

	<b>STATE OFFICE for SERVICES to CHILDREN and FAMILIES</b>  <b>CLIENT SERVICES MANUAL I</b>  ISSUED BY: Management Operations  EFFECTIVE DATE: January 2, 1996	<b>NUMBER:</b> I-E.6.2
		<b>SECTION:</b> E. Substitute Care
		<b>SUBSECTION:</b> 6. Funding Eligibility
<b>SUBJECT:</b> 2. Title XIX and General Assistance Medical Eligibility		

Interpretation: Financial Resource Unit

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Assistant Administrator,  
Management Operations

**REFERENCES:** AFS Eligibility Manual  
AFS Worker Guide  
CF 190, "Individual Eligibility Determination for Title XIX"

**PURPOSE**

**413-100-400** The purpose of these rules is to set forth procedures and criteria which the agency will use to make Title XIX medical eligibility determinations for children in substitute care who are in the care and custody of the State Office for Services to Children and Families, and to make such determinations for those children who do not meet the financial eligibility criteria for Title XIX who would otherwise be eligible for the General Assistance Medical Program. Both of these programs are administered by the Office of Medical Assistance Programs.

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

**DEFINITIONS**

(See Glossary)

**413-100-410 (1) "AFS":** Adult and Family Services Division.

**(2) "Assistance Standards":** Amount of entitlement determined by AFS taking into consideration the need for food, shelter, utilities, clothing, personal incidentals and household supplies. Need is determined for individuals by comparing available income and resources to the ADC assistance standards.

**(3) "Custody":** Legal custody and guardianship, as defined in ORS 419B.373, 419B.376 and 419B.379.

**(4) "Earned Income":** Income received from earnings of the child who is either working full time or part time.

**(5) "Full-Time Employment":** 160 hours per month.

**(6) "Full-Time School Attendance":** Number of hours as defined by each individual school.

	<b>STATE OFFICE for SERVICES to CHILDREN and FAMILIES</b>  <b>CLIENT SERVICES MANUAL I</b>  ISSUED BY: Management Operations  EFFECTIVE DATE: January 2, 1996	NUMBER: I-E.6.2
		SECTION: E. Substitute Care
		SUBSECTION: 6. Funding Eligibility
<b>SUBJECT: 2. Title XIX and General Assistance Medical Eligibility</b>		

(7) **"G.A."**: General Assistance with no federal match.

(8) **"OMAP (Office of Medical Assistance Programs)"**: Refers to the official state Title XIX (Medicaid) agency located in the Office of the Director, DHR. Most DHR - wide Title XIX functions are handled by OMAP, but a few functions are retained by AFS. OMAP was formerly a part of AFS.

(9) **"Paid Substitute Care"**: The State Office for Services to Children and Families is making a payment on behalf of the child.

(10) **"Resources"**: All real and personal property, automobiles, life insurance and trusts, including cash, savings, checking accounts or trust and agency (T&A) accounts.

(11) **"SOSCF or the Agency"**: The State Office for Services to Children and Families.

(12) **"Spend Down"**: Refers to the use of excess monthly income over the AFS assistance standard that is used to pay for medical expenses which enables a client to be Title XIX eligible.

(13) **"Unearned Income"**: Refers to income to the child in the child's own right, such as Social Security benefits, Veteran's benefits, child support payments or other entitlements. It does not include the SOSCF foster care payment.

**Statutory Authority: HB2004**

**Stats. Implemented: Title XIX**

## TITLE XIX POLICY

### DETERMINATIONS REQUIRED

**413-100-420 (1)** Each child in substitute care whose care is paid by SOSCF or another public agency must have a determination of Title XIX eligibility before the issuance of a medical care ID card is authorized by SOSCF. Eligibility will not be presumed. In order to determine this eligibility the form "Individual Eligibility Determination for Title XIX Medical Coverage" (CF 190) must be completed, dated, signed by either a SOSCF case worker or their designee, and filed in the child's case record. The following children are potential candidates for Title XIX coverage:

(a) Children in shelter or foster home placements or, in a licensed child care agency, group home, or residential care placement, or a non-profit public drug and alcohol treatment facility;

	<b>STATE OFFICE for SERVICES to CHILDREN and FAMILIES</b>  <b>CLIENT SERVICES MANUAL I</b>  <b>ISSUED BY:</b> Management Operations  <b>EFFECTIVE DATE:</b> January 2, 1996	<b>NUMBER:</b> I-E.6.2
		<b>SECTION:</b> E. Substitute Care
		<b>SUBSECTION:</b> 6. Funding Eligibility
<b>SUBJECT:</b> 2. Title XIX and General Assistance Medical Eligibility		

(b) Children in placements listed above when the care is paid by another public agency including county juvenile departments.

(2) Children admitted to the hospital prior to entering substitute care or newborns released from the hospital into substitute care. Title XIX eligibility is effective the date that SOSCF obtains custody of the child and the child is determined eligible. Children hospitalized under SOSCF's protective custody and returned home upon discharge are eligible for Title XIX when the intent was to place the child in care.

(3) Babies born to mothers receiving Title XIX coverage from Adult and Family Services. Title XIX coverage for birth expenses can be authorized when:

(a) SOSCF obtains custody of the baby during its hospitalization; and,

(b) An SMED service is entered effective the date of birth;

(c) In the month following the birth month (if the child is not found Title IV-E eligible) a new CF 190 must be completed for review of the infants ongoing Title XIX eligibility. Consideration of the following factors is necessary before continuing Title XIX eligibility:

(A) An application for a Social Security number has been made; and/or,

(B) Unearned income in excess of the ADC standards for Title XIX eligibility is available for the child.

(4) Children on runaway status who would otherwise be in care. Eligibility for Title XIX resumes at the time they are located as long as SOSCF retains custody and the child would continue to be in substitute care and Title XIX eligible if not on runaway status. SOSCF is not responsible for medical bills incurred while a child is on the run if the child is not replaced in care.

(5) Youth in subsidized Independent Living.

(6) Children placed in an adoptive home pending the finalization of the adoption.

	<b>STATE OFFICE for SERVICES to CHILDREN and FAMILIES</b>  <b>CLIENT SERVICES MANUAL I</b>  ISSUED BY: Management Operations  EFFECTIVE DATE: January 2, 1996	NUMBER: I-E.6.2
		SECTION: E. Substitute Care
		SUBSECTION: 6. Funding Eligibility
<b>SUBJECT: 2. Title XIX and General Assistance Medical Eligibility</b>		

(7) Children receiving SSI. An application (CF 190) for Title XIX must be completed to establish initial eligibility.

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

### ELIGIBILITY FACTORS

#### ASSISTANCE STANDARD

**413-100-430 (1)** In order to be eligible for Title XIX coverage while in foster care, a child must meet the income level in one of five ways:

- (a) Through the ADC payment standard for one in a household of one, or (AFS Rule 461-04-915);
- (b) Through the Medically Needy standard for one in a household of one;
- (c) Through the Medically Needy with spend-down standard;
- (d) Eligible for and receiving Title IV-E foster care payments;
- (e) Receiving (SSI) Supplemental Security Income.

**(2) Unearned Income:** All unearned income that the child is entitled to receive must be counted in determining Title XIX eligibility. Income must be used to determine eligibility even if the agency has not begun to receive the benefits as long as that income has been awarded to the child.

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

#### EARNED INCOME

**413-100-440 Earned Income:** Treatment of earned income in determining eligibility for Title XIX will be handled solely on the basis of the child's student status as follows:

(1) The following children will have their earnings disregarded:

- (a) Full-time students (as defined by the school) attending grade 12 or below, or attending a course of vocational or technical training, or GED classes in lieu of high school or planning to return to school or vocational training; or

	<b>STATE OFFICE for SERVICES to CHILDREN and FAMILIES</b>  <b>CLIENT SERVICES MANUAL I</b>  <b>ISSUED BY:</b> Management Operations  <b>EFFECTIVE DATE:</b> January 2, 1996	<b>NUMBER:</b> I-E.6.2
		<b>SECTION:</b> E. Substitute Care
		<b>SUBSECTION:</b> 6. Funding Eligibility
<b>SUBJECT:</b> 2. Title XIX and General Assistance Medical Eligibility		

(b) Part-time students who are not employed full time and are attending grade 12 or below, or attending an equivalent level of vocational or technical training or GED classes, or planning to return to school or training;

(c) Children earning income under the Job Training Partnership Act (JTPA) programs (except Job Corps payments).

(2) A child who is attending school part-time and employed full-time, or not attending school will have his/her earnings partially disregarded. The first \$90 of earned income will be disregarded. The earnings will be computed on the CF 190 to determine the child's eligibility for Title XIX.

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

## RESOURCES

**413-100-450 (1)** Total resources for a child may not exceed \$2,000 in order to be eligible for Title XIX. If a child has a motor vehicle, the first \$1,500 of equity value of that vehicle is exempt. The equity value over \$1,500 will be counted towards the \$2,000 resource limitation.

(2) Children receiving SSI are always eligible for Title XIX. If the child's assets (SOSCF Trust Account) exceed the limitation for SSI eligibility, it must be reported to the Social Security Administration. (Refer to SOSCF policy III-B.5, "Trust Accounts.")

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

## CITIZENSHIP AND ALIENAGE

**413-100-460 (1)** To be eligible for Title XIX the child must be:

(a) A United States citizen; or

(b) An alien lawfully admitted under provisions of Section 203(a) (7) before April 1980, 207(c), 208, 249, 584(a), 101, Section 207(c) (after March 31, 1980) or Section 212(d) (5) of the Immigration and Nationality Act as a paroled or conditional entrant; or aliens granted immigrant status according to the Amerasian Homecoming Act;

	<b>STATE OFFICE for SERVICES to CHILDREN and FAMILIES</b>  <b>CLIENT SERVICES MANUAL I</b>  ISSUED BY: Management Operations  EFFECTIVE DATE: January 2, 1996	NUMBER: I-E.6.2
		SECTION: E. Substitute Care
		SUBSECTION: 6. Funding Eligibility
<b>SUBJECT: 2. Title XIX and General Assistance Medical Eligibility</b>		

(c) An amnesty alien with permanent or unexpired temporary status admitted under Section 245A, 210, or 210A of the Immigration and Nationality Act.

(2) In order to authorize benefits, there must be proof that a child is a U.S. citizen, or in the country legally. Birth certificates, or citizenship papers, alien registration cards, permanent visas, Cuban and Refugee registration cards may be used.

(3) To authorize Title XIX benefits, there must be proof that the child is in the country legally. Individuals completing and signing the CF 190 application swear that they have reported the child's citizenship honestly.

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

### SOCIAL SECURITY NUMBER

**413-100-470** The child must have a social security number (SSN) or verification that an application for an SSN has been made. When a child does not have an SSN, verification of application for the social security number must be documented in the case file.

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

### RETROACTIVE ELIGIBILITY

**413-100-480** Children receiving GA medical due solely to the lack of an SSN are eligible for Title XIX retroactive to the date of placement once verification of an application for an SSN from the Social Security Administration has been obtained. An AFS 148 form titled "Recipient Subsystem, Claims Processing, Addition/Correction" must be completed on each case and sent to the Client Maintenance Section, AFS, P.O. Box 17150, Salem, OR 97305, for retroactive claiming of Title XIX. Title XIX eligibility retroactive to the date of placement must also be entered into IIS.

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

### ASSIGNMENT OF MEDICAL BENEFITS

**413-100-490 (1)** All known or potential health insurance benefits or resources and all other third-party medical benefits, including casualty insurance available to the child, must be assigned to the Adult and Family Services Division.

	<b>STATE OFFICE for SERVICES to CHILDREN and FAMILIES</b>  <b>CLIENT SERVICES MANUAL I</b>  ISSUED BY: Management Operations  EFFECTIVE DATE: January 2, 1996	NUMBER: I-E.6.2
		SECTION: E. Substitute Care
		SUBSECTION: 6. Funding Eligibility
<b>SUBJECT: 2. Title XIX and General Assistance Medical Eligibility</b>		

(2) The caseworker, or their designee as guardian of the child, may sign the CF 190 assigning these benefits.

(3) An AFS 415-H, "Medical Resource Report Form," must be completed and sent to AFS, Recovery Resource Section, P.O. Box 14023, Salem, OR 97309, for every child with health insurance coverage. If the child is covered by private health insurance such as Kaiser or another Health Maintenance Organization plan or Physician Care Organization (HMO/PCO), and is placed outside of a 30-mile radius, a statement of "accident injury policy only" must be written in the comment section of the AFS 415-H form. This exception statement will allow the foster parents the freedom to obtain medical care for the child within their local area.

(4) A CF 969A, "Adoption Assistance Application Supplement" must be completed and sent to AFS, Health Insurance Group, for children approved for Adoption Assistance prior to finalization of the adoption.

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

### LUMP SUM BENEFITS

**413-100-500** If all or part of a lump sum (any income received as a one-time payment) is spent during the month it is received in SOSCF, Accounting Services, so that the ending Trust and Agency balance is less than the Medically Needy resource limit of \$2,000, Title XIX medical eligibility may continue.

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

### TITLE XIX COVERAGE

**413-0-510** If a child leaves paid substitute care, Title XIX eligibility exists for the remainder of the calendar month the child was in care as long as the child was eligible the day the medical card was issued.

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

### REVIEWS

**413-100-520 (1)** Each child's eligibility for Title XIX must be reviewed every 12 months unless the child is receiving SSI. A review is not required for child receiving SSI unless the SSI is terminated.

	<b>STATE OFFICE for SERVICES to CHILDREN and FAMILIES</b>  <b>CLIENT SERVICES MANUAL I</b>  ISSUED BY: Management Operations  EFFECTIVE DATE: January 2, 1996	NUMBER: I-E.6.2
		SECTION: E. Substitute Care
		SUBSECTION: 6. Funding Eligibility
<b>SUBJECT: 2. Title XIX and General Assistance Medical Eligibility</b>		

(2) When there is a change in income or resources, the CF 190 must be completed in the month the change occurs in order to update the medical eligibility for the following month.

(3) When it has been determined that a child was incorrectly shown as Title XIX eligible for prior months, an AFS 148 will be completed to retroactively correct the child's computer file.

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

### COOPERATION WITH AFS QUALITY CONTROL

**413-100-530 (1)** As the State Title XIX agency, DHR is responsible to review cases covered by these rules for compliance with federal law and regulations. AFS performs this function.

(2) All cases to be reviewed will be requested through the SOSCF Financial Resource Unit. All case material (eligibility and service records) will be forwarded by SOSCF to AFS upon request. The cases will be selected for review by a systematic random sample each month from a universal listing of Title XIX-eligible cases. Title IV-E cases are not included in cases to be reviewed.

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

### GA MEDICAL POLICY

**413-100-540 (1)** All children in paid substitute care who do not meet the eligibility requirements for Title XIX, will be eligible for General Assistance(GA) medical through OMAP.

(2) A CF 190 will reflect eligibility for GA medical when it has been determined there is no eligibility for Title XIX. These cases will be reviewed every 12 months in order to determine possible change in income and/or resources which may change the child's eligibility for Title XIX.

(3) Infrequently a non-relative foster care provider is the designated payee for a foster child's benefits. Until payee status is transferred to the agency and a foster care maintenance payment is made, the child is eligible for GA medical as long as their income is less than the standard cost of foster care for their age level.

	<b>STATE OFFICE for SERVICES to CHILDREN and FAMILIES</b>  <b>CLIENT SERVICES MANUAL I</b>  ISSUED BY: Management Operations  EFFECTIVE DATE: January 2, 1996	NUMBER: I-E.6.2
		SECTION: E. Substitute Care
		SUBSECTION: 6. Funding Eligibility
<b>SUBJECT: 2. Title XIX and General Assistance Medical Eligibility</b>		

(4) Youth in non-subsidized Independent Living are eligible for GA medical unless their income exceeds the standard cost of foster care for their age level.

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

### NON-PAID RELATIVE PLACEMENTS

**413-100-550 (1)** Children living with relatives in non-paid care and living in the state must be referred to AFS for a cash grant and/or Title XIX coverage. SOSCF cannot issue a GA medical card to children in non-paid relative care. The social service specialist will advise the family to pursue medical coverage for the child through AFS.

(2) A child placed in a relative's home out-of-state will be referred to the Title XIX agency in that state for a Title XIX determination. If that state determines there is no Title XIX eligibility, SOSCF may issue a GA medical card only when the child's income is below the foster care rate.

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

### MEDICAL ELIGIBILITY FOR CHILDREN IN ADOPTIVE HOMES

**413-100-560 (1)** All children placed in adoptive homes prior to the entry of a final decree of adoption are eligible for a medical card.

(2) If no foster care payment is made, the child is GA eligible prior to execution of any Adoption Assistance agreements.

(3) If no medical eligibility is initially established, the medical eligibility may be determined using the criteria in section (2) of this rule any time during the adoption supervisory period.

(4) Title XIX eligibility for children in an adoptive placement and for whom Adoption Assistance has been approved is determined according to OAR 413-130-100: Medical Assistance Policy for children receiving Adoption Assistance.

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

	<b>STATE OFFICE for SERVICES to CHILDREN and FAMILIES</b>  <b>CLIENT SERVICES MANUAL I</b>  ISSUED BY: Management Operations  EFFECTIVE DATE: January 2, 1996	NUMBER: I-E.6.2
		SECTION: E. Substitute Care
		SUBSECTION: 6. Funding Eligibility
<b>SUBJECT: 2. Title XIX and General Assistance Medical Eligibility</b>		

## TITLE XIX ELIGIBILITY UNDER COBRA FOR OUT-OF-STATE PLACEMENTS

**413-100-580 (1)** The Consolidated Omnibus Reconciliation Act (COBRA) of 1985 provides for Title XIX coverage in the state of residence for children receiving Title IV-E foster care payments.

**(2)** All children receiving Title IV-E foster care payments from other states moving to the State of Oregon must be referred to the AFS office in the county of residence for a Title XIX eligibility determination. Under no circumstances is SOSCF to authorize the issuance of a Medical Care Identification (MCI) for children in the custody of another state. In addition, all children who are Title IV-E eligible in Oregon and move to another state are eligible for Title XIX in the state of residence. The MCI will be issued by the state of residence.

**(3)** Children receiving SSI payments and moving outside the State of Oregon are eligible for Title XIX in their state of residence.

**Statutory Authority: HB2004**

**Stats. Implemented: Title XIX**

## YOUTH IN DETENTION

**413-100-590** Youth held in a county or state juvenile detention facility are ineligible for Title XIX or GA medical coverage. Payment will be made for emergency medical services only. A child must be in SOSCF custody and payment will be made from the SOSCF branch "Other Medical" budget.

**Statutory Authority: HB2004**

**Stats. Implemented: Title XIX**

## CHILDREN IN RESIDENTIAL CARE WITH PAYMENT BY ANOTHER PUBLIC AGENCY

**413-100-600 (1)** Children in substitute care approved by a public agency of this state, and for whom a public agency of this state is assuming some financial responsibility, may be eligible for medical coverage.

**(2)** Children in the care and custody of SOSCF and placed in residential care paid by another public agency whose income does not exceed the ADC Medically Needy (no spend down) payment standard for one person may be eligible for Title XIX. Others will be eligible for GA medical coverage.

	<b>STATE OFFICE for SERVICES to CHILDREN and FAMILIES</b>  <b>CLIENT SERVICES MANUAL I</b>  ISSUED BY: Management Operations  EFFECTIVE DATE: January 2, 1996	NUMBER: I-E.6.2
		SECTION: E. Substitute Care
		SUBSECTION: 6. Funding Eligibility
<b>SUBJECT: 2. Title XIX and General Assistance Medical Eligibility</b>		

(3) To issue medical care identification to children in the care and custody of SOSCF and in non-paid residential care funded by another public agency, the following must be entered on IIS:

- (a) Medical eligibility after completion of a CF 190;
- (b) An SRES non-pay service;
- (c) The child's address on IKMB (the child's individual screen).

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**

#### **TEMPORARY MEDICAL CARD ISSUANCE**

**413-100-610** The AFS-1086, "Temporary Medical Care Identification Card (MCIC)," may be issued when a child requires medical care prior to receiving the computer generated MCIC (Medical Care Identification Card, OMAP 1417). The temporary MCIC may also be issued when the child is placed, moved to a new placement, or when the MCIC is lost and medical care is needed before a new card will be issued. (The eligibility data must be entered into the system at the time of issuance in order for the provider to be paid.)

**Statutory Authority: HB2004**  
**Stats. Implemented: Title XIX**