



# An **Advocate's Guide** to Reproductive and Sexual Health in the Medicaid Program

---



# Appendix: CMS Guidance and Additional Resources

---

## CMS Guidance and Federal Reports

### A. Abortion

1. Health Care Financing Admin., Dear State Medicaid Director Letter (Feb. 12, 1998), <https://www.medicaid.gov/Federal-Policy-Guidance/downloads/smd021298.pdf> (citing Oct. 1, 1993 letter affirming Medicaid coverage of Hyde abortions)
2. U.S. Gov't Accountability Office (GAO), *Medicaid: CMS Action Needed to Ensure Compliance with Abortion Coverage Requirements* (Jan. 2019), <https://www.gao.gov/products/GAO-19-159>.

### B. Family planning

1. CMS, Dear State Health Official (July 2, 2010) (SMDL #18-005 and ACA #4), <https://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/SMD10013.pdf> (Re: Family Planning Services Option and New Benefit Rules for Benchmark Plans).
2. CMS, Dear State Medicaid Director (April 16, 2014) (SMDL #14-003 and ACA #31), <https://www.medicaid.gov/Federal-Policy-Guidance/Downloads/SMD-14-003.pdf> (Re: Family Planning and Family Planning Related Services Clarification).
3. CMS, Dear State Health Official (June 14, 2016) (SHO #16-008), <https://www.medicaid.gov/federal-policy-guidance/downloads/sho16008.pdf> (Re: Medicaid Family Planning Services and Supplies).
4. CMS, Frequently Asked Questions Medicaid Family Planning Services and Supplies (Jan. 11, 2017), <https://www.medicaid.gov/federal-policy-guidance/downloads/faq11117.pdf>.

## C. Pregnancy

1. CMS, Dear State Medicaid Director (Jan. 27, 1999), <https://www.medicaid.gov/Federal-Policy-Guidance/downloads/SMD012799.pdf>, (prohibiting cost sharing for Medicaid covered pregnancy services).
2. CMS, Dear State Health Official (SHO #09-006 and CHIPRA #2) (May 11, 2009), <https://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/SHO051109.pdf>, (outlining state CHIPRA options for pregnancy coverage).
3. CMS, Dear State Medicaid Official (SHO # 10-006 and CHIPRA #17) (July 10, 2010), <https://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/SHO10006.pdf>, (Re: Medicaid and CHIP Coverage of “Lawfully Residing” Children and Pregnant Women).
4. CMS, *Medicaid and CHIP FAQs: Implementing Hospital Presumptive Eligibility Programs* (Jan. 2014), <https://www.medicaid.gov/State-Resource-Center/FAQ-Medicaid-and-CHIP-Affordable-Care-Act-Implementation/Downloads/FAQs-by-Topic-Hospital-PE-01-23-14.pdf>.
5. Internal Revenue Serv., Eligibility for Minimum Essential Coverage Under Pregnancy-Based Medicaid and CHIP Programs Notice 2014-71 (Nov. 7, 2014), <https://www.irs.gov/pub/irs-drop/n-14-71.pdf> (clarifying that a QHP enrollee who becomes eligible for pregnancy Medicaid coverage that is considered MEC will only be considered eligible for MEC if they actually enroll in that coverage).

## D. Preventive Services

1. CMS, Dear State Medicaid Director, (SMD #13-002 and ACA #25) (Feb. 1, 2013), <https://www.medicaid.gov/Federal-Policy-Guidance/downloads/SMD-13-002.pdf> (Re: Affordable Care Act Section 4106 Preventive Services).
2. Institute of Medicine, *Clinical Preventive Services for Women: Closing the Gaps* (July 19, 2011), <http://www.nationalacademies.org/hmd/Reports/2011/Clinical-Preventive-Services-for-Women-Closing-the-Gaps.aspx>.
3. U.S. Dep’t of Labor, *Frequently Asked Questions about Affordable Care Act Implementation (Part XII)* (Feb. 20, 2013), <https://www.dol.gov/sites/default/files/ebsa/about-ebsa/our-activities/resource-center/faqs/aca-part-xii.pdf>.

4. U.S. Dep't of Labor, HHS, and Treasury, *FAQs About Affordable Care Act Implementation (Part XXVI)* (May 11, 2015), [https://www.cms.gov/cciio/resources/fact-sheets-and-faqs/downloads/aca\\_implementation\\_faqs26.pdf](https://www.cms.gov/cciio/resources/fact-sheets-and-faqs/downloads/aca_implementation_faqs26.pdf).
5. Women's Preventive Services Initiative, *Recommendations for Preventive Services for Women* (2017), <https://www.womenspreventivehealth.org/final-report/>.

## NHeLP Resources

1. *Abortion Coverage Under Medicaid* (Feb. 22, 2019), <https://healthlaw.org/resource/abortion-coverage-under-medicaid/>.
2. *An Advocate's Guide to MAGI* (Updated Aug. 2018), <https://healthlaw.org/resource/advocates-guide-to-magi-updated-guide-for-2018/>.
3. *An Advocate's Guide to the Medicaid Program* (October 2013), <https://healthlaw.org/resource/advocates-guide-to-the-medicaid-program-agmp/>.
4. *Health Care Refusals: Undermining Quality Care for Women* (July 2012) <https://healthlaw.org/resource/health-care-refusals-undermining-quality-care-for-women/>.
5. *Medicaid Managed Care Final Regulations and Reproductive Health* (June 23, 2016), <https://healthlaw.org/resource/issue-brief-5-medicaid-managed-care-final-regulations-and-reproductive-health/>.
6. *NHeLP resource page on 1115 waivers* (updated frequently), <https://healthlaw.org/resource/fact-sheet-legal-issues-in-section-1115-medicaid-waivers/>.
7. *Q & A on Pregnant Women's Coverage Under Medicaid and the ACA* (Sept. 5, 2018), <https://healthlaw.org/resource/qa-on-pregnant-womens-coverage-under-medicaid-and-the-aca/>.