



# MEDICAID SECTION 1115 WAIVERS FOR SOCIAL DRIVERS OF HEALTH AND REENTRY

Minnesota Human Services Finance Committee

March 7, 2024



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The National Conference of State Legislatures (NCSL) is the **bipartisan** organization serving **legislators and legislative staff** in America's 50 states, D.C. and territories.

With a strong belief in the importance of the legislative institution, NCSL knows **when states are strong, our nation is strong.**



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NCSL delivers training tailored specifically for legislators and staff

## STATE VOICE IN D.C.

NCSL represents and advocates on behalf of states on Capitol Hill

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NCSL meetings facilitate information exchange and policy discussions



# AGENDA



**MEDICAID AND  
SECTION 1115  
WAIVERS**



**SOCIAL  
DRIVERS OF  
HEALTH  
WAIVERS**



**REENTRY  
WAIVERS**



**RESOURCES**



# MEDICAID AND SECTION 1115 WAIVERS



# MEDICAID 101



1. Medicaid provides ***health coverage*** to ***people with low incomes***.
2. Medicaid is ***jointly funded and regulated*** by both the federal and state / territorial governments.
3. States and territories can ***exercise flexibility*** through the state plan, ***waivers***, and state-funded programs.

### Federal

- Minimum requirements
- Funds
- Oversees

### State / Territory

- Administers program
- Funds
- Oversees
- Regulates
- Innovates

### Constituents

- Receive services
- Provide services
- Contract with the state
- Paid by state



Congress



CMS



Legislature



Medicaid Agency



Patients



Providers

(Hospitals, physicians, nurses)



Vendors

(Operations, Managed Care Organizations)



Appropriations,  
Payments



Laws, Regulations,  
Guidance



Oversight, Data  
Collection



Innovations, waivers,  
pilots, flexibilities



Health Services

# SECTION 1115 WAIVERS 101



1. Federal approval and funding to waive federal requirements.
2. Broad or narrow.
3. Reflects White House administration priorities.
4. Budget neutral to federal government.
5. Monitoring and evaluation.

Source: [Section 1115 Research and Demonstration Waivers](#) | MACPAC



# SOCIAL DRIVERS OF HEALTH (SDoH) WAIVERS



# BACKGROUND

## Section 1115 Waivers for Health-Related Social Needs



### HEALTH-RELATED SOCIAL NEEDS

- Individual's unmet, adverse social conditions that contribute to poor health
- May account for 40% to 50% of health outcomes

### OPPORTUNITIES

- Eligibility flexible
- Infrastructure
- Housing
  - Up to 6 months rent
- Nutrition
  - Medically tailored meals, pantry stocking, food prescriptions (6 months)

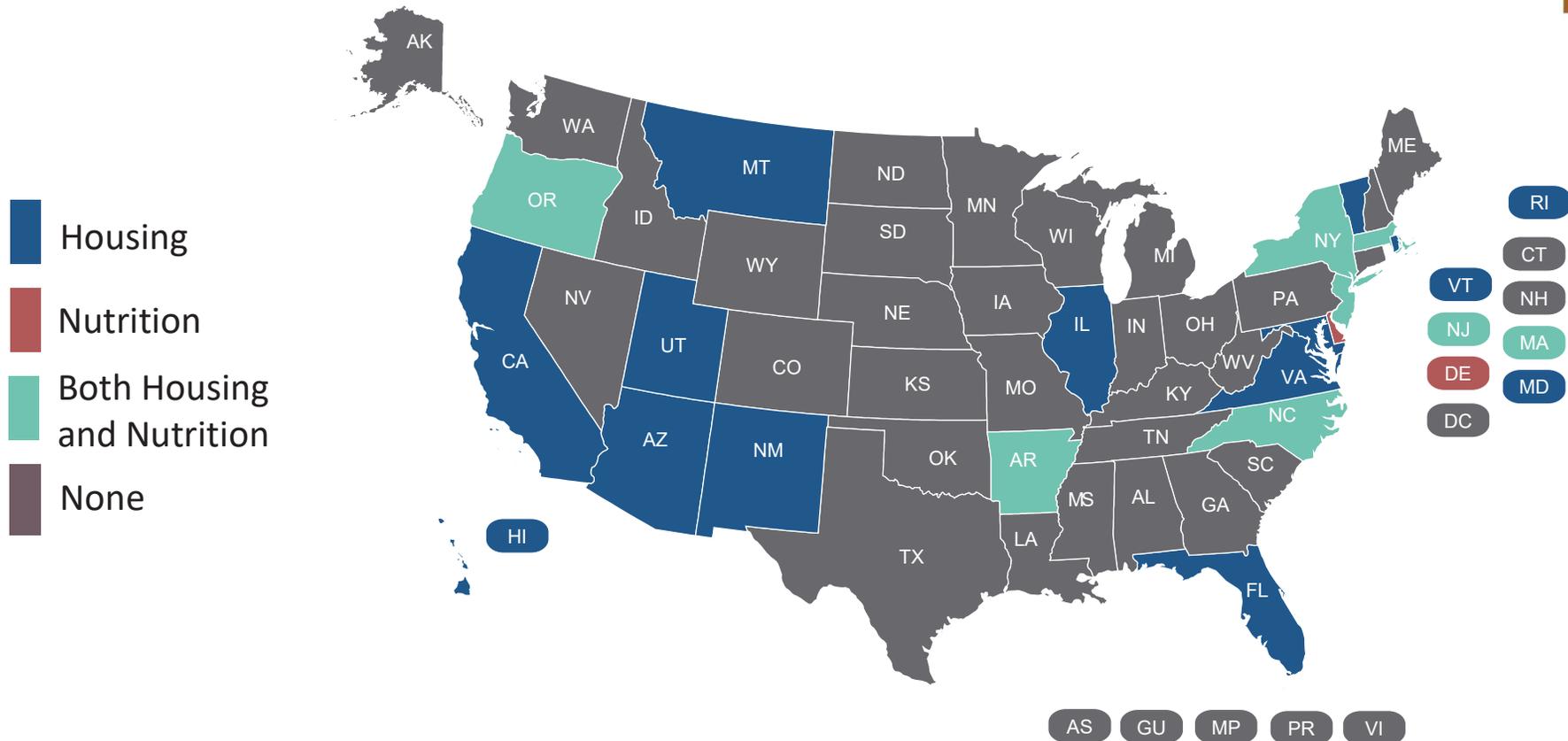
### LIMITATIONS

- Non-Medicaid state and local partnerships
- Spending cap (services + infrastructure)
- Social service spending
- Provider rates
- Clinical and social risk criteria

Source: [Addressing Health-Related Social Needs in Section 1115 Demonstrations All-State Slides](#) | CMS (December 2022); [Health-Related Social Needs](#) | Medicaid.gov; [Testing One, Two, Three: CMS' New Demonstration Opportunity to Address Health-Related Social Needs](#) | CHCS (2022).

# STATE ADOPTION

## Approved Section 1115 Waivers for Housing and/or Nutrition Supports



Source: Data from [Medicaid Waiver Tracker: Approved and Pending Section 1115 Waivers by States](#) | KFF (February 2024)

# WAIVER ALTERNATIVES

## Health-Related Social Needs



### STATE PLAN & HCBS\*

#### AUTHORITIES

Use existing authorities

**District of Columbia**

[DC B 419 \(2023\)](#)



### CASE MANAGEMENT & COMMUNITY HEALTH WORKERS

Leverage existing benefits, providers and state and local services

**Nevada**

[NV SB 117 \(2023\)](#)



### DATA COLLECTION

Assess specific population and social needs

**Texas**

[TX HB 1575 \(2023\)](#)

\*Home- and Community-Based Services





# REENTRY WAIVERS



# BACKGROUND

## Section 1115 Reentry Waivers



### MEDICAID INMATE EXCLUSION POLICY

- Prohibits federal funding for *services* provided to “inmates of public institutions”
- Exception for inpatient hospital care
- 2018 SUPPORT Act

### OPPORTUNITIES

- Funding for:
  - Pre-release services
  - IT systems and capacity building
- Flexibility in population, services, facilities, providers, and scope

### LIMITATIONS

- Minimum services:
  - Case management
  - Medication-assisted treatment
  - 30-day supply of medications
- Time (90-days pre-release)

Source: [CMS Issues Guidance on Section 1115 Demonstration Opportunity to Support Reentry for Justice-Involved Populations](#) | SHVS (April 2023) ; [State Medicaid Director Letter Re: Opportunities to Test Transition-Related Strategies to Support Community Reentry and Improve Care Transitions for Individuals Who Are Incarcerated](#) | CMS (April 2023)





# WAIVER ALTERNATIVES

## Pre-Release and Reentry



### ELIGIBILITY

Suspension and reactivation of benefits

**New Hampshire**  
[Section 126-AA:2](#)



### IN REACH

Administrative connections pre-release for warm hand-off (no services)

**Arizona**  
[Managed care plan requirements](#)



### DATA SYSTEMS

Connect Medicaid and corrections data systems

**Washington**  
[Medicaid, corrections, and jail data](#)

Source: [Connecting Recently Released Prisoners to Health Care](#) | NCSL Report (2023)



# WAIVER ALTERNATIVES

## Pre-Release and Reentry



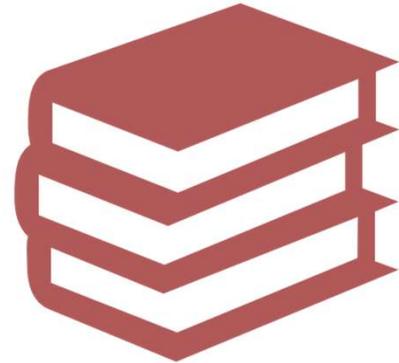
### CHILDREN AND YOUTH IN FOSTER CARE

- New coverage requirement (state plan benefit)
- Up to 30 days pre-release
- Effective January 1, 2026

Source: [Connecting Recently Released Prisoners to Health Care](#) | NCSL Report (2023)



# RESOURCES



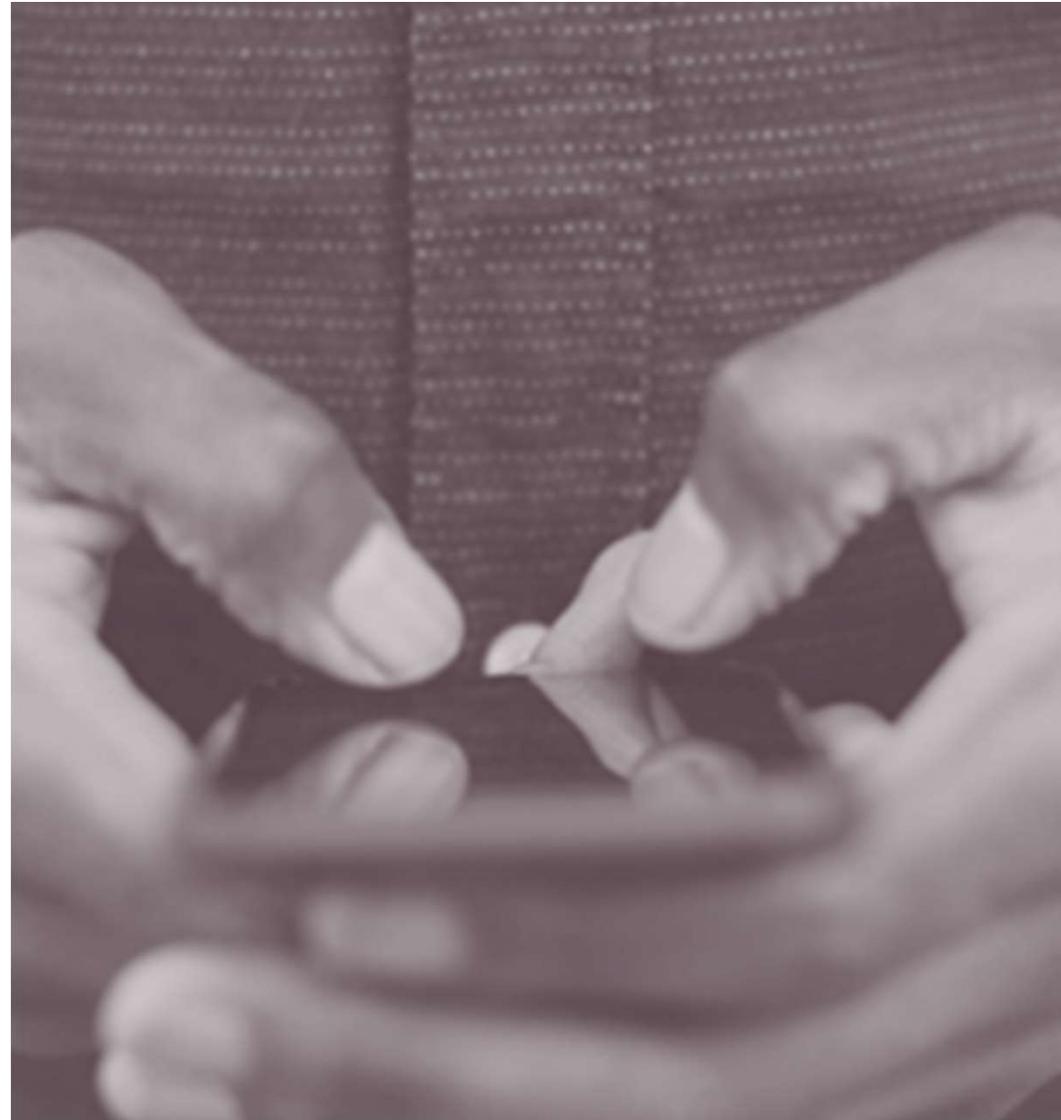
## Resources

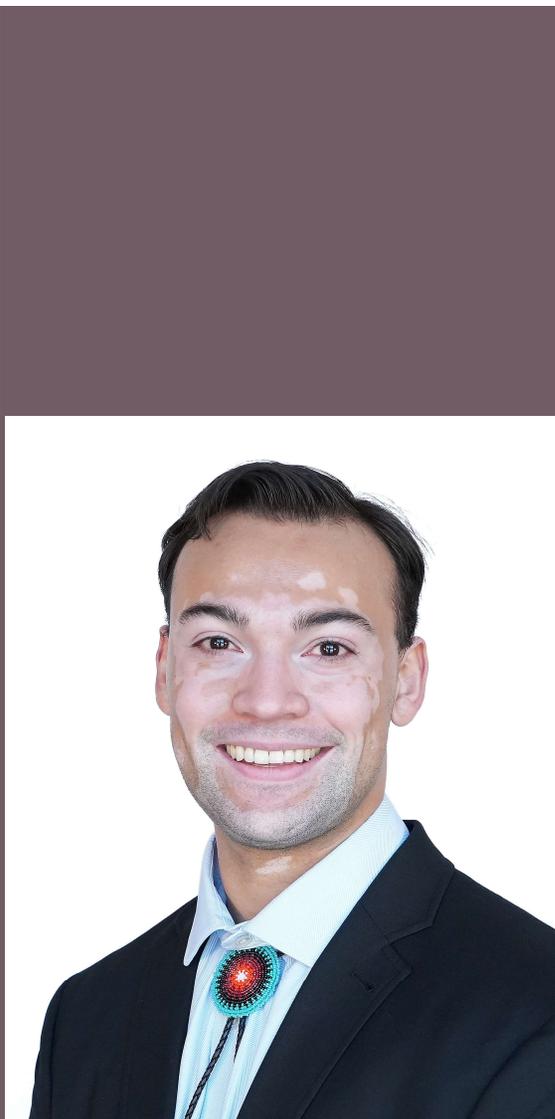
- [Connecting Recently Released Prisoners to Health Care](#) | NCSL Report (2023)
- [Housing and Homelessness Legislation Database](#) | NCSL
- [Medicaid Waiver Tracker: Approved and Pending Section 1115 Waivers by States](#) | KFF (February 2024)
- [Health and Reentry Project](#)
- [Health and Housing & Medicaid and Housing: State Strategies to Support Housing-Related Services](#) | NASHP



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## REACH OUT ANYTIME

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