CHAPTER 25-001– CHILD WELFARE, IV-E MEDICAID

25-001.01 Child Welfare Program Clients: Title IV-E eligible children (this includes subsidized-adoption and subsidized guardianship) are Medicaid eligible and exempt from income and resource requirements.

25-001.02 Age: A ward may be eligible through the month of his/her 19th birthday.

25-001.02A Exception: A ward that is in an Institution of Mental Disease (IMD) is eligible through the month of his/her 21st birthday.

25-001.03 Eligible Children:

1. Wards of the Nebraska Department of Health and Human Services or the court who are determined to be eligible for IV-E assistance;
2. Wards of another state who are determined IV-E eligible by the other state and are living in Nebraska and;
3. Youth who are eligible for the IV-E subsidized adoption program from another state and living in Nebraska.

25-001.04 Effective Date of Medical Eligibility: Medical eligibility is effective the first day of the month in which custody was first granted if the ward was IV-E eligible in that same month. A child may be eligible earlier than the month of custody according to requirements. Six months of continuous eligibility applies. See 477 NAC 4-001 and 477 NAC 3-001.15.

25-001.05 Review: Eligibility of an individual eligible under this section must be reviewed every twelve months.

25-001.06 Absence from the State: Individuals Receiving Foster Care: The Department may not deny assistance because a ward under the jurisdiction of a Nebraska court has not resided in the state for a specified period. It also may not terminate a resident's eligibility because of that ward's absence from the state; unless another state has determined that the ward is a resident there for assistance purposes. A Department ward that is IV-E eligible and is living in another state is eligible for Medicaid coverage from the state in which she or he resides. The protection and safety worker is responsible to determine if it is in the child's best interest to retain Nebraska Medicaid coverage or receive coverage from the resident state. If the decision is that coverage should be from the resident state, the appropriate form must be completed and sent to the Department's designated ICAMA/COBRA Coordinator for processing.

25-001.07 Department Ward in Home of Parent(s): In determining relative financial responsibility, the agency considers the income of parents as available to children living with parents.

If the court order states the extent of the parent(s)' financial responsibility for the child's medical care, the court order is followed.

After 90 days, it must be determined if the child will remain in the home or has been discharged as a ward.

The family's eligibility for other categorical assistance must be reviewed if the child is discharged as a ward, the case is closed, and the family requires financial assistance.

25-001.08 Receipt of Other Assistance: A ward must not receive assistance in two categorical units at the same time. This does not preclude the client of another type of assistance from being the payee for a foster care payment made on behalf of a ward in that client's care. A ward may also be the payee for his/her ADC or AABD/MA child.

If there is a choice of programs, the following order should be followed: IV-E first and non-IV-E second.

25-001.19 Ward Placed in Jail or Detention Facility: Medicaid cannot be used as a funding source for medical care during the placement.

25-001.19A Exception: When a ward placed in jail or detention leaves that setting and goes to an acute medical treatment setting for at least 24 hours, medical treatment in the acute setting may be billed to Medicaid if eligibility requirements are met.