



HEALTH SYSTEMS DIVISION

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## Public notice

Notice of intent – OHA will amend the Medicaid State Plan to remove a requirement to enroll in cost-effective group health plans.

**Date:** April 12, 2024

**Contact:** Jesse Anderson, State Plan manager

**Comments due:** 5 p.m. Friday, May 10, 2024

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The Oregon Health Authority (OHA) will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS) to no longer require members to enroll in a group health plan if one is available to them.

### Background

CMS finalized a rule that simplifies the eligibility and enrollment processes for Medicaid. Part of the final rule removes [42 CFR § 435.608 \(Applications for other benefits\)](#) from federal regulations effective June 3, 2024. 42 CFR § 435.608 required state Medicaid agencies to ensure that Medicaid applicants and beneficiaries take steps to obtain any benefits they may qualify for, such as employer-sponsored insurance. CMS published the final rule in [the Federal Register Vol. 89, No. 64 / Tuesday, April 2, 2024](#).

### SPA language

The next page shows edits to existing State Plan language in the proposed SPA. You can also view the full State Plan, approved SPAs and proposed SPAs on [the OHA website](#).

### How to comment:

OHA welcomes public review and input. Please send written comments by 5 p.m. Friday, May 10, 2024, to [jesse.anderson@oha.oregon.gov](mailto:jesse.anderson@oha.oregon.gov).

1906 of the Act State Method on Cost Effectiveness of Employer-Based Group Health Plans

Third Party Liability: Payment of Group Health Plan Premiums

Enrollment in the HIPP Program is voluntary. For Medicaid eligible clients enrollment in the HIPP Program does not change the client's eligibility for benefits through the state plan.  
~~In accord with Section 1906 of the Act, implementing Section 4402 of OBRA of 1990, Oregon requires mandatory enrollment of Medicaid recipients in cost effective group health plans as a condition of Medicaid eligibility, except for an individual who is unable to enroll on his/her own behalf.~~ Oregon pays the group health insurance premium for Medicaid individuals if cost effective. Oregon may also pay the premium for non-Medicaid individuals if cost effective and if it is necessary in order to enroll the Medicaid recipient in the group health plan. Oregon pays, subject to state payment rates, deductibles, coinsurance and other cost sharing obligations under the group health plan for Medicaid recipients enrolled in the group health plan for items and services covered under the State Plan. Oregon pays for items and services provided to Medicaid recipients under the State Plan that are not covered in the group health plan. The group health plan will be treated as a third party resource as described in the State Plan for 42 CFR 433.138 and 433.139.

The following guidelines are used to determine cost effectiveness.

1. Determine if the group health plan is a basic/major medical policy or a health maintenance organization (HMO).
2. Determine the premium amount to be paid, converting any premiums that are not monthly, to a monthly amount.
3. Determine the number of Medicaid individuals to be covered.
4. Determine the average premium cost per Medicaid individual.
5. Determine the average monthly Medicaid cost savings for Medicaid persons who will be covered by the basic/major medical coverage or HMO coverage using the Medicaid Savings Chart.

The Medicaid Savings Chart is updated yearly. It is based on the MMIS WMMS757R-A report which is an analysis of the costs for Medicaid recipients with third party resources versus those Medicaid recipients without third party resources. The Medicaid Savings Chart is divided into categories of assistance, as follows:

- a. Old Age Assistance
  - b. Aid to Dependent Children
  - c. Aid to the Blind
  - d. Aid to the Disabled
  - e. Foster Care
6. The Medicaid agency will pay the premium amount if the premium cost per Medicaid individual is equal to or less than the corresponding amount shown on the Medicaid Savings Chart.

The cost effectiveness of the premium payment will be reevaluated at each redetermination.

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TN No. 92-3

Supersedes

Approval Date 4/8/92

Effective Date 1/1/92

TN No.