

October 3, 2012

MEDICAID MANUAL – VOLUME XIII

POLICY UPDATE #8

The following acronyms are used in this update:

- FAMIS – Family Access to Medical Insurance Security
- SPARK – Services Programs Answers Resources Knowledge
- UP - Update
- VDSS – Virginia Department of Social Services

Medicaid Update #8 contains significant revisions to the alien status policies for pregnant women and children, as well as several clarifications and updates to the Medicaid Eligibility Manual. Changes are effective with coverage on or after October 1, 2012

Lawfully Residing Non-citizen Children Under Age 19 and Pregnant Women

Effective July 1, 2012, all lawfully residing non-citizen children under age 19 and pregnant women meet the alien status requirement for full coverage under Medicaid, FAMIS and FAMIS MOMS. The definition of lawfully residing children and pregnant women was expanded to include certain non-immigrant individuals with special protected status. Policy contained in subchapter M0220 and Chapters M21 and M22 was clarified to reflect the changes.

Other Changes

UP #8 contains a clarification to the policy on evaluating children in the Individuals Under Age 21 and covered group. Individuals who meet the definition of this covered group in M0330.107 should be evaluated for Medicaid eligibility in this covered group first. If the individual is not eligible in the Individuals Under Age 21 covered group, his eligibility should then be evaluated in other covered groups per M0330.001.

UP #8 also contains the updated utility standard deduction amounts for 2012-2013.

Medicaid Policy Update #8 is available electronically on SPARK and the VDSS public website. The electronic version is the transmittal of record. Changes to the manual are as follows:

Pages Changed	Significant Changes
M0220 Table of Contents pages 4, 7-8, 12, 14d-15 Appendix 5 , page 3 Added new Appendix 7, pages 1-5	Revised the Table of Contents. On page 4, added a reference to the new Appendix 7. On pages 7 and 8, added references to lawfully residing non-citizen pregnant women to lawfully residing non-citizen children under age 19. On page 12, added victims of trafficking to the list of qualified aliens in M0220.310. On pages 14d and 15, revised section M0220.314 to list the groups of alien statuses that are considered lawfully residing non-citizen children under age 19 and pregnant women. Revised page 3 of Appendix 5 to incorporate the new and revised policy regarding lawfully residing non-citizen children under age 19 and pregnant women. Added the new Appendix 7 that lists the typical documents used by lawfully present immigrants.
M0330 pages 4, 6	On pages 4 and 6, clarified the hierarchy for evaluating eligibility for individuals under age 21.
M1480 page 66	On page 66, revised the utility standard deduction amount.
M21 pages 3, 4 Appendix 3 deleted	On page 3, revised the alien status policy for FAMIS to include lawfully residing non-citizen children under age 19. On page 4, removed the reference to Appendix 3. Appendix 3 was deleted.
M22 pages 2, 3	On pages 2 and 3, revised the alien status policy for FAMIS MOMS to include lawfully residing non-citizen pregnant women.

Questions about information contained in Medicaid Policy Update #8 should be directed to Stephanie Sivert, Manager, Medical Assistance Programs, at 804-726-7660 or stephanie.sivert@dss.virginia.gov.

M0220 Changes

Changed With	Effective Date	Pages Changed
UP #8	10/1/12	Table of Contents pages 4, 7-8, 12, 14d-20 page 17a was deleted Appendix 5 , page 3 added new Appendix 7, pages 1-5
UP #7	7/1/12	Table of Contents pages 14d, 16-19 Appendix 5 , page 3
TN #96	10/1/11	Table of Contents pages 2, 3, 7, 8, 14d, 18-22a, 23 Appendix 5, page 3
TN #95	3/1/11	Table of Contents pages 3, 3a, 4-6a, 14a-14c, 17, 19, 20 pages 22a, 23, 24 Appendices 1-2a removed. Appendix 3 and Appendices 5-8 reordered and renumbered.
TN #94	9/1/10	pages 3-3b, 7-9, 14a-14d, 18, 21, 22a, 23 Appendix 1 Appendix 3, page 3
Update (UP) #3	3/1/10	pages 1-3a
TN #93	1/1/10	Table of Contents pages 7-8, 14a, 14c-14d, 15-20, 22a Appendix 1 Appendix 3, page 3 Appendix 4, pages 1 and 2 Appendix 6, page 2
TN #92	5/22/09	Table of Contents pages 1-6a Appendix 8 (18 pages) pages 4a-4t were removed and not replaced.
TN #91	5/15/09	page 7 pages 14a, 14b page 18 page 20 Appendix 3, page 3

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M0220.200 ALIEN IMMIGRATION STATUS

A. Introduction

An alien's immigration status is used to determine whether the alien meets the definition of a "full benefit" alien. All aliens who meet the state residency, covered group and all other nonfinancial eligibility requirements (except SSN for illegal aliens), and who meet all financial eligibility requirements are eligible for Medicaid coverage of emergency services. "Full benefit" aliens may be eligible for all Medicaid covered services. "Emergency services" aliens may be eligible for emergency services only.

B. Procedure

An alien's immigration status must be verified. Use the procedures in sections M0220.201 and 202 below to verify immigration status. After the alien's immigration status is verified, use the policy and procedures in section M0220.300 to determine if the alien is a full benefit alien. If the alien is a full benefit alien and is eligible for Medicaid, use the policy and procedures in section M0220.600 to enroll the alien in Medicaid.

If the alien is an emergency services alien who is eligible for Medicaid, use the policy and procedures in section M0220.700 to enroll an eligible emergency services alien in Medicaid for emergency services only.

C. Changes in Immigration Status

If a "full benefit" alien who was admitted to the U.S with immigration status in one of the "seven-year" alien groups listed in M0220.313.A becomes a Lawful Permanent Resident, he is considered to have full benefit status for the purposes of Medicaid eligibility for the first seven years of residency in the U.S.

M0220.201 IMMIGRATION STATUS VERIFICATION

A. Verification Procedures

An alien's immigration status is verified by the official document issued by the United States Citizenship and Immigration Services (USCIS) and a comparison with the Systematic Alien Verification for Entitlements (SAVE) system. The EW must see the original document or a photocopy. Submission of just an alien number is NOT sufficient verification.

If the alien has an alien number but no USCIS document, or has no alien number and no USCIS document, use the **secondary verification** SAVE procedure in M0220.202 below if the alien provides verification of his or her identity.

NOTE: If the alien claims to be an illegal alien, do not use the verification procedures in this section or the SAVE procedures. Go to section M0220.400 below to determine the illegal alien's eligibility.

B. Documents That Verify Status

Appendix 7 to this subchapter contains a list of typical immigration documents used by lawfully present aliens.

Verify lawful permanent resident status by a Resident Alien Card or Permanent Resident Card (Form I-551), or for recent arrivals a temporary I-551 stamp in a foreign passport or on Form I-94.

Verify lawful admission by a Resident Alien Card (issued from August 1989 until December 1997) or Permanent Resident Card (Form I-551); a Re-entry Permit; or a Form I-688B with a provision of law section 274A.12(A)(1). Afghan and Iraqi immigrants admitted to the U.S. under a Special Immigrant Visa will have either (1) a Form I-551 or (2) a passport or I-94 form indicating categories SI1, SI2, SI3, QQ1, SQ2, or SQ3 and bearing the Department of Homeland Security stamp or notation.

M0220.300 FULL BENEFIT ALIENS

A. Policy

A “full benefit” alien is

- an alien who receives SSI (M0220.305);
- an American Indian born in Canada to whom the provisions of section 289 of the Immigration and Nationality Act (INA) apply, or a member of an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) (M0220.306);
- a “qualified” alien (defined in M0220.310 below) who entered the U.S. before 8-22-96;
- a qualified alien refugee; asylee; deportee; Amerasian; Cuban or Haitian entrant; victim of a severe form of trafficking; or a qualified Afghan or Iraqi immigrant admitted to the U.S. on a Special Immigrant Visa; who entered the U.S. on or after 8-22-96, but only for the first 7 years of residence in the U.S. (M0220.313 C);
- a qualified lawful permanent resident who entered the U.S. on or after 8-22-96 who has at least 40 qualifying quarters of work, but only **AFTER** 5 years of residence in the U.S. (M0220.313 B);
- a qualified alien who meets the veteran or active duty military requirements in M0220.311 below; or
- a lawfully residing non-citizen child under age 19 *or pregnant woman* who meets the requirements in M0220.314 below.

A full benefit alien is eligible for full Medicaid benefits if he/she meets all other Medicaid eligibility requirements.

Aliens who are not “full benefit” aliens are “emergency services” aliens and may be eligible for emergency Medicaid services only if they meet all other Medicaid eligibility requirements. See section M0220.400 for emergency services aliens.

B. Procedure

1. Step 1

First, determine if the alien receives SSI. Section M0220.305 describes this group of aliens who receive SSI.

If the alien does NOT receive SSI, go to Step 2.

If the alien receives SSI, go to Step 6.

2. Step 2

Second, determine if the alien is an American Indian born in Canada or a member of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)). Section M0220.306 describes this group of aliens.

If NO, go to Step 3. If YES, go to Step 6.

3. **Step 3** Third, determine if the alien is a “qualified” alien eligible for full benefits (a full benefit qualified alien).
- Section M0220.310 defines “qualified” aliens.
 - Section M0220.311 defines qualified veteran or active duty military aliens.
 - Section M0220.312 describes qualified aliens who entered the U.S. before 8-22-96.
 - Section M0220.313 describes qualified aliens who entered the U.S. on or after 8-22-96.

If the alien is NOT a qualified alien eligible for full benefits, go to step 4.

If the alien is a qualified alien eligible for full benefits, go to step 6.

4. **Step 4** Fourth, determine if the alien is a lawfully residing non-citizen child under age 19 *or pregnant woman*. See section M0220.314.

If the alien is NOT a lawfully residing non-citizen under age 19 *or pregnant woman*, go to Step 5.

If the alien is a lawfully residing non-citizen child under age 19 *or pregnant woman*, go to Step 6.

5. **Step 5** The alien is an “**emergency services**” alien. Go to Section M0220.400 which defines emergency services aliens, then to M0220.500 which contains the eligibility requirements applicable to all aliens, then to M0220.700 which contains the entitlement and enrollment policy and procedures for emergency services aliens.

6. **Step 6** Use Section M0220.500, which contains the Medicaid eligibility requirements applicable to all aliens, to determine the alien’s Medicaid eligibility. Then use Section M0220.600, which contains the entitlement and enrollment procedures for **full benefit** aliens, to enroll an eligible full benefit alien.

M0220.305 ALIENS RECEIVING SSI

A. Policy

An SSI recipient meets the Medicaid full benefit alien status requirements. Some SSI recipients who are aliens would have lost SSI and Medicaid eligibility. The Balanced Budget Act of 1997 restored SSI eligibility for certain groups of aliens:

- a legal alien who was receiving SSI on August 22, 1996, may continue to receive SSI if he/she meets all other SSI eligibility requirements.
- an alien who was blind or disabled on August 22, 1996, and who is residing legally in the U.S. may receive SSI in the future if he/she meets all other SSI eligibility requirements.
- a legal alien who is receiving SSI for months after July 1996 on the basis of an SSI application filed before January 1, 1979, is exempted from the SSI legal alien requirements, and is eligible for SSI if he/she meets all other SSI eligibility requirements.

- the alien child resides in the same household as a parent who has been battered or subjected to extreme cruelty while in the U.S. by that parent's spouse, or by a member of the spouse's family residing in the same household as the parent and the spouse consented or acquiesced to such battery or cruelty.
- b. the agency providing benefits determines (according to the guidelines to be issued by the U.S. Attorney General) that there is a substantial connection between the battery or cruelty and the need for benefits; and
- c. the alien has a petition approved by or pending with *USCIS* for one of the following:
- status as an immediate relative (spouse or child) of a U.S. citizen;
 - classification changed to immigrant;
 - status as the spouse or child of a lawful permanent resident alien (LPR); or
 - suspension of deportation and adjustment to LPR status based on battery or extreme cruelty by a spouse or parent who is a U.S. citizen or LPR alien.

9. Afghan or Iraqi Special Immigrant

an alien who is lawfully admitted into the U.S. on a Special Immigrant Visa (SIV) for permanent residency. Aliens in this group include the principal SIV holder, his spouse, and his children under age 21 living in the home. Afghan and Iraqi Special Immigrants will have either (1) a Form I-551 or (2) a passport or I-94 form indicating categories SI1, SI2, SI3, QQ1, SQ2, or SQ3 and bearing the Department of Homeland Security stamp or notation.

10. Victims of Trafficking

an alien who has been granted nonimmigrant status under section 101(a)(15)(T) or who has a pending application that sets forth a prima facie (has sufficient evidence) case for eligibility for such status.

M0220.311 VETERAN & ACTIVE DUTY MILITARY ALIENS

A. Veterans or Active Duty Military Aliens

An alien lawfully residing in the state (not here illegally) is always eligible for full Medicaid benefits (if he/she meets all other Medicaid eligibility requirements) **regardless of the date of entry into the U. S.**, if he or she meets one of the following conditions:

1. he/she is a qualified alien and is a veteran discharged honorably not on account of alienage, and who fulfills the minimum active-duty service requirements of section 5303A(d) of title 38, United States Code;
2. he/she is a qualified alien and is on active duty (other than active duty for training) in the Armed Forces of the United States (not in the Armed Forces Reserves),
3. he/she is the
 - a) spouse or the unmarried dependent child of a living (not deceased) qualified alien who meets the conditions of 1. or 2. above, or

M0220.314 LAWFULLY RESIDING NON-CITIZEN CHILDREN UNDER AGE 19 AND PREGNANT WOMEN

A. Policy

Section 214 of CHIPRA of 2009 gives states the option to provide Medicaid *and* FAMIS/FAMIS MOMS coverage to certain individuals who are lawfully residing in the United States and are otherwise eligible for assistance. Virginia has elected to cover children under the age of 19 and pregnant women who are lawfully residing in the U.S.

Noncitizens are lawfully residing in the U.S. if they have been admitted lawfully into the U.S. and have not overstayed the period for which they were admitted, or they have current permission to stay or live in the U.S.

*This policy does **not** apply to individuals who receive temporary relief from removal under the Deferred Action for Childhood Arrivals (DACA) process announced by the U.S. Department of Homeland Security on June 15, 2012.*

Children under age 19 and pregnant women who are in one of the lawfully residing non-citizen alien groups described below must have their immigration status verified at the time of the initial eligibility determination and at each annual renewal of eligibility to ensure that they are lawfully residing in the U.S. and that their immigration status has not changed.

NOTE: All aliens who meet the alien status eligibility requirements for Medicaid and FAMIS/FAMIS MOMS must also meet the Virginia state residency requirements to be eligible for coverage under the programs.

B. Eligible Alien Groups

Lawfully residing children under age 19 and pregnant women meet Medicaid and FAMIS/FAMIS MOMS alien requirements without regard to their date of arrival or length of time in the U.S. Children under 19 or pregnant women are lawfully residing aliens if they are:

1. *a qualified alien as defined in section 431 of PRWORA (8 U.S.C § 1641). See M0220.310;*
2. *an alien in a nonimmigrant status who has not violated the terms of the status under which he or she was admitted or to which he or she has changed after admission . This group includes individuals with valid visas;*
3. *an alien who has been paroled into the United States pursuant to section 212(d)(5) of the Immigration and nationality Act (INA) (8 U.S.C § 1182 (d)(5)) for less than 1 year, except for an alien paroled for prosecution, for deferred inspection or pending removal proceedings;*
4. *an alien who belongs to one of the following classes:*
 - a. *aliens currently in temporary resident status pursuant to section 210 or 245A of the INA (8 U.S.C. §§ 1160 or 1255a, respectively),*
 - b. *aliens currently under Temporary Protected Status (TPS) pursuant to section 244 of the INA (8 U.S.C. § 1254a), and pending applicants for TPS who have been granted employment authorization,*

- c. *aliens who have been granted employment authorization under 8 CFR 274a.12(c)(9), (10), (16), (18), (20), (22), or (24),*
 - d. *Family Unity beneficiaries pursuant to section 301 of Pub. L. 101-649, as amended,*
 - e. *aliens currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President,*
 - f. *aliens currently in deferred action status, except for individuals receiving deferred status as a result of the Deferred Action for Childhood Arrivals (DACA) process, announced by the U.S. Department of Homeland Security on June 15, 2012, or*
 - g. *aliens whose visa petition has been approved and who have a pending application for adjustment of status.*
5. *a pending applicant for asylum under section 208(a) of the INA (8 U.S.C. § 1158) or for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. § 1231) or under the Convention Against Torture who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days;*
 6. *an alien who has been granted withholding of removal under the Convention Against Torture;*
 7. *a child who has a pending application for Special Immigrant Juvenile status as described in section 101(a)(27)(J) of the INA (8 U.S.C. § 1101(a)(27)(J));*
 8. *an alien who is lawfully present in the Commonwealth of the Northern Mariana Islands under 48 U.S.C. § 1806 (e); or*
 9. *an alien who is lawfully present in American Samoa under the immigration laws of American Samoa.*

M0220.400 EMERGENCY SERVICES ALIENS

A. Policy

Any alien who does NOT meet the requirements for full benefits as described in section M0220.300 through 314 above is an “emergency services” alien and is eligible for emergency Medicaid services only, if he or she meets all of the Medicaid nonfinancial and financial eligibility requirements.

B. Procedure

Section M0220.410 describes the qualified aliens who entered the U.S. on or after 8-22-96 who are emergency services aliens.

Section M0220.411 defines “unqualified” aliens.

Section M0220.500 contains the Medicaid eligibility requirements applicable to full benefit and emergency services aliens.

Section M0220.700 contains the entitlement and enrollment procedures for emergency services aliens.

M0220.410 EMERGENCY-SERVICES-ONLY QUALIFIED ALIENS WHO ENTERED U.S. ON OR AFTER 8-22-96

- A. First 5 Years of Residence in U.S.** During the first five years of residence in the U.S., four groups of qualified aliens (as defined in M0220.310 above) who entered the U.S. on or after 8-22-96 are eligible for **emergency Medicaid services only** provided they meet all other Medicaid eligibility requirements.
- 1. Lawful Permanent Residents (LPRs)** An LPR who enters the U.S. on or after 8-22-96 is an “emergency services” alien during the first 5 years the LPR is in the U.S., regardless of work quarters.

Note: If the LPR had prior Refugee status, he may be considered to have Refugee status for the purposes of Medicaid eligibility. To determine former Refugee status of a Lawful Permanent Resident, check the coding on the I-551 for codes RE-6, RE-7, RE-8, or RE-9. Refer to M0220.313.A.1.
 - 2. Conditional Entrants** A qualified Conditional Entrant who enters the U.S. on or after 8-22-96 is an “emergency services” alien.
 - 3. Parolees** A qualified parolee who enters the U.S. on or after 8-22-96 is an “emergency services” alien.
 - 4. Battered Aliens** A qualified battered alien who enters the U.S. on or after 8-22-96 is an “emergency services” alien.
- B. AFTER 5 Years of Residence in U.S.** **AFTER** 5 years have passed from the date of entry into the U.S., the following groups of aliens who entered on or after 8-22-96 are eligible for emergency services only:
- 1. Lawful Permanent Residents Without 40 Work Quarters** Lawful Permanent Residents who DO NOT have at least 40 qualifying quarters of work remain emergency services aliens after residing in the U.S. for 5 years. Lawful Permanent Residents who have at least 40 qualifying quarters of work become full benefit aliens after 5 years of residing in the U.S.
 - 2. Conditional Entrants** A qualified Conditional Entrant who enters the U.S. on or after 8-22-96 is an “emergency services” alien.
 - 3. Parolees** A qualified parolee who enters the U.S. on or after 8-22-96 is an “emergency services” alien.
 - 4. Battered Aliens** A qualified battered alien who enters the U.S. on or after 8-22-96 is an “emergency services” alien.

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|---|--|
| 1. Lawful Permanent Residents Without 40 Work Quarters | Lawful Permanent Residents who DO NOT have at least 40 qualifying quarters of work remain emergency services aliens after residing in the U.S. for 5 years. Lawful Permanent Residents who have at least 40 qualifying quarters of work become full benefit aliens after 5 years of residing in the U.S. |
| 2. Conditional Entrants | A qualified Conditional Entrant who enters the U.S. on or after 8-22-96 is an “emergency services” alien. |
| 3. Parolees | A qualified parolee who enters the U.S. on or after 8-22-96 is an “emergency services” alien. |
| 4. Battered Aliens | A qualified battered alien who enters the U.S. on or after 8-22-96 is an “emergency services” alien. |
- C. AFTER 7 Years of Residence in U.S.**
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|---|---|
| 1. Refugees | After 7 years of residence in the U.S., a refugee or Amerasian immigrant who entered the U.S. on or after 8-22-96 is no longer eligible for full Medicaid benefits and becomes an “emergency services” alien. |
| 2. Asylees | After 7 years have passed since asylum was granted, an asylee who entered the U.S. on or after 8-22-96 is no longer eligible for full Medicaid benefits and becomes an “emergency services” alien. |
| 3. Deportees | After 7 years have passed since deportation was withheld, a deportee who entered the U.S. on or after 8-22-96 is no longer eligible for full Medicaid benefits and becomes an “emergency services” alien. |
| 4. Cuban or Haitian Entrants | After 7 years of residence in the U.S., a Cuban or Haitian Entrant who entered the U.S. on or after 8-22-96 is no longer eligible for full Medicaid benefits and becomes an “emergency services” alien. |
| 5. Afghan and Iraqi Special Immigrants | Medicaid coverage for Afghan and Iraqi Special Immigrants who are eligible in a Medicaid covered group cannot begin earlier than December 26, 2007. After 7 years of residence in the U.S., Afghan and Iraqi Special Immigrants are no longer eligible for full Medicaid benefits and become “emergency services” aliens. |
- After the applicable limited time period expires, individuals become “emergency services” aliens unless the requirements in M0220.313 B or M0220.314 are met.
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|---|---|
| D. Services Available To Eligibles | An emergency services alien who meets all Medicaid eligibility requirements is eligible for Medicaid coverage of emergency services only. |
| E. Entitlement & Enrollment of Eligibles | The Medicaid entitlement policy and enrollment procedures for emergency services aliens are found in section M0220.700 below. |

M0220.411 UNQUALIFIED ALIENS

A. Unqualified Aliens Aliens who do not meet the qualified alien definition M0220.310 above and who are **NOT** lawfully residing non-citizen children under age 19 or pregnant women per M0220.314 above are “unqualified” aliens and are eligible for emergency services only if they meet all other Medicaid eligibility requirements. Unqualified aliens include illegal and non-immigrant aliens.

B. Illegal aliens Illegal aliens were never legally admitted to the U.S. or were legally admitted for a limited period of time and did not leave when that period expired. If an alien remains in the U.S. after his visa expires, he becomes an illegal alien.

C. Non-immigrant Aliens Aliens who are lawfully admitted to the U.S. for a temporary or limited period of time, and the limited period has **not** expired, are non-immigrant aliens. Non-immigrants, such as visitors, tourists, some workers, and diplomats, are not eligible for Medicaid because of the temporary nature of their admission status (they do not meet the state residency requirement). Non-immigrants have the following types of USCIS documentation:

- Form I-94 Arrival-Departure Record,
- Form I-185 Canadian Border Crossing Card,
- Form I-186 Mexican Border Crossing Card,
- Form SW-434 Mexican Border Visitor's Permit,
- Form I-95A Crewman's Landing Permit.

Note: If the alien remains in the U.S. after the limited time period (visa) is over, he becomes an illegal alien.

Non-immigrants include:

1. **Visitors** visitors for business or pleasure, including exchange visitors;
2. **Foreign Government Representative** foreign government representatives on official business and their families and servants;
3. **Travel Status** aliens in travel status while traveling directly through the U.S.;
4. **Crewmen** Crewmen on shore leave;
5. **Treaty Traders** treaty traders and investors and their families;
3. **Travel Status** aliens in travel status while traveling directly through the U.S.;
6. **Foreign Students** foreign students;
7. **International Organization** international organization representatives and personnel, and their families and servants;

8. **Temporary Workers** temporary workers including some agricultural contract workers;
9. **Foreign Press** members of foreign press, radio, film, or other information media and their families.

M0220.500 ALIENS ELIGIBILITY REQUIREMENTS

- A. **Policy** An alien must meet all other Medicaid eligibility requirements to be eligible for any Medicaid services. The eligibility requirements are:

1. **Residency** the Virginia residency requirements (M0230);

Aliens who are visitors (non-immigrants) usually do not meet the Virginia state residency requirements because their visas will expire on a definite date. Ask the non-immigrant alien "Where do you intend to go after your visa expires?" If the visitor states in writing that he/she "intends to reside in Virginia permanently or indefinitely after his visa expires," then the alien has stated his intent to reside in Virginia permanently or indefinitely and can meet the Virginia state residence eligibility requirement for Medicaid.

If an individual who signed a statement indicating that he does not intend to remain subsequently changes his mind, eligibility cannot begin prior to the date of the original statement.

2. **Social Security Number (SSN)** the SSN provision/application requirements (M0240);

NOTE: An alien eligible only for Medicaid payment of emergency services does not have to apply for or provide an SSN. This includes emergency-services-only aliens as defined in M0220.410 and unqualified aliens as defined in M0220.411.

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	UNQUALIFIED ALIEN GROUPS (cont.)	Arrived Before 8-22-96	Arrived On or After 8-22-96	
T	Aliens granted suspension of deportation pursuant to Section 244 of the INA and whose deportation the USCIS does not contemplate enforcing [Immigration Judge Court Order]	Emergency Only T1	Emergency Only T2	Emergency Only T3
U	Any other aliens living in the US with the knowledge and permission of the USCIS whose departure the agency does not contemplate enforcing [USCIS Contact]	Emergency Only U1	Emergency Only U2	Emergency Only U3
V	Illegal aliens – aliens not lawfully admitted or whose lawful admission status has expired	Emergency Only V1	Emergency Only V2	Emergency Only V3
W	Visitors (non-immigrants): tourists, diplomats, foreign students, temp. workers, etc. [I-688B – 274a.12(b)(1)-(20); I-94; I-185; I-I186; SW-434; I-95A]	Emergency Only W1	Emergency Only W2	Emergency Only W3

	LAWFULLY RESIDING NON-CITIZENS	Effective 1/1/10	Effective 7/1/12
Y	Non-citizen (alien) children under the age of 19 and pregnant women lawfully residing in the U.S. who meet the requirements in M0220.314.	<i>Full Benefits for Medicaid children under age 19 (FAMIS Plus)</i>	<i>Full Benefits for Medicaid (FAMIS Plus), Medicaid pregnant women, FAMIS and FAMIS MOMS</i>

	AFGHAN AND IRAQI SPECIAL IMMIGRANTS	First 7 Years after Entry into U.S.	After 7 Years
Z	Afghan and Iraqi Special Immigrants admitted on a Special Immigrant Visa (SIV), including the spouse and children under age 21 living in the home with the principal visa holder. [I-551 or passport/ I-94 indicating categories SI1, SI2, SI3, QQ1, SQ2, or SQ3 and bearing Department of Homeland Security stamp or notation]	Full Benefits Z1	Emergency Only Z2

TYPICAL DOCUMENTS USED BY LAWFULLY PRESENT IMMIGRANTS

STATUS	TYPICAL DOCUMENTS
Lawful Permanent Resident (LPR)	<ul style="list-style-type: none"> • “Green card” (Form I-551) or earlier versions: I-151, AR-2 and AR-3; • Reentry permit (I-327); • Foreign passport stamped to show temporary evidence of LPR or “I-551” status; • Receipt from USCIS (U.S. Citizenship and Immigration Services) indicating that an I-90 application to replace LPR card has been filed; • Memorandum of Creation of Lawful Permanent Residence with approval stamp (I-181); • I-94 or I-94A with stamp indicating admission for lawful permanent residence; • Order issued by the INS/DHS (Immigration and Naturalization Service/Dept. of Homeland Security), an immigration judge, the BIA (Board of Immigration Appeals), or a federal court granting registry, suspension of deportation, cancellation of removal, or adjustment of status; <i>or</i> • Any verification from the INS, DHS, or other authoritative document.
Amerasian LPR NOTE: The codes listed here pertain only to the particular Vietnamese Amerasians who qualify for the “Refugee Exemption.”	<ul style="list-style-type: none"> • Any of the LPR documents listed above with one of the following codes: AM-1, AM-2, AM-3, AM-6, AM-7, or AM-8; or • Any verification from the INS, DHS, or other authoritative document
Applicant for Adjustment to LPR Status	<ul style="list-style-type: none"> • Receipt or notice showing filing or pending status of Form I-485 Application to Register Permanent Residence or Adjust Status; • Form I-797 ASC Appointment Notice with Case Type “I-485 Application to Register Permanent Residence or Adjust Status”; • Form I-688B or I-766 employment authorization document (EAD) coded 274a.12(c)(9) or C9 or C9P; • I-797 receipt for Application for Employment Authorization based on C09; • I-512 authorization for parole, indicating applicant for adjustment of status; or • Any verification from the INS, DHS, or other authoritative document.
Refugee	<ul style="list-style-type: none"> • Form I-94 or I-94A Arrival/Departure Record or passport stamped “refugee” or “§ 207”; • Form I-688B or I-766 EAD coded 274a.12(a)(3) or A3; or (a)(4) or “A4” (paroled as a refugee); • Refugee travel document (I-571); or • Any verification from the INS, DHS or other authoritative document. • NOTE: If adjusted to LPR status, I-551 may be coded R8-6, RE-6, RE-7, RE-8, or RE-9.
Conditional Entrant	<ul style="list-style-type: none"> • Form I-94, I-94A, or other document indicating status as “conditional entrant,” “Seventh Preference,” § 203(a)(7), or P7; or • Any verification from the INS, DHS, or other authoritative document.

Asylee	<ul style="list-style-type: none"> • Form I-94, I-94A, or passport stamped “asylee” or “§ 208”; • Order granting asylum issued by the INS, DHS, an immigration judge, the BIA, or a federal court; • Form I-688B or I-766 EAD coded 274a.12(a)(5) or A5; • Refugee travel document (I-571); or • Any verification from the INS, DHS, or other authoritative document. <p>NOTE: If adjusted to LPR status, I-551 may be coded AS-6, AS-7, or AS-8.</p>
Granted Withholding of Deportation or Withholding of Removal	<ul style="list-style-type: none"> • Order granting withholding of deportation or removal issued by the INS, DHS, an immigration judge, the BIA, or a federal court; • Form I-688B or I-766 EAD coded 274a.12(a)(10) or A10; or • Any verification from the INS, DHS, or other authoritative document.
Granted Withholding of Deportation/Removal under the Convention Against Torture (CAT)	<ul style="list-style-type: none"> • Order granting withholding of deportation or removal under CAT, issued by an immigration judge, the BIA, or a federal court; • Form I-688B or I-766 EAD coded 274a.12(a)(10) or A10; or • Any verification from the INS, DHS, or other authoritative document
Applicant for Asylum or Withholding of Deportation/Removal, including Applicant for Withholding of Deportation/Removal under CAT, with employment authorization if > 14 years, or application for asylum/withholding pending for 180 days if < 14 years	<ul style="list-style-type: none"> • Receipt or notice showing filing or pending status of Form I-589 Application for Asylum and Withholding or CAT; • Form I-688B or I-766 EAD coded 274a.12(c)(8) or C8; or • Any verification from the INS, DHS, or other authoritative document.
Cuban or Haitian Entrant	<ul style="list-style-type: none"> • Form I-94 with a stamp indicating “Cuban/Haitian entrant” (this may be rare, as it has not been used since 1980) or any other notation indicating “parole,” any documents indicating pending exclusion or deportation proceedings; • Any documents indicating a pending asylum application, including a receipt from an INS Asylum Office indicating filing of Form I-589 application for asylum; • Form I-688B or I-766 EAD coded 274a.12(c)(8) or C8, or 274a.12(c)(11) or C11; or • Any verification from the INS, DHS, or other authoritative document. <p>NOTE: Individuals who have adjusted to LPR status may have I-551 cards or temporary I-551 stamps in foreign passports coded CAA66, CB1, CB2, CB6, CB7, CH6, CNP, CU6, CU7, CU8, CU9, CUO, CUP, NC6, NC7, NC8, NC9, HA6, HA7, HA8, HA9, HB6, HB7, HB8, HB9, HC6, HC7, HC8, HC9, HD6, HD7, HD8, HD9, HE6, HE7, HE8, HE9. In addition, Cubans or Haitians with the codes LB1, LB2, LB6, or LB7 may also qualify. These codes were used for individuals granted LPR status under any of the 1986 legalization provisions including Cuban/Haitian entrants.</p>

<p>Paroled into the U.S.</p>	<ul style="list-style-type: none"> • Form I-94 or I-94A indicating “parole” or “PIP” or “212(d)(5),” or other language indicating parole status; • Form I-688B or I-766 EAD coded 274a.12(a)(4), 274a.12(c)(11), A4, or C11; or • Any verification from the INS, DHS, or other authoritative document. <p>NOTE: If subsequently adjusted to LPR status, may have I-551 card (for Lautenberg parolees, these may be coded LA).</p>
<p>Granted Temporary Protected Status (TPS)</p>	<ul style="list-style-type: none"> • Form I-688B or I-766 EAD coded 274a.12(a)(12) or A12; • Form I-797 Notice of Action showing grant of TPS status; or • Any verification from the INS, DHS, or other authoritative document.
<p>Applicant for TPS, with employment authorization</p>	<ul style="list-style-type: none"> • Receipt or notice showing filing or pending status of Form I-821 (Application for Temporary Protected Status); • Form I-688B or I-766 EAD coded 274a.12(c)(19) or C19; or • Any verification from the INS, DHS, or other authoritative document.
<p>Granted Deferred Enforced Departure (DED)</p>	<ul style="list-style-type: none"> • Form I-688B or I-766 EAD coded 274a.12(a)(11) or A11; or • Any verification from the INS, DHS, or other authoritative document.
<p>Granted Deferred Action Status</p>	<ul style="list-style-type: none"> • Form I-797 Notice of Action or other form showing approval of deferred action status; • Form I-688B or I-766 EAD coded 274a.12(c)(14) or C14; or • Any verification from the INS, DHS, or other authoritative document.
<p>Applicant for Special Immigrant Juvenile Status</p>	<ul style="list-style-type: none"> • Form I-797 Notice of Action Special Immigrant Juvenile Approval Notice; • Form I-797 Welcome Notice/Approval of I-485, “Other Basis of Adjustment SL6”; • I-551 coded “SL6”; or • Any verification from the INS, DHS, or other authoritative document.
<p>“Qualified” Domestic Violence Survivor</p> <p>Must have a pending petition for an immigrant visa, either filed by a spouse or a self-petition under the Violence Against Women Act (VAWA), or an application for suspension of deportation or cancellation of removal. The petition or application must either be approved or, if not yet approved, must present a prima facie case.</p>	<ul style="list-style-type: none"> • Receipt or other proof of filing I-130 (visa petition) under immediate relative (IR) or 2nd family preference (P-2) showing status as a spouse or child; • Form I-360 (application to qualify as abused spouse, child, or parent under the VAWA); • Form I-797 Notice of Action referencing pending I-130 or I-360 or finding establishment of a prima facie case; • Receipt or other proof of filing I-485 Application for Adjustment of Status on basis of an immediate relative or family 2nd preference petition or VAWA application; • Any documents indicating a pending suspension of deportation or cancellation of removal case, including a receipt from an immigration court indicating filing of Form EOIR-40 (Application for Suspension of Deportation) or EOIR-42 (Application for Cancellation of Removal); Form I-688B or I-766 EAD coded 274a.12(a)(10) or A10 (applicant for suspension of deportation) or 274a.12(c)(14) or C14 (individual granted deferred action status); or • Any verification from the INS, DHS, or other authoritative document.

Victim of Trafficking	<ul style="list-style-type: none"> • Certification from U.S. Dept. of Health and Human Services (HHS) Office of Refugee Resettlement (ORR); • ORR eligibility letter (if under 18); • Certification status verified through HHS Trafficking Verification Line 202-401-5510 or 866-401-5510 ; • I-914 (T status application); • I-766 coded (a)(16); • Form I-797 approval notice for “CP” (continued presence); • Form I-797 indicating approval of T-1 Status; • Bona fide case determination on a T status application; or • Form I-797 “Extension of T or U Nonimmigrant Status”; • I-512 authorization for parole, indicating T-1 status; • I-551 coded ST6; or • Any verification from HHS, INS, DHS, or other authoritative document.
Derivative Beneficiary of Trafficking Survivor	<ul style="list-style-type: none"> • Proof of approved I-914A petition (derivative T status); • I-94 or passport stamped T-2, T-3, T-4, or T-5; • Form I-797 Notice of Action indicating approval of T-2, T-3, T-4 or T-5 status; • I-766 EAD coded (c)(25); • Form I-797 “Extension of T or U Nonimmigrant Status”; • I-512 authorization for parole, indicating T-2, T-3, T-4 or T-5 status; • I-551 card coded ST7, ST8, ST9, or ST0; or • Any verification from HHS, INS, DHS, or other authoritative document.
Nonimmigrant	<ul style="list-style-type: none"> • Form I-94 or I-94A Arrival/Departure Record or passport indicating admission to U.S. with nonimmigrant visa; • Receipt for Form I-102 Application for Replacement/Initial Nonimmigrant Arrival-Departure Document; • I-797 approving application to extend/change nonimmigrant status; • I-797 approving application for S, T, U, or V nonimmigrant status; • Form I-688B or I-766 EAD or other INS/DHS document indicating nonimmigrant status; or • Any verification from the INS, DHS, or other authoritative document.
Citizen of Micronesia, the Marshall Islands, and Palau	<ul style="list-style-type: none"> • Form I-94 or passport noted as “CFA/RMI” or “CFA/FSM” or “CFA/PAL”; • Form I-766 coded (a)(8); or • Any verification from the INS, DHS, or other authoritative document.
Lawful Temporary Resident	<ul style="list-style-type: none"> • Form I-688 Temporary Resident Card; • Form I-688A EAD; • Form I-688B or I-766 EAD coded 274a.12(a)(2) or A2; or with other evidence indicating eligibility under INA §§210 or 245A ; • Form I-698 Application to Adjust from Temporary to Permanent Residence under INA § 245A; or • Any verification from the INS, DHS, or other authoritative document.
	<ul style="list-style-type: none"> •

<p>Applicant for Legalization under IRCA or the LIFE Act, with employment authorization</p>	<ul style="list-style-type: none"> • Form I-688B or I-766 EAD coded 274a.12(c)(20), (c)(22), or (c)(24); • Form I-687 Application for Temporary Residence under INA § 245A; • Passport, with stamp or writing by INS/DHS officer, indicating pending §245 application; or • Any verification from the INS, DHS, or other authoritative document.
<p>Family Unity</p>	<ul style="list-style-type: none"> • Form I-797 Notice of Action showing approval of I-817 Application for Family Unity; • Form I-688B or I-766 EAD coded 274a.12(a)(13) or A13; or • Any verification from the INS, DHS, or other authoritative document.
<p>Applicant for Cancellation of Removal or Suspension of Deportation, with employment authorization</p>	<ul style="list-style-type: none"> • Receipt or notice showing filing Form EOIR-40 (Application for Suspension of Deportation), EOIR-42 (Application for Cancellation of Removal), or I-881 (Application for Suspension of Deportation or Special Rule Cancellation of Removal); • I-256A (former suspension application); • Form I-688B or I-766 EAD coded 274a.12(c)(10) or C10; or • Any verification from the INS, DHS, or other authoritative document.
<p>Order of Supervision, with employment authorization</p>	<ul style="list-style-type: none"> • Notice or form showing release under order of supervision; • Form I-688B or I-766 EAD coded 274a.12(c)(18) or C18; or • Any verification from the INS, DHS, or other authoritative document.
<p>Registry Applicant, with employment authorization</p>	<ul style="list-style-type: none"> • Receipt or notice showing filing Form I-485 Application to Register Permanent Resident or Adjust Status; • Form I-688B or I-766 EAD coded 274a.12(c)(16) or C16; or • Any verification from the INS, DHS or other authoritative document.
<p>Abbreviations</p> <p>BIA - Board of Immigration Appeals</p> <p>CAT - Convention Against Torture</p> <p>CMS - Centers for Medicare and Medicaid Services</p> <p>CP – continued presence</p> <p>DHS - U.S. Dept. of Homeland Security</p> <p>EAD - employment authorization document</p> <p>EOIR - Executive Office for Immigration Review</p>	<p>HHS - U.S. Dept. of Health and Human Services</p> <p>INS - Immigration and Naturalization Service</p> <p>IR - immediate relative</p> <p>LPR - lawful permanent resident</p> <p>ORR - Office of Refugee Resettlement</p> <p>USCIS - U.S. Citizenship and Immigration Services</p> <p>VAWA - Violence Against Women Act</p>

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M0330 Changes

Changed With	Effective Date	Pages Changed
UP #8	10/1/12	pages 4, 6
TN #97	9/1/12	Table of Contents pages 1-40 (all pages)
UP #2	8/24/09	pages 3, 6, 8, 16, 22
Update (UP) #1	7/1/09	pages 20, 21

B. Entitlement

1. IV-E Foster Care Child

Entitlement to Medicaid as a IV-E Foster Care child begins the first day of the month of commitment or entrustment if a Medicaid application is filed within 4 months of commitment or entrustment. Retroactive entitlement prior to the month of commitment or entrustment is not allowed.

If the Medicaid application is filed more than 4 months after entrustment or commitment, entitlement may be retroactive up to 3 months prior to application if the child met all Medicaid eligibility requirements in the retroactive months. However, Medicaid entitlement cannot go back to the month of entrustment or commitment when the application is filed more than 4 months after entrustment or commitment.

2. IV-E Adoption Assistance Child

Entitlement to Medicaid as a IV-E Adoption Assistance child begins the first day of the application month if all eligibility factors are met in that month. Retroactive entitlement, up to three months prior to application, is applicable if all Medicaid eligibility criteria were met during the retroactive period.

C. Enrollment

The aid category (AC) for IV-E foster care children is “076.” The AC for IV-E Adoption Assistance children is “072”.

M0330.107 INDIVIDUALS UNDER AGE 21

A. Policy

42 CFR 435.222 – The federal Medicaid law allows the State Plan to cover reasonable classifications of individuals under age 21 years who do not receive cash assistance but who meet the income requirements of the state’s July 16, 1996 AFDC State Plan. *Children under age 19 should be evaluated in the FAMIS Plus covered group if not eligible as individuals under age 21.*

Individuals ages 19 and 20 should be evaluated in the Individuals Under Age 21 covered group when they are not eligible for Medicaid in any other full-benefit covered group.

The reasonable classifications of individuals under age 21 are:

- IV-E eligible foster care children who do NOT receive a IV-E maintenance payment,
- Non-IV-E foster care children,
- Department of Juvenile Justice (DJJ) children,
- Non-IV-E Adoption Assistance children,
- Children in intermediate care nursing facilities (ICF), and
- Children in intermediate care facilities for the mentally retarded (ICF-MR).

• Nonfinancial Eligibility Requirements

The individual must be under age 21 and meet the nonfinancial requirements in chapter M02.

C. Reasonable Classifications

The individual under age 21 must meet one of the following classifications:

1. **Adoptive Placement**

While in adoptive placement, the child may continue to be treated as a foster care child. However, once the interlocutory or the final order of adoption is entered, the child must be treated as a Non-IV-E adoption assistance child; see 3. below.
 2. **Non-IV-E Adoption Assistance-Interlocutory or Final Order Entered**

Financial eligibility is determined using the assistance unit procedures in subchapter M0520, which require the inclusion of the child's adoptive parent(s) and sibling(s). An adoption assistance child must have his/her eligibility determined by counting or deeming (as appropriate) his/her parent's and sibling's income.
 3. **Child in ICF or ICF-MR**

A child in an ICF or an ICF-MR is an institutionalized individual in a medical facility when he meets the definition of "institutionalized individual" in section M1410.010 B.2. When he meets the institutionalized individual definition, he is an assistance unit of one person.
- D. Resources**

There is no resource test for the Individuals Under Age 21 covered group.

E. Income

1. Income Limits

For the Individuals Under Age 21 covered group, the income limit is the F&C 100% income limit found in chapter M0710, Appendix 3.

The foster care or adoption subsidy payment is excluded when determining the unit's income eligibility.

Foster care and Adoption Assistance children in residential facilities do not have a different income limit. For a foster care/adoption assistance child living outside the State of Virginia, the income limit for the assistance unit is the income limit for the Virginia locality which holds custody, pays the adoption subsidy, or signed the adoption assistance agreement.

2. Income Exceeds F&C 100% Income Limit

For foster care (including DJJ) and adoption assistance children whose income exceeds the F&C 100% income limit, determine the child's Medicaid eligibility *in the FAMIS Plus covered group if the child under 19 or as an MN Individual Under Age 21 if the child is over 19 but under 21* (see M0330.804).

For children who are institutionalized in an ICF or ICF-MR and whose income exceeds the F&C 100% income limit, determine the child's Medicaid eligibility in the 300% SSI covered group (see M0330.501).

F. Entitlement & Enrollment

1. Entitlement

Entitlement to Medicaid begins the first day of the month in which the Medicaid application is filed, if all eligibility factors are met in that month. Retroactive entitlement, up to three months prior to application, is applicable if all Medicaid eligibility criteria were met during the retroactive period.

M1480 Changes

Changed With	Effective Date	Pages Changed
UP #8	10/1/12	page 66
UP #7	7/1/12	pages 11, 14, 18c, 21 pages 32, 66, 67, 69
UP #6	4/1/12	pages 7, 18c, 66, 68, 69, 70
TN #96	10/1/11	pages 7, 14, 66, 71
UP #5	7/1/11	page 66
TN #95	3/1/11	pages 7-9, 13, 18a, 18c, 66, pages 69, 70
TN #94	9/1/10	pages 64, 66, 69, 70
TN #93	1/1/10	Table of Contents, page ii pages 3, 8b, 18, 18c, 20a pages 21, 50, 51, 66, pages 69, 70, 93 Appendix 4 was removed.
Update (UP) #1	7/1/09	page 66
TN # 91	5/15/09	pages 67, 68 pages 76-93

After eligibility is established, the usual reporting and notification processes apply. Send the “Notice of Action on Medicaid” for the month(s) during which the individual establishes Medicaid eligibility. MMIS will generate the “Notice of Obligation for LTC Costs” and it will be sent to the individual or his authorized representative.

M1480.400 PATIENT PAY

- A. Introduction** This section contains the policy and procedures for determining an institutionalized spouse’s (as defined in section M1480.010 above) patient pay in all covered groups.
- B. Married With Institutionalized Spouse in a Facility** For a married LTC patient with an institutionalized spouse in a facility, **NO** amount of the patient’s income is deducted for the spouse’s needs in the patient pay calculation.

M1480.410 MAINTENANCE STANDARDS & ALLOWANCES

- A. Introduction** This subsection contains the standards and their effective dates that are used to determine the community spouse’s and other family members’ income allowances. The income allowances are deducted from the institutionalized spouse’s gross monthly income when determining the monthly patient pay amount. Definitions of these terms are in section M1480.010 above.
- B. Monthly Maintenance Needs Standard**

\$1,891.25	7-1-12		
\$1,838.75	7-1-11		
- C. Maximum Monthly Maintenance Needs Allowance**

\$2,841.00	1-1-12		
\$2,739.00	1-1-11		
- D. Excess Shelter Standard**

\$567.38	7-1-12		
\$551.63	7-1-11		
- E. Utility Standard Deduction (SNAP)**

\$277	1 - 3 household members		<i>10-1-12</i>
\$348	4 or more household members		<i>10-1-12</i>
\$274	1 - 3 household members		10-1-11
\$345	4 or more household members		10-1-11

M1480.420 PATIENT PAY FOR ABD 80% FPL AND 300% SSI INSTITUTIONALIZED SPOUSE

- A. Policy** After a 300% SSI or ABD 80% FPL institutionalized spouse has been found eligible for Medicaid, determine his patient pay (post-eligibility treatment of income).

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M21 Changes

Changed With	Effective Date	Pages Changed
UP #8	10/1/12	Table of Contents Pages 2-4 Appendix 3 deleted
UP #7	7/1/12	pages 3, 4 Appendix 2, pages 1 Appendix 3, pages 1 and 2
UP #6	4/1/12	Appendix 1
TN #96	10/1/11	pages 3, 8
TN #95	3/1/11	Table of Contents pages 5, 6, 14, 15, page 16 added Appendix 1
TN #94	9/1/10	page3 Appendix 3, pages 1 and 2
UP #3	3/1/10	pages 2-5
TN #93	1/1/10	page 2-4, 8
Update (UP) #2	8/24/09	page 4

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- he is uninsured;
- he is **not** a member of a family eligible for health benefits coverage under the State Employee Health Insurance Plan on the basis of a family member's employment with a State agency (see Appendix 2 to this chapter);
- he is **not** a member of a family who has dropped health insurance coverage on him within 4 months of the application without good cause;
- he is **not** an inmate of a public institution;
- he is **not** an inpatient in an institution for mental diseases;
- he meets the Medicaid Nonfinancial Eligibility Requirements in Chapter M02 with certain exceptions; and
- he has gross family income less than or equal to 200% FPL.

M2120.100 NONFINANCIAL ELIGIBILITY REQUIREMENTS

A. Introduction

The child must meet, with certain exceptions, the Medicaid Nonfinancial Eligibility Requirements in chapter M02 and the nonfinancial eligibility requirements imposed by FAMIS.

B. M02 Requirements

The Medicaid Nonfinancial Eligibility Requirements in Chapter M02 that must be met are:

- citizenship and alienage requirements, including Afghan and Iraqi special immigrants in M0220.313 A, with the exceptions noted *below in C.1 for citizenship and C. 2 for alienage*;
- Virginia residency requirements;
- institutional status requirements regarding inmates of a public institution.

C. M02 Exceptions

The exceptions to the Medicaid Nonfinancial Eligibility Requirements in Chapter M02 are:

1. Citizenship & Identity Verification Required

The Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009 mandates that effective January 1, 2010, all applicants for coverage in a Title XXI program must provide verification of citizenship and identity (*C&I*). If the child is a United States (U.S.) citizen, the child must meet the U.S. citizenship requirements in M0220.001.

Verification of citizenship is required; declaration of the child's U.S. citizenship is no longer accepted. However, like Medicaid, a reasonable

opportunity period must be given to the applicant. The C&I verification requirements in M0220.100 apply to FAMIS, including use of the Social Security Administration (SSA) data match when a Social Security number (SSN) has been provided. If an SSN has not been provided for the child, a reasonable opportunity to provide acceptable documentation of C&I must be given. The reasonable opportunity period will last until the time of the first annual renewal.

If the child is not a U.S. citizen, the child must meet the FAMIS alienage requirements.

1. Alienage Requirements

Lawfully residing non-citizen children under age 19 meet the FAMIS alienage requirements. The FAMIS alien requirements for lawfully residing children under age 19 are the same as the Medicaid alienage requirements for these children (see section M0220.314).

Alien status must be verified. Refer to sections M0220.200, M0220.201 and M0220.202 for information about verifying alien status.

2. No Emergency Services Only Coverage

FAMIS does not provide emergency services only coverage for non-citizens who are not lawfully residing in the U.S., such as illegal aliens or those whose lawful admission status has expired. These aliens are not eligible for FAMIS.

3. **SSN** A Social Security number (SSN) or proof of application for an SSN (M0240) is **not** a requirement for FAMIS.
4. **Assignment of Rights** Assignment of rights to payment for medical care from any liable third party is a condition of eligibility for the child.
- D. FAMIS Nonfinancial Requirements** The child must meet the following FAMIS nonfinancial requirements:
1. **Age Requirement** The child must be under age 19 for at least one day during the month. No verification is required.
- A child no longer meets the age requirements for FAMIS effective the end of the month in which the child reaches age 19 years, provided he was under age 19 on the first day of the month. If the child was born on the first day of the month, his eligibility ends the last day of the month prior to the month he reaches age 19.
2. **Uninsured Child** The child must be uninsured, that is, he must not be covered under any health insurance plan offering hospital and medical benefits. See M2120.200.
3. **State Employee Prohibition** A child is ineligible for FAMIS if he is a member of a family eligible for health insurance coverage under any Virginia State Employee Health Insurance Plan on the basis of the family member's employment with a State agency.
4. **IMD Prohibition** The child cannot be an inpatient in an institution for mental diseases (IMD).

M2120.200 HEALTH INSURANCE COVERAGE

- A. Introduction** The intent of FAMIS is to provide health coverage to low-income uninsured children. Eligibility for this program is prohibited when creditable health insurance coverage is dropped within 4 months of the application for FAMIS unless good cause for discontinuing the insurance is demonstrated, or the child is pregnant.
- B. Definitions**
1. **Creditable Coverage** For the purposes of FAMIS, creditable coverage means coverage of the individual under any of the following:
- church plans and governmental plans;
 - health insurance coverage, either group or individual insurance;
 - military-sponsored health care;
 - a state health benefits risk pool;
 - the federal Employees Health Benefits Plan;

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M22 Changes

Changed With	Effective Date	Pages Changed
UP #8	10/1/12	pages 2, 3 page 3a deleted
UP #7	7/1/12	pages 2, 3
UP #6	4/1/12	Appendix 1
TN #96	10/1/11	pages 3, 3a
TN #95	3/1/11	pages 4-6 Appendix 1
UP #4	7/1/10	page 10
TN #94	9/1/10	page 3
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- she is **not** an inpatient in an institution for mental diseases; and
- she has countable family income less than or equal to 200% FPL.

M2220.100 NONFINANCIAL ELIGIBILITY REQUIREMENTS

A. Policy The pregnant woman must meet, with certain exceptions, the Medicaid nonfinancial eligibility requirements in Chapter M02 and the nonfinancial eligibility requirements imposed by FAMIS.

B. M02 Applicable Requirements The Medicaid nonfinancial eligibility requirements in Chapter M02 that must be met are:

- citizenship or alien status (*see C. below*);
- Virginia residency requirements;
- assignment of rights;
- application for other benefits;
- institutional status requirements regarding inmates of a public institution.

C. M02 Exceptions *The exceptions to the Medicaid nonfinancial eligibility requirements in Chapter M02 are:*

1. Citizenship & Identity Verification Required The Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009 mandates that, effective January 1, 2010, all applicants for coverage in a Title XXI program must provide verification of citizenship and identity (C&I). If the pregnant woman is a United States (U.S.) citizen, she must meet the U.S. citizenship requirements in M0220.100. Verification of citizenship **is** required; declaration of the woman's U.S. citizenship is **no longer** accepted. However, as with Medicaid, a reasonable opportunity period must be given.

The C&I verification requirements in M0220.100 apply to FAMIS MOMS, including the use of the Social Security Administration (SSA) data match when a Social Security Number (SSN) has been provided. If an SSN has not been provided, a reasonable opportunity to provide acceptable documentation of C&I must be given.

If not a U.S. citizen, the pregnant woman must meet the alienage requirements.

2. Alienage Requirements *Lawfully residing non-citizen pregnant women meet the alienage requirements for coverage in FAMIS MOMS. The alienage requirements for lawfully residing pregnant women are the same for FAMIS MOMS, FAMIS and Medicaid (see section M0220.314).*

- 3. No Emergency Services Only Coverage** *FAMIS does not provide emergency services only coverage for non-citizens who are not lawfully residing in the U.S., such as illegal aliens or those whose lawful admission status has expired. These aliens are not eligible for FAMIS MOMS.*
- 4. SSN not Required** The applicant is not required to provide an SSN or proof of an application for an SSN.
- 5. Procedure-- Eligibility Determination and Enrollment** *If a pregnant woman is determined by ADAPT to be ineligible for full-benefit Medicaid and for FAMIS MOMS because of her alien status, the pregnant woman's Medicaid and FAMIS MOMS eligibility determination, and enrollment if she is eligible for Medicaid or FAMIS MOMS, must be performed manually **outside of ADAPT**. If the pregnant woman is not eligible for Medicaid, but is eligible for FAMIS MOMS, she is to be enrolled in FAMIS MOMS aid category 005.*

Because this process is a manual determination, the paper case record must be transferred to the FAMIS CPU for ongoing case maintenance. The case transfer must include copies of the application, evaluation of eligibility, proof of income and notice of action. Case transfer procedures are located in section M2140.100 E.2.