

# National Health Law Program 2022 Health Advocates Conference

Protecting Medicaid Enrollment during the  
Unwinding of the Public Health Emergency

Florida Health Justice Project  
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# FLORIDA HEALTH JUSTICE PROJECT



Check here for information and updates about the upcoming end of the continuous Medicaid coverage provision that has been part of the **COVID-19 Public Health Emergency**. Under the continuous coverage provision, Medicaid recipients have received on-going coverage since March 2020, even if they were no longer eligible. But that important consumer protection will likely be ending in 2022. Learn about the issues and what you can do to prepare.



The Public Health Emergency (PHE) and Extended Medicaid Coverage:  
Q & A for Florida Medicaid Recipients  
October 2021

**What is the PHE and extended Medicaid coverage?**

During the national COVID-19 Public Health Emergency (PHE), which is still going on, virtually no one enrolled in Medicaid as of March 2020 or later can be terminated from coverage. Thus, people who are no longer eligible for Medicaid have stayed covered and will remain covered until the PHE ends.

**Are there any exceptions that would cause someone to lose Medicaid during the PHE?**

The only exceptions are if you move out of Florida or ask to be disenrolled.

**What are some examples of people who are still on Medicaid because of the PHE?**

*Low-income parents who no longer have a child under 18*

Under normal Medicaid rules, if you are on Medicaid because you are a low-income parent, your Medicaid eligibility ends when you no longer have a(ny) minor child(ren). Thus, if you were on Medicaid in March 2020 and your youngest child turned 18 in April 2020, you are no longer “technically eligible” for Medicaid coverage as a low-income parent. However, due to the emergency PHE rules, you still have Medicaid coverage.

*Families no longer eligible for Medicaid due to increased income*

Under normal Medicaid rules, the income limits are higher for children than parents and highest for infants than children between 1 and 18. [Here](#) is an income chart. Under normal rules, if the family's income increases above the income limit(s) for various family members, that family member's Medicaid eligibility ends.

For example, Jane, a single parent with a 3-year-old and a 10-year-old lost her job in April 2020 and enrolled the entire family in Medicaid. Even though Jane got another job in June 2020 with a monthly income of \$1800, or about 100% of the federal poverty level, everyone remained on Medicaid due to the emergency PHE rules. Under Florida's normal rules, Jane would no longer be eligible since the income limit for parents is at about 32% of FPL, or \$577 for a family of 3. (Under the normal Florida rules, the children would still be eligible because the family income is under the limit of 138% of the FPL.)

*Individuals eligible for disability related Medicaid whose Medicare has started*

Under Florida's normal Medicaid rules, individuals found disabled and whose income is less than 88% of the FPL (or \$945/mo), are enrolled in Medicaid. However, they lose their full Medicaid coverage when they are enrolled in Medicare. Typically, there is a 2-year waiting period before Medicare begins after a person is found disabled.

# Consumer Q & A | Florida Medicaid Recipients

10/19/2021

In this Q & A for current Medicaid recipients, FHJP provides answers to some basic questions regarding the Public Health Emergency (PHE) and continuous Medicaid coverage. This includes, e.g. examples of people who are still on Medicaid due to the PHE even though they are no longer “technically” eligible; what will happen when the PHE ends; what are proactive steps Medicaid enrollees can take before the PHE is officially declared to be over.

[Read More](#)

[Versión en español \(Lea Más\)](#)



## Background & Update on Medicaid Coverage and the Public Health Emergency

### Background:

Since the beginning of the COVID-19 Public Health Emergency (PHE) in March 2020, most clients enrolled in Medicaid could not be terminated from coverage. The only grounds for termination during the state of emergency are for clients who move out of state or voluntarily withdraw.

States were provided with increased federal funding in exchange for this moratorium on terminations. As a result, tens of thousands of Floridians who are not technically eligible for Medicaid have maintained coverage.

For example, under normal Medicaid rules, clients who receive Medicaid because they are a low-income parent lose eligibility when they no longer have a(ny) minor child(ren). Thus, if the parent(s)' youngest child turned 18 during the PHE, the parent(s) are no longer eligible for Medicaid coverage as a low-income parent but DCF has maintained coverage. Similarly, parents who enrolled in Medicaid during the PHE after she/he lost their job but who have since gone back to work have stayed on Medicaid even though they no longer qualify as a low-income parent.

The federal government (CMS) issued guidance to states in December 2020 regarding how to return to pre-pandemic eligibility and enrollment. Among other things, the guidance expected states to keep a list of individuals who appeared ineligible under their current coverage category and whom the state had kept on Medicaid due to the PHE moratorium on terminations.

### Current status:

Over the past 2 months, Florida's Department of Children and Families (DCF) began sending PHE-related notices to individuals who have been "kept on Medicaid" even though they appeared to no longer be eligible. The notices said that while the individual's case had been reviewed and they are no longer eligible, their Medicaid coverage will continue until the federal government determines that the PHE is over. The notices also state that the individual must continue to report all changes to their household circumstances.

The Florida Health Justice Project (FHJP), along with the Florida Policy Institute (FPI), is working with DCF to help ensure that clients understand what will happen after the PHE ends. This includes the fact that DCF will be looking at every case to see if clients who appear to be ineligible under their current category of coverage, e.g. low income parents who no longer have a(ny) minor children, are eligible for a different type of Medicaid based on current information.

# Advocate Update | Medicaid Coverage and the Public Health Emergency

8/20/2021

In this fact sheet, FHJP discusses the background of the COVID related public health emergency (PHE), the moratorium on Medicaid terminations during the PHE, the current status in Florida, the most recent guidance from the federal government, and next steps for Medicaid advocates and enrollees (including FHJP's contact info for those who have questions).

[Read More](#)

# Storyteller



S.T.

Broward County, FL

S.T. and her family are among the many Florida residents who could lose their Medicaid coverage once the federal Public Health Emergency ends. It's a terrifying prospect for those with chronic illnesses and nowhere else to turn for affordable healthcare.

[Read More](#)

# The Public Health Emergency and Extended Medicaid Coverage: *What we know & don't know; What advocates can do to prepare*

January 7, 2022

Miriam Harmatz,  
Advocacy Director & Founder,  
Florida Health Justice Project

Anne Swerlick,  
Senior Policy Analyst & Attorney,  
Florida Policy Institute





Dear Mom Mom

The following is information about your eligibility.

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### **Medicaid**

Your application for Medicaid dated May 26, 2021 is **approved**. You are eligible for the months listed below:

<b>Name</b>	<b>Jul, 2021 Ongoing</b>
Mom Mom	Eligible
Dad Dad	Eligible

We have reviewed your Medicaid eligibility and determined you are no longer eligible for Medicaid coverage. To make sure you have Medicaid coverage during the COVID-19 Pandemic Health Emergency we will keep your Medicaid coverage open until the end of the month the federal government determines the emergency is over. You must continue to report any changes in your household circumstances while you remain open so we can redetermine their eligibility based on the most up-to-date information once the health emergency ends.