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|  | Department of Human Services CHILDREN, ADULTS & FAMILIES CLIENT SERVICES MANUAL I ISSUED BY: Office of Program Performance & Reporting EFFECTIVE: July 1, 2004 | NUMBER: I-E.6.2 OAR: 413-100-0400 / 0610 |
| | | SECTION: E. Substitute Care |
| | | SUBSECTION: 6. Funding Eligibility |
| SUBJECT: 2. Title XIX and General Assistance Medical Eligibility - OAR | | |

Responsible Manager: Financial Resource Unit

Approval: _____
Administrator, Office of
Program Performance &
Reporting

REFERENCES: Self-Sufficiency Family Services Manual
Self-Sufficiency Multiple Worker Guide
CF 190, "Individual Eligibility Determination for Title XIX"

413-100-0400

Purpose

The purpose of these rules (OAR 413-100-0400 to 413-100-0610) is to set forth procedures and criteria that the Department of Human Services (the Department) uses to determine eligibility under Title XIX of the Social Security Act (Title XIX) for children in substitute care who are in the care and custody of the Department and to determine eligibility for those children who do not meet the financial eligibility criteria for Title XIX but who are otherwise eligible for the General Assistance medical program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0410

Definitions

As used in OAR 413-100-0400 to 413-100-0610:

- (1) "Custody" means legal custody described in ORS 419B.370.
- (2) "Earned income" means income received from earnings of a child who is working full time or part time.
- (3) "Paid substitute care" means care paid for by the Department for a child in the Department's custody who is placed out of the home. Examples of an out-of-home placement are a placement with a foster parent or a relative or a placement in a group home, in permanent foster care, in an emergency shelter,

in a residential facility, in a non-finalized adoptive placement, in subsidized independent living, in an accredited psychiatric facility, or in the State Hospital.

- (4) "Resource" means real and personal property.
- (5) "Unearned income" includes such income as social security benefits, veterans benefits, child support payments, and entitlements from other government-operated programs, but the term does not include a foster care payment made by the Department.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

TITLE XIX POLICY

413-100-0420

Determinations Required

- (1) Before a child in substitute care may receive a medical card covering Medicaid services, the Department must determine the child's eligibility for Medicaid. In order for the Department to determine eligibility, the child or someone on the child's behalf must submit to the Department a completed, dated, and signed form CF 190, "Individual Eligibility Determination for Title XIX Medical Coverage."
- (2) Only the following children may be eligible for medical services under Title XIX:
 - (a) A child in substitute care. For the purpose of these rules, a child is in substitute care if the child is in a foster or relative placement or a placement in a group home, in permanent foster care, in an emergency shelter, in a residential facility, in a non-finalized adoptive placement, in subsidized independent living, or in an accredited psychiatric facility. A child placed in the State Hospital is in substitute care whether the Department or another agency is responsible for the placement.
 - (b) A child admitted to the hospital prior to entering substitute care and a newborn released from the hospital into substitute care. Eligibility for these children is effective on the date the Department finds the child is eligible but not earlier than the date the Department obtains custody of the child. A child hospitalized while under the Department's protective custody but then returned home upon discharge is eligible if at the time of hospitalization the Department's intent was to place the child in substitute care.

- (c) A baby born to a mother receiving medical benefits under Title XIX from the Department.
- (d) A baby born to a mother not receiving medical benefits under Title XIX from the Department, for coverage of birth expenses only, if—
 - (A) The Department obtains custody of the baby during its hospitalization;
 - (B) A "medical coverage only" code ("SMED") is entered in the Department's FACIS system effective the date of birth; and
 - (C) In the month following the birth month (if the child is not found Title IV-E eligible) a new CF 190 is completed for review of the infant's ongoing Title XIX eligibility.
- (e) A child on runaway status who would otherwise be in care. Eligibility resumes at the time the child is located or, if earlier, it resumes the date a medical bill is incurred, as long as the Department retains custody of the child and the child would continue to be in substitute care and Title XIX eligible if not on runaway status. The Department is not responsible for medical bills incurred while a child is on the run if the child is not returned to substitute care.
- (f) Youth in subsidized Independent Living.
- (g) A child placed in an adoptive home pending the finalization of adoption.
- (h) A child receiving SSI. An application (form CF 190) for Title XIX must be completed to establish initial eligibility.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

ELIGIBILITY FACTORS

413-100-0430

Assistance Standard

- (1) To be eligible for medical assistance under Title XIX while in foster care, a child must:
 - (a) Meet the TANF payment standard for one person in a household of one

- (see OAR 461-155-0030);
- (b) Meet the standard for the Medically Needy program for one person in a household of one (see OAR 461-155-0110);
 - (c) Meet the standard for the Medically Needy program with spend-down (see OAR 461-160-0080);
 - (d) Be eligible for and receiving Title IV-E foster care payments; or
 - (e) Be receiving Supplemental Security Income (SSI).
- (2) All unearned income that the child is entitled to receive is counted in determining eligibility. Income must be counted in determining eligibility even if the Department has not begun to receive the benefits as long as that income has been awarded to the child.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0440

Earned Income

- (1) Earned income of the following children is disregarded when determining eligibility:
 - (a) A child who is a full-time student (as defined by the school) attending grade 12 or below or who attends a course of vocational or technical training or GED classes in lieu of high school, or who plans to return to school or vocational training.
 - (b) A child who is a part-time student who is not employed full time and is attending grade 12 or below, is attending an equivalent level of vocational or technical training or GED classes, or is planning to return to school or training.
- (2) The Department disregards as follows the earnings of a child who is attending school part-time and is employed full-time or who is not attending school. The first \$90 of earned income is disregarded.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0450**Resources**

- (1) A child with resources valued in excess of \$2,000 is not eligible for medical assistance under 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 is counted towards the \$2,000 resource limitation.
- (2) A child receiving SSI is eligible for medical assistance under Title XIX. If the value of the assets in the trust account maintained by the Department for the child exceeds the limitation for SSI eligibility, the Department is required to report that to the Social Security Administration. The Department's rules for maintaining the trust accounts are at OAR 413-310-0400 to 413-310-0510.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0460**Citizenship and Alienage**

- (1) To be eligible for medical assistance under Title XIX the child must be:
 - (a) A United States citizen;
 - (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 (see OAR 461-120-0120);
 - (c) An amnesty alien with permanent or unexpired temporary status admitted under Section 245A, 210, or 210A of the Immigration and Nationality Act (see OAR 461-120-0125);
 - (d) A citizen of Puerto Rico, Guam, the Virgin Islands, or Saipan, Tinian, Rota, or Pagan of the Northern Mariana Islands; or
 - (e) A national from American Samoa or Swains Islands.
- (2) In order to authorize benefits, there must be proof that a child is a U.S. citizen or is in the country legally. Birth certificates, citizenship papers, alien registration cards, permanent visas, and Cuban and Refugee registration cards may be

used. Guidance on determining citizenship and alien status is available in the Department's Family Services Manual.

- (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.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0470

Social Security Number

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.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0480

Retroactive Eligibility

A child receiving medical assistance through the GA program rather than through a medical program under Title XIX due solely to the lack of an SSN is eligible for Title XIX retroactive to the date of placement once the Department receives verification of an application for an SSN from the Social Security Administration. A form AFS 148 titled "Recipient Subsystem, Claims Processing, Addition/Correction" must be completed on each case and sent to the Client Maintenance Unit, for retroactive claiming of Title XIX. Title XIX eligibility retroactive to the date of placement must also be entered into the Department's FACIS system.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0490

Assignment of Medical Benefits

- (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 Department.

- (2) The caseworker or the caseworker's designee, as guardian of the child, may assign the benefits by signing the form SCF190.
- (3) A form AFS 415-H, "Medical Resource Report Form," must be completed and sent to the Department for every child with health insurance coverage.
- (4) A form CF 969A, "Adoption Assistance Application Supplement," must be completed and sent to the Department's Health Insurance Group for each child approved for Adoption Assistance prior to finalization of the adoption.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0500

Lump Sum Benefits

If a sufficient portion of a lump sum (any income received as a one-time payment) is spent during the month it is received by the Department's Receipting and Trust Unit so that the ending Trust and Agency balance is less than the Medically Needy resource limit of \$2,000, medical eligibility is not affected by receipt of the lump-sum income.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0510

Title XIX Coverage

If a child leaves paid substitute care, Title XIX eligibility continues 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.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0520

Reviews

- (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 a child receiving SSI.

- (2) When there is a change in income or resources, the Department's form 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, the Department completes a form AFS 148 to retroactively correct the child's record.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0530

Quality Control

- (1) The Department is responsible to review cases covered by these rules for compliance with federal law and regulations.
- (2) All cases to be reviewed are requested through the Department's Financial Resource Unit. All case material (eligibility and service records) are made available for review upon request. The cases are randomly selected for review each month from a universal listing of Title XIX-eligible cases. Title IV-E cases are not included in the cases to be reviewed.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0540

GA Medical Policy

- (1) A child in paid substitute care who does not meet the eligibility requirements for Title XIX, is eligible for medical assistance through the General Assistance medical program.
- (2) A form CF 190 indicates the child is eligible for GA medical when the child is no longer eligible for Title XIX. These cases are reviewed every 12 months to determine whether the child is again eligible under Title XIX due to a change in income or resources.
- (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 its income is less than the standard cost of foster care for the child.

- (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.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0550

Non-Paid Relative Placements

- (1) For the Department to determine Medicaid eligibility for a child placed with a non-paid relative, a completed form SREL 190 must be submitted to the Department. A child in this situation is not eligible to receive a GA medical card. The Federal Program Coordinator provides assistance to eligibility specialists working with non-citizen children placed with a non-paid relative.
- (2) A child placed in a relative's home in another state is referred to the Title XIX agency in that state for a Title XIX determination. If that state determines there is no Title XIX eligibility, the child may be eligible for a GA medical card only if the child's income is below the foster care rate (see OAR 413-090-0000). The Department will not place a child in another state without following the procedures required by the rules on the Interstate Compact on the Placement of Children, OAR 413-040-0200 to 413-040-0330.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0560

Medical Eligibility for Children in Adoptive Homes

- (1) A child placed in an adoptive home prior to the entry of a final decree of adoption is 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 a child in an adoptive placement for whom Adoption Assistance has been approved is determined according to OAR 413-130-100, "Medical Assistance."

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0580

Title XIX Eligibility under COBRA for Out-of-State Placements

- (1) The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides for Title XIX coverage in the state of residence for children receiving Title IV-E foster care payments.
- (2) A child receiving Title IV-E foster care payments from another state who moves to Oregon must be evaluated for eligibility for Medicaid. A child in the custody of another state is not eligible to receive a Medical Care Identification (medical card). A child who is found eligible for benefits under Title IV-E in Oregon and then moves to another state is eligible for Title XIX in the state of residence. The medical card is issued by the state of residence.
- (3) A child who receives SSI payments who moves outside of Oregon is eligible for Title XIX in the state of residence.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0590

Youth in Detention

Youth held in a county or state juvenile detention facility are ineligible for Title XIX or GA medical coverage. Payment is made for emergency medical services only for a child in the Department's custody. The payment is made from the field office's "Other Medical" budget. The Medical Assistance Resource Coordinator provides assistance in determining whether a payment may be made.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0600

Children in Residential Care with Payment by Another Public Agency

- (1) A child in substitute care approved by a public agency of this state for whom a public agency of this state is assuming some financial responsibility may be eligible for medical coverage.
- (2) A child in the custody of the Department who is placed in residential care paid by another public agency may be eligible for medical coverage.
- (3) Before a medical card can be issued to a child in the Department's custody or in non-paid residential care funded by another public agency, the following must be entered on the Department's FACIS system:
 - (a) Medical eligibility after completion of a form SCF190;
 - (b) An SRES non-pay service;
 - (c) The child's address on IKMB (the child's individual screen).

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-100-0610

Temporary Medical Card Issuance

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

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005