

Building Bridges Across State Lines: The Interstate Compact on Adoption & Medical Assistance (ICAMA)




ICAMA Administration Training
July 21, 2011

Federal laws leading to ICAMA:

Adoption Assistance and Child Welfare Act (PL 96-272) enacted in 1980

- Established a federally aided Adoption Assistance (AA) program under title IV-E of the Social Security Act (SSA)
- Fed. Govt. to contribute to states' cost of providing AA payments & Medicaid and
- In one provision, *mandated that states safeguard children's interests in interstate situations:*

"(B) stipulates that the agreement shall remain in effect regardless of the State of which the adoptive parents are residents at any given time. The agreement shall contain provisions for the protection (under an interstate compact approved by the Secretary or otherwise) of the interests of the child in cases where the adoptive parents and child move to another State while the agreement is effective." SSA, Section 475 (3)(B) Link: http://www.ssa.gov/OP_Home/ssact/title04/0475.htm



In 1985 COBRA
(Consolidated Omnibus Budget Reconciliation Act)
2 Important Provisions re: Medicaid

1. **Mandated** that Medicaid for IV-E eligible children [foster care & AA (adoption assistance)] be provided by the state of the child's residence;
and
2. Gave states the **option** of providing Medicaid to children receiving **state-funded** (i.e., non IV-E) AA.



Under COBRA 1985

- Title IV-E children could now get Medicaid in the state where they lived
 - | But **no** guidance was provided on how families should go about getting Medicaid set-up in interstate cases
- COBRA did **NOT** provide the **mechanism** to ensure that children with Adoption Assistance Agreement's (AAA) would actually receive Medicaid in the new state.
- **ICAMA did!** It provided the legal and administrative framework/mechanism to meet mandates of PL 96-272 for children eligible for adoption assistance.



Interstate Compact on Adoption & Medical Assistance (ICAMA)!

The ICAMA was written in Jan.1986 and has been enacted into state law by the 49 member states.

- An interstate compact is an agreement between 2 or more states that bind them to the compact provisions (-a 'contract')
- BUT because **ICAMA is enacted into state law, it has force of law among states .**
- **The ICAMA also supersedes conflicting state laws.**
- Purpose of ICAMA—to ensure delivery of Medicaid to AA-eligible children interstate ...



When does ICAMA apply? 2 conditions must be met

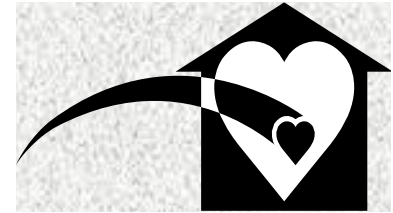
1. There must be an **adoption assistance agreement** in effect
AND
2. **ONE** of the following is true:
 - ◆ Child moves with family to another state while the agreement is in effect.
or
 - ◆ Child is placed in a residential treatment facility (RTF) in another state.
or
 - ◆ Child is initially placed with a family in another state.



Benefits of ICAMA: a Summary

1. Provides administrative structure to protect the interstate interests of children with AAAs.
2. Has force of **law** among members, so it **supersedes** any conflicting state or county law or **policy**.
3. **Obligates** members' use of **standard forms & uniform** administrative procedures
4. Specifies that **one** person, (i.e., ICAMA Administrator) in each state is to be the contact to secure services.

Mission and Services of the Association - AAICAMA



Mission: To facilitate administration of the ICAMA, and promote sound policy, train ICAMA professionals

★ Interstate Services

- Mediation
- Facilitation

★ Technical Assistance

- Legal Advice
- Policy
- Effective practices

★ Research

- Impact of federal law and policy

★ Education

- Administrator Training
- Medicaid Training
- All-state Teleconferences
- Website
- Annual Meetings
- Regional Meetings



NON-ICAMA Member States

- New York – An Associate member, 2007 (i.e., abides by ICAMA forms/procedures)
- Wyoming
- Territories – Puerto Rico, U.S. Virgin Islands, Guam



Some data on number of children in interstate adoptions/moves

AAICAMA Interstate Movement Study (2007) found that:

- **10%** of children receiving AA lived outside the AA state.
- Numbers increasing: From 1998-2005, number of AA-eligible children living outside AA state increased by **70%!**

Adoption Exchanges report that **63%** of prospective families who respond to child-specific adoption recruitment **do not reside in the same state as the child!**



Key Roles and Responsibilities of ICAMA Professionals

- Most important figure under the ICAMA is the ICAMA Professional.
- Without a proactive professional, the interstate transfer of Medicaid & other services to AA-eligible children cannot happen.
- Works with in-state & out-of-state colleagues to ensure Medicaid to AA-eligible children who move to or are placed in another state.
- Facilitates and processes ICAMA Forms for incoming & outgoing children in timely way.
- Serves as advocate & information resource for families.



Working with families is most critical part of the work of ICAMA professional

Surveys of adoptive parents show:

- Most Parents don't know how the 'system works' or how to obtain needed services.
- The most-cited reason adoptive parents gave for not being able to get needed services was: NOT knowing where to go for information!
- When adoptive parents were asked to rank key factors in their decision to adopt, the most important factor cited was **Medicaid receipt**. (more important than Subsidy)

The ICAMA professional is often the **ONLY** point of contact for families in a new state to connect them to services.



ICAMA tools: Standard Forms And Procedures

- What forms are required to process an interstate case under ICAMA?
- How are these forms used?



Processing forms for incoming & outgoing children

- AAICAMA mandates the use of 3 common forms:
 - 6.01*—Notice of Medical Assistance eligibility/Case Activation (sent to by the AA state to the new resident state)
 - 6.02*—Notice of Action (sent to parents by the AA state)
 - 6.03*—Report of Change in Child or Family Status
- Use of these 3 forms is an **Obligation** among all members.

Under the Compact, ALL ICAMA party states agreed to use uniform ICAMA forms, and follow uniform processes and procedures.

*Note: There may be changes to these forms; but will first require member vote for approval.

ICAMA 6.01

Notice of Medicaid Eligibility/Case Activation Sent to New Residence State

ALL the following information MUST be completed:

- Name, DOB, gender, ethnicity & a **valid** Social Security Number (SSN).
(Note: Can use SSN assigned at birth or new SSN obtained after finalization.)
- Adoptive parents' name & address
- Basis for Medicaid (title IV-E or state-funded AA)
- Contact info for ICAMA administrators in **both** states
- Certification of **Medicaid eligibility**

ICAMA 6.01 (continued)

Important Notes about Social Security Numbers (SSN)

- A **valid SSN**, one issued by the Social Security Administration (SSA), is federally **required** to open a Medicaid case.
- Children eligible for Medicaid based on title IV-E eligibility **must furnish a SSN** as a condition of eligibility for Medicaid under Medicaid law.*
(42 CFR 435.910, Link: http://www.access.gpo.gov/nara/cfr/waisidx_02/42cfr435_02.html)
- So, a valid SSN **is required on the 6.01** when a child is placed in or moves to a new state.
- States **cannot** leave this info field blank on 6.01.

* This is true despite the fact that a SSN isn't required under title IV-E.

ICAMA 6.01 (continued)

Important notes about Social Security Numbers (SSNs) – Part 2

Child has only one valid SSN at a time - Must use either:

- SSN issued by Social Security Administration (SSA) at birth
or
- The new SSN issued by the SSA after finalization. The SSN issued at birth must be used during the waiting period for a new SSN.

ICAMA 6.01 (continued)

What should you, as ICAMA professional, do if SSN is missing?

- Contact the ICAMA administrator or adoption worker in the AA state to request the child's SSN.

OR

- Call the adoptive parents to request the child's SSN.



ICAMA 6.02

(Notice of Action)

Sent to the Parents

- Verifies family address and other information.
- **Provides AA state and new state's ICAMA contact information.**
- The 6.02 is sent **only to the adoptive parents** to inform them that all necessary information on the child was sent to the new state & provides a contact in new state.

ICAMA 6.03

(Report of Change in Child/Family Status)

Sent to new resident state

- Used to **notify the other state** about **any change(s)** in address, child status or in Medicaid status.
- Is unique because it **used by both the AA state & the new resident state** but for **different purposes**:
 - AA state uses the 6.03 to notify the resident state of changes in the child address, Medicaid status, etc
 - Resident state uses the 6.03 to notify the AA state that a child receiving AA from their state has been issued a Medicaid card in the new state.



Using the Forms: ICAMA administrative procedures

The process :

1. ICAMA professional in AA state completes the 6.01
2. Attaches a copy of the most current Adoption Assistance Agreement (AAA) to the 6.01
3. Sends the 6.01 & the current AAA to the new resident state ICAMA administrator to indicate the child's eligibility for Medicaid

Note: Because ALL ICAMA member states accept the 6.01 & AAA as proof of Medicaid eligibility, the family does **NOT have to apply for Medicaid in the new state!**



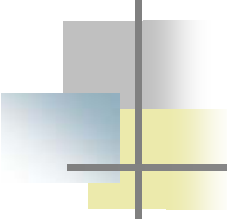
ICAMA Procedures (continued)

- The AA state administrator sends the 6.01 to the adoptive parents with a copy of the completed 6.02
and
- Places a copy of the 6.01 in the case file.

ICAMA Procedures (continued)

ICAMA Professional in resident state sends 6.03 to AA state

- ICAMA professional in new resident state sends a copy of the 6.03 to the AA state once the child's Medicaid case is opened
- The receipt of the 6.03 closes the loop - it lets the AA state know that Medicaid was provided to the child in new state!



Scenario: Child moves from 1st resident state to a 2nd resident state

An adoptive family may move more than once while an AA agreement is in effect.

- Family moves from the AA state to state B (i.e. first resident state)
- Family moves again to State C (i.e. second resident state)

What is the ICAMA process in this case?



ICAMA Process in this Scenario

When the adoptive family moves/plans to move to a 2nd residence state, they should contact the adoption worker in the AA state to notify the state of their move.

Following the ICAMA Process:

The ICAMA Administrator in the AA state must inform the:

- 1st residence state – that the child is moving out of the state & Medicaid case must be closed (via a 6.03)
- 2nd residence state – that child is moving into the state & an Medicaid case is to be opened (via 6.01 & copy of AAA)
- adoptive family that ICAMA paperwork was sent to the 2nd residence state (via a 6.02)



Title IV-E Guardianship Assistance Program (GAP) under Fostering Connections

- The law protects GAP benefits interstate. Requires that guardianship agreements remain in effect 'without regard to the state residency of the guardian'.
- So, children who receive title IV-E guardianship assistance payments are also eligible for Medicaid in the state where the child lives. *(See ACYF-CB-PI-10-11)*



GAP (continued)

- Children who receive title IV-E guardianship assistance (GAP) payments & are placed in or move to another state are handled the same way as title IV-E AA-eligible children who move to another state.
- The ICAMA forms (6.01, 6.02, 6.03) and process should be followed



Remember –

The heart of the ICAMA process is a **child**
with special needs

These special children usually have multiple health issues, it is important that children continue to receive medical assistance quickly when they are placed in or moved to a new state.

In **your role** as an ICAMA professional, parents adopting children from another state or who are moving to a new state with their adoptive children, depend on you to obtain critically needed medical assistance for their children.

The work you do helps to ensure success & stability for each of these special children.



Important Information about Title IV-E Adoption Assistance

- Title IV-E adoption assistance program does **NOT** require annual re-determinations of a child's eligibility.
- Once an adoption assistance agreement is signed and in effect, it can be terminated **ONLY** under three circumstances.

Cite: Section 473(a)(4) of the Social Security Act



Title IV-E AA-eligible Child Remains Eligible Until:

1. Age 18 (or 21 if the State determines that the child has a mental or physical disability which warrants the continuation of assistance)
or
2. State determines that the parent is no longer legally responsible for the support of the child
or
3. State determines the child is no longer receiving any support from the parents.

Cite: Social Security Act, Section 473(a)(4)(B)

Also see ACF Child Welfare Policy Manual, Section 8.2B.9 Q/A #2 at:

www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=63



In other words, a state **cannot** suspend or terminate IV-E Adoption Assistance:

If the adoptive parents fail to reply to the state's request for information or eligibility renewal. Once a child has title IV-E adoption assistance agreement in effect, the AA continues until either:

- o (a) the adoptive parents concur* to a change
- or
- o (b) one of the 3 statutory conditions for termination are met

*Suspensions/reductions in a title IV-E AA payment are not permitted without the concurrence of the adoptive parents.

Cite: Section 473(a) (3) & (4) of the Social Security Act and Child Welfare Policy Manual Sect 8.2B.9 Q/A #2



Working with Families It is Important to Tell Parents...

- When ICAMA paperwork is sent to new state that they'll receive copies of the 6.01 and 6.02.
- If the child receives state-funded adoption assistance—that **Medicaid eligibility is not guaranteed** in all states.
 - Medical services may be obtained thru another program, TANF, Chip, etc.
 - AAA language can ensure Medicaid provision or receipt of specific medical services
 - Providers in new state can become an AA state Medicaid provider
 - Other alternatives: purchasing health insurance, direct provider payments etc.
- If the child receives state-funded adoption assistance—that a new state may require citizenship documentation to meet new DRA Medicaid requirements.

Working with Families (continued)

Tell Parents:

1. It can take up to 45 days (depending on state's internal process) to obtain a Medicaid card in new resident state.
2. That their child is eligible for Medicaid services in the new state immediately.
3. To refill any needed prescriptions before they move.
4. That the medical services available in the new state may **be different** than those they now receive (due to different Medicaid State Plans).
5. About the ability to obtain expedited Medicaid # in new state if a medical emergency arises.
6. To NOTIFY their adoption worker if they move to a new state or child is placed in an RTF in another state.
7. If they have any questions about Medicaid or available services, to contact ICAMA administrator in the new state.
8. Parents should be advised to call the ICAMA office in their AA state if their child has a medical emergency before a Medicaid case has been opened in the new state.



Some practice challenges/issues:

- Often adoptive parents don't inform AA state of a move.
- Direct deposit of AA checks can create address problems.
- ICAMA forms are completed by different offices in county and state-administered states.
- Medical emergency before a Medicaid case has been opened after moving to new state.

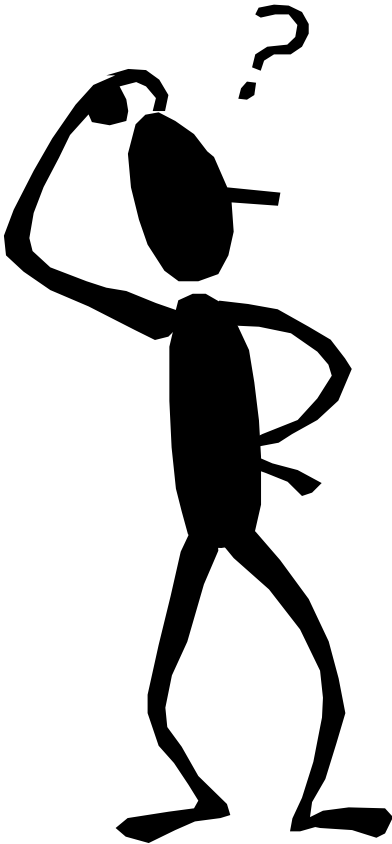


To summarize—It is Important to:

- **Be proactive...** Do whatever is needed to ensure service provision (positive outcome) to the child!
- **Reach out...** build relationships with your ICAMA colleagues. Call with problems & questions.
- **Partner...**with your Medicaid staff.
- **Communicate...**with your adoption workers and Medicaid staff.
- **Know...**your state's Medicaid & post-adoption services.
- **Reach out...**to parents of adoptive children coming into your state!
- **Use resources...**available thru AAICAMA especially the website at <http://www.aaicama.org>.



Questions/Case Scenarios Discussion





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