



## **Policy Directive: 2024-01-02**

### **Title: CE for SOBRA Children**

**Date: 1/26/24**

**From: Erin Kelley, Senior Manager**

**Program(s) impacted: Family Medical Programs**

The purpose of this document is to provide updated processing guidance regarding continuous eligibility (CE) and children receiving SOBRA emergency services in accordance with the new CE requirements for children as mandated by the Consolidated Appropriations Act (CAA) of 2023. This direction is effective January 1, 2024.

#### **A. Background**

As outlined in [PM2000-12-02](#) and [PM2001-09-01](#), SOBRA coverage is a limited-service program that provides coverage for emergency services for individuals otherwise eligible for Medicaid who do not meet citizenship/immigration criteria. SOBRA coverage is limited to payment of emergency services only for individuals (including children) who have undergone treatment of an emergent nature as defined by federal statute and have received a qualifying emergency service.

Once approved, benefits for the SOBRA recipient are limited to the dates of the emergency services approved by the SOBRA Program Manager and Medicaid fiscal agent. Currently, when there is additional or subsequent SOBRA requests for emergency services received, a new financial determination is made by processing staff. Historically, the CE provision has not been applied to children receiving SOBRA emergency services.

#### **B. New Policy – CE for SOBRA Children**

Under the new requirements of the CAA of 2023, effective January 1, 2024, children newly approved for SOBRA coverage to cover an approved emergency service will now be provided with a 12-month CE period beginning with the initial month of approval. The CE period will cover any additional or subsequent SOBRA qualifying emergency services that occur within the 12-month period following the initial date of approval, if the child does not meet any categorical exceptions to CE outlined in KFMAM 2311 such as reaching age 19, change in state residency, death, and request for voluntary withdrawal.

During this 12-month CE period, a new application or financial determination would not be needed to reinstate the child on SOBRA benefits to cover any additional or subsequent emergency service dates if the subsequent emergency service dates are approved by the SOBRA Program Manager and Medicaid fiscal agent and are received within 12 months of the initial approval month for the SOBRA child.

Example: A child is approved for SOBRA benefits in the month of January for emergency services received in January. The child is closed in the following month, as there are no further emergency services at that time. The following June, a new request is made for emergency services that

occurred in the month of June. The MS-2156 paperwork is submitted, and the emergency service dates of June 5<sup>th</sup> – 6<sup>th</sup> have been approved by the SOBRA Program Manager and fiscal agent. Because it is within the 12-month CE period from the last financial determination, a new application and financial determination are not needed. The same income that was previously verified may be used for the eligibility determination. The child may be reopened and reapproved for SOBRA benefits in June to cover the approved dates of service June 5<sup>th</sup> – 6<sup>th</sup>.

Pregnant minors who qualify for SOBRA will receive a CE period of 12-months postpartum in accordance with [PM2022-07-01](#), though for limited services only. The CE period would cover any future qualifying emergency services and/or labor and delivery services within the 12-month postpartum period.

CE as outlined in this policy is applicable to children only; adults receiving SOBRA benefits are not eligible for continuous eligibility (CE).

**NOTE:** SOBRA remains a limited program that provides coverage for emergency services only. Children must still meet the requirements outlined in [PM2000-12-02](#) and [PM2001-09-01](#), including not meeting citizenship/immigration requirements, having an emergency service approved by a Medicaid fiscal agent, and undergoing an initial financial determination, in order to qualify for SOBRA benefits for the approved dates of service at the time of their initial application.

### C. Notices

Beginning January 1, 2024, when SOBRA is approved for a child under age 19, the approval Notice of Action (NOA) will need to be appended with information related to submitting additional claims during a 12-month period. The Standard Copy and Paste (SCP) has been updated to include append verbiage for this purpose.

### D. Processing in KEES

KEES current functionality will not issue continuous eligibility for children receiving SOBRA benefits. This will be addressed in a future system change. In the meantime, eligibility staff will need to use manual processes to reinstate a child on SOBRA benefits in situations where a child has one or more subsequent SOBRA approved emergencies that occur within the 12-month CE period from the initial SOBRA approval, and the initial SOBRA approval occurred on or after January 1, 2024.

Further instructions will be provided from KEES for this process.

For questions or concerns related to this document, please contact the KDHE Medical Policy Staff at [KDHE.MedicaidEligibilityPolicy@ks.gov](mailto:KDHE.MedicaidEligibilityPolicy@ks.gov).

Erin Kelley	Senior Manager
Amanda Corneliussen	Family Medical Program Manager
Jennifer Sanders	Family Medical Program Manager
Jessica Pearson	Elderly & Disabled Program Manager

Questions regarding any KEES issues are directed to the KEES Help Desk at [KEES.HelpDesk@ks.gov](mailto:KEES.HelpDesk@ks.gov).