

Supporting Statement for Paperwork Reduction Act  
1903(v) State Plan Amendment Template  
0938-NEW / CMS-10299

A. Background

The template outlines the information a State must include in its Medicaid State plan or a Children’s health Insurance Plan (CHIP) in order to select the new option to cover certain children and/or pregnant women who are “lawfully residing” in the United States. This new option for State Medicaid and CHIP were provided by section 214 of the Children’s Health Insurance Program Reauthorization Act of 2009 (CHIPRA), Public Law 111-3, which amended section 1903 of the Social Security Act (the Act) effective February 1, 2009. The template will ensure compliance with the statutory provisions of sections 1903(v) of the Act.

Section 1903(v) of the Act is amended to offer State Medicaid and CHIP programs the

Option to cover certain children and pregnant women in both Medicaid and CHIP who are “lawfully residing in the United States (U.S.)” States may take advantage of the new option to cover certain children and/or pregnant women who are “lawfully residing” in the United States. The section 214 option may be applied to pregnant women and post-partum women through the 60-day post-partum period and/or children up to age 19 for CHIP or up to age 21 for Medicaid. States may elect to cover these groups under Medicaid only or under both Medicaid and CHIP. The law does not permit States to cover these new groups in CHIP, without also extending the option to Medicaid.

B. Justification

1. Need and Legal Basis

Section 214 of the Children’s Health Insurance Program Reauthorization Act of 2009 (CHIPRA), Public Law 111-3, which amended section 1903 of the Social Security Act (the Act) effective February 1, 2009, offers State Medicaid and CHIP programs the option to cover certain children and/or pregnant women who are “lawfully residing” in the United States. .

2. Information Users

The State Medicaid agencies and CHIP agencies will complete the template. CMS will review the information to determine if the State has met all the requirements of section 1903(v) of the Act. If the requirements are met, CMS will approve the amendment to the

State's title XIX or XXI plan, giving the State the authority to cover certain children and/or pregnant women who are "lawfully residing" in the United States. For a State to receive Medicaid (title XIX) and CHIP (title XXI) funding, there must be an approved title XIX and XXI state plan.

3. Improved Information Technology

This form is available in electronic format. We expect every submittal to be forwarded to our agency using the electronic format. The document is completed in a user friendly format.

4. Duplication of Similar Information

There is no duplication of similar information.

5. Small Businesses

This collection does not impact small businesses.

6. Less Frequent Collection

Once the amendment is approved, there is no need to resubmit unless changes are made to the program. Without this information, CMS cannot grant a State the authority to implement the new option to cover certain children and/or pregnant women who are "lawfully residing" in the United States. Since the model template outlines the information CMS needs for its review, there should be little need for requests for additional information.

7. Special Circumstances

There are no special circumstances or impediments. The model template is available in electronic format and will be posted on the CMS Internet web site.

8. Federal Register Notice/Outside Consultation

A 60-day Federal Register notice was published on 10/2/2009. CMS has also shared a draft version of this template with both the American Public Health Services Association and with States.

9. Payment/Gift To Respondent

There is no payment/gift to respondent.

10. Confidentiality

There is no personal identifying information collected in the document. All the information is available to the public.

11. Sensitive Questions

There are no questions of a sensitive nature.

12. Burden Estimate (Total Hours & Wages)

The template has 1 page. We estimate that it will take no longer than 1 hour for a State to complete and submit the template to CMS. The potential number of respondents is 51 (50 states and D.C.); however, we estimate 50 states will submit a one-time amendment. Once approved, the State will only need to resubmit to amend the prior submission. We estimate it would take 1 hour per State to make an amendment.

To complete and submit the template, it would cost a State no more than \$30 (\$30/hr. x 1 hrs). To make an amendment, it would cost \$30 (\$30/hr x 1 hrs).

13. Capital Costs (Maintenance of Capital Costs)

There are no capital costs.

14. Cost to Federal Government

There is no cost to the Federal Government.

15. Program or Burden Changes

This is a new collection.

16. Publication and Tabulation Dates

There are no plans to publish the information for statistical use.

17. Expiration Date

CMS does not oppose the display of the expiration date.

18. Certification Statement

There are no exceptions to the certification statement.

C. Collection of Information Employing Statistical Methods

The use of statistical methods does not apply to this form.