

**DHB ADMINISTRATIVE LETTER NO: 14-23,
DHB-2187, NOTICE OF POTENTIAL CHANGE
IN MEDICAID ELIGIBILITY/ BREAST AND
CERVICAL CANCER MEDICAID (BCCM)
AND FAMILY & CHILDREN’S MEDICALLY
NEEDY/MEDICAL FORCED ELIGIBILITY
(MAF/MFE)**

DATE: August 30, 2023

SUBJECT: DHB-2187, NOTICE OF POTENTIAL CHANGE IN
MEDICAID ELIGIBILITY/ BREAST AND
CERVICAL CANCER MEDICAID (BCCM) AND
FAMILY & CHILDREN’S MEDICALLY
NEEDY/MEDICAL FORCED ELIGIBILITY
(MAF/MFE)

DISTRIBUTION: County Departments of Social Services
Medicaid Supervisors
Medicaid Eligibility Staff

I. BACKGROUND

Franklin v. Kinsley (5:17-CV-581 E.D.N.C.) – previously known as Hawkins v. Cohen is a federal lawsuit filed in 2017 on behalf of Medicaid beneficiaries in North Carolina. The settlement agreement was signed in January 2023 and requires that at recertification, prior to termination or reduction of current benefits, beneficiaries receiving **full** Medicaid in any Family and Children’s program, have an opportunity to allege disability. These individuals may be eligible to have their current benefits continued while a disability determination is made. As such the DHB-2187 Notice of Potential Change in Medicaid Eligibility, must be sent 180 days prior to the end of their certification period for categorically needy beneficiaries.

Recently DHHS counsel and Class counsel determined beneficiaries receiving Breast and Cervical Cancer Medicaid (BCCM), although not a MAGI program, should also receive the DHB-2187 Notice of Potential Change in Medicaid Eligibility. DHB also identified Medically Needy Forced cases were not included in the original design of the DHB-2187.

Reference Medicaid Policy section [MA-3421](#), MAGI Recertification for policy requirements.

II. PROCEDURES

A. DHB-2187 Policy for BCCM and MAF/MFE

1. BCCM and Family and Children's (F&C) Medically Needy/Medical Forced Eligibility (MAF/MFE) active beneficiaries whose certification period ended or ends between January 2023 through January 2024, were mailed a DHB-2187 outside of NC FAST in July 2023 and August 2023. These beneficiaries are listed on the *BCCM and Medical Forced 2187 Report* that will be posted in NC Fast Help located at NC FAST Help under *Home > Medicaid Reports > BCCM & Medical Forced Report*.
2. Caseworkers may not reduce or terminate such cases any earlier than 60-calendar days after the mailing of the DHB-2187, with the exceptions of individuals who are:
 - a. Deceased,
 - b. Move out of state, or
 - c. Request termination in writing.
3. The DHB-2187 informs the beneficiary of the right to allege disability for any member of the Medicaid household and includes instructions on how to apply for Medicaid. If the beneficiary submits an application to attest disability within 30 days of the date of the DHB-2187, or requests an application to be mailed, the current Medicaid benefits are "protected." The caseworker must extend the current benefits until a disability decision is made.
4. BCCM and MAF/MFE beneficiary cases that have been terminated or reduced since January 1, 2023, must be reopened and/or reinstated through December 31, 2023. Reopen/reinstatement of benefits must be completed within 30 days of the date of this letter unless the beneficiary meets one of the exceptions in section II above and all policy requirements have been met. These cases can be found on the *BCCM and Medical Forced Termination/Reduction Report*, in NC FAST Help under *Home > Medicaid Reports > BCCM & Medical Forced Report*.
5. During the first week of September 2023, BCCM & MAF/MFE beneficiaries whose certification period ends February 28, 2023, will be mailed a DHB-2187. An additional *BCCM and Medical Forced 2187 Report* for those beneficiaries will be located in NCFast Help under *Home > Medicaid Reports > BCCM & Medical Forced Report*.

B. DSS County Responsibility

1. Ensure that all requirements regarding the DHB-2187, Notice of Potential Change in Medicaid Eligibility are followed. Refer to [MA-3421](#) MAGI Recertification.
2. The local agency must review any BCCM and MAF/MFE cases that are pending closure as of August 31, 2023, or changing to reduce benefits as of September 1, 2023, that do not meet the conditions above. The caseworkers must:
 - a. Extend current benefits to allow the beneficiary 60-calendar days and
 - b. Beneficiaries must be given the appropriate notifications prior to reduction or termination of benefits.

Caseworkers may not reduce or terminate such cases prior to December 31, 2023.

3. Caseworkers will not be able to view the manual DHB-2187 notice in NC FAST, therefore it is critical to review the *BCCM and Medical Forced 2187 Report and the BCCM and Medical Forced Termination/Reduction Report*. . Document the case record with date the DHB-2187 was mailed to beneficiaries when the recertification is being completed. The date mailed is included in the report under the heading of “Date Generated”.
4. The local agency may not reduce or terminate BCCM & MAF/MFE cases until 60 calendar days after the date the DHB-2187 was mailed. Use the Application Time Standards chart to calculate the 60th calendar day. Reference Dear County Director of Social Services, [2023 Application Time Standards Chart](#) issued December 21, 2022.
5. Send timely [DSS-8110](#), Notice of Modification, Termination, or Continuation of Public Assistance to reduce or terminate Medicaid effective the last day of the month in which the 61st day falls. Follow policy in [MA-3430/MA-2420](#), Notice and Hearings Process. If the beneficiary is eligible in another full Medicaid program, an adequate notice is required.

Example: The Medicaid beneficiary appears on the *BCCM and Medical Forced 2187 Report* and was mailed a DHB-2187 on July 17, 2023. They become ineligible for all Medicaid benefits on August 15, 2023. The caseworker must send a timely [DSS-8110](#), Notice of Modification, Termination, or Continuation of Public Assistance and **cannot terminate benefits before October 31, 2023**.

C. NC FAST Automation


NC FAST will deploy the automation of the DHB-2187 for BCCM and MAF/MFE cases in the September 2023 release. September notifications will be manually processed, and automation will begin in October 2023. More information regarding NC FAST functionality and procedures is forthcoming in NC FAST County Readiness materials and Communications Alert.

III. EFFECTIVE DATE OF CHANGE AND IMPLEMENTATION

This letter is effective upon receipt.

If you have any questions regarding this information, please contact your [Medicaid Operational Support Team representative](#).

DocuSigned by:


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Jay Ludlam

Deputy Secretary, NC Medicaid