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HOUSE BILL NO. 2102

Offered January 13, 2025

Prefiled January 7, 2025

A *BILL to direct the Department of Medical Assistance Services to seek federal authority to implement presumptive eligibility for pregnant individuals; performance standards for qualified entities.*

Patrons—Feggans, Clark, Cousins, LeVere Bolling, Mundon King, Anthony, Askew, Bennett-Parker, Cohen, Cole, Convirs-Fowler, Gardner, Glass, Hernandez, Hope, Lopez, McClure, Price, Reaser, Reid, Sewell, Shin, Thomas and Willett

Referred to Committee on Health and Human Services

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Medical Assistance Services (the Department) shall seek necessary federal authority to implement presumptive eligibility for pregnant individuals in accordance with 42 C.F.R. § 435.1103. If federal authority is granted to implement presumptive eligibility for pregnant individuals, the Department may authorize qualified entities to make determinations of presumptive eligibility for pregnant individuals, including health care providers, community-based organizations, elementary or secondary schools, or any other entity that the Department determines to be capable of making such determinations.*

§ 2. *That qualified entities shall be authorized to make determinations of presumptive eligibility for pregnant individuals who meet eligibility criteria for Medicaid for Pregnant Women, Family Access to Medical Insurance Security (FAMIS) MOMS, or FAMIS Prenatal Coverage and have not had a presumptive eligibility period during the current pregnancy.*

§ 3. *That in making determinations of presumptive eligibility, qualified entities shall provide pregnant individuals applying for presumptive eligibility with (i) the necessary applications for medical assistance and (ii) assistance with completing and submitting such applications. Such applications shall be submitted within 30 days, unless the failure to submit an application is due to the noncooperation of the individual.*

§ 4. *That qualified entities shall fulfill certain performance standards to remain a qualified entity, including:*

1. *Complying with federal and Department regulations related to presumptive eligibility, including quality assurance and on-site monitoring by the Department;*

2. *Submitting applications for medical assistance to the Department prior to the end of an individual's presumptive eligibility period for, at minimum, 90 percent of individuals determined to be presumptively eligible in a calendar year, or any period of time designated by the Department; and*

3. *That at minimum, 95 percent of the applications for medical assistance submitted to the Department shall be approved by the Department in a calendar year, or any period of time designated by the Department. Only such applications denied on the basis of criteria set forth in § 2 shall be considered for such requirement.*

The requirements set forth in subdivisions 2 and 3 shall become effective 12 months from the date that a qualified entity is initially authorized to determine presumptive eligibility

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