

Chapters 477 NAC 20 through 28 apply to the following: Aged, Blind, and Disabled (ABD); Medically Needy (MN); Medicaid Insurance for Workers with Disabilities (MIWD); Women's Cancer Program; Transitional Medical Assistance (TMA); Former Foster Care; Emergency Medical Services Assistance (EMSA); Children and Young Adults Eligible for IV-E Assistance

CHAPTER 28-000 CHILDREN ELIGIBLE FOR IV-E ASSISTANCE; NON-IV-E ADOPTION SUBSIDY; FORMER FOSTER CARE CHILDREN

28-001 CHILDREN ELIGIBLE FOR IV-E ASSISTANCE: A child eligible for federally funded assistance through the Title IV-E program (this includes subsidized adoption and subsidized guardianship) is Medicaid eligible.

28-001.01 Eligible Children: A child qualifying for IV-E assistance is eligible for Medicaid if

1. The child is IV-E eligible and is in the custody of the Department or a court of competent jurisdiction;
2. The child is in the custody of another state that made the IV-E determination, but the child lives in Nebraska; or
3. The child has been determined eligible for IV-E subsidized guardianship or adoption assistance by Nebraska, or another state but the child lives in Nebraska.

28-001.02 Age: A child who is IV-E eligible and under nineteen (19) years old shall be eligible for Medicaid.

28-001.02A Exceptions:

1. A child who is in an Institution for Mental Disease (IMD) is eligible through the month of his/her twenty-first (21st) birthday.
2. A young adult who entered into an adoption or guardianship agreement after reaching sixteen (16) years old and is IV-E eligible may be eligible for Medicaid until twenty-one (21) years old.

28-001.03 Income and Resources: A child eligible for IV-E is exempt from income and resource tests.

28-001.04 Effective Date of Medicaid Eligibility: Medicaid eligibility is effective the first day of the month in which custody was first granted if the child was IV-E eligible in that same month.

28-001.05 Continuous Eligibility: Children who are eligible for Medicaid due to their IV-E status shall receive six months of continuous eligibility from the date of initial Medicaid eligibility. See 477 NAC 3-008.

28-001.06 Child Placed in Jail or Detention Facility: Medicaid cannot be used as a funding source for medical care during incarceration.

28-001.06A Exception: When a child placed in jail or detention leaves that setting and goes to an acute medical treatment setting for at least twenty-four (24) hours, medical treatment in the acute setting may be billed to Medicaid if eligibility requirements are otherwise met.

28-002 CHILDREN ELIGIBLE FOR NON-IV-E ADOPTION: A special needs child eligible for non-IV-E subsidized adoption assistance may be Medicaid eligible if s/he meets special needs criteria.

28-002.01 Eligible Children: A child qualifying for non-IV-E subsidized adoption assistance is eligible for Medicaid if

1. An adoption agreement (other than an agreement under Title IV-E) between the state and the adoptive parent(s) is in effect;
2. The Department has determined that the child cannot be placed for adoption without Medicaid coverage because of special needs for medical or rehabilitative care;
3. The child meets either of the following requirements:
  - a. S/he would have been eligible for Medicaid before the adoption agreement was entered into; or
  - b. S/he would have been eligible for Medicaid before the adoption agreement was entered into, if the eligibility standards and methodologies of the Title IV-E program were used without employing the threshold ADC eligibility determination; and
4. The child is under nineteen (19) years old.

28-002.02 Income and Resources: A child who meets these criteria is exempt from income and resource tests.

### 28-003 FORMER FOSTER CARE CHILDREN

28-003.01 Former Foster Care Children: Individuals under twenty-six (26) years old who were in foster care under Nebraska's or a Nebraska tribe's responsibility and receiving Medicaid when the individual became eighteen (18) or nineteen (19) years old, or such higher age at which Nebraska's federal foster care assistance ends.

These individuals are exempt from income and resource tests.

28-003.01A Eligibility Requirements: In order to receive Medicaid, the applicant/client must

1. Be under twenty-six (26) years old;
2. Have been a client at eighteen (18) or such higher age at which the State's foster care assistance ends under title IV-E of the Social Security Act;
3. Have been in foster care under Nebraska's or a Nebraska tribe's responsibility at eighteen (18) or such higher age at which the State's foster care assistance ends under title IV-E of the Social Security Act; and
4. Not be eligible for and enrolled in mandatory Medicaid coverage through Parent/Caretaker relatives, Pregnant Women, Children, or ABD.

For Former Ward, see 477 NAC 19-005.