

<b>Policy Title:</b>	Title XIX and General Assistance Medical Eligibility – <b>Temporary</b> OAR		
<b>Policy Number:</b>	I-E.6.2 413-100-0400 thru 0530	<b>Effective Date:</b>	2/04/14 thru 6/11/14

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

### Reference(s):

- Self-Sufficiency Family Services Manual  
[http://www.dhs.state.or.us/policy/selfsufficiency/em\\_firstpage.htm](http://www.dhs.state.or.us/policy/selfsufficiency/em_firstpage.htm)

### Form(s) that apply:

- None.

### Rules:

#### **413-100-0400**

##### **Purpose**

The purpose of these rules (OAR 413-100-0400 to 413-100-0530) is to set forth procedures and criteria that the Department uses to determine eligibility under Title XIX of the Social Security Act (Title XIX) for children and young adults in *substitute care* and in the *custody* of the Department; for children and young adults under an *adoption assistance* agreement; and for *General Assistance* medical for those children and young adults who do not meet the eligibility criteria for *Title XIX Medicaid*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-100-0410**

##### **Definitions**

As used in OAR 413-100-0400 to 413-100-0530:

- (1) "Adjudication" means the legal process by which a *child* or *young adult* is under a court's jurisdiction as a result of having engaged in delinquent behavior and not having a legal guardian that could be responsible for the *child* or *young adult*.
- (2) "Adoption assistance" means assistance provided on behalf of an eligible *child* or *young adult* to offset the costs associated with adopting and meeting the ongoing needs of the *child* or *young adult*. "Adoption assistance" may be in the form of payments, medical coverage, reimbursement of nonrecurring expenses, or special payments.
- (3) "Adoption assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the *pre-adoptive family* or adoptive family of an eligible *child* or *young adult*, setting forth the assistance the Department is to provide on behalf of the *child* or *young adult*, the responsibilities of the *pre-adoptive family* or adoptive family and the Department, and the manner in which the agreement and amount of assistance may be modified or terminated.
- (4) "Child" means an unmarried person under 18 years of age.
- (5) "COBRA" means the Consolidated Omnibus Budget Reconciliation Act of 1985 which is a federal mandate that requires employers sponsoring group health plans for twenty (20) or more employees to offer continuation of coverage to employees, their spouses, and dependent children who become unemployed.
- (6) "Custody" means legal custody described in ORS 419B.370.
- (7) "Department" means the Department of Human Services, Child Welfare.
- (8) "Foster care" means 24 hour *substitute care* for children placed away from their parents or guardians and for whom the Department has placement and care responsibility. This includes but is not limited to placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A *child* is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the Department or local agency for the care of the *child*, whether adoption subsidy payments are being made prior to the finalization of the adoption, or whether there is Federal matching of any payments that are made.
- (9) "General Assistance" means services paid using the state General Fund.
- (10) "Guardianship assistance" means assistance on behalf of an eligible *child* or *young adult* to offset the costs associated with establishing the guardianship and meeting the ongoing needs of the *child* or *young adult*. "Guardianship assistance" may be in the form of a payment, medical coverage, or reimbursement of guardianship expenses.
- (11) "Guardianship assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the potential guardian or guardian setting forth the assistance the Department is to provide on behalf of the *child*

or *young adult*, the responsibilities of the guardian and the Department, and the manner in which the agreement and amount of assistance may be modified or terminated.

- (12) "ICPC" means the Interstate Compact for the Placement of Children (see ORS 417.200).
- (13) "Independent Living Program" or "ILP" means the services provided by the Department to an eligible foster *child* or former foster *child*.
- (14) "OCCS Medical" means Title XIX Medical provided through the Office of Client and Community Services under the Oregon Health Authority.
- (15) "Pre-adoptive family" means an individual or individuals who:
  - (a) Has been selected to be a child's adoptive family; and
  - (b) Is in the process of legalizing the relationship to the *child* through the judgment of the court.
- (16) "Substitute care" means the out-of home placement of a *child* or *young adult* who is in the legal or physical *custody* and care of the Department.
- (17) "Title IV-E" means Title IV-E of the Social Security Act, which provides federal payments to the states for *foster care* maintenance and *adoption assistance* payments made on behalf of certain eligible children. It provides for *guardianship assistance* payments as well.
- (18) "Title XIX Medicaid" means federal and state funded medical assistance established by Title XIX of the Social Security Act.
- (19) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

## TITLE XIX POLICY

### 413-100-0420

#### Child Welfare Title XIX Medicaid Program Eligible Populations

Only the following children and young adults may be eligible for medical services under Child Welfare *Title XIX Medicaid*:

- (1) *A child or young adult in substitute care*, which may include:
  - (a) *A child or young adult in foster care.*

- (b) A *child* or *young adult* receiving Supplemental Security Income (SSI).
- (c) A *child* or *young adult* held temporarily in a county or state juvenile detention facility.
- (d) A *child* or *young adult* in a subsidized *Independent Living Program*.
- (e) A *child* or *young adult* who returned home in a trial reunification, up to six months.
- (f) A *child* or *young adult* in a pre-adoptive placement.
- (g) A *child* or *young adult* on runaway status who would otherwise be in care, as long as the Department retains *custody* of the *child* or *young adult* and the *child* or *young adult* would continue to be in *substitute care* and Child Welfare *Title XIX Medicaid* eligible if not on runaway status.
- (h) A *child* or *young adult* hospitalized while under the Department's protective *custody* is eligible if at the time of hospitalization the Department's intent was to place the *child* or *young adult* in *substitute care*.
- (i) An *ICPC child* or *young adult* from Oregon in *foster care* in another state that has denied the *child* or *young adult* medical coverage.
- (j) A *child* or *young adult* admitted to the hospital prior to entering *substitute care* and a newborn released from the hospital into *substitute care*. Eligibility for these children and young adults is effective on the date the Department finds the *child* or *young adult* is eligible but not earlier than the date the Department obtains *custody* of the *child* or *young adult*.
- (k) Newborns in the following situations:
- (A) A baby born to a mother receiving medical benefits under Child Welfare *Title XIX Medicaid* from the Department.
- (B) A baby born to a mother not receiving medical benefits under Child Welfare *Title XIX Medicaid* from the Department, for coverage of birth expenses only, if--
- (i) The Department obtains *custody* of the baby during its hospitalization, and
- (ii) Child Welfare *Title XIX Medicaid* coverage is entered in the Department's electronic information system effective the date of birth.

- (2) A *child* or *young adult* who is the subject of an effective *Adoption Assistance Agreement* administered by the Department.
- (3) A *child* or *young adult* who is the subject of an effective *Guardianship Assistance Agreement* administered by the Department.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

## ELIGIBILITY FACTORS

### **413-100-0430**

#### **Eligibility Determination for Children and Young Adults in Substitute Care**

The following policies apply to a *child* or *young adult* in *substitute care*:

- (1) Before a *child* or *young adult* in *substitute care* may receive a medical card providing Child Welfare *Title XIX Medicaid* services, the Department must determine the eligibility of the *child* or *young adult* for Child Welfare *Title XIX Medicaid*.
- (2) Children or young adults covered by OAR 413-100-0420 who meet the following criteria are categorically eligible for Child Welfare *Title XIX Medicaid*:
  - (a) Are eligible for *Title IV-E foster care* payments; or
  - (b) Are receiving Supplemental Security Income (SSI).
- (3) As part of an eligibility determination for Child Welfare *Title XIX Medicaid*:
  - (a) The *child* or *young adult* must meet the citizenship or alien (or citizenship and alien) status requirements in OAR 413-100-0460.
  - (b) All income and resources will be disregarded.
  - (c) The *child* or *young adult* must have a verified Social Security number (SSN) or verification that an application for an SSN has been made and is documented in the case file.
  - (d) The Department must determine if the *child* or *young adult* has other insurance.
    - (A) All known or potential health insurance benefits or resources and all other third-party medical benefits, including casualty insurance available to the *child* or *young adult*, must be assigned to the Department.

- (B) A form MSC 415H, "Notification of Other Health Insurance," must be completed and sent to the Department for every *child* or *young adult* with health insurance coverage.
- (4) Child Welfare *Title XIX Medicaid* coverage ends the day the *child* or *young adult* leaves state *custody* or enrolls into *OCCS Medical*. Child Welfare *Title XIX Medicaid* eligibility ends the day the *child* or *young adult* leaves care. The *child* or *young adult* is eligible for enrollment in *OCCS Medical* for the remainder of their most recent 12-month eligibility period.
- (5) Redetermination of the eligibility of each *child* or *young adult* for Child Welfare *Title XIX Medicaid* must be reviewed every 12 months.
- (6) Retroactive eligibility.
- (a) A *child* or *young adult* receiving medical assistance through *General Assistance* rather than through Child Welfare *Title XIX Medicaid* due solely to the lack of a Social Security number (SSN) is eligible for Child Welfare *Title XIX Medicaid* retroactive to the date of placement once the Department receives verification of an application for an SSN from the Social Security Administration.
- (b) A *child* or *young adult* may be enrolled retroactively to the date of initial placement.
- (c) A *child* or *young adult* who has been found to have dual prime numbers in the Medicaid Management Information System (MMIS) with dual coverage may receive retroactive coverage to the earliest date of coverage for either prime number.
- (7) Corrections to the record of the *child* or *young adult* in the Department's electronic information system may be made when it has been determined that the *child* or *young adult* was incorrectly shown as Child Welfare *Title XIX Medicaid* eligible for prior months.
- (8) *General Assistance* coverage will be provided when a *child* or *young adult* in *substitute care* does not meet the eligibility requirements for Child Welfare *Title XIX Medicaid* coverage. Eligibility redeterminations for a *child* or *young adult* receiving *General Assistance* must be completed every 12 months

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-100-0435**

#### **Title XIX Medicaid Eligibility for Children and Young Adults Receiving Adoption Assistance or Guardianship Assistance**

- (1) The Child Welfare Post Adoption Program will determine and maintain Child Welfare *Title XIX Medicaid* eligibility for the following children and young adults:
  - (a) A *child* or *young adult* who has exited Department *custody* as the result of a finalized adoption, and the *child* or *young adult* is the subject of an effective *Adoption Assistance Agreement* administered by the Department. Prior to the adoption finalization the *child* or *young adult* receives medical assistance as described in OAR 413-100-0430.
  - (b) A *child* or *young adult* who is determined eligible for *Guardianship Assistance* and is the subject of an effective *Guardianship Assistance Agreement* administered by the Department.
  - (c) A *child* or *young adult* determined eligible for *Adoption Assistance* where the Department is not required to consent to the adoption.
- (2) Before a *child* or *young adult* described in section (1) of this rule may receive a medical card providing Child Welfare *Title XIX Medicaid* services, the Child Welfare Post Adoption Program must determine the eligibility of the *child* or *young adult* for Child Welfare *Title XIX Medicaid*.
- (3) The requirements listed in OAR 413-100-0430(3) also apply to children and young adults described in section (1) of this rule.
- (4) A *child* or *young adult* described in section (1) of this rule who is the subject of a *guardianship assistance agreement* where a *Title IV-E* funded payment is being made to the guardian will be determined eligible and provided Child Welfare Title XIX medical assistance.
- (5) A *child* or *young adult* described in section (1) of this rule who is the subject of an *adoption assistance agreement* where the pre-adoptive parent or adoptive parent is eligible to receive a *Title IV-E* funded payment will be determined eligible and provided Child Welfare Title XIX medical assistance.
- (6) A *child* or *young adult* described in section (1) of this rule determined ineligible to receive Child Welfare *Title XIX Medicaid* will be provided *General Assistance* medical when:
  - (a) The *child* or *young adult* resides in Oregon; or
  - (b) The *child* or *young adult* resides outside of Oregon but in the United States or a territory or possession thereof and is not able to receive medical assistance through the state of residence.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

**413-100-0445**  
**Youth in Detention**

- (1) Youth held in a county or state juvenile detention facility may be eligible for new or continuation of Child Welfare *Title XIX Medicaid* or *General Assistance* medical coverage under the following situations:
  - (a) If a youth is in detention and going back to *foster care*.
  - (b) When a youth is in state *custody* and will be in a detention facility temporarily.
- (2) Child Welfare *Title XIX Medicaid* or *General Assistance* medical coverage will be closed after *adjudication*.
- (3) Except as provided in section (1) of this rule, youth held in a county or state juvenile detention facility are ineligible for Child Welfare *Title XIX Medicaid* or *General Assistance* medical coverage.
- (4) Payment may be 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

**413-100-0455**  
**Out-of-State Placements**

- (1) The Consolidated Omnibus Budget Reconciliation Act of 1985 (*COBRA*) provides for Child Welfare *Title XIX Medicaid* coverage in the state of residence for a *child* or *young adult* receiving *Title IV-E foster care* payments.
- (2) A *child* or *young adult* receiving *Title IV-E foster care* payments from another state who moves to Oregon must be evaluated for eligibility for Child Welfare *Title XIX Medicaid*.
- (3) A *child* or *young adult* who is found eligible for benefits under *Title IV-E* in Oregon and then moves to another state is eligible for Child Welfare *Title XIX Medicaid* in the state of residence.
- (4) A *child* or *young adult* who receives Supplemental Security Income payments who moves outside of Oregon is eligible for Child Welfare *Title XIX Medicaid* in the state of residence.

- (5) A non-*Title IV-E child* or *young adult* placed in another state is referred to the Child Welfare *Title XIX Medicaid* agency in that state for a Child Welfare *Title XIX Medicaid* determination. If that state determines there is no Child Welfare *Title XIX Medicaid* eligibility, the *child* or *young adult* may be eligible for *OCCS Medical* or *General Assistance* medical if the *child* or *young adult* meets the eligibility requirements (see OAR 413-100-0430).

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-100-0457**

##### **Former Foster Care Youth Medical Program**

- (1) This rule applies to all individuals considered for enrollment in the Former Foster Care Youth Medical program on or after January 1, 2014.
- (2) Individuals may not be eligible for the Former Foster Care Youth Medical program with an effective date prior to January 1, 2014.
- (3) There is no income test for the Former Foster Care Youth Medical program.
- (4) An individual is eligible for Former Foster Care Youth Medical if the individual meets the requirements of all of the following subsections:
  - (a) Is 18 years of age or older, but under 26 years of age.
  - (b) Was in foster care under the responsibility of the Department or Tribe, and enrolled in Child Welfare Title XIX Medicaid upon attaining:
    - (A) Age 18, or
    - (B) If over 18, the age at which Oregon Medicaid or Oregon Tribal foster care assistance ended under Title IV-E.
  - (c) Is not receiving Supplemental Security Income (SSI).
  - (d) Is not receiving adoption assistance or foster care maintenance payments.
- (5) Applicants for Former Foster Care Youth Medical should first be screened for eligibility for the Oregon Health Authority's Office of Client and Community Services (OCCS) medical programs such as MAGI Child, MAGI Pregnant Woman, MAGI Parent or Other Caretaker Relative program benefits.

Stat. Auth.: ORS 409.050, 411.404, 418.005

Stats. Implemented: ORS 409.010, 411.404, 418.005

## 413-100-0460

### Citizenship and Alienage

- (1) To be eligible for medical assistance under Child Welfare *Title XIX Medicaid*, the *child* or *young adult* must meet the requirements of one of the following subsections:
- (a) Be a United States citizen.
  - (b) Meet the alien status requirements in OAR 461-120-0125. A qualified non-citizen is any of the following:
    - (A) A non-citizen who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) (8 USC 1101 et seq.);
    - (B) A refugee who is admitted to the United States as a refugee under section 207 of the INA (8 USC 1157);
    - (C) A non-citizen who is granted asylum under section 208 of the INA (8 USC 1158);
    - (D) A non-citizen whose deportation is being withheld under section 243(h) of the INA (8 USC 1253(h)) (as in effect immediately before April 1, 1997) or section 241(b)(3) of the INA (8 USC 1231(b)(3)) (as amended by section 305(a) of division C of the Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208, 110 Stat. 3009-597 (1996));
    - (E) A non-citizen who is paroled into the United States under section 212(d)(5) of the INA (8 USC 1182(d)(5)) for a period of at least one year;
    - (F) A non-citizen who is granted conditional entry pursuant to section 203(a)(7) of the INA (8 USC 1153(a)(7)) as in effect prior to April 1, 1980;
    - (G) A non-citizen who is a "Cuban and Haitian entrant" (as defined in section 501(3) of the Refugee Education Assistance Act of 1980);
    - (H) An Afghan or Iraqi alien granted Special Immigration Status (SIV) under section 101(a)(27) of the INA; or
    - (I) A battered spouse or dependent *child* who meets the requirements of 8 USC 1641(C) and is in the United States on a conditional resident status, as determined by the U.S. Citizenship and Immigration Services.
  - (c) Be a citizen of Puerto Rico, Guam, the Virgin Islands, or Saipan, Tinian, Rota, or Pagan of the Northern Mariana Islands; or
  - (d) Be a national from American Samoa or Swains Islands.

- (2) In order to authorize benefits, there must be proof that a *child* or *young adult* 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.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

### **413-100-0530**

#### **Compliance**

- (1) The Department is responsible for compliance with the requirements of the Office of Management and Budget, OMB Circular A-133, available at:  
[http://www.whitehouse.gov/omb/circulars/a133\\_compliance\\_supplement\\_2011](http://www.whitehouse.gov/omb/circulars/a133_compliance_supplement_2011).
- (2) All cases to be reviewed by state auditors, including internal audits, or federal auditors are requested through the Department's Federal Compliance Unit. All case material (eligibility and service records) are made available for review upon request. The cases are randomly selected and must meet the criteria specific to the requirements of state and federal auditors.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

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#### **Policy History**

- [01/02/96](#)
- [07/01/04](#)
- [01/01/14 thru 2/03/14](#)