



October ACA Policy/Legal Update

Medicaid Unwind

The Centers for Medicare & Medicaid Services (CMS) is monitoring the progress of the Medicaid Unwind and terminations and began issuing national reports with data by state. A few letters have been sent to Governors and State Medicaid directors in the last several months both urging them to use all of the renewal options made available by CMS; announcing new flexibilities to make sure eligible individuals and families do not lose coverage for procedural reasons; and, to make them aware of a potential issue identified by CMS on methodology for *ex parte* redeterminations by states. *Ex parte* redeterminations are the Medicaid autorenewals done by the Department of Social Service (DSS) through our joint system. DSS and Access Health CT continue to do everything possible to ensure that consumers have coverage.

States are also encouraged to partner with stakeholders on the ground to engage more directly with individuals and families. AHCT, DSS, the Office of Health Strategy and the carriers are working with a number of community partners and hosting events across the state to help make sure that everyone impacted by the Unwind is aware of the process and has the necessary resource to remain covered.

CMS is also working on updating reports on the Medicaid Unwind to include information on the movement to Employer Sponsored Coverage. They are having some challenges with the data source but are hoping to start releasing reports with this new information soon. Medicaid agencies are also reporting that consumers are coming back in after their termination dates and being re-enrolled in Medicaid if currently eligible.

Braidwood v. Becerra

The case is now before the 5th Circuit Court of Appeals to consider the Justice Department's appeal of the Texas District Court's ruling on the ACA's Preventative Services Mandate. The Appellate Court issued an order allowing the U.S. Preventive Services Taskforce recommendations and the corresponding coverage mandate for preventive services to remain in place pending a decision on the appeal. Numerous interested parties have filed *amicus* briefs.

We will continue to monitor this case and keep the Board informed.

Proposed Federal Rule changing eligibility for Deferred Action Childhood Arrivals (DACA) Recipients

Last spring the Biden Administration released a proposed rule changing the eligibility for DACA recipients to allow them to purchase QHPs and receive financial assistance through an Exchange, and also to be eligible for Medicaid. (Currently DACA recipients are not permitted to enroll in a QHP or receive financial assistance through an exchange.) The rule has not been finalized yet so it will not go into effect for November 1 as originally proposed. We will continue to monitor and keep the Board informed.