

## **§435.1110 Presumptive eligibility determined by hospitals**

### (a) Basic rule.

The agency must provide Medicaid during a presumptive eligibility period to individuals who are determined by a qualified hospital, on the basis of preliminary information, to be presumptively eligible subject to the same requirements as apply to the State options under §§ 435.1102 and 435.1103, but regardless of whether the agency provides Medicaid during a presumptive eligibility period under such sections.

### (b) Qualified hospitals.

A qualified hospital is a hospital that –

- (1) Participates as a provider under the State plan or a demonstration under section 1115 of the Act, notifies the agency of its election to make presumptive eligibility determinations under this section, and agrees to make presumptive eligibility determinations consistent with State policies and procedures;
- (2) At State option, assists individuals in completing and submitting the full application and understanding any documentation requirements; and
- (3) Has not been disqualified by the agency in accordance with paragraph (d) of this section.

### (c) State options for bases of presumptive eligibility.

The agency may –

- (1) Limit the determinations of presumptive eligibility which hospitals may elect to make under this section to determinations based on income for all of the populations described in §435.1102 and §435.1103; or
- (2) Permit hospitals to elect to make presumptive eligibility determinations on additional bases approved under the State plan or an 1115 demonstration.

### (d) Disqualification of hospitals.

(1) The agency may establish standards for qualified hospitals related to the proportion of individuals determined presumptively eligible for Medicaid by the hospital who:

- (i) Submit a regular application, as described in §435.907, before the end of the presumptive eligibility period; or

(ii) Are determined eligible for Medicaid by the agency based on such application.

(2) The agency must take action, including, but not limited to, disqualification of a hospital as a qualified hospital under this section, if the agency determines that the hospital is not–

(i) Making, or is not capable of making, presumptive eligibility determinations in accordance with applicable state policies and procedures; or

(ii) Meeting the standard or standards established by the agency under paragraph (d)(1) of this section.

(3) The agency may disqualify a hospital as a qualified hospital under this paragraph only after it has provided the hospital with additional training or taken other reasonable corrective action measures to address the issue.

To implement the Hospital Presumptive Eligibility program in California, California has enacted Welfare & Institutions Code Section 14011.66, as prescribed in Senate Bill X1 1, Chapter 4, Statutes of 2013.