

ACF

Administration
for Children
and Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration on Children, Youth and Families and
Office of Administration

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3. Originating Offices: Children's Bureau; Office of Grants Management

4. Key Words: Special and Regular Federal Medical Assistance
Percentage (FMAP) Rates

PROGRAM INSTRUCTION

- TO:** State, Territorial and Tribal Agencies Administering or Supervising the Administration of the Foster Care, Adoption Assistance and Guardianship Assistance programs under Title IV-E of the Social Security Act, Indian Tribes, Tribal Organizations and Tribal Consortia (Tribes)
- SUBJECT:** Fiscal Year (FY) 2011 Federal Medical Assistance Percentage (FMAP) Rates affecting programs under title IV-E of the Social Security Act
- LEGAL AND RELATED REFERENCES:** Section 201 of Public Law 111-226, the "Education, Jobs and Medicaid Assistance Act"; Section 5001 of Public Law 111-5, the "American Recovery and Reinvestment Act of 2009"; and Program Instruction (PI) ACYF-CB-PI-09-03 (issued 03/16/2009)
- PURPOSE:** The purpose of this Program Instruction (PI) is to provide State, Territorial and Tribal title IV-E agencies (hereafter, "title IV-E agencies") with information regarding changes to the FY 2011 FMAP rates made by P.L. 111-226.
- BACKGROUND:** The Federal Medical Assistance Percentage (FMAP) rates are published annually in the *Federal Register*. These rates, which vary by State, are used for title IV-E purposes to compute the Federal share of maintenance assistance payments made under the Foster Care, Adoption Assistance and Guardianship Assistance programs. We expect that information on the establishment of FMAP rates for Tribes will soon be published in the *Federal Register*.
- Under Public Law 111-5, the FMAP rates were temporarily increased to provide additional funding to States and Territories. These temporary increases affect rates for FY 2009, FY 2010 and the first quarter of FY 2011 only (i.e., October 1, 2008 - December 31, 2010). See ACYF-CB-PI-09-03 issued on March 16, 2009 for additional information on the title IV-E impact of this law. On August 10, 2010, President Obama signed Public Law 111-226 into law. Section 201 of the new law amends Public Law 111-5 to extend the temporary increase of the FMAP rates at lower levels for two additional calendar quarters (i.e., January 1, through June 30, 2011).

INFORMATION: The provisions of Public Law 111-5 affected the FMAP rates used for computing the Federal share of assistance payments under the title IV-E Foster Care, Adoption Assistance and Guardianship Assistance programs in two ways. The "regular" FMAP rate for FYs 2009, 2010 and 2011 is compared to the "regular" rates for the prior one, two or three fiscal years, respectively, and the highest rate of that comparison will be used for FYs 2009, 2010 and the first quarter of FY 2011, respectively. After this hold harmless provision is applied, an increase of 6.2 percent was added to the FMAP rate of every State for FYs 2009, 2010 and the first quarter of FY 2011 to create a "special" FMAP rate.

The provisions of section 201 of Public Law 111-226 extend the period during which the "special" FMAP rate is applicable through June 30, 2011, but provides for a phasing-out of the "special" FMAP rate by substituting an increase of 3.2 percent (applicable to the quarter ending March 31, 2011) and 1.2 percent (applicable to the quarter ending June 30, 2011) for the 6.2 percent increase that was provided under Public Law 111-5. It should also be noted that the FMAP rate applicable for the final quarter of FY 2011 (quarter ending September 30, 2011) is scheduled to revert to the "regular" FMAP rate, as published in the *Federal Register* Notice of November 27, 2009 (74 FR 62315 et seq.).

In order for each State to receive the additional Federal funds authorized through Public Law 111-226, the Chief Executive Officer of the State must submit a request to the Secretary of HHS **within 45 days of enactment, or by September 24, 2010**. Each State child welfare agency should coordinate with the State Medicaid agency to secure these additional funds. The Centers for Medicare and Medicaid Services (CMS) has provided a sample letter for States to use in writing to the Secretary which references both title IV-E and Medicaid. A copy of this letter can be viewed through the following link:
<http://www.cms.gov/CMCSBulletins/downloads/FMAP-Extension-Guidance.pdf>.

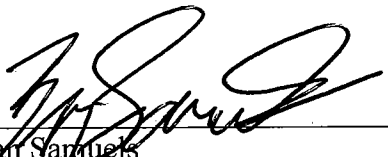
Information on the establishment of FMAP rates for Tribes including the applicability of the "special" FMAP rates will be provided through a separate *Federal Register* notice.

Action Required/Financial Reporting:

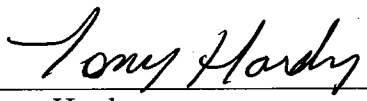
- Each title IV-E State agency should confirm that the State's Chief Executive Officer has submitted, or will be submitting by September 24, 2010, the required letter requesting the application of the higher FMAP rate for that State as authorized through Public Law 111-226.
- States must use the applicable FMAP rate in submitting estimates and claims for each quarter in FY 2011. This rate will be different, in accordance with current law, for each of these four quarters.

- When reporting prior quarter adjustments for title IV-E assistance payments, States should be careful to apply the proper FMAP rate applicable to the FY and quarter in which the cost was paid by or allocated to the IV-E agency.

INQUIRIES TO: Children's Bureau Regional Program Managers or ACF Regional Grants Officers.



Bryan Sanuels
Commissioner



Tony Hardy
Acting Deputy Assistant Secretary
for Administration

Attachments:

Children's Bureau Regional Program Managers and ACF Regional Grants Officers
New State FMAP rates for FY 2011

Attachment A

Children's Bureau Regional Program Managers

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Attachment B - Applicable Title IV-E Special and Regular FMAP Rates by Fiscal Year*

State	FY 2009	FY 2010	FY 2011			
	All Qtrs.	All Qtrs.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.
Alabama	74.18%	74.21%	74.74%	71.74%	69.74%	68.54%
Alaska	58.68%	58.68%	58.68%	55.68%	53.68%	50.00%
Arizona	72.40%	72.40%	72.40%	69.40%	67.40%	65.85%
Arkansas	79.14%	79.14%	79.14%	76.14%	74.14%	71.37%
California	56.20%	56.20%	56.20%	53.20%	51.20%	50.00%
Colorado	56.20%	56.20%	56.20%	53.20%	51.20%	50.00%
Connecticut	56.20%	56.20%	56.20%	53.20%	51.20%	50.00%
Delaware	56.20%	56.41%	59.35%	56.35%	54.35%	53.15%
District of Columbia	76.20%	76.20%	76.20%	73.20%	71.20%	70.00%
Florida	63.03%	63.03%	63.03%	60.03%	58.03%	55.45%
Georgia	70.69%	71.30%	71.53%	68.53%	66.53%	65.33%
Hawaii	62.70%	62.70%	62.70%	59.70%	57.70%	51.79%
Idaho	76.07%	76.07%	76.07%	73.07%	71.07%	68.85%
Illinois	56.52%	56.52%	56.52%	53.52%	51.52%	50.20%
Indiana	70.46%	72.13%	72.72%	69.72%	67.72%	66.52%
Iowa	68.82%	69.71%	69.71%	66.71%	64.71%	62.63%
Kansas	66.28%	66.58%	66.58%	63.58%	61.58%	59.05%
Kentucky	76.33%	77.16%	77.69%	74.69%	72.69%	71.49%
Louisiana	78.67%	78.67%	78.67%	75.67%	73.67%	63.61%
Maine	70.61%	71.19%	71.19%	68.19%	66.19%	63.80%
Maryland	56.20%	56.20%	56.20%	53.20%	51.20%	50.00%
Massachusetts	56.20%	56.20%	56.20%	53.20%	51.20%	50.00%
Michigan	66.47%	69.39%	71.99%	68.99%	66.99%	65.79%
Minnesota	56.20%	56.20%	56.20%	53.20%	51.20%	50.00%
Mississippi	82.49%	82.49%	82.49%	79.49%	77.49%	74.73%
Missouri	69.39%	70.71%	70.71%	67.71%	65.71%	63.29%
Montana	74.73%	74.73%	74.73%	71.73%	69.73%	66.81%
Nebraska	65.74%	66.76%	66.76%	63.76%	61.76%	58.44%
Nevada	58.84%	58.84%	58.84%	55.84%	53.84%	51.61%
New Hampshire	56.20%	56.20%	56.20%	53.20%	51.20%	50.00%
New Jersey	56.20%	56.20%	56.20%	53.20%	51.20%	50.00%
New Mexico	77.24%	77.55%	77.55%	74.55%	72.55%	69.78%
New York	56.20%	56.20%	56.20%	53.20%	51.20%	50.00%
North Carolina	70.80%	71.33%	71.33%	68.33%	66.33%	64.71%
North Dakota	69.95%	69.95%	69.95%	66.95%	64.95%	60.35%
Ohio	68.34%	69.62%	69.89%	66.89%	64.89%	63.69%
Oklahoma	73.30%	73.30%	73.30%	70.30%	68.30%	64.94%
Oregon	68.65%	68.94%	69.05%	66.05%	64.05%	62.85%
Pennsylvania	60.72%	61.01%	61.84%	58.84%	56.84%	55.64%
Puerto Rico	56.20%	56.20%	56.20%	53.20%	51.20%	50.00%
Rhode Island	58.79%	58.83%	59.17%	56.17%	54.17%	52.97%
South Carolina	76.27%	76.52%	76.52%	73.52%	71.52%	70.04%
South Dakota	68.75%	68.92%	68.92%	65.92%	63.92%	61.25%
Tennessee	70.48%	71.77%	72.05%	69.05%	67.05%	65.85%
Texas	66.73%	66.73%	66.76%	63.76%	61.76%	60.56%
Utah	77.83%	77.88%	77.88%	74.88%	72.88%	71.13%
Vermont	65.65%	65.65%	65.65%	62.65%	60.65%	58.71%
Virginia	56.20%	56.20%	56.20%	53.20%	51.20%	50.00%
Washington	57.72%	57.72%	57.72%	54.72%	52.72%	50.00%
West Virginia	80.45%	80.45%	80.45%	77.45%	75.45%	73.24%
Wisconsin	65.58%	66.41%	66.41%	63.41%	61.41%	60.16%
Wyoming	56.20%	56.20%	56.20%	53.20%	51.20%	50.00%

*The applicable FMAP rate is the highest rate calculated through use of the regular FMAP formula (see section 1905(b) of the Social Security Act) and, where applicable, the special FMAP rate enhancement provisions of P.L. 111-5 and P.L. 111-226.