

# The Legislature Should Finish the Job and Pass 12-Month Health Coverage for New Moms

*The Senate Reduced HB 133 to Six Months – And It Is Not in Place Yet*

Last session, with leadership from Speaker Phelan, Chair Frank, Rep. Rose and others, the Texas House passed HB 133 to provide 12 months of health coverage for new moms after childbirth, as recommended by the Maternal Mortality and Morbidity Review Committee and other experts.

The Senate reduced the bill to six months, and the Governor signed the bill. The bill has not been implemented because it requires a Medicaid waiver to obtain federal funds, always a slower and uncertain option. As a result, when Texas restarts Medicaid disenrollments at the end of the Public Health Emergency, Texas moms will once again be removed from health coverage when their baby turns two months old.

We urge the Legislature to finish the job and pass the 12-month maternal coverage option now available to states through a simple Medicaid State Plan Amendment (SPA). Since the federal government made this option easier, half of all states – including other southern states like Alabama, Louisiana, and South Carolina – have either passed or implemented this option.

## **Extending postpartum Medicaid coverage will promote health for mothers and babies.**

A healthy childhood starts with healthy mothers and healthy pregnancies – and continues with access to postpartum care to catch medical issues early and promote wellbeing for parents and infants. Texas leaders across the political spectrum have focused on the first year after childbirth because it is so critical for the health of moms as well as their babies' health and development.

The Texas Maternal Mortality & Morbidity Review Committee (MMMRC) appointed by Governor Abbott has been sounding the alarm for years. One-third of maternal deaths in Texas occur between 43 days and one year after pregnancy and the vast majority of maternal deaths are preventable. Pregnancy complications – such as postpartum depression, cardiac event, hemorrhage, infection, and dangerous blood clots – remain a serious concern in Texas, leading to long-term health issues for mothers and babies, pricey hospital stays or procedures, and higher costs to Medicaid and the state. In fact, the Texas MMMRC found that that “[m]ental disorders,

including those associated with substance use disorder (SUD), were a leading underlying cause of pregnancy-related death and occurred most frequently between 43 days to 1 year postpartum.”<sup>1</sup>

When women cannot get the medical and mental health care they need, there are ripple effects and costs for the state, families, employers, and entire communities. One in four women of childbearing age is uninsured in Texas, which is a major barrier to health care access. Texas women with low incomes can get Medicaid coverage while they are pregnant, but before House Bill 133 was passed, Medicaid would cut off 60 days after pregnancy, leaving new moms uninsured at a pivotal time for their health and their baby’s healthy development. Postpartum depression is one of the most common complications of pregnancy, and when left untreated, maternal mental health conditions are costly and have devastating impacts on parents and children. A 2021 Mathematica study found that failing to treat maternal mental health conditions costs Texas \$2.2 billion for one year of births due to productivity losses, child and behavioral and developmental disorders, and maternal health expenditures.<sup>2</sup>

Access to health insurance is key to addressing these challenges – and House Bill 133, 87th Legislature, Regular Session, 2021 sought to improve access by extending Medicaid health insurance for six months after pregnancy.

## **Extended postpartum coverage is not a reality for Texas mothers right now – and the timing and likelihood of an approved waiver to implement HB 133 is unclear.**

Texas HHSC is taking the needed next step to request federal Medicaid matching funds to implement the bill – but timing or even likelihood of securing federal funds is unclear. HHSC developed an amendment to the Texas Healthcare Transformation and Quality Improvement Program (THTQIP) under section 1115 of the Social Security Act to extend Medicaid eligibility for qualified pregnant women for a total of six months postpartum coverage, as announced in the Texas Register (47 TexReg 1932-1933, April 8, 2022) as directed by House Bill 133. We endorse this waiver amendment as an important first step.

The American Rescue Plan Act (ARPA) made it easier for states to implement 12-month postpartum coverage legislation without the long negotiation with the federal government that was previously required. But, since HB 133 was reduced to 6-month postpartum coverage, Texas has to do this slow, uncertain, and more arduous process to negotiate with the federal government for a waiver under Medicaid rules. We are still a long way from Texas being able to implement the scaled-back six-month version that passed in 2021, in large part because federal policy is now built for 12 months of postpartum coverage instead of six.

## **Texas leaders should extend Medicaid coverage to a full year after pregnancy.**

At the time House Bill 133 was being debated, only a handful of states were seeking to extend postpartum coverage and had 1115 waiver requests pending before the Centers for Medicare & Medicaid Services (CMS). The American Rescue Plan Act of 2021 had just created a new option to extend Medicaid postpartum coverage to a full year via a state plan amendment (SPA) that became available on April 1, 2022.

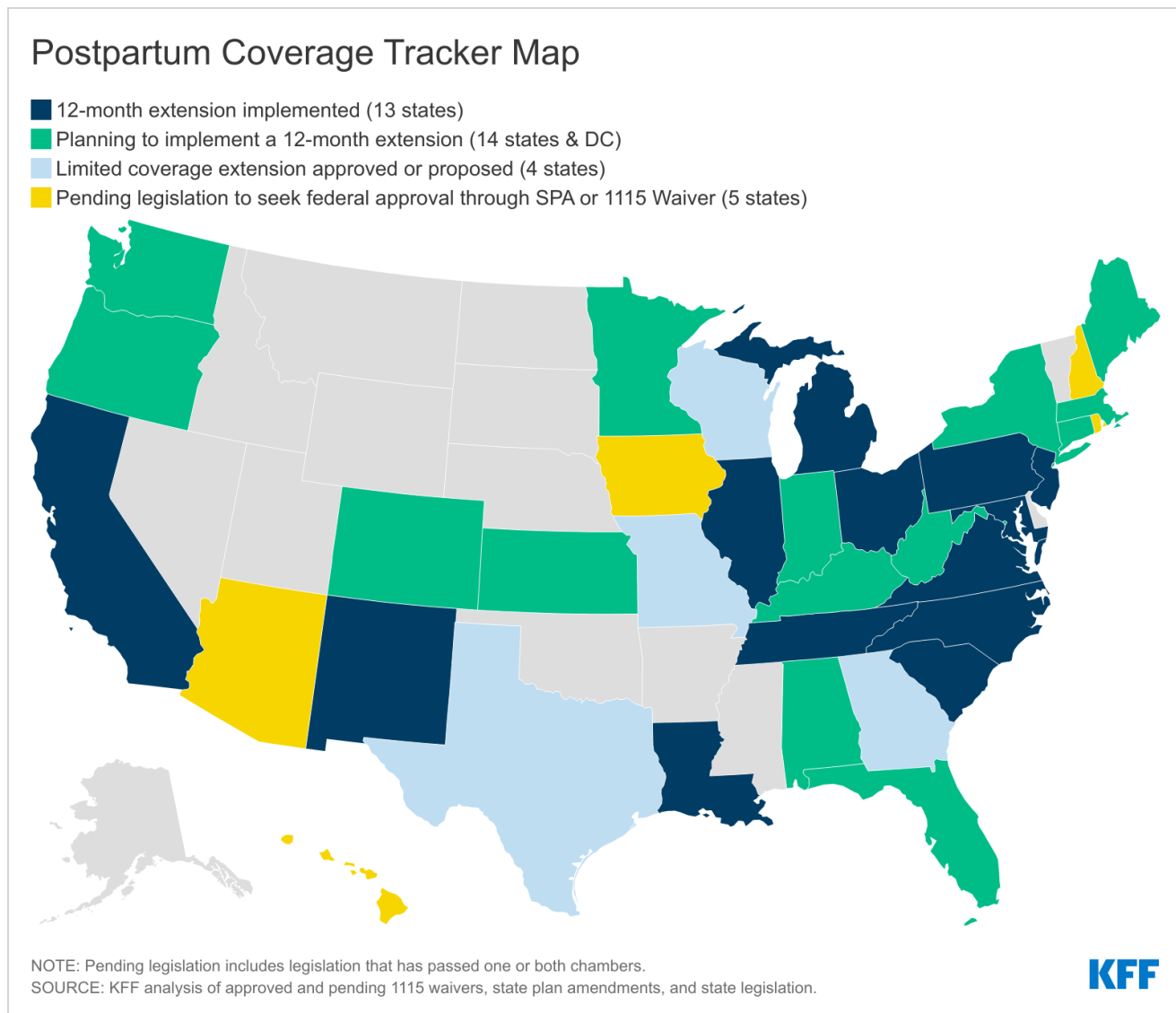
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<sup>1</sup> Texas Maternal Mortality and Morbidity Review Committee and Department of State Health Services. Joint Biennial Report. (Sept. 2020).

<sup>2</sup> Mathematica. “Untreated Maternal Mental Health Conditions in Texas: Costs to Society and to Medicaid.” (March 2020).

The state landscape has changed enormously since 2021. Today, over half the states have extended or are working to extend postpartum Medicaid coverage for a full year after pregnancy, including Alabama, South Carolina, Florida, Louisiana, Kentucky, Ohio, West Virginia, Tennessee, among others.<sup>3</sup> While Georgia initially pursued six-month postpartum coverage, state lawmakers recently enacted legislation to extend coverage for a full year after pregnancy. Texas is one of only two states known to be seeking to extend postpartum Medicaid coverage for less than one year.<sup>4</sup>

Regardless of the outcome of the six-month postpartum waiver amendment, we urge Texas leaders to come back next session and extend Medicaid coverage for new mothers to one year postpartum, as recommended by Texas' Maternal Mortality & Morbidity Review Committee and as proposed by most states.



<sup>3</sup> Kaiser Family Foundation. [Medicaid Postpartum Coverage Extension Tracker](#). (April 15, 2022).

<sup>4</sup> Following legislative direction to seek an 1115 waiver, [Wisconsin](#) is proposing to extend postpartum Medicaid coverage to three months.