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A Major Victory for Former Foster Youth in New Mexico

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Child Abuse & Neglect Health

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Today, New Mexico Governor Susana Martinez signed legislation requiring the state to provide Medicaid coverage to former foster children up to age 26 regardless of the state in which they age out of foster care. The bill passed both chambers unanimously and was signed by the Governor, making New Mexico the 13th state to ensure access to health coverage for all young people who aged out of foster care, regardless of *where* they aged out of care.

In January 2014, the Affordable Care Act (ACA) expanded Medicaid coverage for former foster youth up to age 26. This provision equalizes coverage among young adults, placing young people aging out of foster care on par with their peers who are now able to stay on their parent's insurance until age 26. The expansion of Medicaid to cover certain youth previously in foster care to age 26 is a significant victory for this population because it provides access to critical health coverage for an especially vulnerable group of young adults.

As background, in early 2013, the Centers for Medicare & Medicaid Services (CMS) issued a number of documents to clarify how states should implement the new provision. On January 22, 2013, CMS issued a proposed rule in the Federal Register, which clarified CMS's interpretation that a youth is only eligible for Medicaid coverage in the same state in which he or she was in foster care at age 18 and enrolled in Medicaid. While CMS gave states the option to cover youth under this group who were in foster care and Medicaid in any state at the relevant point in time, it did not require that they do so.

On July 15, 2013 CMS published the final rule, clarifying several outstanding issues, including that the new eligibility category of former foster youth are eligible for full Medicaid benefits including Early, Periodic, Screening, Diagnosis, and Treatment (EPSDT) up to age 21. On December 31, 2013, CMS issued a FAQ that clarified that it would approve state plan amendments to cover youth who were in foster care and receiving Medicaid when they turned 18 or aged out of foster care in another state – meaning that states could receive federal reimbursement for out-of-state foster youth if they choose to enroll them in Medicaid.



To date, only 13 states have taken up the option to extend coverage to youth who aged out in another state:

- California
- Georgia
- Kentucky
- Louisiana
- Massachusetts
- Michigan
- Montana
- New York
- Pennsylvania
- South Dakota
- Wisconsin
- Virginia
- New Mexico

While we are pleased that New Mexico has joined the list of states opting to cover all young people who aged out of care up to age 26, the reality is that a majority of states are opting to not cover youth aging out in other states. As a result, many young people will be left without essential medical coverage. We hope more states will take action to ensure all young people who aged out of care are covered to age 26, regardless of where they aged out of care. It is critical that we remove any barriers to coverage for young people aging out of care, and that includes removing the eligibility restriction tied to residency.

Advocates in New Mexico, including New Mexico Voices for Children and New Mexico Child Advocacy Networks were instrumental in this effort. Let's follow New Mexico's lead and ensure Medicaid coverage for all former foster youth in every state.

Major Victory for Former Foster Youth in NM: <http://bit.ly/1aGgc3u> | Medicaid to age 26, regardless of where youth aged out of care



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ACA, Centers for Medicare & Medicaid Services, Medicaid

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