

NOTE: Items highlighted in gray indicate where state-specific information may need to be inserted.

## MEMORANDUM OF UNDERSTANDING

State of [State name]  
Department of [Department name]  
[Address]  
AND

[Hospital Name]  
[Hospital Address]

This Memorandum of Understanding is effective as of \_\_\_\_\_ (date) between the State of [State name and Department] (herein referred to as “the Department”) and [Hospital name] (herein referred to as “the hospital”). It shall remain in effect unless terminated in accordance with the policies and procedures outlined in Sections IV and V.

### I. Introduction and Purpose

Under Section 2202 of the Patient Protection and Affordable Care Act of 2010 and Federal regulations at 42 CFR 435.1110, qualified hospitals may determine certain individuals presumptively eligible for Medicaid on the basis of preliminary information, subject to federal and state requirements. By conducting presumptive eligibility determinations in accordance with this provision, the hospital can assist individuals in securing temporary coverage on a timely basis and provide them with a pathway to ongoing health coverage.

Under this agreement, the hospital can make PE determinations for patients, family members and other community members seeking coverage. When conducting determinations, the hospital will evaluate individuals for eligibility under Modified Adjusted Gross Income (or “MAGI”) categories, including eligibility categories for children, parents and caretaker relatives, pregnant women, individuals under age 26 who were in foster care at age 18 [State policy: Or applicable age if older], and [State policy: Insert additional state-specific categories of individuals eligible for hospital-based presumptive eligibility, such as adults age 19-64, individuals receiving breast and cervical cancer treatment, individuals eligible for family planning services, and other populations].

The purpose of this Memorandum of Understanding is to set forth the role, responsibilities, and other terms for the hospital to conduct Medicaid presumptive eligibility determinations and facilitate enrollment in ongoing coverage, as well as the Department’s role and responsibilities in supporting and overseeing these activities.

## II. [Department name] Responsibilities

In general, the Department will support the hospital in conducting presumptive eligibility determinations by providing training, oversight, and other Department services required for such determinations. It will provide Medicaid coverage to individuals based on the hospital's preliminary determination of eligibility as long as it was conducted in accordance with Department policies and procedures. The Department will not hold the hospital financially responsible if an individual is found ineligible for Medicaid based on a full eligibility determination.

### TRAINING AND ASSISTANCE

The Department will provide initial and ongoing training and technical assistance to the hospital, including responding to the hospital's questions regarding the appropriate policies and procedures to use when conducting presumptive eligibility determinations.

### PERFORMANCE STANDARDS AND OVERSIGHT

In consultation with this hospital and other qualified hospitals, the Department will develop reasonable and appropriate performance standards. In doing so, it will rely on data provided by this and other hospitals. Once the performance measures are established, the Department will gather data from the hospital on the performance measures every [State policy: Insert number of months], evaluate the data provided by the hospital, and provide the hospital with timely feedback on its performance.

If the hospital fails to meet the Department's performance standards, the Department will notify the hospital; provide the hospital additional training; assist the hospital in developing and implementing a corrective action plan; and in collaboration with the hospital, identify a timeline within which to achieve improved results that meet the Department's performance standards. If the hospital is unable to meet performance standards after being given the opportunity, time, and assistance it needs to do so, the Department may terminate this agreement, as described in Section V.

### DEPARTMENT SERVICES AND SUPPORT

The Department will provide the hospital with the materials that are required to conduct presumptive eligibility determinations, including copies of the presumptive eligibility application, copies of the single streamlined application, eligibility determination notices, and temporary enrollment forms that allow beneficiaries to receive services while they are awaiting their Medicaid cards [State policy: If applicable to a state]. In addition, it will provide the hospital with the protocol for submitting PE determinations and applications for health coverage to the Department.

[State policy: The Department will provide a mechanism (insert mechanism) for the hospital to check current Medicaid enrollment (e.g. provide hospital with online access to portal or telephone number that can be called to check enrollment).]

The Department will designate one Department staff member to serve as the point of contact for the hospital. It will update the hospital if the staff member changes.

### III. Hospital Responsibilities

The hospital will conduct presumptive eligibility determinations for Medicaid based on information provided by applicants. As part of conducting such determinations, the hospital will assist individuals with the presumptive eligibility application; make presumptive eligibility determinations; provide applicants with their eligibility results; and [State policy: help individuals complete the single streamlined application for ongoing coverage]. It will conduct these activities in accordance with all applicable laws, rules, regulations, and policies for Medicaid presumptive eligibility determinations.

#### PROCEDURES FOR CONDUCTING PRESUMPTIVE ELIGIBILITY DETERMINATIONS

- The hospital will conduct presumptive eligibility determinations for patients, family members, and members of the community seeking coverage.
- When conducting presumptive eligibility determinations, the hospital will consider eligibility for children, parents and caretaker relatives, pregnant women, former foster care children up to age 26, and [State policy: Insert state-specific information on any additional populations for which hospitals can conduct presumptive eligibility].
- The hospital will use a simplified measure of an individual's [State policy: household] and income to make presumptive eligibility determinations as described in [State information: Reference training module or manual]. [State policy: The hospital will require applicants to attest to their citizenship or immigration status and residency when completing the PE application.]
- When conducting presumptive eligibility determinations, the hospital will rely on information provided by applicants. It will not require or request any documentation or verification of the information, nor will it require any information that is not needed for a presumptive eligibility determination.
- The hospital will notify individuals in writing and orally if appropriate, of the outcome of the presumptive eligibility determination. [State information: Insert notice process.] If the individual is found eligible for Medicaid, the notice will explain the duration of their presumptive eligibility; the services available to them and how to access them; and information on how to submit an application for ongoing coverage and the importance of doing so. If they are not found presumptively eligible, the notice will inform them of the decision; provide a reason for the determination; and advise them how to submit the single streamlined application [State information: Insert state-specific notice information].

- The hospital will provide individuals who have applied for presumptive eligibility with information on how to complete the single streamlined application and assistance in doing so.
- The hospital will notify the Department within 5 working days that an applicant is presumptively eligible for Medicaid. [State information: Insert any specific requirements for how the hospital should notify the Department.]
- The hospital will keep a record of presumptive eligibility determinations for a period of [State policy: Insert number of years] and make them available if needed for a state or federal review or audit.

## TRAINING

The hospital will require all staff that conduct Medicaid presumptive eligibility determinations to participate in Department-approved training, including ongoing training. It will keep a record of this training for the Department to review as requested. [State policy: The hospital will provide the state with the name, title, and contact information for staff that complete the training.] [State information: Insert any additional training information.]

## CONFIDENTIALITY OF INFORMATION

When conducting presumptive eligibility determinations, the hospital will comply with all state, federal, and Department rules and regulations, including the Health Insurance Portability and Accountability Act (HIPAA).

## DEVELOPING AND COMPLYING WITH PERFORMANCE STANDARDS

The hospital will provide the data specified in Appendix A to the Department on performance indicators to assist the Department in developing reasonable and appropriate standards for hospital-based presumptive eligibility. The Department will use the data from the hospital and other hospitals throughout the state to establish such standards. After the Department has established and informed hospitals of the required performance standards, the hospital will submit the data needed by the Department to monitor its compliance with these performance standards. The data will be submitted in accordance with Department directions and timeframes [State policy: Insert process and frequency of data submission.]

If the data indicate that the hospital is not meeting the specified standards, the Department will notify the hospital and initiate a process to assist the hospital in meeting the standards. As noted in Section II, it will provide the hospital with additional training, assist the hospital in developing and implementing a corrective action plan, and provide the hospital with a reasonable period of time to come into compliance with the standards. If the hospital remains unable to meet the standards after being given a reasonable and appropriate opportunity to do so, the Department may terminate this agreement, as described in Section V.

IV. Potential for Disqualification

The Department may disqualify the hospital from conducting presumptive eligibility determinations only if the Department determines: 1) that the hospital is not making, or is not capable of making, presumptive eligibility determinations in accordance with federal and state law and regulations; 2) if the hospital remains unable to meet the performance standards established by the Department after following the process described above in Section III; or 3) the hospital no longer participates in Medicaid.

If the hospital is disqualified from making presumptive eligibility determinations, it will not have any bearing on whether the hospital can participate in Medicaid or on any agreements other than this one between the hospital and the Department.

V. Termination of this Memorandum of Understanding

The hospital may withdraw from conducting presumptive eligibility determinations and terminate this Memorandum of Understanding upon 30 days written notice to the Department.

The Department may terminate this agreement with 30 days written notice if the Department disqualifies the hospital from conducting presumptive eligibility determinations in accordance with Section IV.

VI. Signatures

The terms of this Memorandum are not intended to alter, amend, or rescind any provisions of Federal or state law. Any provision of this Memorandum that conflicts with Federal law will be null and void.

\_\_\_\_\_  
[Name, Title, Department]

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
[Name, Title, Hospital Name]

\_\_\_\_\_  
(Date)

Please mail 2 signed original documents to the following address and we will return one of the documents to you after we sign it:

Contact Person  
Address

If you have questions about this Memorandum of Understanding, please contact [contact person] at [number] or [email].

## Appendix A. Data Hospitals Will Provide to Support Development of State Performance Standards

[State policy: List the performance indicators on which the hospital will provide data to support the creation of state performance standards.]