



December 21, 2009

**Re: HFP Immigration Verification Notice of Rulemaking**

Dear Ms. Knox:

Thank you for the opportunity to comment on the proposed regulations to Section 2699.6825.

The action taken through these regulations qualifies California for federal financial participation (FFP) for legal immigrant children previously ineligible for FFP. As a result of this action, our state is expected to receive a modest infusion of critically-needed Healthy Families Program (HFP) funds – approximately \$12 million per year – to help sustain essential access to affordable coverage for children through HFP.

We urge you – as administrators of a truly successful Program upon which nearly one million children and their families rely – to ensure that all available funds, including the roughly \$12 million per year newly drawn from the federal government, be used to directly bolster the health coverage needs of California's children that rely on Healthy Families.

The HFP risks facing debilitating cuts in the very near future as the life-saving First 5 California funds end in June 2010 and the Healthy Families revenue made available through the health plan gross premiums tax – AB 1422 – ends in December 2010. Furthermore, the recent recession has created huge demand for California's children's health programs as parents lose jobs and employer-sponsored coverage for their children. In fact, it is estimated that approximately 700,000 California children have lost employer-based insurance since 2007, and more than 35,000 children enrolled into HFP in November 2009 alone. Therefore, it is critical that any newly available federal dollars for children's health coverage be directed back into the Program.

Finally, on a related note, we look forward to working with MRMIB staff to ensure that the necessary documentation of legal resident status of all HFP children at Annual Eligibility Redetermination (AER) impose no unnecessary burden on families.

Sincerely,

Handwritten signature of Kelly Hardy in black ink.

Kelly Hardy  
Associate Director, Health  
Children Now

Handwritten signature of Jenny Kattlove in black ink.

Jenny Kattlove  
Director, Strategic Health Initiatives  
The Children's Partnership

Handwritten signature of Cliff Sarkin in black ink.

Cliff Sarkin  
Sr. Policy Associate  
Children's Defense Fund CA

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CC: Lesley Cummings  
Janette Lopez  
Ernesto Sanchez



**California Medical Association**  
*Physicians dedicated to the health of Californians*

January 4, 2010

Managed Risk Medical Insurance Board  
Attn: Dianne Knox (E-4-09)  
1000 G Street, Suite 450  
Sacramento, CA 95814

**Re: Proposed Rulemaking E-4-09**  
**CMA Position: Support**

Ms. French:

The California Medical Association (CMA) is pleased to offer our support for Proposed Rulemaking E-4-09, which will allow California to access Federal Financial Participation (FFP) for legal immigrant children in Healthy Families.

CMA has long believed that it is important to provide health care to all children, regardless of their immigration status. We also acknowledge, however, that the State's ongoing budget crisis makes it difficult to continue providing coverage for immigrant children using state-only dollars. The passage of the Children's Health Insurance Program Re-Authorization (CHIPRA) in early 2009 provides California with an historic opportunity to access FFP for recent immigrants in Healthy Families, and we applaud the Board for taking the necessary steps to do so.

Thank you in advance for your consideration of our support. Please contact me at 916-551-2554 if I can answer any questions or concerns.

Regards,

A handwritten signature in cursive script that reads "David T. Ford".

David T. Ford  
Associate Director, Medical and Regulatory Policy

Summary of Public Comments  
Regulation ER-4-08  
Legal Immigrant Eligibility Verification

List of Comments Received

Written comments were received by:

- 100% Campaign
- California Medical Association

Comment #1:

Comment: The California Medical Association stated that it supported the proposed rulemaking which will allow California to access Federal Financial Participation for legal immigrant children in the Healthy Families Program (HFP).

Response: MRMIB is accepting the comment.

Comment #2:

Comment: The 100% Campaign urged MRMIB to ensure all available federal dollars for children's health coverage is "redirected back into the Program."

Response: The comment is neither an objection nor a recommendation made regarding the specific amendment. Therefore, MRMIB rejects the comment. However, by law, MRMIB uses all federal and state funds received for HFP for the program.

Comment #3:

Comment: The 100% Campaign stated that it looks forward to working with MRMIB staff to ensure that the necessary documentation of legal resident status for all HFP children at Annual Eligibility Review imposes no unnecessary burden on families.

Response: The comment is neither an objection nor a recommendation made regarding the specific amendment. Therefore, MRMIB rejects the comment. However, MRMIB looks forward to working with the commenter and others to ensure of the success of the program.

**TITLE 10: CALIFORNIA CODE OF REGULATIONS  
CHAPTER 5.8 MANAGED RISK MEDICAL INSURANCE BOARD  
HEALTHY FAMILIES PROGRAM**

**ARTICLE 2. ELIGIBILITY, APPLICATION, AND ENROLLMENT**

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Text proposed to be deleted is displayed in ~~strikeout~~ type.

***Section 2699.6625 is amended to read:***

**2699.6625. Annual Eligibility Review for Subscribers.**

- (a) Except as specified in (c), each subscriber will be re-evaluated annually prior to his or her anniversary date in the program to determine continued eligibility for the program. Applicants shall be notified of the annual eligibility review process at least sixty (60) calendar days prior to the anniversary date.
- (b) Notwithstanding (a), as a condition of continuing coverage beyond the age of twelve (12) months, an applicant who enrolls an AIM infant into the program after nine months of age shall provide the information necessary to determine the infant's eligibility for ongoing coverage after the age of twelve (12) months at the time of enrollment.
- (c) If subscribers for whom an applicant has applied have different anniversary dates, the annual eligibility review will be based on the anniversary date of the last subscriber to be enrolled, except as described in Subsection 2699.6631(f).
- (d) To requalify, an applicant must provide to the program all of the following information which is required to reestablish eligibility: the applicant's name and account number as stated on their billing statement; name and address of each enrolled person, documentation of gross income of each enrolled person's household as described in Subsection 2699.6600(c)(1)(K), documentation of the subscriber's status as described in Subsection 2699.6600(c)(1)(T), if requested in order to verify that the subscriber continues to reside lawfully in the United States, documentation of court ordered child support, and/or alimony paid, and child care and/or disabled dependent care expenses paid in order to determine income deductions as described in Subsection 2699.6600(c)(1)(L), an indication of any pregnant family member living in the home and her expected due date, and a statement indicating which person(s) is currently enrolled in an

employer sponsored health insurance plan. To avoid a break in coverage, all required information must be submitted at least ten (10) calendar days before the end of the month in which the anniversary date falls.

- (e) Continued eligibility will be determined pursuant to Sections 2699.6607 and 2699.6611(a)(2).
- (f) Unless disenrolled pursuant to Section 2699.6611, persons shall continue to be considered eligible for the program for one year from the effective date of coverage, or if a later annual eligibility review date is established under (c), until that date.

NOTE: Authority cited: Section 12693.21, Insurance Code. Reference: Sections 12693.21, 12693.74 and 12693.96 Insurance Code.

**MANAGED RISK MEDICAL INSURANCE BOARD  
RESOLUTION**

After considering the public comments submitted to the Board, the Board hereby approves the final adoption of regulation changes for the Healthy Families Program, Legal Immigrant Eligibility Verification, Regulation Package ER-4-09.

\* \* \* \* \*

**CERTIFICATION**

I, Lesley Cummings, Executive Director of the Managed Risk Medical Insurance Board, do hereby certify that the foregoing action was duly passed and adopted by the Managed Risk Medical Insurance Board at an official meeting thereof on January 21, 2010.

Dated this 21st day of January 2010.

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Lesley Cummings, Executive Director  
Managed Risk Medical Insurance Board