



## AFFORDABLE CARE ACT MASSACHUSETTS IMPLEMENTATION UPDATE

August 26, 2013

### Quick Links

[MA-ACA Website](#)



These Updates, published by the Executive Office of Health and Human Services (EOHHS) in consultation with the other state agencies involved in ACA implementation, will bring you news related to the implementation of provisions of the ACA here in Massachusetts.

### Grants and Demonstrations

The ACA provides funding opportunities to transform how health care is delivered, expand access to care and support healthcare workforce training.

### Grant Activity

For information about ACA grants awarded to and grant proposals submitted by the Commonwealth, visit the Grants page of the Massachusetts National Health Care Reform website at: <http://www.mass.gov/eohhs/gov/commissions-and-initiatives/healthcare-reform/national-health-care-reform-plan/grants-and-demonstrations.html>

### Guidance

**8/19/13 HHS/CMS published a notice under the Privacy Act of 1974 that announces the establishment of a Computer Matching Program (CMP) that CMS plans to conduct with the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS), for verifying United States citizenship and immigration status data for determining enrollment or eligibility for insurance affordability programs under the ACA.**

ACA §1411 and §1413 require the Secretary of HHS to establish a program for determining eligibility for certain Insurance Affordability Programs, providing certifications of exemption, and

authorizing the use of secure, electronic interfaces and an on-line system for the verification of eligibility. According to the notice, the purpose of the Computer Matching Agreement (CMA) is to establish the terms, conditions, safeguards, and procedures under which USCIS will provide records, information, or data to CMS. CMS will access USCIS data needed to make eligibility determinations in its capacity as a Federally-facilitated Exchange, and Administering Entities (state agencies that administer Medicaid or the Children's Health Insurance Program, and State-based Exchanges) will receive the results of verifications using USCIS data accessed through the CMS Data Services Hub to also make eligibility determinations.

Eligibility determinations include initial determinations made upon application, renewals, annual or periodic redeterminations, and appeals. Data will be matched by CMS for the purpose of eligibility determinations and enrollment in Insurance Affordability Programs (such as advance payments of the premium tax credit (§1401, §1411 and §1412); cost sharing reductions (§1402); Medicaid and the CHIP (pursuant to §1413); or a State's Basic Health Program (BHP), if applicable, under §1331) and eligibility determinations for exemptions. Specifically, USCIS will provide CMS with electronic access to immigrant, nonimmigrant, and naturalized or derived citizen status information contained within or accessed by the USCIS Verification Information System. Access to this information will assist in verifying whether an applicant is lawfully present, a qualified non-citizen, a naturalized or derived citizen, and whether the 5-year bar applies and has been met in order to determine program eligibility.

Comments on the notice are due 30 days after its publication in the Federal Register.

Read the notice at: <http://www.gpo.gov/fdsys/pkg/FR-2013-08-19/pdf/2013-20173.pdf>

**8/15/13 Treasury/ IRS published final and temporary regulations called "Requirement of a Section 4959 Excise Tax Return and Time for Filing the Return."**

The temporary regulations provide guidance to charitable hospital organizations on the community health needs assessment (CHNA) requirements and related excise tax and reporting obligations. Under ACA §9007, charitable hospital organizations are required to conduct CHNAs and adopt implementation strategies at least once every three years. The temporary regulations clarify that charitable hospital organizations that fail to meet the requirements must pay an excise tax and file Form 4720 along with the return. The regulations also state that organizations must file this form by the 15th day of the fifth month of an organization's taxable year during which the liability was incurred. The temporary regulations are effective August 15, 2013.

**8/15/13 The Treasury/IRS also published a notice of proposed rulemaking on "Requirement of a Section 4959 Excise Tax Return and Time for Filing the Return."** The notice of proposed rulemaking provides an opportunity for public comment on the temporary regulations.

Comments and requests for a public hearing are due on November 13, 2013.

For more information on the ACA and Charitable 501(c)(3) Hospitals visit: [IRS.Gov](http://www.irs.gov)

Read the final and temporary regulations at: <http://www.gpo.gov/fdsys/pkg/FR-2013-08-15/pdf/2013-19931.pdf>

Read the notice of proposed rulemaking at: <http://www.gpo.gov/fdsys/pkg/FR-2013-08-15/pdf/2013-19930.pdf>

Prior guidance can be found at: <http://www.hhs.gov/healthcare/index.html>

## News

**8/15/13 HHS announced \$67 million in grant awards to 105 Navigator entities to serve in the 34 Federally-facilitated and State Partnership Marketplaces** (Health Insurance Exchanges). The Navigator grantees will serve as an in-person resource for Americans seeking additional assistance in shopping for and enrolling in health insurance plans beginning in October, 2013.

Under the ACA, enrollment assistance can be provided by: Navigators, in-person assistance personnel, or certified application counselors. In addition, agents and brokers can also help consumers enroll in new insurance options. On July 17, 2013 HHS published a [final rule](#) which details standards for Navigators and non-Navigator assistance personnel in Federally-facilitated and State Partnership Exchanges. It also sets standards for Non-Navigator assistance personnel in a State Exchange who are funded through federal Exchange Establishment grants and certified application counselors in the Exchange. All enrollment assisters are required to complete a specific training and are subject to federal criminal penalties for violations of privacy or fraud statutes.

The ACA established Affordable Insurance Exchanges (§1311(b)) to provide individuals and small business employees with access to health insurance coverage beginning January 1, 2014. §1311(d) and §1311(i) also direct all Exchanges to award grants to Navigators that will provide unbiased information to consumers about health insurance, the Exchange, QHPs, and insurance affordability programs including premium tax credits, Medicaid and the Children's Health Insurance Program (CHIP). The Navigator program will provide outreach and education efforts and assistance applying for health insurance coverage. If states choose not to run either a State-Based Exchange or a State-Federal Partnership Exchange, HHS will operate a Federally-facilitated Exchange (§1321).

Learn more about Navigators and types of enrollment assisters at:

<http://cciio.cms.gov/programs/exchanges/assistance.html>

View a list of HHS Navigator grant recipients at: [CMS.Gov](http://CMS.Gov)

## Commonwealth of MA News

**7/22/13 The Massachusetts Health Connector announced that 10 organizations across the Commonwealth will receive grants in the first year of the Massachusetts Navigator program.** The Massachusetts Navigator program will help consumers understand new coverage options available as a result of the ACA and find the most affordable coverage that meets their needs. Navigators will assist individuals, families and small businesses from application through enrollment into new health insurance plans using culturally-and linguistically-appropriate methods. Through community outreach events, on-site enrollment assistance, with multi-lingual tools and ethnic media, the 10 selected organizations will assist Massachusetts residents in getting health insurance coverage through the Health Connector. Navigators are required to adhere to strict security and privacy standards and complete a specified course of training.

The Health Connector completed its Navigator selection process in July, which relied upon a competitive review process. All applications were first screened for compliance with core ACA

requirements for Navigators, including eligibility to serve as a Navigator and review of any potential conflicts of interest. Those applicants that moved to the next round were evaluated on the following:

- Experience and ability to meet requirements
- Overall programmatic response
- Positive references and demonstrated experience with transitioning populations
- Overall value to the Commonwealth during this transition period
- A detailed budget demonstrating the unique value grant funds would provide to bolster any ongoing outreach or enrollment efforts of the organization

Based on this process, the Health Connector selected the following 10 highest-scoring applicants:

1. Boston Public Health Commission
2. Caring Health Center
3. Community Action Committee of Cape Cod & Islands, Inc.
4. Ecu-Health Care
5. Greater Lawrence Community Action Council
6. Hilltown Community Health Care Centers
7. Joint Committee for Children's Health Care in Everett
8. Manet Community Health Center
9. MAPS - Mass Alliance of Portuguese Speakers
10. PACE - People Acting in Community Endeavors

Learn more about the Massachusetts Health Connector Navigator Grant Program and view a list of the Grant Program Awardees at: [MA Health Connector](#)

#### **MassHealth Section 1115 Demonstration Extension**

EOHHS plans to submit a request to extend the MassHealth Section 1115 Demonstration to the Centers for Medicare and Medicaid Services (CMS) on September 30, 2013. The MassHealth Section 1115 Demonstration provides federal authority for Massachusetts to expand eligibility to individuals who are not otherwise Medicaid or CHIP eligible, offer services that are not typically covered by Medicaid, and use innovative service delivery systems that improve care, increase efficiency, and reduce costs.

The Demonstration Extension Request outlines the specific authorities being requested from CMS from July 1, 2014 to June 30, 2019 to sustain and improve upon the gains in coverage, affordability and access to health care achieved to date under the Demonstration. Consistent with Chapter 224 and the Affordable Care Act, the next phase of the Demonstration focuses on cost containment and delivery system reforms. This request will affect eligibility, benefits, payment methodologies and delivery systems, as well as changes to expenditure authorities under the Demonstration.

The proposed Extension and additional relevant information are available at: [Mass.Gov](#)

Written comments must be received by EOHHS by 5 pm, September 19, 2013.

Comments may be sent to: [laxmi.tierney@state.ma.us](mailto:laxmi.tierney@state.ma.us), or mailed to:  
EOHHS, Office of Medicaid  
Attn: Laxmi Tierney  
One Ashburton Place, 11th Floor  
Boston, MA 02108

EOHHS will host two Stakeholder Meetings open to the public on the proposed Demonstration Extension Request. The meeting details are as follows:

**Stakeholder Meeting #1** (in conjunction with a meeting of the MassHealth Medical Care Advisory Committee and the MassHealth Payment Policy Advisory Board):

Date: Tuesday, August 27

Time: 10:00am-12:00pm

Location: Transportation Building

10 Park Plaza

Boston, MA

**Stakeholder Meeting #2:**

Date: Thursday, August 29

Time: 10:00am-12:00pm

Location: Worcester Public Library

3 Salem Square

Worcester, MA

## Upcoming Events

### **Integrating Medicare and Medicaid for Dual Eligible Individuals Implementation Council Meeting**

September 20, 2013

1:00 PM - 3:00 PM

State Transportation Building, Conference Rooms 1, 2, and 3

10 Park Plaza

Boston, MA 02116

A meeting agenda and any meeting material will be distributed prior to the meeting.

MBTA and driving and public transit directions are located here: [Directions](#)

Reasonable accommodations are available upon request. Please contact Donna Kymalainen at [Donna.Kymalainen@umassmed.edu](mailto:Donna.Kymalainen@umassmed.edu) to request accommodations.

### **State Forums for Employers on Federal Health Reform**

The Health Connector and Associated Industries of Massachusetts (AIM) are teaming up by holding events for employers to hear from and speak with executives from key regulatory agencies on National Health Reform and its implementation in the Commonwealth. AIM's in-house experts will discuss day-to-day management, timelines, compliance and administrative implications for the employer community.

September 9, 2013 | Delaney House, 1 Country Club Rd., Holyoke

September 11, 2013 | Taunton Holiday Inn, 700 Miles Standish Blvd., Taunton

September 13, 2013 | Holiday Inn, 1 Newbury St., Peabody

September 16, 2013 | UMass Medical School Faculty Conference Room, 55 N. Lake Ave., Worcester

September 17, 2013 | Berkshire Community College, Boland Theater, 1350 West St., Pittsfield

September 18, 2013 | Dedham Holiday Inn, 55 Ariadne Rd., Dedham

September 20, 2013 | Cape Codder, 1225 Iyannough Rd., Hyannis

All programs take place from 9:00 AM -11:00 AM. Check-in is at 8:30 AM. There is no fee to attend these events, however, registration is required. To register, visit:

[www.aimnet.org/thesolution](http://www.aimnet.org/thesolution)

**Quarterly Affordable Care Act Implementation Stakeholder Meeting**

September 16, 2013

1:30 PM - 2:30 PM

1 Ashburton Place, 21st Floor

Boston, MA

Bookmark the **Massachusetts National Health Care Reform website** at:

[National Health Care Reform](#) to read updates on ACA implementation in Massachusetts.

Remember to check the Mass.Gov website at: [Dual Eligibles](#) for information on the **"Integrating Medicare and Medicaid for Dual Eligible Individuals"** initiative.