

CHAPTER 2-000 ELIGIBILITY REQUIREMENTS: The State of Nebraska provides the medical assistance programs for children outlined in this title. The following elements of eligibility must be met:

1. Application for assistance (see 477 NAC 2-001);
2. U.S. citizenship or alien status (see 477 NAC 2-002);
3. Nebraska residence (see 477 NAC 2-003);
4. Social Security number (see 477 NAC 2-004);
5. Age (see 477 NAC 2-005);
6. Pregnancy verification (see 477 NAC 2-006);
7. Relative responsibility (see 477 NAC 2-007);
8. Income (see 477 NAC 2-009); and
9. Assignment of third party medical payments (see 477 NAC 2-010).

2-001 Application: A client's legal guardian, conservator, an individual acting under a duly executed power of attorney, a relative, or another individual acting on the client's behalf may apply for MA.

Using the prudent person principle (see 477 NAC 1-008), the worker may require a personal contact with the client or the client's representative. The agency will conduct a face-to-face interview if requested by the client. If a client, for good reason, is unable to conduct a face-to-face interview in the DHHS office, then the worker and the client must identify a mutually acceptable time and place, such as a hospital, senior or community center, or the client's home.
{Effective 6/28/11}

2-002 Citizenship and Alien Status: In order to be eligible for public assistance, an individual's status must be documented as one of the following using acceptable documents, as defined by federal regulations and listed in 477-000-301:

1. A citizen of the United States;
Note: A child born in the United States is a U.S. citizen. A newborn who was determined to be eligible for Medicaid in the month of birth meets the citizenship and identity requirements without further verification; this includes newborns whose expenses were paid through Emergency Medical Assistance for Aliens.
2. An alien lawfully admitted for permanent residence (see 477-000-304) after the five-year waiting period imposed by Section 403 of PRWORA (8 U.S.C. § 1613). For medical assistance for an emergency medical condition, see 477 NAC 2-002.04A;
3. A refugee admitted to the U.S. under Section 207 of the Immigration and Nationality Act (INA);
4. An asylee under Section 208 of INA;
5. An alien whose deportation is withheld under Section 243(h) of INA;
6. An alien from Cuba or Haiti who was admitted under Section 501(e) of the Refugee Education Assistance Act of 1980;
7. A refugee who entered the U.S. before April 1, 1980, and was granted conditional entry;
8. An alien who is paroled into the U.S. under Section 212(d)(5) of INA for a period of at least one year;
9. An Amerasian immigrant under Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as amended; or

10. An alien who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse's or parent's family who is residing in the same household as the alien.

Any individual who is born in the United States is considered a U.S. citizen. This includes children whose parents are not U.S. citizens, such as undocumented alien parents, parents with student visas, or parents with lawful temporary residence status. A pregnant woman who is an ineligible alien may not receive assistance. For emergency medical assistance for undocumented and ineligible aliens, see 477 NAC 2-002.04A.

Receipt of SSI, SSDI, or Medicare is sufficient proof of citizenship or lawfully admitted alien status.

Individuals who declare to be U.S. citizens and meet all other eligibility requirements must be given a reasonable opportunity to present satisfactory documentation of citizenship or nationality. Medical benefits must not be denied, delayed, reduced, or terminated pending receipt of the requested citizenship verification. Reasonable opportunity is defined as ten days from the date documentation was requested. The Department may authorize one additional ten-day extension for verification if the necessary information has been requested by the client. If the Department has requested verification, such as an out-of-state birth certificate, benefits will not be denied or terminated while awaiting receipt. Once an individual has declared s/he is a U.S. citizen or national and has provided all other information to determine eligibility, benefits must be provided.

If the client is not cooperating in providing documentation, the client must be closed.

{Effective 6/28/11}

2-002.01 Verification of Alien Status: When a parent/individual states that one or more of the children for whom assistance is being requested is an alien, the worker must require the client to present verification for each alien child.

{Effective 2/28/07}

2-002.02 Repatriation Program: The Repatriation Program provides temporary assistance, care, and treatment for up to 90 days for U.S. citizens or dependents of U.S. citizens who have returned from foreign countries. To qualify for repatriation assistance, the individual must be returned from a foreign country because s/he is destitute or ill (including mentally ill) or because of war, threat of war, or a similar crisis. A request must be made by the State Department to the U.S. Department of Health and Human Services to receive the individual in the United States and to provide the necessary care, treatment, and assistance.

2-002.03 (Reserved) Medical Assistance for Certain Pregnant Women and Children: A child or pregnant woman may be Medicaid eligible if s/he is a Nebraska resident, and is "lawfully present" in the United States. A child or pregnant woman shall be considered "lawfully present" if s/he is:

1. A qualified alien as defined in section 431 of PRWORA (8 U.S.C. §1641) (468 NAC 2-002);

2. An alien in 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;
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 one 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; or
 - g. Aliens whose visa petition has been approved and who have a pending application for adjustment of status;
5. An alien who has a pending application 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.

Note: See the Exception for sponsor deeming at 477 NAC 2-016.

2-002.04 Restricted Medical Assistance: An alien who meets ADC eligibility requirements (see 468 NAC 2) may receive medical assistance if s/he has the sudden onset of an emergency medical condition (see 477 NAC 2-002.04A) and is an alien not lawfully admitted for permanent residence in the United States.

Note: For an alien who is aged, blind, or disabled, see 469 NAC 4-001.02A. If an alien age 20 or younger does not meet the deprivation requirement for ADC, see 477 NAC 3-000 or 4-000.

~~2-016 Deeming of Income of Sponsors of Aliens: The worker shall consider 100 percent of the income and resources of a sponsor (and sponsor's spouse, if they are living together) when determining the eligibility of an alien who applies for CMAP if the sponsor has signed an affidavit of support under Section 213A of the Immigration and Nationality Act. The sponsor's income and resources will be considered available to the alien until the alien—~~

- ~~1. Becomes a U.S. citizen;~~
- ~~2. Has worked 40 qualifying quarters of coverage as defined under Title II of the Social Security Act or can be credited with the qualifying quarters as provided under Section 435 and the alien did not receive any federal means tested public benefit during that time period.~~

This provision does not apply to Medicaid-eligible pregnant women and children in 477 NAC 2-002.03 or to restricted medical assistance in 477 NAC 2-002.04A.

{Effective 12/27/97}

2-016.01 Definition of a Sponsor: A sponsor is an individual who -

1. Is a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence;
2. Is 18 years of age or older;
3. Lives in any of the 50 states or the District of Columbia; and
4. Is the person petitioning for the admission of the alien under Section 204 of the Immigration and Nationality Act.

An organization is not considered a sponsor.

{Effective 12/27/97}

2-016.02 Alien Duties: As an eligibility requirement, the alien is responsible for -

1. Providing income and resource information from the sponsor; and
2. Obtaining the necessary cooperation from the sponsor.

If the alien does not provide the necessary information, s/he is not eligible for assistance.

{Effective 12/27/97}

2-016.03 Sponsor of More Than One Alien: When an individual is a sponsor for two or more aliens who are living in the same home, the amount of deemed income and resources of the sponsor (and the sponsor's spouse, if living with the sponsor) is divided equally among the aliens.

When an individual sponsors several aliens but not all apply for assistance, the sponsor's total deemable income and resources are applied to the needs of the aliens who apply for assistance.

{Effective 12/27/97}

CHAPTER 3-000 NEBRASKA MEDICAL ASSISTANCE PROGRAM (MEDICAID) FOR INDIVIDUALS AGE 19 OR YOUNGER (RIBICOFF):

3-001 Purpose: The purpose of Ribicoff is to provide medical services to individuals age 18 or younger who are otherwise eligible and do not have sufficient income and resources to meet their needs.

Exception: Individuals age 19 and 20 may be found eligible under this category if they are receiving inpatient care in an Institution for Mental Disease (IMD). If an individual is an inpatient in an IMD when s/he reaches 21 years of age, s/he may remain eligible either until discharge or until s/he reaches age 22, whichever comes first.

{Effective 8/18/03}

3-002 Application Processing: See 477 NAC 1-009.

3-002.01 Medical Assistance (MA) Application with Share of Cost (SOC): An application for medical assistance for an individual with SOC who has a medical need may be approved with no medical payments authorized until the applicant has met his/her obligation.

3-002.02 Application with Excess Resources: An application for assistance for an individual who has excess resources may be held pending until the resources are reduced (see 477 NAC 3-003.03G6 for medical eligibility dates).

3-003 Eligibility Requirements: The following elements of eligibility must be met in order to receive Medicaid for Individuals Age 18 or Younger:

1. Application (see 477 NAC 2-001);
2. U.S. citizenship or alien status (see 477 NAC 2-002.03);
3. Nebraska residence (see 477 NAC 2-003);
4. Social Security number (see 477 NAC 2-004);
5. Age (see 477 NAC 3-003.02);
6. Pregnancy verification (see 477 NAC 2-006);
7. Relative responsibility (see 477 NAC 2-007 and 3-003.01);
8. Living arrangement (see 477 NAC 2-008);
9. Resources (see 477 NAC 3-003.03);
10. Income (see 477 NAC 2-009);
11. Cooperation in obtaining third party medical payments (see 477 NAC 2-010); and
12. Receipt of other assistance (see 477 NAC 2-011).

{Effective 6/28/11}

CHAPTER 4-000 MEDICAID FOR INDIVIDUALS AGE 18 OR YOUNGER: Children may receive Medicaid if they meet the eligibility requirements outlined in this material. A pregnant minor may receive Medicaid before the birth of her child and for 60 days following the birth. Ongoing Medicaid eligibility must be reviewed prior to the end of the 60-day postpartum period.

4-001 Eligibility Criteria

4-001.01 Eligibility Requirements: The elements of eligibility that are listed below must be met:

1. U.S. citizenship and alien status (see 477 NAC 2-002.03);
2. Nebraska residence (see 477 NAC 2-003);
3. Social Security number (see 477 NAC 2-004);
4. Relative responsibility (see 477 NAC 2-007);
5. Age requirements for children (see 477 NAC 4-001.02);
6. Income (see 477 NAC 2-009);
7. Cooperation with requirements for third party medical payments (see 477 NAC 2-010); and
8. A pregnancy statement for a minor who is only eligible as a pregnant woman (see 477 NAC 2-006).

{Effective 6/28/11}

4-001.02 Age Requirements for Children: If a family's income exceeds the income levels listed below, see 477 NAC 6-000 for eligibility for Kids Connection unless the child(ren) has creditable health insurance.

{Effective 10/7/98}

4-001.02A Minor Pregnant Woman and the Newborn Child(ren): A minor pregnant woman and her newborn child(ren) are eligible for Medicaid if the family income equals 185 percent or less of the federal poverty levels. Eligibility continues through the month of the child's birth and 60 days postpartum for the mother. Eligibility for the newborn continues through the month of the child's first birthday.

{Effective 6/28/11}

4-001.02B Zero to Age One: Children up to the age of one are eligible for Enhanced Medicaid for Children (EMAC) if the family income equals 150 percent or less of the federal poverty levels. Eligibility continues through the month the child reaches age one.

{Effective 6/28/11}

4-001.02C Five or Younger: Children age one through five (through the month of their sixth birthday) are eligible for Medical Assistance for Children (MAC) if the family income equals 133 percent of the federal poverty levels.

{Effective 12/17/95}

4-001.02D Ages Six and Older: Children ages 6 through 18 are eligible for School Age Medical (SAM) if the family income equals 100 percent of the federal poverty levels. Eligibility continues through the month of the child's 19th birthday.

{Effective 5/4/98}