e)(2))
  - Delay acting on certain changes in circumstances affecting Medicaid eligibility (42 CFR § 435.912(e)(2))
  - Accept self-attestation for all eligibility criteria, excluding verification of citizenship and immigration status, on case-by-case basis when documentation is not available (42 CFR § 435.945(a); 42 CFR § 435.952(c)(3))

<sup>1</sup> <https://www.medicaid.gov/state-resource-center/downloads/mac-learning-collaboratives/medicaid-chip-inventory.pdf>

- Allow for self-attestation of resources for individuals whose financial institutions are unable to provide verification of resources due to emergency (42 CFR § 435.945(a); 42 CFR § 435.952(c)(3))
- Allow for self-attestation of incurred medical expenses (needed to meet spend-down for purposes of medically needy eligibility (42 CFR § 435.945(a); 42 CFR § 435.952(c)(3))
- Fair Hearings:
  - Suspend adverse actions for individuals in the State for whom the State has completed a determination but not yet sent notice (e.g., due to inability to deliver mail) or who state believes likely did not receive notice (e.g., due to displacement) (See [CMS Disaster Relief Inventory](#))
  - Delay scheduling of fair hearings and issuing fair hearing decisions (42 CFR § 431.244(f)(4)(i)(B))
  - Reinstate services or eligibility if services or eligibility are discontinued because beneficiary's whereabouts were unknown due to displacement, after whereabouts become known (if beneficiary is still eligible) (42 CFR § 431.231(d))

In all of these cases, we will continue to furnish Medicaid to eligible beneficiaries until they are determined ineligible, consistent with our understanding of CMS requirements. Further, to satisfy the requirement that we document these exceptions, we are asking CMS to allow Montana State to apply a blanket documentation of our use of these exceptions from the start of our statewide emergency on March 12, 2020 through the end of the state emergency, in lieu of documentation in specific case records. This additional easement is essential to us in light of our diminished eligibility workforce due to the public health crisis.

We would appreciate a reply at your earliest convenience to concur with our intent to rely upon the available flexibilities, in the manner we describe above. We also are seeking confirmation that the State of Montana will not be vulnerable to future disallowances as a result of our decision to pursue these available flexibilities.

Thank you for your consideration,

Marie Matthews  
Branch Manager Medicaid and Health Services  
Department of Public Health and Human Services

Cc:

Barbara Prehmus, CMS  
Amy Lutzky, CMCS