

## GENERAL ELIGIBILITY REQUIREMENTS

General eligibility requirements are applicable to all medical assistance programs unless otherwise noted.

### **C-100 RESIDENCE REQUIREMENTS (435.403)**

Customers must be living in Nevada with the intention of making Nevada their home permanently OR must be living in Nevada with a job commitment or seeking employment. Customers are not required to have a fixed place of residence to meet this requirement.

#### **C-100.1 SSI Recipients Receiving a State Supplementary Payment (SSP) from Another State**

When the customer is receiving SSI/SSP through another state, the state paying the State Supplementary Payment is the state of residence UNLESS SSA acknowledges Nevada residency. In this instance ONLY, use SSA's effective date of residency.

#### **C-100.2 Verification**

Accept customer statement for residency. When a discrepancy exists in the current case file, contact the household or a collateral contact to clarify circumstances and document the information.

### **C-105 EXCEPTION TO RESIDENCY RULES**

For the purposes of this section, a person is incapable of indicating their intent to reside when they:

- a. have an IQ of 49 or less or have a mental age of 7 or less; or
- b. are found incapable of indicating their intent to reside as verified through medical documentation by a physician or licensed psychologist; or
- c. are judged legally incompetent

#### **C-105.1 Individuals Placed In an Out-of-State Institution**

Residence is the State making or arranging placement of the individual. Any agency of the State that arranges for an individual to be placed in an institution (includes foster care homes) located in another State, is recognized as acting on behalf of the State making a placement.

**Note:** This includes an entity recognized under state law as being under contract with the State for such purposes.

When a competent individual leaves the facility in which the individual is placed by a State, the individual's State of residence, for Medicaid purposes, is the State where the individual is physically located.

**Note:** Children who receive Title IV-E adoption assistance or foster care payments are considered residents of the State in which the child lives.

### **C-105.2 Individuals Under the Age 21**

The State of residence for individuals under age 21 who are not receiving Title IV-E payments and not receiving a State supplement is as follows:

- a. An individual capable of indicating intent and who is emancipated from his or her parents or who is married, the State of residence is the state where the individual intends to reside or has entered the State with a job commitment or seeking employment.
- b. An individual not capable of indicating intent, not living in an institution, not receiving Title IV-E and not receiving a State Supplementary Payment the State of residence is:
  1. the State where the individual resides; or
  2. the State of residency of the parents or caretaker with whom the individual resides.
- c. For any individual under the age of 21 who is institutionalized and, neither married nor emancipated, the State of residency is determined as follows:
  1. the parent's or legal guardian's State of residence at the time of placement; or
  2. the current State of residence of the parent or legal guardian who files the application if the individual is institutionalized in the State; or
  3. the State of residence of the individual or party who filed an application is used if the individual has been abandoned by his or her parent(s), does not have a legal guardian, and is institutionalized in that State.

**NOTE:** A legal guardian must be appointed by the court, and the parental rights terminated. When the legal guardian applies on behalf of the institutionalized individual, the State of residence of the guardian is used instead of the parents' State of residence.

### **C-105.3 Individuals Age 21 and Over**

The State of residence for an individual residing in an institution that became incapable of indicating intent **before** age 21 is:

- a. the State of residence of the parent or legal guardian applying for Medicaid on behalf of the individual if the parent or legal guardian resides in a separate State; or
- b. the State of residence of the parent or legal guardian at the time of placement; or
- c. the current State of residence of the parent or legal guardian who files the application if the individual is institutionalized in that State.

Individuals residing in an institution who became incapable of indicating intent **after** age 21, the State of residence is:

- a. the State in which the individual is physically present, except where another State makes a placement.

An individual residing in an institution that has been abandoned by his or her parent(s) and does not have a legal guardian, the State of residence is the State of residence of the individual or party who files an application.

#### **C-110 DISPUTED RESIDENCY**

When Nevada Medicaid determines a customer is a resident of another State and that State disagrees, the following procedures apply:

- a. require the customer to provide a copy of the disputing State's denial/termination letter.
- b. process the Nevada Medicaid application to determine eligibility.
- c. notify the Chief of E&P by memo. Include:
  1. case name and number.
  2. copy of denial/termination letter from the disputing State.
  3. copy of NOMADS NOD showing approval/denial.
  4. verification (not all inclusive)
    - a. rent/mortgage receipt
    - b. landlord statement
    - c. Nevada driver's license
    - d. Nevada vehicle registration
    - e. utility bills/receipts

- f. Victims of Domestic Violence approved for fictitious address receive a notice from the Division of Child and Family Services which contain an individual authorization code and substitute mailing address. Request and keep a copy of this notice in the case file for verification. Request the customer to provide a statement from the Division of Child and Family Services to verify a pending CAP application. Persons pending a determination for CAP may use an alternative address (i.e., friend, relative, or shelter address).
- g. award letter for Social Security
- h. employer's statement
- i. statement from a friend, relative or other person who is knowledgeable about the customer's residency
- j. State Data Exchange (SDX).
- k. SSA State Online Query (SOLQ)

#### **C-115 TEMPORARY ABSENCE**

Medical may not be denied or terminated because of an individual's temporary absence from State.

Nevada residency continues when a customer is temporarily absent IF he/she intends to return to Nevada when the purpose of the absence has been accomplished. Children attending school out of State who have not indicated their intent to return to Nevada and/or who have been approved for Medicaid in another state, do not meet Nevada residency rules. Document in the case file the temporary absence situation and obtain the customer/representative's statement concerning the intent of residency and the purpose of the absence.

#### **C-120 CAP PROGRAM (NRS 217)**

The confidential Address Program (CAP) is administered by the Division of Child and Family Services and helps victims of domestic violence, sexual assault, human trafficking and/or stalking from being located by the perpetrator through public records. CAP provides a fictitious address and confidential mail forwarding services to individuals and families across Nevada. When an individual is approved for the program, they are given a notice which contains the individual's CAP Authorization Code and the fictitious address. The CAP authorization Code ensures mail is delivered correctly and confidentially without further delay. The following are the requirements for DWSS cases with individuals enrolled in the Confidential Address Program.

- When a fictitious CAP address is provided to the DWSS, staff must accept the fictitious address and **NOT** require the individual to provide their actual residential or mailing address.
- The CAP Authorization Code must be entered in the system under the address field “Other” with the PO Box number. The authorization code assists with directing the mail to the individual.
  - Example: Jane Doe  
PO BOX 9876 1234567  
Carson City, NV 89702

\*See task guide Case Management – 03 for instructions on how to complete/update this information on the customer’s address screen.

- Individuals enrolled in the program are allowed 17 days to provide requested information.

## **C-200 SOCIAL SECURITY NUMBERS (435.910)**

The agency must require, as a condition of eligibility, each individual (including children) seeking Medicaid, furnish their Social Security Number (SSN).

If an applicant cannot recall his SSN(s) or has not been issued an SSN, the agency must-

- a. assist the applicant in completing an application for an SSN;
- b. obtain evidence required under SSA regulations to establish the age, the citizenship or alien status, and the true identity of the applicant; and
- c. either send the application to SSA or, if there is evidence that the applicant has previously been issued an SSN, request the applicant to apply for a replacement card as SSA no longer provides SSN printouts in their field offices.

Do not deny or delay services to an otherwise eligible individual pending issuance or verification of the individual's SSN by SSA or if the individual meets one of the following exceptions.

### **Exceptions:**

- a. the individual is not eligible to receive an SSN;
- b. the individual does not have an SSN and may only be issued an SSN for a valid non-work reasons; or
- c. the individual refuses to obtain an SSN because of well-established religious objections.
- d. a newborn may be enrolled without a social security number (SSN); however, an SSN is required by the child’s first birthday.

### **C-200.1 Verification**

The agency must verify the SSN furnished by an applicant or beneficiary to insure the SSN was issued to that individual, and to determine whether any other SSNs were issued to that individual.

The SSN is verified through the NUMIDENT system, which is Social Security's database of SSNs. If there is a discrepancy in the SSN-Match, follow-up action must be accomplished and a resend completed within 30 days. Check the application and other available information in the case file to make sure the customer's SSN, last name, date of birth and sex were entered into the computer correctly. Check SOLQ to see if the discrepancy can be identified. If Social Security records need to be updated, refer the customer to the Social Security Administration.

Types of verification:

- a. SDX
- b. copy of a Social Security check
- c. completed Form 1610
- d. letter from the Social Security Administration
- e. copy of the SSA Benefit Letter

### **C-200.2 Worker Action at Application**

If a SSN is not provided, the case manager shall notify all household members they must apply directly with the Social Security Administration (SSA) to obtain an SSN. Pend the household, allowing 20 days, to provide verification of the SSN application.

Applicants or recipients can also obtain from SSA a replacement card or request a new card be issued because of a change to their name (marriage, divorce, court order or any other reason).

When a child is born in a hospital, the parent(s) are provided a receipt Form SSA-2853, that the application to apply for an SSN for the child was made.

Note: A newborn may be enrolled without a social security number (SSN); however, an SSN is required by the child's first birthday.

### **C-200.3 Failure To Comply**

If a member of the household fails or refuses to comply, without good cause, with SSN requirements, deny or terminate medical coverage.

**C-300 CHILD SUPPORT ENFORCEMENT (Proposed Rule 433.138, 433.145, 433.147, 433.148, 433.152 and 435.610)**

As a condition of eligibility for Medicaid, parents and caretaker relatives seeking medical assistance must agree to cooperate with the state in establishing paternity and in obtaining medical support and payments. While parents and caretaker relatives can be denied Medicaid eligibility or terminated from coverage for refusal to cooperate, children cannot be denied Medicaid eligibility or terminated from coverage due to a parent or caretaker relative's failure to do so.

Individuals must attest on the application that they agree to cooperate in establishing paternity and obtaining medical support at application. If the individual refuses to attest to agree to cooperate with child support on the application the individual is denied medical assistance.

Medicaid eligible individuals are provided information about accessing child support services and how those interested may benefit from child support services. Language containing required information and contact numbers for child support offices will be added to the approval notice. Form 4046-EC (child support information brochure) must be made available to any individual requesting information regarding child support services. If an individual wishes to request child support services, they must submit an application Form 4000 to the local child support office.

Pregnant women are exempt from the requirements to cooperate in establishing paternity of a child born out-of-wedlock. Although they must assign the right to medical support and payment for themselves and the child, they are not required to obtain medical support and payments.

**C-305 CHILD SUPPORT NON-COOPERATION**

By signing the application, individuals agree to cooperate with Child Support in pursuing medical support and establishing paternity.

If a previous member was denied for child support cooperation and re-applies, they are only required to agree to cooperate and are not required to provide verification of cooperation prior to being enrolled.

CSEP will notify the responsible office, via email, of a **customer** who has failed to cooperate on their existing TANF case. This parent and/or caretaker can also lose their Medicaid eligibility.

**C-400 CITIZENSHIP AND IDENTIFICATION REQUIREMENTS (435.406, 435.407, 435.940, 435.956)**

All persons applying for Medical Assistance must provide satisfactory evidence of citizenship or immigration status prior to the approval of benefits.

All individuals will have their citizenship verified electronically through the federal data services hub (FHUB).

**Note:** This information is available on the FHUB screen which provides the status and results of the information sent and/or received from the federal hub. This screen also gives the case manager the ability to resend or request to have information sent to the FHUB for verification.

**Exception:** Children who become eligible for Medicaid based on their mother's Medicaid eligibility are considered to have provided satisfactory evidence of citizenship and shall not be required to provide further documentation, even after the end of the OBRA coverage period.

## **C-405 ELIGIBILITY REQUIREMENT**

By completing and signing the application, the head of household is attesting to the citizenship status of all members.

Individuals requesting medical assistance must be:

- a. U.S. citizens, or
- b. have legal immigration status.

### **C-405.1 Verification and Documentation**

If the FHUB service is not available, the case manager must use alternative electronic data sources such as vital statistics, SAVE or SDX.

Paper documentation may only be required when:

- a. no electronic data source is available; or there is a discrepancy between the electronic data and customer attestation.

Paper documentation can be a photocopy, facsimile, scanned or other copies of documents, unless information on the copy is inconsistent with information available to the agency, or the agency has reason to question the validity of the information on the document.

The documentation of citizenship is a one-time occurrence. Once the verification of citizenship and identity is received, the recipient **must not** be required to provide it again. Proof of citizenship verification for each individual must be maintained in the case file or in an electronic database. If verification of citizenship is received via the federal hub an



electronic record will automatically be maintained. If the customer provided paper documentation of citizenship, a copy should be scanned and indexed to the permanent section of the case jacket and never purged.

Individuals declaring to be a citizen or national of the United States who are eligible for Medicaid are not required to provide documentation of citizenship status if they:

- a. are entitled to or enrolled in Medicare benefits;
- b. are receiving Social Security disability (SSDI) or SSI benefits; or
- c. are receiving child welfare benefits under Title IV-B, adoption or foster care assistance under Title IV-E; or
- d. were eligible at birth for Nevada Medicaid due to OBRA eligibility.

### **C-405.2 Reasonable Opportunity (435.956(g))**

If the agency is unable to promptly verify citizenship or immigration status using an electronic data source and the individual meets all other eligibility factors **and** would otherwise be Medicaid eligible, the agency must approve the case and allow the household 90 days to provide satisfactory documentation of citizenship or immigration status.

During the 90-day period the agency must:

- a. attempt to resolve any inconsistencies;
- b. resubmit any correct information to the electronic data source; and
- c. provide the individual with information on how to contact the source of the electronic data so they can attempt to resolve inconsistencies.

If the required citizenship or immigration status documentation is not provided by the end of the 90-day period, terminate assistance allowing for adverse.

**The 90-day period does not apply to prior medical months. Citizenship documentation must be provided prior to approval of prior medical months.**

### **C-405.3 Stand-Alone Evidence of U.S. Citizenship or Nationality**

The following must be accepted as satisfactory documentary evidence of citizenship:

- a. U.S. Passport, including a U.S. Passport Card issued by the Department of State, without regard to any expiration date as long as such passport or Card was issued without limitation.

**Exception:** Do not accept any passport as evidence of U.S. citizenship when it was issued with a limitation. However, such a passport may be used as proof of identity.

- b. Certificate of Naturalization
- c. Certificate of U.S. Citizenship
- d. a valid State-issued driver's license, if the State issuing the license requires proof of U.S. citizenship and obtains a social security number from the applicant who is a citizen before issuing such license.
- e. documentary evidence issued by a Federally recognized Indian Tribe, as published in the Federal Register by the Bureau of Indian Affairs within the U.S. Department of the Interior, and including Tribes located in a State that has an international border, which;
  - 1. identifies the Federally recognized Indian Tribe that issued the document;
  - 2. identifies the individual by name; and
  - 3. confirms the individual's membership, enrollment, or affiliation with the Tribe.

Documents used as evidence of Tribal enrollment include, but are not limited to:

- 1. Tribal enrollment card;
- 2. Certificate of Degree of Indian Blood;
- 3. Tribal census document;
- 4. documents on Tribal letterhead, issued under the signature of the appropriate Tribal official, issued by a Federally recognized Tribe.

**Note:** See E&P manual section C-700 for a list of federally recognized tribes.

If the household is able to provide one of these documents no further documentation is required.

When these documents are not available or cannot be obtained within a reasonable period, look at the next tier of acceptable forms of documentation to meet this requirement.

#### **C-405.4 Evidence of U.S. Citizenship or Nationality**

If an applicant does not provide documentary evidence from the list of stand-alone evidence, the following must be accepted as satisfactory evidence to establish citizenship if also accompanied by an identity document.

- a. U.S. public birth certificate showing birth in one of the 50 States, the District of Columbia, Puerto Rico, (if born on or after January 13, 1941), Guam, the Virgin Islands of the U.S. (on or after January 17, 1917), American Samoa, Swain's Island, or the Commonwealth of Northern Mariana Islands (after November 4, 1986). The birth record document may be issued by the State, Commonwealth, Territory, or local jurisdiction.

**Note:** If the document shows the individual was born in Puerto Rico, the Virgin Islands of the U.S., or the CNMI before these areas became part of the U.S., the individual may be a collectively naturalized citizen.

- b. State of Nevada Vital Statistics Birth Details printout.
- c. Certification of Report of Birth, issued to U.S. citizens who were born outside the U.S.
- d. Report of Birth Abroad of a U.S. Citizen.
- e. Certification of birth.
- f. U.S. Citizen I.D. card.
- g. Northern Marianas Identification Card, issued to a collectively naturalized citizen, who was born in the CNMI before November 4, 1986.
- h. Final adoption decree showing the child's name and U.S. place of birth, or if an adoption is not final, a Statement from a State-approved adoption agency that shows the child's name and U.S. place of birth.
- i. Evidence of U.S. Civil Service employment before June 1, 1976.
- j. U.S. Military Record showing a U.S. place of birth.
- k. A data match with the SAVE Program or any other process established by the Department of Homeland Security to verify that an individual is a citizen.
- l. Documentation that a child meets the requirements of Section 101 of the Child Citizenship Act of 2000 (8 U.S.C. 1431).
- m. Medical records, including, but not limited to, hospital, clinic, or doctor records or admission papers from a nursing facility, skilled care facility, or other institution that indicate a U.S. place of birth.

- n. Life, health, or other insurance record that indicates a U.S. place of birth.
- o. Official religious record recorded in the U.S. showing that the birth occurred in the U.S.
- p. School records, including pre-school, Head Start and daycare, showing the child's name and U.S. place of birth.
- q. Federal or State census record showing U.S. citizenship or a U.S. place of birth.
- r. If the applicant does not have one of the documents listed he or she may submit an affidavit signed by another individual under penalty of perjury who can reasonably attest to the applicant's citizenship and that contains the applicant's name, date of birth, and place of U.S. birth. The affidavit does not have to be notarized.

**Note:** In December 2009, the government of Puerto Rico enacted Law 191 of 2009 which voided all Puerto Rican birth certificates issued prior to July 1, 2010. Effective October 30, 2010, all Puerto Rican birth certificates issued prior to July 1, 2010 will become voided. A voided Puerto Rican birth certificate may not be used to verify identity or citizenship for the Medical programs.

Previously accepted Puerto Rican birth certificates will remain acceptable for Medicaid determinations made prior to November 1, 2010. There will be no need to re-verify citizenship or identity at recertification or review of eligibility.

#### **C-410 ACCEPTABLE VERIFICATION OF IDENTITY**

The agency must accept the following as proof of identity, provided such document has a photograph or other identifying information, including, but not limited to, name, age, sex, race, height, weight, eye color or address.

The following documents can be accepted as proof of identity when required as part of citizenship documentation. Identity documentation is not a separate requirement from citizenship documentation; it is a form of documentation used to verify citizenship or immigration status when using secondary evidence paper verification sources.

- Driver's license issued by the State or Territory either with a photograph of the individual or other identifying information of the individual such as name, age, sex, race, height, weight or eye color.

- Certificate of Degree of Indian Blood, or other U.S. American Indian/Alaska Native tribal document if the document carries a photograph or other personal identifying information.
- Identification card issued by the Federal, State or local government with the same information included on driver's licenses.
- School identification card with a photograph of the individual.
- U.S. military card or draft record.
- Military dependent's identification card.
- U.S. Coast Guard Merchant Mariner card.
- Children who are under the age of 16 or younger may have their identity documented using other means, when the child does not have or cannot get any of the documents listed above. These include:
  - School record;
  - Clinic, doctor or hospital record;
  - Daycare or nursery school record;
  - Affidavit signed under penalty of perjury by a parent or guardian or caretaker relative attesting to the child's identity. The affidavit can only be used after establishing that no other means of identity exist. The unavailability of the other sources must be documented in the case history.
- Any combination of three or more corroborating documents to prove identity, such as marriage license, divorce decree, high school and college diploma, employer ID cards and property deeds and/or title.
- Disabled individuals living in institutional care facilities may have their identity documented using an affidavit signed by a director or administrator where the individual resides.

## **C-415 VERIFICATION OF COLLECTIVE NATURALIZATION**

If the applicant cannot present one of the documents listed above, the following will establish U.S. citizenship for collectively naturalized individuals:

### **C-415.1 Puerto Rico**

- Evidence of birth in Puerto Rico on or after April 11, 1899 and the applicant's statement they were residing in the U.S., a U.S. possession or Puerto Rico on January 13, 1941; or
- Evidence the applicant was a Puerto Rican citizen and their statement they were residing in Puerto Rico on March 1, 1917 and they did not take an oath of allegiance to Spain.

## **C-415.2 U.S. Virgin Islands**

- Evidence of birth in the U.S. Virgin Islands and the applicant's statement of residence in the U.S. possession or the U.S. Virgin Islands on February 25, 1927;
- The applicant's statement indicating residence in the U.S. Virgin Islands as a Danish citizen on January 17, 1917 and residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927, and that they did not make a declaration to maintain Danish citizenship; or
- Evidence of birth in the U.S. Virgin Islands and the applicant's statement indicating residence in the U.S., a U.S. possession or territory or the Canal Zone on June 28, 1932.

## **C-415.3 Northern Mariana Islands (NMI)**

The Northern Mariana Islands were formerly part of the Trust Territory of the Pacific Islands (TTPI). All dates given in this section are NMI local time due to the International Dateline.

- Evidence of birth in the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. territory or possession as of November 3, 1986 and the applicant's statement they did not owe allegiance to a foreign state on November 4, 1986.
- Evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981, voter registration prior to January 1, 1975 and the applicant's statement they did not owe allegiance to a foreign state on November 4, 1986; or
- Evidence of continuous domicile in the NMI since before January 1, 1974 and the applicant's statement they did not owe allegiance to a foreign state on November 4, 1986.

**Note:** If the person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a U.S. citizen.

**C-420 NON-CITIZEN MEDICAL ASSISTANCE ELIGIBILITY CHART**

Applicants must be a U.S. citizen or a non-citizen who meets the eligibility criteria in the table below:

<b>Program</b>	<b>“Qualified” Non-Citizens Who Entered the U.S. Before 8/22/96</b>	<b>“Qualified” Non-Citizens Who Entered the U.S. on or After 8/22/96</b>	<b>“Not Qualified” Non-Citizens</b>
<b>Medicaid</b>	Eligible if: <ul style="list-style-type: none"> <li>● LPR</li> <li>● attains citizenship</li> <li>● battered*** non-citizen</li> </ul>	Eligible only if: <ul style="list-style-type: none"> <li>● were granted status as                             <ul style="list-style-type: none"> <li>- refugee*</li> <li>- asylee*</li> <li>- withholding of Deportation*</li> <li>- Cuban/Haitian*</li> <li>- Amerasian Immigrant*</li> </ul> </li> <li>● Veteran, active duty military; spouse, unremarried surviving spouse or child</li> <li>● have been in “qualified” non-citizen status for 5 years or more</li> <li>● battered*** non-citizen who has served 5-year bar</li> <li>● conditional entrant</li> <li>● paroled into the U.S. for a period of at least one year</li> <li>● certain abused non-citizens</li> <li>● attains citizenship</li> <li>● Compact of Free Association (COFA) migrants.</li> <li>● Paroled as a Refugee</li> </ul>	Eligible only if: <ul style="list-style-type: none"> <li>● were receiving SSI on 8/22/96</li> <li>● American Indian born abroad **</li> <li>● victim of trafficking and their spouse and children</li> </ul>

<p><b>Medicaid and NCU (ages 0-18 only)</b></p>	<p>N/A</p>	<p>Eligible only if:</p> <ul style="list-style-type: none"> <li>• individual meets any of the criteria listed above</li> </ul>	<p>Eligible only if:</p> <ul style="list-style-type: none"> <li>• lawfully admitted for permanent residence (LPR) that has not met the 5-year bar</li> <li>• alien in nonimmigrant status who has not violated the terms of the status under which he/she was admitted or to which he/she has changed after admission</li> <li>• currently under Temporary Protected Status (TPS) and pending applicants for TPS who have been granted employment authorization</li> <li>• granted employment authorization</li> <li>• Family Unity beneficiaries</li> <li>• Deferred Enforced Departure (DED)</li> <li>• deferred action status (Deferred Action for Childhood Arrivals (DACA) do not qualify under this category</li> <li>• aliens whose visa petition has been approved and who have a pending application for adjustment of status</li> <li>• a pending applicant for asylum or for withholding of removal or under the Convention Against Torture who has been granted employment</li> </ul>
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		<p>Eligible only if:</p> <ul style="list-style-type: none"> <li>• individual meets any of the criteria listed above</li> </ul>	<p>authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days</p> <ul style="list-style-type: none"> <li>• alien granted withholding of removal under the Convention Against Torture</li> <li>• pending application for Special Immigrant Juvenile status</li> <li>• alien who is lawfully present in the Commonwealth of the Northern Mariana islands</li> <li>• alien who is lawfully present in American Samoa under the immigration laws of American Samoa.</li> </ul>
<b>Emergency Medicaid</b>		<p>Eligible if:</p> <ul style="list-style-type: none"> <li>• does not meet any of the criteria listed above</li> </ul>	Eligible
<b>Medicare "Premium Free" Part A (hospitalization) (eligibility based on work history)</b>	Eligible	Eligible	<p>Eligible only if:</p> <ul style="list-style-type: none"> <li>• Lawfully present, and eligibility for assistance is based on authorized employment</li> </ul>
<b>Premium "Buy-in" Medicare</b>	<p>Eligible only if:</p> <ul style="list-style-type: none"> <li>• Lawful permanent resident who has resided continuously in the U.S. for at least 5 years</li> </ul>	<p>Eligible only if:</p> <ul style="list-style-type: none"> <li>• Lawful permanent resident who has resided continuously in the U.S. for at least 5 years.</li> </ul>	Not Eligible

Key – \* Status as refugee, asylee, withholding of deportation/removal, Cuban/Haitian Entrant or Amerasian but only during the first 7 years after attaining status. Eligibility continues for these individuals after the first 7 years as they have now been in qualified non-citizen status for over 5 years and have met the 5-year bar.

**Note:** Cuban Entrants originally admitted to the U.S. as a refugee, asylee or parolee does not lose eligibility for public benefits due to a change in status.

\*\* Eligible if a Native American born in Canada possessing at least 50% blood of an American Indian race or a member of an Indian tribe as listed in E&P manual section C-700.

\*\*\* Battered non-citizens must meet the requirements listed in manual section C-440 to be eligible.

**Note:** See section 420.3 for additional information regarding Paroled as a Refugee or Cuban/Haitian Entrant

### **C-420.1 Verification of Non-Citizen Status**

Non-citizens must provide documentation that verifies qualified non-citizen status and will have their status verified electronically through the federal data services hub. If the federal data hub is not available, alternative electronic data sources such as vital statistics, SAVE or SDX must be used prior to requesting paper documentation.

Refer to the Qualified Non-Citizen Documentation Matrix (see Appendix I) for acceptable forms to document and verify citizenship.

### **C-420.2 Verifying Non-Citizen Status Using the Systematic Alien Verification to Entitlements (SAVE) System**

Non-citizen status must be verified by:

- obtaining documentation of non-citizen status, and accessing the Department of Homeland Security Systematic Alien Verification for Entitlement (SAVE) System

**Exception:** For newly arrived non-citizens, the information provided by SAVE may not reflect the most current non-citizen status. Before making an eligibility determination, follow any additional instructions provided on the SAVE response, obtain verification(s) from the applicant and determine if the submitted verification(s) align with one of the acceptable forms listed in the Qualified Non-Citizen Documentation Matrix.

To verify non-citizen status access the SAVE system through the ZENworks link. Verification directly through the SAVE system is only required when there is a discrepancy or other electronic data sources (such as the FHUB service) are unavailable.

The system shows the date of adjustment rather than the date the customer entered the U.S. If the applicant claims an earlier date of entry into the U.S., they must provide proof. If the applicant claims to be a United States citizen, the system can verify that information as well. If you need additional information, please refer to the tutorial in the upper right-hand corner of the Verification Information System (VIS) screen.

Complete an electronic additional verification if:

- a. the SAVE website advises the caseworker to complete “Additional Verification.”

- b. the COA code indicates the LPR non-citizen may be sponsored.
- c. The LPR non-citizen indicates they have been sponsored

Request an “Additional Verification” directly from USCIS if:

- a. items presented as documentation appear counterfeit or altered.
- b. individual presents unfamiliar USCIS documentation, or a document that indicates immigration status, but does not contain an A-Number.
- c. document contains an A-Number in the A60 000 000 or A70 000 000 series. These ranges have not been issued.
- d. document contains an A-Number in the A80 000 000 series. This range is used for illegal border crossings.
- e. document presented as a Form I-689 or Form I-688 annotated with 210(a). These documents will always contain A-Numbers in the A90 000 000 series. This range is used for participants in the legalization (amnesty) or Special Agriculture Worker (SAW) programs. Because they are amnesty participants, policy requires the non-citizen’s authorization, with original signature before secondary verification is performed.
- f. document presented is a letter, a fee receipt, or anything other than an established USCIS form.
- g. document presented is an I-181, or an I-94 in a foreign passport that bears the endorsement “Processed for I-551, Temporary Evidence of Lawful Permanent Residence,” AND the I-181 or I-94 is over one year old.

Complete a Form G-845S, SAVE Document Verification Request electronically for each person requiring additional verification. Include the Alien registration Number or I-94 Number, name, nationality, date of birth, SSN, ASVI verification number, benefit type and case number. Scan and upload readable copies (front and back) of immigration documents containing the registration number. If the individual’s name has changed since the USCIS registration card was issued, also attach a document that verifies the name change.

USCIS will research the non-citizen’s records, complete the response portion of the form through the SAVE system within ten working days of receipt. The Immigration Status Verifier (ISV) checks all appropriate statements on the lower half and back of the form to indicate the applicant’s immigration status and work eligibility.

When using secondary verification, if the non-citizen is otherwise eligible, do not delay, deny, or reduce the household’s benefits while waiting for a response from USCIS.

When the G-845 is received and the response indicates the non-citizen’s document is not valid, disqualify the individual (allowing adverse action) or deny the application as appropriate and refer to I&R as possible fraud.

When the G-845 is received and the response indicates the non-citizen’s documents are valid, file the form in the permanent section of the eligibility file.

## **C-420.2**

### **GENERAL ELIGIBILITY REQUIREMENTS**

#### **VERIFYING NON-CITIZEN STATUS USING SAVE SYSTEM**

Division of Welfare and Supportive Services

Medical Assistance Manual

14 Mar 01 MTL 14/01

### **C-420.3 Paroled as Refugees and Cuban/Haitian Entrants**

Paroled as a Refugee and Cuban/Haitian Entrants: Some persons who fear persecution are “paroled” into the U.S. as refugees when the number of refugees allowed to enter that year has been exceeded. Such parolees are given an I-94 with “paroled as a refugee”, “207”, “paroled as humanitarian”, or “212(d)(5)” stamped or written on it. In the past, INS paroled in Cubans and Haitians under the designation “Cuban/Haitian entrant” or “Mariel Cuban.” All nationals of Cuba and Haiti are eligible for refugee assistance as “Cuban/Haitian entrants” so long as they have been granted parole under 207 or 212(d)(5) with form I-94 and/or a Cuban or Haitian passport, applied for asylum (form I-797C) or are in exclusion or deportation proceedings but have not yet received a final order of deportation.

Cuban and Haitian nationals paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act since October 10, 1980 are considered paroled in a “special status” for Cuban or Haitian nationals unless the parole into the United States was (1) in the custody of a Federal, State, or local law enforcement or prosecutorial authority for purposes of criminal prosecution in the United States, or (2) solely to testify as a witness in proceedings before a judicial, administrative, or legislative body in the United States. 8 C.F.R. § 212.5(h).

If an applicant does not have another qualifying immigration status or category or has a qualifying immigration status that is subject to the five-year bar reflected in 8 U.S.C. § 1613, then the benefit-granting agency may need to determine that an applicant is a Cuban/Haitian Entrant (CHE).

For example, an applicant may be a “qualified alien” under PRWORA due to having an eligible immigration status such as Lawful Permanent Resident or being paroled into the U.S. for more than one year, but they may still be subject to a five-year bar. However, if they are also a CHE, they are a “qualified alien” and exempt from the five-year bar requirement.

## **C-425 NON-CITIZEN STATUS**

Determine if the individual claiming non-citizen status is a “qualified” or a “not qualified” non-citizen.

“Qualified” non-citizens include the following:

- a. Lawful Permanent Residents (LPRs)
- b. Refugees
- c. Asylees
- d. Persons granted withholding of deportation or removal
- e. Conditional Entrants
- f. Persons granted parole for a period of at least one year
- g. Cuban/Haitian entrants
- h. Certain Abused non-citizens
- i. Compact of Free Association (COFA) migrants

“Not-Qualified” non-citizens include all non-citizens without status in the above categories. This includes non-citizen students and undocumented non-citizens.

**Note:** COFA migrants are individuals who are citizens of the Federated States of Micronesia, the Marshall Islands and the Republic of Palau. These individuals have special rights under the Compacts of Free Association signed by the United States. Although they are technically non-immigrants, they are allowed to enter, reside and work in the United States. Effective December 27, 2020, these individuals are eligible for full Medicaid and NCU as “qualified” non-citizens and are not required to serve a 5-year bar.

Use the non-citizen’s USCIS document(s), USCIS letter, a court order or a passport and other resources listed in the following sections to determine the non-citizen’s qualified status.

Determine when individuals currently in “Qualified” non-citizen status began residing in the United States.

For individuals who entered the United States prior to **August 22, 1996:**

Determine the date the individual began residing in the United States using the earliest verified date the person entered and continually resided in the country, regardless of the individual’s legal status at the time they entered the United States.

For individuals who entered the United States on or after **August 22, 1996**:

These individuals must meet one of the categories listed in the non-citizen medical assistance eligibility chart. For those individuals who must serve the five-year bar, the five-year bar begins with the date the individuals attained "Qualified" non-citizen status as determined by USCIS.

**C-430 RE-VERIFICATION OF IMMIGRATION STATUS DUE TO AN INS DOCUMENT'S EXPIRATION DATE**

When an eligible non-citizen's INS document has an expiration date, schedule a redetermination in the month prior to the month the document expires (unless the regular review occurs first).

Re-verify the individual's status using SAVE if they want to continue receiving or are reapplying for benefits. Allow the person ninety (90) days to update their status with INS if they cannot provide an updated document. Disqualify the individual who no longer has acceptable immigration status.

Cuban/Haitian entrants whose Form I-94 has an expiration date of 1/15/81 may have a different current resident status assigned to them. Re-verify their status using SAVE.

If an individual has been in prison since they last applied, regardless of the expiration date on the document on file, request to review their current document or call SAVE. Their residence may have been revoked, or they may have been issued a different status affecting their eligibility.

**C-435 DOCUMENTATION OF VETERAN STATUS**

Non-citizens may be eligible for certain benefits if they are veterans, on active military duty, or are the spouse or dependent child of a veteran or person on active military duty. This category also applies to certain reserve members, as specified in this section.

**Definition of a Veteran-** Individuals who actively served with the United States Armed Services whether or not they were citizens who:

- a. meet the minimum active duty requirement of 24 months, served for the period of time they were called to active duty, or have an honorable discharge;
- b. were military personnel and died during active duty; or
- c. were Filipinos who served in the Philippine Commonwealth Army during World War II or as Philippine Scouts after the war.

Individuals may qualify for certain benefits if they are a spouse, surviving spouse, or dependent child of a veteran and meet the appropriate criteria. Individuals claiming this status must show the same documentation as the veteran or active duty member. If the documentation is not available, they should be referred to the local VA regional office for verification of veteran status. **Note:** The VA will not verify the relationship, so relationship must be established using regular verification procedures for this requirement.

**Definition of a Spouse of a Veteran** - The individual must be currently married to the veteran.

**Definition of a Surviving Spouse of a Veteran -**

- a. Must not have remarried; and
- b. Was married to the veteran or active-duty personnel within fifteen years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated; and
- c. Was married to the veteran or active-duty personnel for one year or more; or a child was born of the relationship between the surviving spouse and the veteran  
or active-duty personnel, either during or before the marriage.

**Definition of a Dependent Child of a Veteran -**

- a. Must be unmarried; and
- b. Must meet program criteria under which benefits are being applied for to be considered as a dependent child.

**C-435.1 Verification of Veteran Status**

**C-435.1.1 Discharged Members**

A discharge certificate, DD-214 or equivalent, which meets the following criteria, is acceptable verification without further inquiry, unless the certificate appears to be altered or is otherwise irregular:

- a. It must show active duty in either the United States Army, Navy, Air Force, Marine Corps or Coast Guard; and
- b. It must show "Honorable" discharge ("Under Honorable Conditions" is not acceptable); and
- c. The individual must meet a minimum active duty requirement of two years or more in one of the branches listed above, unless their certificate shows an enlistment date prior to September 7, 1980 (there is no minimum active duty requirement for these individuals).

Refer the individual to the local Veteran's Administration Office to have VA staff determine satisfaction of the minimum active duty service and provide the applicant with documentation of their military status in the following circumstances:

- a. The discharge certificate shows "Honorable," but shows a branch of service not listed above. (Examples include: National Guard, active duty for training, inactive duty, etc.);
- b. The individual claims veteran status but has no documentation; or
- c. The document shows active duty of less than two years with an original enlistment date on or after September 7, 1980.

### **C-435.1.2 Active Duty Members**

Active duty as a member of the U.S. Armed Forces means the individual is on full-time duty in the United States Army, Navy, Air Force, Marine Corps or Coast Guard. It does not include full-time National Guard duty.

Service members on active duty may establish their status by presenting a current Military Identification Card (DD Form 2 - Active), that lists an expiration date of more than one year from the date of the eligibility determination.

If the Military Identification Card is due to expire within one year from the date of determination, the service member may verify active duty by showing a copy of their current military orders.

If the service member is unable to furnish a copy of their orders, active duty may be verified through the nearest RAPIDS (Real Time Automated Personnel Identification System) which is located at many military installations, or by notifying the following in writing (which can be faxed):

DEERS Support Office  
ATTN: Research and Analysis  
400 GIGLING ROAD  
SEASIDE, CA 93955-6771  
FAX: (408) 655-8317

### **C-435.1.3 Reserve Members (Not On Active Duty For Training)**

Active duty for training is temporary full-time duty in the Armed Forces performed by members of the Reserves, Army, National Guard, or Air National Guard for training purposes. Active duty for training does not establish eligible status. However, a discharge from active duty for training may establish veteran status and the applicant should be referred to the VA for a determination.



A member of a Reserve Component must establish their status by showing a current DD Form 2 - Reserve (red) and military active duty orders showing they are on active duty, but not on active duty for training. No other method for verifying this status is currently available.

#### **C-440 DEFINITION OF BATTERED NON-CITIZEN**

A battered non-citizen is:

An **adult or their child(ren)**, lawfully residing in the United States on August 22, 1996, who has been battered or subjected to extreme cruelty in the United States by a U.S. citizen or LPR who is:

- a. a spouse or a parent, or
- b. a member of the spouse or parent's family residing in the same household as the non-citizen (and the spouse or parent consented to, or acquiesced in the battery or cruelty).

A non-citizen, lawfully residing in the United States on August 22, 1996, whose child has been battered or subjected to extreme cruelty in the United States by a U.S. citizen or LPR who is:

- a. a spouse or a parent of the non-citizen (without the active participation of the non-citizen in the battery or cruelty), or
- b. a member of the spouse or parent's family residing in the same household as the non-citizen (and the spouse or parent consented to, or acquiesced in the battery or cruelty and the non-citizen did not actively participate).

#### **C-445 IRAQI AND AFGHANI SPECIAL IMMIGRANTS**

Effective December 26, 2007, Public Law 110-161, the Consolidated Appropriations Act of 2008 granted Iraqi and Afghan non-citizens special immigrant status under section 101(a)(27) of the Immigration and Nationality Act (INA). Individuals and family members granted this special immigrant status are eligible for resettlement assistance, TANF and entitlement programs including Medicaid and SNAP and other benefits the same as other refugees admitted under section 207 of the INA. Effective December 19, 2009, the Department of Defense Appropriations Act of 2010 (Section 8120, P.L. 111-2009) provides that Iraqi and Afghan Special Immigrants are eligible for federal public benefits to the same extent and for the same time period as refugees.

##### Verification of Special Immigrant Status

For Medicaid program purposes, Iraqi and Afghan non-citizens and family members who claim special immigrant status must provide verification they have been admitted under section 101(a)(27) of the INA.

Afghans and some Iraqi special immigrants will have an Immigrant Visa category of SL1 S19 and some Iraqis will have an Immigrant Visa category of SQ1–SQ9.

#### Date of Eligibility and Certification Period

The effective date of eligibility as a qualified non-citizen is from the date the special immigrant enters the United States.

The effective date of eligibility is the date of application for all programs. These immigrants must meet all eligibility requirements for any program applied for.

**Special immigrants applying under this status are not eligible for prior medical coverage.**

### **C-450 VICTIMS OF HUMAN TRAFFICKING**

Under the Trafficking Victims Protection Act, adult victims of trafficking who are certified by the Office of Refugee Resettlement (ORR) at the Department of Health and Human Services are eligible for benefits to the same extent as refugees. Children who have been subjected to trafficking are also eligible like refugees but do not need to be certified. As of November 6, 2001, certification letters issued for adults and eligibility letters for children will no longer contain an expiration date. Individuals who were certified before this date received letters with 8-month expiration dates. As these letters expire, ORR will issue recertification letters without expiration dates.

Victims of Trafficking are awarded a T-Visa for entry. Certain members of their family may also apply for and receive a Derivative T-Visa and meet eligibility under refugee criteria.

If the victim of trafficking is under 21 at the time the T-Visa application was filed, Derivative T-Visas are available to the following members of their immediate family: spouse, children, unmarried siblings (under 18 at the time the application was filed) and parents of the victim of trafficking.

In the case where an application is filed after the individual turns 21, only the victim's spouse and children are eligible to apply for the Derivative T-Visa.

When a victim of trafficking applies for benefits, all eligibility requirements must be met except the following:

- a. Victims are not required to provide any documentation of their immigration status. Accept the original, recertification letter or letter for children in place of INS documentation. The "entry date" will not change on the recertification letter.

- b. Call the trafficking verification line at (866) 401-5510 to confirm the validity of the certification letter or letter for children and notify ORR at HHS of the benefits for which the individual is applying.
- c. Note the “entry date” for refugee benefit purposes. The individual’s “entry date” is the certification date listed in the letter.
- d. Call the trafficking verification line at (866) 401-5510 for assistance when having difficulty confirming identity.
- e. Assist the individual in applying for a non-work Social Security Number.
- f. Issue benefits to the same extent as a refugee.
- g. Record the expiration date of certification letters dated before November 6, 2001 so a review of eligibility will be done at the appropriate time. Certification letters dated after November 6, 2001 will have no expiration date.

If case managers have any concerns or questions, contact:

- a. The Office on Trafficking in Person (OTIP)  
Phone: (866) 401-5510  
Email: [trafficking@acf.hhs.gov](mailto:trafficking@acf.hhs.gov)

or

- b. The Office of Refugee Resettlement (ORR)  
Thomas Pabst, ORR Immigration Specialist  
Phone: (202) 401-5398  
Email: [Thomas.Pabst@acf.hhs.gov](mailto:Thomas.Pabst@acf.hhs.gov)

### **C-500 APPLYING FOR AVAILABLE BENEFITS (435.608, 435.610)**

Income is considered available both when actually available and when the individual has a legal interest in the income and has the ability to make such sum available.

Individuals applying for medical assistance must pursue and take advantage of all income which is or may be available for maintenance and support. When benefits may be available such as Retirement, Survivor’s and Disability Insurance (RSDI), Railroad Retirement (RR), Veteran’s Administration (VA) benefits, Unemployment Insurance (UIB), Public Employee’s Retirement benefits, etc., inform the household, in writing, of the obligation to pursue and make the income available to the **customer**, notify the **customer**/ representative in writing that application for such benefits must be made within 10 calendar days for ongoing case processing.

Individuals should be referred for unemployment insurance benefits only when there is a reasonable certainty that they will be eligible for the benefit. If the **customer**’s potential eligibility is not reasonably clear, do not request them to apply for assistance.

Refer individuals who:

- a. Are physically and mentally able to work; and
- b. Are out of work through no fault of their own; and
- c. Have reported earnings in at least two of the quarters within the Base Period. The Base Period is the period of employment prior to the loss of a job. Generally, the first four of the last five completed calendar quarters prior to the effective date of the claim for unemployment is the Base Period.

The chart below shows the completed calendar quarters of a Base Period (shaded) depending on the quarter in which a claim is filed with the Nevada Department of Employment, Training and Rehabilitation (DETR).

Regular Base Year							
Prior Year	Last Year				Current Year		
OCT NOV DEC	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	<del>DO NOT USE</del>	JAN FEB MAR	If applicant files their claim in:	
	JAN FEB MAR	APR MAY JUN	JUL AUG SEP	OCT NOV DEC	<del>DO NOT USE</del>	APR MAY JUN	
		APR MAY JUN	JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	<del>DO NOT USE</del>	JUL AUG SEP
			JUL AUG SEP	OCT NOV DEC	JAN FEB MAR	APR MAY JUN	<del>DO NOT USE</del>
					JAN FEB MAR		OCT NOV DEC

To evaluate for potential eligibility for benefits from another Federal, State or local agency, see Appendix "B".

Failure to apply for, pursue and accept a claim or failure to provide information essential to establish the claim will result in termination of assistance for the individual.

If the individual can show good cause for not pursuing income they may not be required to pursue the income. Good cause exists when the applicant can show;

- a. The cost to pursue exceeds the potential income or causes financial hardship.
- b. Pursuing the income would endanger the household member(s) health or safety.
- c. Legal action is required but a private attorney or legal service refuses to accept the case. A reasonable effort to obtain legal assistance must be made and evidence provided.

**Exceptions:**

1. Persons qualifying under the QMB category do not have to apply for benefits for which they may be eligible.
2. Nevada Check Up **only** households do not have to apply for benefits for which they may be eligible, unless the child may be eligible for SSI.
3. Do not terminate a child's coverage if the parent, caretaker or relative fails to pursue available benefits for the child.

**C-505 SSI APPLICATION AND DETERMINATION**

**C-505.1 Required**

Verification of Supplemental Security Income (SSI) application or receipt of SSI as a Nevada Resident must be obtained for applicants meeting the criteria below. Allow applicants 20 calendar days to provide this proof if it is not available electronically. Failure to provide proof of SSI application or receipt of SSI within the specified time will cause denial.

Failure to pursue an SSI claim or failure to provide information essential to establish the claim will result in denial or termination of assistance including all prior medical requests associated with the application.

**C-505.1.1 Aged, Blind and Disabled Persons Not In an Institution with Total Countable Income Less than SSI Payment Levels**

Medicaid under the MAABD program will NOT be approved until the applicant is approved for SSI by SSA. This includes individuals who have temporary residency status. If the applicant may be eligible under another program, such as expanded Medicaid, gather the correct information/forms needed and process the case (see MAM D-340.3)

**C-505.1.2 Persons In an Institution with Total Countable Income Less Than \$30**

Evaluate the individual for eligibility in other Medicaid categories while the SSI determination is pending. This includes individuals who have temporary residency status. (See State Institutional Category for possible eligibility if SSI is denied.)

**Exception:** Children receiving Medicaid under 1902(e)(3) (Katie Beckett) of the Social Security Act who enter an institution for long-term care, including an RTC. An SSI application must be made; however, there will be no break in Medicaid eligibility pending a decision from SSI.

**C-505.2 Not Required**

SSI application and determination by SSA is not required for:

- a. deceased individuals who were institutionalized during the period Medicaid is requested.
- b. applications requesting only prior Medicaid eligibility as long as the **customer** does not have an outstanding pending SSI determination for those months.
- c. institutionalized individuals with total net countable income of \$30 or more.

**C-600 THIRD PARTY LIABILITY (TPL) (435.610)**

TPL is any individual, entity, or program that is, or may be, liable to pay all or part of the medical cost for medical assistance furnished to a Medicaid recipient. Nevada Check Up monitors previous insurance coverage to prevent the substitution of group health coverage or other commercial health insurance with public funded coverage.

Enter current medical insurance information on the MINS and MEDI screen.

The purpose of TPL is to reduce erroneous expenditures by maximizing use of third party resources. Medicaid is the payer of last resort whenever another resource is available, with the exception of Children with Special Health Care Needs, Indian Public Health Service (IHS) or Victims of Crime. **Do not enter a MINS screens for IHS.**

Income maintenance insurance policies not related to actual medical expenses are not third-party liability resources unless the policy is assignable to a hospital or other medical provider.

**Note:** If the case manager becomes aware of the pregnant woman being a surrogate, request a copy of the contract and notify the TPL Unit at DHCFP.

When insurance coverage is available at no cost to the **customer** (e.g., through employment or Tricare, or as a veteran through the Veterans Administration), request the **customer** to enroll. Assistance will be denied or terminated if the **customer** refuses to apply for, pursue, or provide information necessary to establish insurance coverage/claims and/or fails to cooperate in the collection process from a third party.

**Exception:** Do not deny coverage for a child if the parent refused to provide insurance information.

**C-605 MEDICARE AS TPL**

Medicare is Social Security's health insurance program. Medicare has two types of coverage; Part A - Hospital Insurance and Part B-Supplementary Medical Insurance.

### **C-605.1 Persons Eligible for Medicare**

- all persons OVER AGE 65 who are either a U.S. citizen; or an alien lawfully admitted for permanent residency who has resided in the U.S. continuously for 5 years.
- all persons UNDER AGE 65 who have received monthly Social Security/Railroad Retirement disability benefits for 24 months.
- persons with End-Stage renal disease.

A Medicaid applicant or recipient must cooperate in pursuing Medicare Part B, if available, as a condition of continuing eligibility, since it would be available at no cost as a result of the state Buy-In process, if eligible.

When a **Medicaid eligible customer with an open Medicaid case** becomes eligible to enroll in Medicare the Division of Healthcare Financing and Policy (DHCFP) will send the customer a letter requesting the customer to apply for Medicare Part B. DHCFP will track enrollment and report non-cooperation to DWSS for termination from Medicaid allowing for adverse notice.

When an ongoing full Medicaid recipient is already enrolled in Medicare Part A, do not send them to Social Security to apply for Part B. Add the MEDI screen and post eligibility current and ongoing, then send an email to the DHCFP Buy-In Lead asking for a manual accretion of Part B. The manual accretion will allow enrollment into Part B at no cost to the recipient from their first month of eligibility.

If a customer already has other health coverage, Nevada Medicaid is not liable for health care services if the customer elects to seek treatment from a provider not authorized by their health care coverage.

### **C-610 NOTIFICATION OF THIRD PARTY LIABILITY (TPL) TO THE FISCAL AGENT**

The fiscal agent is notified of current TPL and changes to such coverage through the MINS and MEDI screen. Complete or update these screens when the following occurs:

- notification is provided of all verified insurance or changes in coverage.
- if there is enough verification or information for the insurance to be pursued but coverage cannot be verified, refer the information to the fiscal agent.

**Exception:** When a non-custodial parent is providing medical coverage for their dependents, provide the information to Child Support Enforcement (CSE) on the Non-Custodial Parent Form 2906.

**Note:** If insurance coverage is available through a source that is not part of the household, assistance is not denied or terminated if the policyholder refuses to cooperate.

### **C-610.1 Verification**

Obtain verification for any household member who has medical/group health insurance coverage.

Types of verification (not all inclusive):

- Insurance card
- Insurance policy
- Letter from insurance company

### **C-615 TPL AND ACCIDENTS**

Households are required to immediately report any accident-related injuries requiring medical care or any accident-related unsettled legal claims.

When the customer has an accident or job related injury, was injured while in the custody of a law enforcement agency, or received insurance reimbursements for Medicaid-paid bills, the Medical Subrogation Form 2511 must be completed providing details and any legal action involved. The worker may contact the customer to obtain the required information. If the worker is unable to contact the customer, the form will be sent and the case will be pended for 10 days and terminated if the required information is not received. Once completed, the SETT screen is completed and the form is forwarded along with any supporting information to the fiscal intermediary.

Note: See Medical Subrogation Form 2511 for fiscal intermediary address.

### **C-620 HEALTH INSURANCE PREMIUM PAYMENT (HIPP) PROGRAM FOR COST EFFECTIVE EMPLOYER GROUP HEALTH INSURANCE**

Section 4402 of OBRA 1990 added section 1906 of the Social Security Act which established authorization for States to offer the Health Insurance Premium Payment (HIPP) program. HIPP pays for the health care insurance premiums for *eligible* Medicaid recipients who have high cost medical claims and access to group health care insurance. The program intent is to defer the cost of high health care claims to other liable insurance.

Upon enrollment into the HIPP program, Medicaid will pay the premium directly to the insurer, or reimburse the premium if deducted from wages so the Medicaid individual and any other family member included on the eligible group health care policy receives coverage provided it is cost effective for the State. Enrollment in the health plan is not a condition of eligibility



The case manager will forward the **customer** Form NMO-5000, HIPP Application and the **customer** will mail the completed HIPP form to the address provided on the HIPP application.

**Note: The NMO-5000 is not required if the individual is:**

- **eligible for Nevada Check Up;**
- **enrolled in a Managed Care Organization (MCO);**
- **receiving unemployment benefits;**
- **eligible for Medicare.**

HIPP is a cost-savings program that identifies Medicaid recipients who have access to group health insurance available through an employer. The program assists eligible recipients in paying private insurance premiums they otherwise may not be able to afford when it is determined to be cost-effective. It also benefits the recipients because they have more doctors to choose from and other medical services may be covered through private insurance that are not covered by Medicaid.

The DHCFP HIPP website can be accessed at <http://dhcftp.nv.gov/Pgms/CPT/HIPP/>. This website can be used to gather information as well as download English/Spanish applications and brochures. This website can also be provided to recipients for easy access to program information, applications, brochures and fiscal intermediary contact information.

Form NMO-5000 must be completed and forwarded to the fiscal intermediary to make this determination.

Note: See NMO Form 5000 for fiscal intermediary address.

If the health insurance is determined to be cost effective, premiums will be paid to the employer or insurance carrier through Medicaid. Premiums which can only be paid through a payroll deduction will be reimbursed directly to the **customer**. **These reimbursements are exempt income to the customer.**

## **C-700            MEDICARE BUY-IN**

The Buy-In process is the system that allows the state to pay Medicare Part A and B premiums directly to Medicare for eligible individuals. DWSS is responsible for approving eligibility for Buy-In; however, DHCFP processes the Buy-In accretion/deletion file exchange with CMS.

The state of Nevada has elected to pay the Part B premium for all Medicaid eligible individuals as well as Medicare only recipients who qualify for QMB, SLMB, or QI.

In most instances, there is no premium associated with Medicare Part A; however, there are some individuals who must pay a premium for Part A. Those who must pay for this premium have a suffix "M" on their Medicare claim number. The state of Nevada has elected to pay the Part A premium for recipients who do not have free Part A if they are approved in the QMB category of eligibility.

## **C-705 EFFECTIVE DATES FOR BUY-IN**

The accretion effective date is based on the category of medical assistance which the person is enrolled. The following are the guidelines for Buy-In effective dates:

- a. QMB:
  - Part A and Part B buy-in effective the month after the month of approval.
- b. SLMB:
  - Part B buy-in effective the application month and up to three months prior to the application month (prior med).
- c. QI:
  - Part B buy-in effective the application month and up to three months prior to the application month (prior med).

## **C-720 CASE MANAGER RESPONSIBILITIES IN THE BUY-IN PROCESS**

The case manager must ensure that when a **customer** is enrolled in Medicare, the Medicare (MEDI) screen is entered into the system and eligibility is updated to the appropriate AID and Eligibility code combination. The Buy-In file exchange depends upon the correct AID/ELIG code in order to generate an accretion request for Buy-In.

When an individual is no longer reflecting Medicare eligibility, the case manager must add END DT (end dates) to Part A and Part B in the MEDI screen and update eligibility to reflect loss of Medicare. All Buy-In inquiries or requests for assistance should be sent to: [buyin@dncfp.nv.gov](mailto:buyin@dncfp.nv.gov).

## **C-800 INCARCERATION**

An inmate of a public institution is ineligible for the Medicare Beneficiary program, UNLESS the institution is a medical institution. An inmate of a penal institution is never eligible for Medicaid or the Medicare Beneficiary Program while in the custody of law enforcement officials, UNLESS admitted as an inpatient to a hospital, nursing facility, juvenile psychiatric facility, or intermediate care facility. This individual is eligible for Medicaid and any Medicaid covered services provided to them while an **inpatient** in these facilities. If this individual becomes an inpatient of a long-term care facility, they must meet level of care and plan of care assessments to become eligible.

**Note:** Inmates under house arrest, and supervised by Parole and Probation, may qualify for Medicaid as long as the penal institution is not supplying their food and shelter. Persons who are released on parole from a penal institution are not considered a resident of a public institution and therefore may be eligible for SSI or Medicaid if they meet all other eligibility requirements.