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Transitional Medical Assistance (TMA) Under Medicaid

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Summary

Medicaid, a means-tested federal/state program that provides health care coverage to certain groups of individuals, requires that states continue Medicaid benefits for certain low-income families who would otherwise lose coverage because of changes in their income. This continuation of benefits is known as transitional medical assistance (TMA). The law permanently requires four months of TMA for families who lose Medicaid eligibility due to increased child or spousal support collections, as well as those who lose eligibility due to an increase in earned income or hours of employment. Congress expanded work-related TMA under Section 1925 of the Social Security Act as part of the Family Support Act of 1988, and states currently must provide TMA to families who lose Medicaid eligibility for work-related reasons for at least six, and up to 12, months. The requirement to provide work-related TMA beyond four months is set to expire on September 30, 2004.

To qualify for TMA under Section 1925, a family must have received Medicaid in at least three of the six months preceding the month in which eligibility is lost and have a dependent child in the home. During the first six months of TMA, states must provide the same benefits the family was receiving, although this requirement may be met by paying a family's premiums, deductibles, coinsurance, and similar costs for employer-based health coverage. An additional six months of TMA (for a total of up to 12 months) is available for families who continue to have a dependent child in the home, who meet reporting requirements, and whose average gross monthly earnings (less work-related child care costs) are below 185% of the federal poverty guideline. States may impose a premium, limit the scope of benefits, and use an alternative service delivery system during the second six months of TMA.

Although federal statute outlines requirements for TMA, states have modified these requirements in a number of ways. A survey of state Medicaid directors conducted by the Congressional Research Service (CRS) in July 2002 collected information on TMA programs in 46 states. Although not required by law, 11 states provide more than 12 months of TMA coverage. Many states also have policies that modify the "three of six months" requirement (17 states), change reporting requirements (19 states), or allow individuals to self-declare earnings and child care costs (20 states). None of the states have limited the scope of benefits provided during the second six months, and three states impose a premium. States are not required to report TMA participation and expenditures, but a number of states were able to provide this information for the CRS survey. Based on available data, approximately 682,800 individuals in 32 states were enrolled in TMA in December 2001. Total expenditures in 19 states for calendar year 2001 were \$652.8 million.

Legislation to extend TMA under Section 1925 has been introduced in the 108th Congress as part of welfare reauthorization, and the program has continued to exist under a series of temporary continuations. If Congress does not extend Section 1925 beyond September 30, 2004 (the expiration date of the latest continuation), states will still be required to provide four months of TMA to families who lose Medicaid eligibility due to an increase in earned income, hours of employment, or child or spousal support.

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Transitional Medical Assistance (TMA) Under Medicaid

Introduction

Medicaid, a means-tested federal/state program that provides health care coverage to certain groups of individuals, requires that states continue Medicaid benefits for certain low-income families who would otherwise lose coverage because of changes in their income. This continuation of benefits is known as transitional medical assistance (TMA). The law permanently requires four months of TMA for families who lose Medicaid eligibility due to increased child or spousal support collections. It also permanently requires four months of TMA for families who lose Medicaid eligibility due to an increase in earned income or hours of employment. However, Congress expanded work-related TMA benefits as part of the Family Support Act of 1988 (P.L. 100-485). As a result, states are currently required to provide at least six, and up to 12, months of TMA coverage to families losing Medicaid eligibility due to increased hours of work or income from employment, as well as to families who lose eligibility due to the loss of a time-limited earned income disregard.¹ An additional six months of TMA (for a total of up to 12 months) is required for families who meet certain conditions. These expanded TMA requirements are outlined in Section 1925 of the Social Security Act, and Congress has acted several times to extend the program beyond its original sunset date of September 30, 1998. TMA requirements under Section 1925 are currently set to expire on September 30, 2004.

This report provides an overview of TMA. While Section 1925 of the Social Security Act outlines the provisions requiring states to provide TMA for up to 12 months, states have considerable flexibility in designing and implementing their TMA programs. To better understand these programs, the Congressional Research Service (CRS) conducted a survey of state TMA policies in effect on July 1, 2002. This report summarizes the results of the survey and discusses legislation introduced to extend, and in some instances to modify, TMA.

¹ Under the Aid to Families with Dependent Children (AFDC) program, the predecessor to the Temporary Assistance for Needy Families (TANF) program, states were required to disregard the earnings of a recipient family for a limited time (special rules applied to applicants and child students). For the first four months of a job (less for part-time work), the disregard per month was \$120, one-third of remaining earnings, and actual dependent child care costs up to \$175 (up to \$200 for a child under age 2). In months five through 12, the disregard per month was \$120 plus dependent care costs. After 12 months, the disregard per month was \$90 plus dependent care costs. The intent of these disregards was to allow individuals to remain on cash assistance for a limited period of time as they transitioned to work.

Medicaid and Cash Welfare

Medicaid is a health insurance program jointly funded by the federal government and the states. While states have considerable flexibility to design and administer their programs, certain groups of individuals must be covered for certain categories of services. Generally, eligibility is limited to low-income children, pregnant women, parents of dependent children, the elderly, and people with disabilities. Overall, the federal government finances about 57% of all Medicaid costs annually. Total expenditures for Medicaid for FY2002 were \$228 billion, the federal share of which was \$130 billion.

Medicaid Eligibility Under Section 1931. Prior to TANF, individuals qualifying for the Aid to Families with Dependent Children (AFDC) program were automatically eligible for and, in most states, automatically enrolled in Medicaid. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193, herein referred to as the welfare reform law) formally “de-linked” Medicaid and cash assistance. Medicaid entitlement was retained *only* for individuals who meet the income and resource eligibility standards of their state’s former AFDC program in effect on July 16, 1996 (herein referred to as eligibility under Section 1931), *regardless* of whether they receive TANF or ever received AFDC. However, states were given flexibility to modify their income and resource eligibility standards for Medicaid in three ways: (1) states may lower their income standards, but not below those used for AFDC on May 1, 1988; (2) states may increase their income and resource standards by an amount that is no more than the percentage increase in the Consumer Price Index (CPI); or (3) states may use less restrictive income and resource methodologies than those in effect on July 16, 1996.

Since the welfare reform law of 1996, a number of states have aligned Section 1931 Medicaid eligibility with eligibility for TANF, and many use less restrictive methods for counting income and resources to allow individuals and families to qualify for Medicaid at higher income and resource levels than those in place on July 16, 1996. As part of their methodology for determining Medicaid eligibility, some states have policies in place to disregard a portion of earnings or income for a limited period of time. For example, Texas disregards the first \$120 plus 90% of earnings during a family’s first four months of Medicaid coverage. After month four, the disregard drops to \$120. As a result, the amount a family can earn and still qualify for Medicaid is reduced in the fifth month of coverage and beyond.

Figure 1 illustrates the maximum monthly amount a family of three receiving Medicaid could earn as of June 2001 and still qualify for coverage under Section 1931 after any time-limited income disregards have ended. Thirty-five states and the District of Columbia do not have time-limited income disregard policies, meaning that the amount a family can earn and still qualify for Medicaid does not vary from month to month. In the 15 states with these policies, the length of the disregard period ranges from four to 12 months. As **Figure 1** illustrates, after disregards have ended, families remain eligible for Medicaid under Section 1931 at different income levels in different states. A family of three must have earnings at or below 50% of

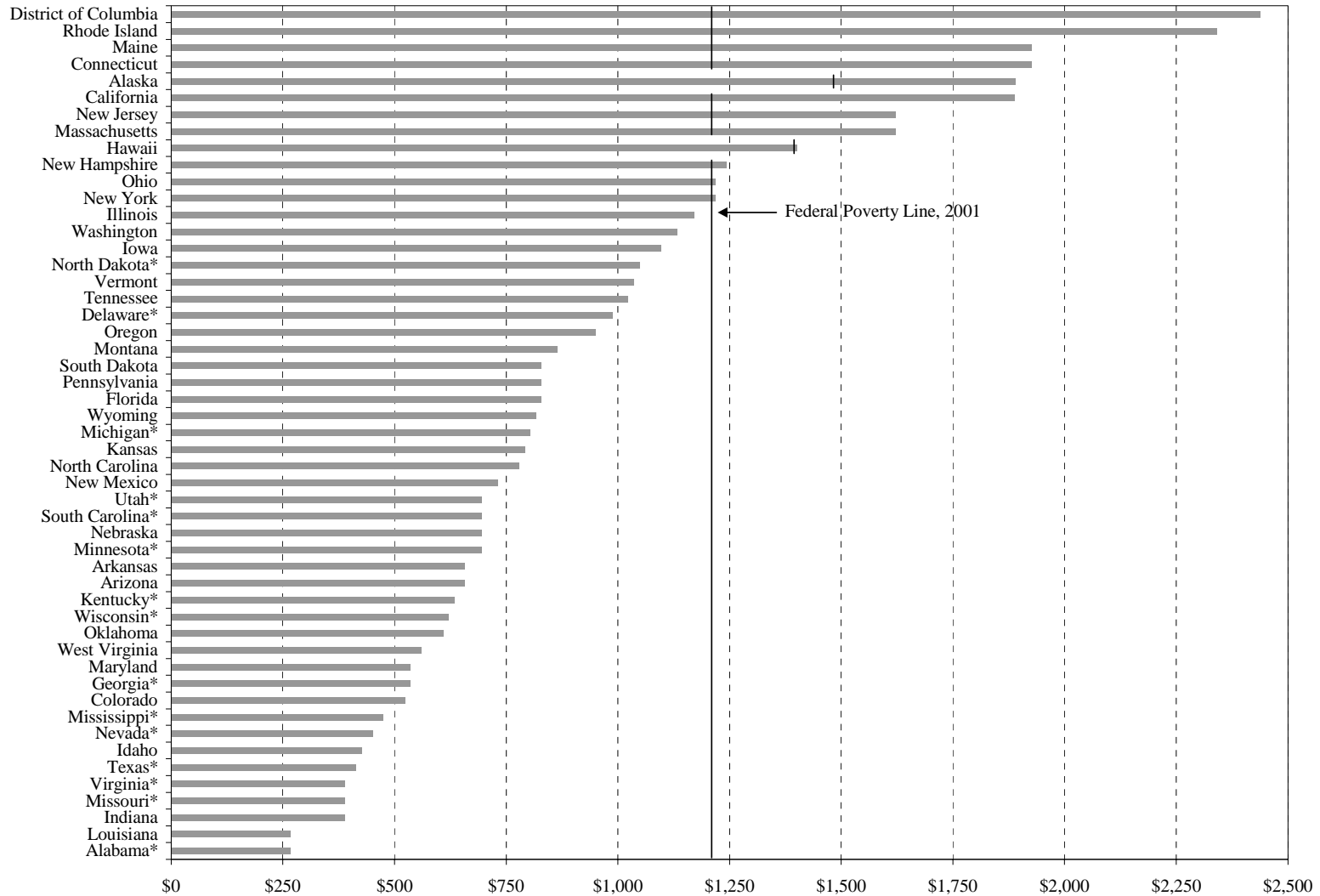
the federal poverty line (FPL)² to remain eligible for Medicaid under Section 1931 in 14 states. The same family may remain eligible with earnings between 50% and 100% FPL in 25 states, and 100% FPL or greater in 11 states and the District of Columbia.³

In addition to disregarding income for a period of time, states may disregard the value of a family's assets (resources) when determining eligibility for Section 1931 Medicaid. As of June 2001, 15 states and the District of Columbia had eliminated their asset test for eligibility. Eighteen of the remaining 35 states had policies to disregard the value of one automobile entirely when determining eligibility.

² The 2001 federal poverty guideline for a family of three is \$14,630 (\$18,290 in Alaska and \$16,830 in Hawaii).

³ Kaiser Commission on Medicaid and the Uninsured, *Can Medicaid Work for Low-Income Working Families?* (April 2002). Available: [<http://www.kff.org/medicaid/4032-index.cfm>].

Figure 1. Monthly Amount a Family of 3 Could Earn and Qualify for Section 1931 Medicaid, June 2001



Source: Kaiser Commission on Medicaid and the Uninsured, *Can Medicaid Work for Low-Income Working Families?* (April 2002).

Notes: Monthly amounts represent the maximum a family of three receiving Medicaid could earn and still qualify for coverage under Section 1931 after any time-limited income disregards have ended. An asterisk (*) indicates that the state has a time-limited disregard policy (see accompanying text for an explanation). Families in all but 15 states and the District of Columbia must also meet an asset (resource) test to qualify for coverage.

Transitional Medical Assistance

Currently, states must provide TMA to families losing eligibility for Section 1931 Medicaid under two scenarios.⁴ First, states are required to provide four months of TMA coverage to families who lose Medicaid eligibility under Section 1931 due to increased child or spousal support. This provision was included in the Child Support Amendments of 1984 (P.L. 98-378) and was made permanent by the Omnibus Budget Reconciliation Act of 1989 (P.L. 101-239).

Second, under Section 1902 and Section 1925 of the Social Security Act, states are required to provide TMA to families losing Section 1931 Medicaid eligibility for work-related reasons. While states were originally required under Section 1902 to provide four months of TMA to families losing eligibility due to an increase in hours of work or income from employment, the Family Support Act (FSA) of 1988 (P.L. 100-485) expanded state TMA requirements under Section 1925. As a result, states are currently required to provide at least six, and up to 12, months of TMA coverage to families losing Section 1931 Medicaid eligibility due to increased hours of work or income from employment, as well as to families who lose eligibility due to the loss of a time-limited earned income disregard. FSA originally authorized Section 1925 to replace the four-month requirement in Section 1902 through FY1998. However, Section 1925 was extended through FY2001 by the welfare reform law of 1996, through FY2002 by the Consolidated Appropriations Act, 2001 (P.L. 106-554), and through June 30, 2004 by a number of temporary continuations.⁵ On June 22, 2004, the House and Senate passed H.R. 4589, a bill to extend TANF and related programs (including TMA under Section 1925) through September 30, 2004.

If Congress does not extend Section 1925 beyond September 30, 2004, states will still be required to provide four months of TMA to families who lose Section 1931 Medicaid eligibility due to increased hours of work or income from employment. Regardless of activity to extend Section 1925, states will also still be required to provide four months of TMA to families who lose Section 1931 eligibility due to increased child or spousal support.

Initial Six-Month Period of Section 1925 TMA Coverage. Families losing Section 1931 Medicaid eligibility due to the loss of a time-limited earned income disregard or an increase in hours of work or income from employment must receive at least six months of TMA coverage. To be eligible, federal statute specifies that families must have received Medicaid under Section 1931 in at least three of the six months preceding their loss of eligibility and have a dependent child in the home.⁶ During this initial six-month period of TMA, states must provide families with the

⁴ Section 1931(c) of the Social Security Act.

⁵ P.L. 107-229, P.L. 107-235, P.L. 107-240, P.L. 107-244, P.L. 107-294, P.L. 108-02, P.L. 108-40, P.L. 108-89, and P.L. 108-210 extended TMA under Section 1925 from Oct. 1, 2002 through June 30, 2004.

⁶ Families losing eligibility due to increased child or spousal support are eligible for a total of four months of TMA if they received Medicaid under Section 1931 in at least three of the six months preceding their loss of eligibility and have a dependent child in the home. There are no additional eligibility requirements for support-related TMA.

same amount, duration, and scope of benefits offered under Section 1931 (that is, the Medicaid coverage the family was previously receiving). However, states may opt to meet this requirement by using Medicaid funds to pay a family's premiums, deductibles, coinsurance, and similar costs for employer-based health coverage (referred to in statute as "wrap-around"). TMA may not be terminated during this initial six-month period so long as the family continues to have a dependent child in the home.

Second Six-Month Period of Section 1925 TMA Coverage. During the initial six-month period, states must notify families of the availability of up to six additional months of TMA, for a total of up to 12 months of coverage. To maintain eligibility for the second six-month period of TMA, families must report their gross monthly earnings and child care costs in months four, seven, and 10 of their coverage (that is, on a quarterly basis). In addition, TMA coverage may be terminated during the second six-month period if any of the following apply:

- the family ceases to include a dependent child;
- the family's average gross monthly earnings (less child care costs necessary for employment) exceed 185% of the federal poverty line (approximately \$2,353 for a family of three in 2003);
- the caretaker relative had no earnings in one or more of the three previous months (unless the state determines that the lack of earnings was due to an involuntary loss of employment, illness, or other good cause);
- the family fails to file a quarterly report; or
- the family fails to pay any required premiums (should the state choose to impose them).

TMA Enrollment and Expenditures

While states are required to submit data on their Medicaid programs to the Department of Health and Human Services (HHS), they are not required to report TMA enrollment and expenditures separately from other Medicaid program data. In the summer of 2002, the Congressional Research Service (CRS) surveyed state Medicaid directors on their TMA policies. As part of this survey, states were asked to report, if available, monthly enrollment and expenditures for TMA for selected months in 2001. These data are provided in **Table 1**.

As **Table 1** illustrates, approximately 682,800 individuals in 32 states were enrolled in TMA in December 2001. The vast majority of TMA enrollees are eligible for work-related reasons, as nearly all states indicated that less than 10% of their TMA population lost Medicaid eligibility under Section 1931 because of an increase in child or spousal support collections. **Table 1** also illustrates that expenditures for the 19 states reporting totaled \$652.8 million in calendar year 2001.

Table 1. TMA Enrollment and Expenditures for Selected Months in 2001

State	Monthly enrollment (in thousands)			Total expenditures (federal and state share, \$ in millions)			
	Jun. 2001	Sept. 2001	Dec. 2001	Jun. 2001	Sept. 2001	Dec. 2001	Calendar Year 2001
Alaska	1.7	2.0	1.9	\$ 3.9	\$ 2.9	\$ 4.1	\$ 49.2
Arizona ^a	43.3	16.9	27.2	NA	NA	NA	NA
Arkansas ^b	9.3	10.0	9.8	NA	NA	NA	NA
California ^c	38.3	41.5	43.4	4.2	3.9	4.2	49.8
Colorado	<i>No data provided</i>			<i>No data provided</i>			
Connecticut	38.8	30.2	28.5	NA	NA	NA	NA
Delaware ^d	12.8	14.4	16.1	2.5	2.7	3.0	36.6
District of Columbia	<i>No data provided</i>			<i>No data provided</i>			
Florida	81.2	78.0	78.2	8.7	8.4	8.4	102.9
Georgia	<i>No data provided</i>			<i>No data provided</i>			
Hawaii	4.4	4.3	4.6	0.6	0.6	0.7	1.9
Idaho ^d	8.4	8.6	9.4	1.6	1.2	1.7	17.6
Illinois	<i>No data provided</i>			<i>No data provided</i>			
Indiana	26.8	28.1	30.1	NA	NA	NA	NA
Kansas	9.8	9.9	9.6	1.1	1.1	1.5	14.2
Kentucky ^c	15.9	17.6	18.8	3.2	3.0	3.2	39.7
Louisiana ^f	3.3	3.1	3.8	NA	NA	NA	NA
Maine	<i>No data provided</i>			<i>No data provided</i>			
Maryland	20.0	20.2	20.5	3.7	3.3	3.6	42.6
Massachusetts	<i>No data provided</i>			<i>No data provided</i>			
Michigan ^b	69.1	66.2	63.5	NA	NA	NA	NA
Minnesota ^g	16.2	16.0	15.7	0.9	2.6	2.8	34.1
Missouri ^d	20.3	20.7	19.6	3.4	3.5	3.0	NA
Montana	8.0	9.7	8.6	1.2	1.3	1.2	16.5
Nebraska	16.9	15.0	14.6	1.7	2.1	2.9	30.4
Nevada	8.5	9.9	10.2	1.2	1.3	1.3	17.2
New Hampshire	1.1	1.1	1.1	NA	NA	NA	NA
New Jersey	27.5	31.3	25.5	3.1	3.4	2.8	44.0
New Mexico	12.3	13.8	11.6	2.3	2.8	2.4	28.8
New York	<i>No data provided</i>			<i>No data provided</i>			
North Carolina	14.6	16.8	20.3	1.5	2.2	2.2	18.4
North Dakota	2.9	2.8	3.0	0.3	NA	NA	NA
Ohio	<i>No data provided</i>			<i>No data provided</i>			
Oklahoma	<i>No data provided</i>			<i>No data provided</i>			
Oregon	28.4	28.1	28.2	4.8	4.4	4.6	56.1
Pennsylvania	66.8	67.6	68.4	NA	NA	NA	NA
Rhode Island	1.1	1.1	1.3	NA	NA	NA	NA
South Carolina ^b	48.4	57.3	62.2	NA	NA	NA	NA
Tennessee	<i>No data provided</i>			<i>No data provided</i>			

State	Monthly enrollment (in thousands)			Total expenditures (federal and state share, \$ in millions)			
	Jun. 2001	Sept. 2001	Dec. 2001	Jun. 2001	Sept. 2001	Dec. 2001	Calendar Year 2001
Texas	<i>No data provided</i>			<i>No data provided</i>			
Utah	14.2	11.7	8.9	2.3	2.1	1.7	24.2
Vermont	7.3	7.2	7.2	NA	NA	NA	NA
Virginia	<i>No data provided</i>			<i>No data provided</i>			
West Virginia	<i>No data provided</i>			<i>No data provided</i>			
Wisconsin	<i>No data provided</i>			<i>No data provided</i>			
Wyoming	2.4	2.6	2.8	0.3	0.4	0.3	3.3
Total	687.4	671.7	682.8	\$ 50.1	\$ 51.5	\$ 53.1	\$ 652.8

Source: July 2002 Congressional Research Service (CRS) Survey of State TMA Policies.

Notes: "NA" indicates that a specific piece of information was not available for the state to provide as part of the CRS survey.

- a. Arizona indicated in their survey response that, effective July 2001, they had increased their income eligibility standard for Medicaid under Section 1931 Medicaid. Since this allowed many families to retain Section 1931 coverage, TMA enrollment declined.
- b. These states did not provide data as part of the CRS survey. June and Sep. 2001 data for these states are from Kaiser Commission on Medicaid and the Uninsured, *Medicaid Program Enrollment Data Update: September 2001* (June 2002). Dec. 2001 data are from Kaiser Commission on Medicaid and the Uninsured, *Medicaid Enrollment in 50 states: December 2001 Data Update* (Oct. 2002).
- c. California indicated in its survey response that in 2000 it expanded its earnings disregards under Section 1931 which allows families to remain eligible for longer periods of time, thus keeping TMA enrollment low.
- d. Monthly expenditure data are estimates provided by the state.
- e. For Kentucky, Dec. enrollment represents 18,800 recipients (individuals) and 6,500 cases (families). Since data on cases but not recipients were available for June and Sep., enrollment is estimated using the ratio of recipients to cases in Dec.
- f. For Louisiana, monthly enrollment numbers do not include child and spousal support cases.
- g. Minnesota indicated that June 2001 expenditures are low due to the fact that capitation payments were not made in that month.

State TMA Program Policies

As **Table 1** illustrates, enrollment and expenditures for TMA vary tremendously by state, due both to differences in state characteristics (such as population size) and in Medicaid program design. As discussed above, Section 1925 of the Social Security Act requires states to provide up to 12 months of TMA to certain families. However, states have made considerable efforts to expand and extend their TMA programs. Expansions and extensions of state TMA programs have occurred through a number of avenues within the states. These include waivers of federal requirements (also referred to as Section 1115 waivers), amendments to their Medicaid state plans to expand eligibility under Section 1931 through modified income and resource eligibility standards or other means, and the use of state-only funds.

The July 2002 CRS survey asked states to respond to a number of questions designed to determine the extent to which states have extended or expanded TMA coverage. For example, several states lengthen the period of Medicaid coverage by

providing a 12-month disregard of *all* earned income at the point when an increase in income jeopardizes their Medicaid eligibility under Section 1931. This disregard allows the family to retain Section 1931 Medicaid eligibility for 12 months. After the disregard policy is exhausted at the end of this 12-month period, families are then eligible for up to 12 months of TMA. Other states extend TMA coverage through the use of state-only funds.

Another example where states use various options to provide TMA coverage is the “three of six months” requirement. As previously discussed, federal statute requires that individuals receive Medicaid under Section 1931 in three of the six months immediately preceding their loss of eligibility in order to qualify for TMA. However, some states will effectively bypass this rule by using earned income disregards. For example, a family whose earnings are low enough to qualify for Section 1931 Medicaid may see an increase in earnings immediately after receiving coverage (in month two or three). This increase in earnings may mean that they no longer qualify for Section 1931 Medicaid, and they would not qualify for TMA because they did not receive Medicaid in three of the immediately preceding six months. By disregarding all earnings for two months, this family will remain eligible for Medicaid and after three months, will qualify for TMA by meeting the “three of six month” requirement. Other states conduct “look-back” reviews to provide retroactive coverage to low-income families who would have qualified under Section 1931 Medicaid had they applied.

Table 2 summarizes states responses to the CRS state TMA survey, which reflects state policies in effect as of July 1, 2002. Detailed information by state is available in **Table A-1**.

Table 2. Overview of State TMA Policies

Policy	Number of states
Allows self-declaration of earnings and/or child care costs	20
Does not require reporting of earnings or child care costs on a quarterly basis (in months four, seven, and 10) ^a	19
Modifies the “three of six months” requirement	17
Provides Medicaid “wrap-around” coverage ^{a, b}	13
Provides more than 12 months of TMA coverage	11
Imposes a premium in the second six-month period of TMA ^a	3
Limits benefits provided in the second six-month period of TMA ^a	0

Source: July 2002 Congressional Research Service (CRS) Survey of State TMA Policies and Kaiser Commission on Medicaid and the Uninsured, *Can Medicaid Work for Low-Income Working Families?* (April 2002).

Notes: Five states (Arkansas, Michigan, Ohio, Oklahoma, and West Virginia) did not respond to the CRS survey. Information for these states was taken from the Kaiser report, reflecting policies in place as of June 2001. Policies in the remaining states are those as of July 1, 2002. For state-specific information, see **Table A-1**.

- a. Based on responses from the District of Columbia and 45 states who completed the CRS survey, as comparable information for the remaining five states was not available from the Kaiser report.
- b. “Wrap-around” refers to the state option to use Medicaid funds to pay a family’s premiums, deductibles, coinsurance, and similar costs for employer-based health coverage.

Legislative Proposals

Proposals to extend TMA under Section 1925 were part of the debate in the 107th Congress to reauthorize TANF, and President Bush's FY2003 and FY2004 budget requests included an extension of TMA under Section 1925. The president's current (FY2005) budget request once again includes a five-year extension of TMA under Section 1925, and legislation to extend the program has been introduced in the 108th Congress. In February 2003, the House passed H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003, a welfare reauthorization bill that would have extended TMA coverage under Section 1925 through FY2004 with no statutory changes.⁷ In October 2003, the Senate Finance Committee favorably reported a substitute for H.R. 4, the Personal Responsibility and Individual Development for Everyone (PRIDE) Act.

As approved by the committee, the substitute bill would extend TMA benefits under Section 1925 through FY2008. The bill would also amend federal statute to provide states with options for modifying their TMA policies, although a number of states have already implemented many of these through other avenues (see **Table 2**). Under the bill, states could opt to:

- provide continuous eligibility for TMA for 12 months by waiving quarterly reporting requirements;
- extend coverage for an additional 12 months (for a total of up to 24 months of TMA) so long as a family's gross monthly earnings (less necessary child care costs) remained below 185% of the federal poverty line;
- waive the requirement that a family must have received Section 1931 Medicaid in three of the previous six months to qualify for TMA.

The substitute bill also includes an option for states to meet Section 1925 TMA requirements by extending Medicaid coverage under Section 1931 to families whose gross monthly earnings (less necessary child care costs) are at or below a level that is at least 185% FPL. In states that choose this option, families whose earnings exceed the eligibility standard for Section 1931 Medicaid would receive no further medical assistance. Families whose earnings remain at or below the state's eligibility standard (at least 185% FPL) would continue to receive Section 1931 Medicaid.

In effect, this provision would prevent states with relatively high Section 1931 eligibility standards from having to provide the automatic six months of TMA coverage outlined in Section 1925 to families whose earnings exceed those relatively high standards. It would not allow states with lower (less than 185% FPL) Section 1931 eligibility standards to opt out of providing the automatic six months of TMA (even in cases where family earnings exceed 185% FPL), and it would still require them to provide up to six additional months of TMA to families whose earnings remain at or below 185% FPL.

⁷ Extension through FY2004 is no longer an issue due to the recent passage of H.R. 4589, which temporarily continues TMA under Section 1925 through September 30, 2004.

In addition, the substitute bill would require the Centers for Medicare and Medicaid Services (CMS) to collect quarterly data on average monthly TMA enrollment and participation and to make this information publicly available. The bill would also require administrators within HHS to work together to develop guidance or other technical assistance for states regarding best practices in guaranteeing access to TMA.

Discussion

Research shows that low-income individuals are more likely to be without health insurance than those with higher incomes. In 2002, 34% of those with income below the poverty line went without health insurance, compared to 11% of individuals with incomes at least two times the poverty line. Among low-income individuals who are working, health care coverage is not always available or affordable. Only 20% of the poor (i.e., those with incomes below the poverty line) received health care coverage through employment in 2002, compared to 80% of people with incomes at least two times the poverty line.⁸

For low-income families, TMA continues health care coverage on a temporary basis when they otherwise would lose coverage due to an increase in earned income, hours of work, or child or spousal support. Although Congress has not yet reached an agreement on extending TMA under Section 1925, there is broad agreement that it is an important source of support for low-income families, especially those who are transitioning from welfare to work.

Despite agreement that it plays an important role in supporting work, researchers argue that there are a number of families eligible for TMA who do not enroll. In addition, others have expressed concerns that programmatic aspects of TMA create barriers that prevent individuals from continuing to receive TMA once they become eligible. For example, a report completed by the General Accounting Office (GAO) notes that quarterly income reporting requirements can pose barriers to family receipt of TMA and recommends that the Congress consider allowing states to lessen or eliminate these requirements for families receiving TMA.⁹ The Senate Finance Committee version of H.R. 4 would give states this option, thereby allowing them to provide families with 12 months of continuous eligibility for TMA.

⁸ See CRS Report 96-891EPW, *Health Insurance Coverage: Characteristics of the Insured and Uninsured Populations in 2002*, by Chris L. Peterson.

⁹ See U.S. General Accounting Office, *Medicaid Enrollment: Amid Declines, State Efforts to Ensure Coverage After Welfare Reform Vary* (Sep. 1999).

Appendix A

Table A-1 provides state responses to the CRS survey on state TMA policies in effect as of July 1, 2002. This information was collected using a survey distributed by CRS to state Medicaid directors. Five states did not respond to the CRS survey. When available, information obtained elsewhere for these states (Arkansas, Michigan, Ohio, Oklahoma, and West Virginia) reflects policies in place as of June 2001.¹⁰

Table A-1 provides information by state on the following:

- length of TMA coverage;
- does the state modify the “three of six months” requirement;
- has the state changed the reporting requirements;
- does the state allow self-declaration of earnings and child care costs;
- does the state impose a premium in the second six-month period of TMA coverage;
- does the state limit benefits provided in the second six-month period of TMA coverage;
- does the state provide Medicaid “wrap-around” coverage;
- any state-specific notes.

Because this information was collected using a survey administered to the states, there are limitations to the data. Where possible, the state-specific notes were included to provide more detail on how the state has implemented its TMA policies. However, aspects of the state’s TMA program may be not represented in the table given the variation in how states have implemented these policies and the flexibility states have to design their programs.

¹⁰ See Kaiser Commission on Medicaid and the Uninsured, *Can Medicaid Work for Low-Income Working Families?* (April 2002).

Table A-1. State TMA Policies

State	Length of TMA coverage	Modifies the three out of six months requirement	Changed reporting requirements	Allows self-declaration of earnings and child care costs	Premium imposed in the second six-month period	Limits benefits provided in the second six month period	Provides Medicaid “wrap-around” coverage	State-specific notes
Alabama	12 months	No	No	No	No	No	No	
Alaska	12 months	No	No	No	No	No	No	Caseworkers may issue retroactive coverage under Section 1931 Medicaid (to meet the three out of six months requirement for TMA) to families who would have been eligible for Medicaid had they applied, although this practice is not common among caseworkers.
Arizona	24 months	No	Yes	No	No	No	No	The state conducts eligibility reviews every six months for TMA under a federal waiver (which expired 10/31/02). Until April 2002, Arizona had a state plan amendment in place to drop the three out of six months requirement.
Arkansas	12 months	No	Not available	Income	Not available	Not available	Not available	Arkansas uses retroactive Medicaid eligibility to ensure that families meet the “three out of six” month requirement for TMA. AR also allows self-declaration of income upon redetermination to ensure that families leaving cash assistance for work can more easily access continued Medicaid coverage or TMA.

State	Length of TMA coverage	Modifies the three out of six months requirement	Changed reporting requirements	Allows self-declaration of earnings and child care costs	Premium imposed in the second six-month period	Limits benefits provided in the second six month period	Provides Medicaid “wrap-around” coverage	State-specific notes
California	24 months	No	No	No	No	No	No	California provides the additional 12 months (for a total of 24 months) of TMA to persons 19 and older using state-only funds. There are no reporting requirements imposed by the state for the additional 12 months (children are covered by the state’s Child Health Insurance Program).
Colorado	12 months	No	No	Child care	No	No	No	
Connecticut	24 months	Yes	No	Yes	No	No	No	Connecticut, through a Medicaid state plan amendment, extends TMA coverage to 24 months by disregarding all income for 12 months from the date a family would have become ineligible for Section 1931 Medicaid (provided the family has earnings at that time or becomes employed within six months of ineligibility). For families receiving benefits under Section 1931 that do not have earned income and become ineligible due to increased child support, all income is disregarded for 20 months. These disregards have the effect of “dropping” the three out of six months requirement for TMA. Connecticut allows self-declaration of earnings and child care costs unless there is reason to believe a report is inaccurate or incomplete.

State	Length of TMA coverage	Modifies the three out of six months requirement	Changed reporting requirements	Allows self-declaration of earnings and child care costs	Premium imposed in the second six-month period	Limits benefits provided in the second six month period	Provides Medicaid “wrap-around” coverage	State-specific notes
Delaware	12 months	Yes	Yes	Child care	No	No	No	Until 10/01/02, Delaware had a waiver to provide an additional 12 months of TMA. Delaware has a state plan amendment in place to “drop” the three out of six months requirement by disregarding earned income in the 2nd and 3rd months of Section 1931 Medicaid coverage. Delaware has an 1115 waiver (which expires 12/03) in place to drop TMA reporting requirements (families are instead required to report changes within 10 days of occurrence).
District of Columbia	12 months	No	Yes	NA	Does not apply.	No	No	Since D.C. covers families up to 200% FPL under their SCHIP and Medicaid expansion programs, those who qualify for the second six months of TMA are certified for continuing benefits through those programs. Therefore, the column related to premium imposed does not apply to D.C. as the state does not enroll families in the second six months of TMA.
Florida	12 months	No	No	Yes	No	No	No	
Georgia	12 months	No	No	Yes	No	No	No	Until 7/02, Georgia had a state plan amendment in place to provide an additional 12 months of coverage with an income disregard under Section 1931 Medicaid.

State	Length of TMA coverage	Modifies the three out of six months requirement	Changed reporting requirements	Allows self-declaration of earnings and child care costs	Premium imposed in the second six-month period	Limits benefits provided in the second six month period	Provides Medicaid “wrap-around” coverage	State-specific notes
Hawaii	12 months	No	No	No	No	No	No	Hawaii implemented its Section 1931 Medicaid category in November 2001. Prior to that date, only families leaving cash assistance qualified for TMA.
Idaho	12 months	No	Yes	Yes	No	No	Yes	Idaho requires families to report changes in their income and child care costs. However, if the state does not receive a response to a request for quarterly information and it has no other indication of a change, TMA is continued.
Illinois	12 months	Yes	No	Yes	No	No	No	Illinois provides eight months of TMA (as opposed to four months) to families who lose Section 1931 Medicaid eligibility due to increased child or spousal support with state-only funds. Illinois also uses state-only funds to provide TMA coverage to families who do not meet the three out six months requirement.
Indiana	12 months	No	No	No	No	No	No	
Iowa	12 months	No	No	No	No	No	No	
Kansas	12 months	No	Yes	NA	No	No	No	Kansas has a state plan amendment to disregard all income in excess of 185% FPL to allow families to receive 12 months of continuous TMA coverage with no reporting requirements.

State	Length of TMA coverage	Modifies the three out of six months requirement	Changed reporting requirements	Allows self-declaration of earnings and child care costs	Premium imposed in the second six-month period	Limits benefits provided in the second six month period	Provides Medicaid “wrap-around” coverage	State-specific notes
Kentucky	12 months	Yes	No	No	No	No	No	Kentucky provides an earned income disregard for up to two months under Section 1931 Medicaid for families that do not meet the three out of six months requirement for TMA.
Louisiana	12 months	No	No	No	No	No	No	
Maine	12 months	Yes	No	No	Yes	No	Yes	Premium imposed after initial six months is 3% of net family monthly income.
Maryland	12 months	No	Yes	Yes	No	No	No	For Medicaid-only families, Maryland has a state plan amendment in place to drop the three out of six months requirement for TMA by disregarding earned income in the 2nd and 3rd months of Section 1931 coverage. There are no formal reporting requirements for TMA families. The local department of social services (whose workers have access to various databases to verify earnings) decides what is necessary to verify continuing eligibility.
Massachusetts	12 months	Yes	Yes	NA	No	No	No	The state implemented an 1115 waiver in 1997 (renewed for three additional years effective July 2002) to provide 12 months of continuous TMA coverage with no reporting requirements to families who lose Section 1931 Medicaid eligibility due to an increase in earned income. The waiver also allows Massachusetts to drop the three out of six months requirement for TMA.

State	Length of TMA coverage	Modifies the three out of six months requirement	Changed reporting requirements	Allows self-declaration of earnings and child care costs	Premium imposed in the second six-month period	Limits benefits provided in the second six month period	Provides Medicaid “wrap-around” coverage	State-specific notes
<i>Michigan</i>	<i>12 months</i>	<i>Yes</i>	<i>Not available</i>	<i>No</i>	<i>Not available</i>	<i>Not available</i>	<i>Not available</i>	<i>State-funded transitional coverage is available for 12 months for Section 1931 families who find work quickly and do not meet the “three out of six” month rule.</i>
Minnesota	12 months	No	No	Yes	No	No	No	
Mississippi	12 months	No	Yes	NA	No	No	Yes	Mississippi has a state plan amendment in place to provide 12 months of continuous TMA coverage with no reporting requirements. The state also disregards earnings in the month in which a family becomes ineligible for Section 1931 Medicaid to ensure a full 12 months of TMA (for families losing eligibility in their 3rd month of Section 1931 coverage, this disregard also helps to meet the three out of six months requirement for TMA). Although Medicaid wrap-around coverage is available in Mississippi, no TMA families were covered under the option at the time of the survey.

State	Length of TMA coverage	Modifies the three out of six months requirement	Changed reporting requirements	Allows self-declaration of earnings and child care costs	Premium imposed in the second six-month period	Limits benefits provided in the second six month period	Provides Medicaid “wrap-around” coverage	State-specific notes
Missouri	24 months	No	No	Yes	No	No	Yes	Under an 1115 waiver (which expires 12/31/02), Missouri provides the additional 12 months of TMA to uninsured caretakers who meet eligibility requirements (net income less than 100% FPL and a child covered by Medicaid or SCHIP) when the initial 12 months of TMA is exhausted. They must report changes in income and employment as they occur, but quarterly reports are not required during the additional 12-month period. Prior to 7/02, the state provided 24 additional months of TMA to uninsured caretakers with gross incomes below 300% FPL. Although Missouri has not officially dropped the three out of six months requirement for TMA, caseworkers may issue retroactive Section 1931 coverage to families who would have been eligible had they applied.
Montana	12 months	No	No	No	No	No	No	Until July 2002, Montana had a federal waiver to drop the three out of six months requirement and allow 12 months of coverage for families receiving TMA due to increased child or spousal support.

State	Length of TMA coverage	Modifies the three out of six months requirement	Changed reporting requirements	Allows self-declaration of earnings and child care costs	Premium imposed in the second six-month period	Limits benefits provided in the second six month period	Provides Medicaid “wrap-around” coverage	State-specific notes
Nebraska	24 months	No	No	Child care	Yes	No	No	Nebraska’s 1115 waiver (which allowed the state to provide an additional 12 months of TMA) expired 7/1/02. The state did not apply for renewal and is considering other ways to continue the extended coverage. After the initial 6 months of TMA, families with income from 100% to 185% FPL must pay a monthly premium that ranges from \$30 to \$137 per month.
Nevada	12 months	No	No	Yes	No	No	Yes	
New Hampshire	12 months	No	No	No	No	No	No	
New Jersey	24 months	Yes	Yes	No	No	No	No	
New Mexico	12 months	Yes	Yes	NA	No	No	No	New Mexico has a state plan amendment in place to allow 12 months of continuous TMA coverage with no reporting requirements and to disregard all earned income in the 2nd and 3rd months of Section 1931 Medicaid coverage if a family exceeds the eligibility standard.

State	Length of TMA coverage	Modifies the three out of six months requirement	Changed reporting requirements	Allows self-declaration of earnings and child care costs	Premium imposed in the second six-month period	Limits benefits provided in the second six month period	Provides Medicaid “wrap-around” coverage	State-specific notes
New York	12 months	No	Yes	Child care	No	No	Yes	Two quarterly reports (“mailers”) are sent, one in the 3rd month and one in the 6th month. If a family qualifies based on the first report, TMA is extended until the end of month 10 (if they report but do not qualify, TMA is extended to the end of month seven). If the family qualifies based on the second report, TMA is extended until the end of month 12. Proof of earnings in the previous four weeks is required with each report.
North Carolina	24 months	Yes	No	Yes	No	No	No	North Carolina has a state plan amendment in place to provide additional coverage by disregarding earned income for 12 months for families that would otherwise become ineligible for Section 1931 Medicaid due to earnings. This has the effect of dropping the three out of six months requirement for TMA for families receiving the disregard.
North Dakota	12 months	No	Yes	No	No	No	Yes	Reports are required only in months seven and 10, and this effectively extends the initial period of TMA through month seven.
<i>Ohio</i>	<i>12 months</i>	<i>No</i>	<i>Not available</i>	<i>No</i>	<i>Not available</i>	<i>Not available</i>	<i>Not available</i>	
<i>Oklahoma</i>	<i>12 months</i>	<i>No</i>	<i>Not available</i>	<i>Income</i>	<i>Not available</i>	<i>Not available</i>	<i>Not available</i>	
Oregon	12 months	Yes	Yes	NA	No	No	Yes	CMS is currently advising Oregon on how to modify its Medicaid state plan to reflect the state’s TMA policies.
Pennsylvania	12 months	No	No	No	No	No	Yes	

State	Length of TMA coverage	Modifies the three out of six months requirement	Changed reporting requirements	Allows self-declaration of earnings and child care costs	Premium imposed in the second six-month period	Limits benefits provided in the second six month period	Provides Medicaid “wrap-around” coverage	State-specific notes
Rhode Island	18 months	Yes	Yes	No	No	No	No	Under Rhode Island’s waiver, the additional six months of TMA (for a total of 18 months) is provided to former cash assistance families on TMA due to employment-related loss of Section 1931 Medicaid eligibility. Families report earnings and child care costs in months seven and 13.
South Carolina	12 months	Yes	Yes	No	No	No	No	For families losing Section 1931 Medicaid eligibility due to employment, coverage is extended by disregarding earned income for 12 months from the date a family would have become ineligible. This has the effect of dropping the three out of six months requirement for TMA for families receiving the disregard. The state currently requires families to report earnings and child care costs only in month four. If they meet eligibility requirements, they are granted the second 6 months of TMA. When the state’s ongoing departmental and systems reorganization is complete, SC plans to send out reports in months seven and 10 as well.
South Dakota	12 months	No	No	No	No	No	No	

State	Length of TMA coverage	Modifies the three out of six months requirement	Changed reporting requirements	Allows self-declaration of earnings and child care costs	Premium imposed in the second six-month period	Limits benefits provided in the second six month period	Provides Medicaid “wrap-around” coverage	State-specific notes
Tennessee	18 months	Yes	Yes	NA	No	No	No	The extension of TMA to 18 months is part of a federal waiver which expires 8/2007. TMA coverage is extended to anyone who has at least one month of TANF eligibility and individuals who lose Medicaid eligibility under Section 1931.
Texas	12 months	Yes	No	Yes	No	No	Yes	Currently, only TANF families receive Section 1931 Medicaid and a four-month earned income disregard designed to meet the three out of six months requirement for TMA. Medicaid-only families receive coverage under the state’s medically needy program and are eligible for up to 12 months of transitional coverage if they become ineligible due to earnings. These families will also receive the four-month disregard when the state computer system is updated to include them in the Section 1931 category (this change should be in place by November 2002, with state-wide implementation taking up to a year and a half).

State	Length of TMA coverage	Modifies the three out of six months requirement	Changed reporting requirements	Allows self-declaration of earnings and child care costs	Premium imposed in the second six-month period	Limits benefits provided in the second six month period	Provides Medicaid “wrap-around” coverage	State-specific notes
Utah	24 months	Yes	Yes	No	No	No	Yes	Utah has a state plan amendment in place to extend coverage by disregarding earned income for up to 12 months (two six-month periods, conditioned on total gross earned income remaining below 185% FPL) from the date a family would have become ineligible for Section 1931 Medicaid due to earnings. This has the effect of dropping the three out of six months requirement for TMA for families receiving the disregard. Reports are required in months seven and 10 of TMA. Although a month 4 report is sent out, TMA is not terminated if the family does not respond (this effectively extends the initial period of coverage through month seven).
Vermont	36 months	No	No	Yes	No	No	No	Vermont provides the additional 24 months (for a total of 36 months) through state-only funds. This was originally provided under at federal waiver (expired 7/1/01), but continued under their state plan by making changes to eligibility under Section 1931. TMA coverage is extended to pregnant women, children under 18 and their caretaker relatives, so long as these groups meet the income requirements
Virginia	12 months	No	No	No	No	No	Yes	

State	Length of TMA coverage	Modifies the three out of six months requirement	Changed reporting requirements	Allows self-declaration of earnings and child care costs	Premium imposed in the second six-month period	Limits benefits provided in the second six month period	Provides Medicaid “wrap-around” coverage	State-specific notes
Washington	12 months	Yes	Yes	Yes	Yes	No	Yes	Washington has a state plan amendment in place to drop the month 10 reporting requirement and to disregard an income increase in the 2nd and 3rd months of Section 1931 Medicaid coverage to help families meet the three out of six months requirement for TMA. After the initial six months of TMA, families whose three-month average earnings (less child care) exceed 100% FPL must pay a monthly premium equal to 1% of that amount. Premiums for month seven of TMA are due by the end of month five.
<i>West Virginia</i>	<i>12 months</i>	<i>No</i>	<i>Not available</i>	<i>No</i>	<i>Not available</i>	<i>Not available</i>	<i>Not available</i>	
Wisconsin	12 months	No	Yes	No	No	No	No	
Wyoming	12 months	No	No	Yes	No	No	No	

Source: July 2002 Congressional Research Service (CRS) Survey of State TMA Policies and Kaiser Commission on Medicaid and the Uninsured, *Can Medicaid Work for Low-Income Working Families?* (April 2002).

Notes: “NA” for self-declaration of earnings and child care costs indicates that this column is not applicable because the state does not require families to report earnings and child care costs (that is, the state has changed its reporting requirements). States in italics (Arkansas, Michigan, Ohio, Oklahoma, and West Virginia) did not respond to the CRS survey. Information for these states was taken from the Kaiser report, reflecting policies in place as of June 2001. Policies in the remaining states are those as of July 1, 2002.