



Medicaid Enterprise
Department of Human Services

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FAMILY PLANNING SERVICES MANUAL TRANSMITTAL NO. 11-2

ISSUED BY: Division of Adult, Children and Family Services
Iowa Department of Human Services

SUBJECT: ***Family Planning Services Manual***, Chapter III, *Provider-Specific Policies*, pages 31, 32, 33, 43 through 48, and 49, revised; and pages 48a and 48b, new.

Summary

This chapter is revised to incorporate eligibility changes from Public Law 111-3, Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA). The changes broadened the definition of "lawfully residing" alien children under the age of 21 who are eligible for Medicaid benefits. If you become aware of a child who was adversely affected by the more narrow definition, restore IFPN eligibility.

Date Effective

The CHIPRA changes are effective retroactively to July 1, 2009.

Material Superseded

This material replaces the following page in the ***Family Planning Services Manual***:

<u>Page</u>	<u>Date</u>
Chapter III 31-33, 43-49	May 1, 2010

Additional Information

The updated provider manual containing the revised pages can be found at:
www.ime.state.ia.us/providers

If any portion of this manual is not clear, please contact the Iowa Medicaid Enterprise Provider Services Unit at 800-338-7909 or locally (in Des Moines) at 515-256-4609, or email at imeproviderservices@dhs.state.ia.us.



Consider a person a resident of Iowa if the person meets one of the following criteria:

- ◆ The person is living in Iowa voluntarily, intends to make a home in the state, and is not in Iowa for a temporary purpose.
- ◆ The person does not receive assistance from another state and entered Iowa with a job commitment or to seek employment, whether or not the person is currently employed. In this case, the child is a resident of the state in which the caretaker is a resident.

Do not consider a person a resident of Iowa if the person is:

- ◆ In Iowa solely on vacation (such as a child who lives with a parent in another state but spends the summer with the other parent in Iowa).
- ◆ Living in Iowa on a temporary basis (such as a child who lives in Iowa to attend school but whose parents continue to maintain a home for the child in another state and claim the child as a dependent for income tax purposes, including foreign students).

Residency continues until the client has left the state. When a person temporarily leaves the state but plans to return, do not cancel assistance based on residency requirements.

Continued maintenance of a home in Iowa or the fact that most household goods remain in the state is considered evidence of temporary absence from Iowa. However, the acceptance of employment or the enrollment of the child in school in the other state is an indication that Iowa residency may have been abandoned.

g. Citizenship

Legal reference: P.L. 99-603, P.L. 104-193; P.L. 111-3, Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA); 42 CFR 435.406; 441 IAC 75.11(249A)

To be eligible for IFPN, a person must be one of the following:

- ◆ A U.S. **citizen**, defined as:
 - A person born in the United States,
 - A person born of parents who are citizens living outside the United States, or
 - A person granted citizenship status.



For purposes of qualifying as a U.S. citizen, "United States" is defined as the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, and the North Mariana Islands.

- ◆ A **national** of the United States, defined as a person born in American Samoa or the Swain Islands. The Independent State of Samoa (also known as Western Samoa) is not part of American Samoa, so individuals from this county are not U.S. nationals.
- ◆ A **qualified alien**. See [Alien Status](#) for more information on services and eligibility criteria.

"**Lawfully residing**" aliens may be either immigrants or nonimmigrants that the Department of Homeland Security considers long-term residents who have moved to the United States, are not required to maintain permanent residence in another country, and are allowed to remain in the United States either permanently or indefinitely.

NOTE: Persons from the Compact of Free Association States (CFAS) are not U.S. citizens or nationals. The CFAS includes the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

Persons from the CFAS retain citizenship in their country of origin but are allowed to enter and work in the United States without obtaining an immigration status. Adult CFAS citizens (age 21 and over) **are not** eligible for IFPN. However, children under age 21 who are CFAS citizens and are lawfully residing in the United States may be eligible for IFPN.

Applicants must declare their citizenship or alien status as part of the application process by signing a state-approved Medicaid application. Applicants must also provide original documentation to verify their citizenship or alien status.

People who are not citizens or nationals by birth can become citizens through a process called "naturalization." In addition, certain children born abroad who were not U.S. citizens at the time of birth may establish citizenship automatically under the Children Citizenship Act. See [Acceptable Documentation](#) for more information about verification of automatic citizenship.



See [Citizenship and Identity Documentation Chart](#) for acceptable forms of citizenship and identity verification. See [Alien Documentation Chart](#) for information about acceptable forms of verification for alien status.

(1) Acceptable Documentation

Legal reference: 42 CFR 435.407; 441 IAC 75.11(2)“c,” “d,” and “e”; P.L. 111-3

Original documents or copies certified by the issuing agency are required. “Certified” means that the document is stamped, embossed, or otherwise noted in writing by the agency responsible for maintaining the original that it is a true copy of the original. Copies or notarized copies of documents are not acceptable proof.

NOTE: Copies of original documents are acceptable only when made by the Department’s employees (including staff outstationed at other locations), *hawk-i* staff, or by staff authorized under contract, such as IFPN providers and staff at University of Iowa Hospitals and Clinics who are authorized to take initial applications.

Documents submitted by a person whose last name has changed (e.g. due to marriage or divorce) may be accepted if the documents match in every way except the last name. If there is reason to question whether the documents belong to the same person, request an official document verifying the change (e.g. marriage license or the divorce decree).

Citizenship documents are arranged in a hierarchy from most reliable (Level 1) to least reliable (Level 4). Level 1 documents are acceptable proof of both citizenship and identity. If Level 2, Level 3, or Level 4 documents are used to verify citizenship, separate proof of identity is also required.

Obtain the most reliable record the person has available. Accept less reliable documents only when more reliable documents do not exist or cannot be obtained within the reasonable opportunity period.

When a lower-level document is available, you may accept it if a higher-level document cannot be obtained within the normal time limits for processing an application or automatic redetermination. In this situation, the higher-level document is not considered available.



- ◆ Aliens aged 21 or over who are lawfully admitted for permanent residency (LPR).

NOTE: Lawfully permanent residents may be required to have a sponsor and may be subject to deeming of income or resources from the sponsor. See 4-L, [Sponsor Affidavits of Support and Deeming](#), for more information.

- ◆ Aliens ages 21 or over paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (INA) for a period of at least one year.
- ◆ Aliens ages 21 or over granted conditional entry under section 203(a)(7) of the INA as in effect before April 1, 1980.
- ◆ Battered aliens ages 21 or over under 8 USC 1641(c).

NOTE: The five-year bar does not apply to aliens in these categories who entered the United States before August 22, 1996, or to children who are under the age of 21.

(2) Aliens Exempt from Five-Year Bar

Legal reference: 441 IAC 75.11(249A), P.L. 104-193

Aliens with one of the following statuses are eligible for IFPN from the date they obtain the status:

- ◆ Refugees admitted under section 207 of the Immigration and Nationality Act (INA).
- ◆ Aliens granted asylum under section 208 of the INA.
- ◆ Aliens whose deportation or removal is withheld under section 243(h) or section 241(b)(3) of the INA.
- ◆ Cuban or Haitian entrants under section 501(e) of the Refugee Education Assistance Act of 1980.
- ◆ Amerasian immigrants.
- ◆ Canadian born American Indians who have treaty rights to cross the United States borders with Canada and Mexico. There is an extensive list of these tribes. Contact the IFPN Help Desk if you question whether a tribe is included.



- ◆ Aliens lawfully admitted for permanent residence who are veterans honorably discharged for reasons other than alienage and their spouses, surviving unremarried spouses, and unmarried dependent children. This includes alien spouses, surviving unremarried spouses, and unmarried dependent children of veterans who are U.S. citizens or deceased veterans.
- ◆ Aliens lawfully admitted for permanent residence who are active-duty personnel of the United States Armed Forces and their spouses, surviving unremarried spouses, and unmarried dependent children of active duty personnel who are U.S. citizens or deceased active-duty personnel.

“Active duty” excludes temporary full-time duty for training purposes performed by members of the National Guard or Reserves.

- ◆ Aliens who entered the United States before August 22, 1996.
- ◆ Victims of trafficking with an Office of Refugee Resettlement (ORR) certification letter that has been verified by calling the trafficking verification line. **Contact the IFPN help desk for assistance.**

Trafficking victims are eligible only for eight months from the entry date in the original ORR certification letter unless ORR issues a recertification letter.

Without the ORR certification or when the ORR certification expires, trafficking victims are not eligible for Medicaid unless another qualifying status is obtained.

- ◆ Iraqi and Afghan special immigrants. See 8-L, [Iraqi and Afghan Special Immigrants](#), for specific instructions. These special immigrants are lawful permanent residents but are eligible for Medicaid to the same extent as refugees.
- ◆ Alien children under age 21 who are:
 - Aliens paroled into the United States under section 212(d)(5) of the INA for a period of at least one year;
 - Battered aliens under 8 USC 1641(c). Refer to 8-L, [Battered Aliens](#), for more information; or



- Aliens in one of the statuses listed following the definition of “lawfully residing” in 8-L, [Alien Categories](#). Only children under age 21 in a lawfully residing status are qualified aliens and may be eligible for IFPN, if all other eligibility requirements (including [residency](#)) are met.

NOTE: Verification that these children continue in one of these statuses is required at each annual review.

- Attempt to use the documentation presented at application to verify then child’s continued lawfully residing status.
- If additional documentation is needed, the household must provide proof of continued lawfully residing status for the child.

When these lawfully residing children reach age 21, they become ineligible for IFPN unless they obtain another qualified alien status.

(3) Establishing Qualifying Quarters

When a lawful permanent resident is not otherwise exempt from sponsor deeming, you must determine the number of qualifying quarters with which the person can be credited. A lawful permanent resident becomes exempt from sponsor deeming when credited with 40 qualifying quarters.

Each person can get up to a total of four qualifying quarters of credit each calendar year based on the person’s own earnings. The person may be credited with additional quarters in a calendar year based on earnings of a parent or spouse as described in this section.

The following chart lists the amount a person had to earn to get one credit for the years 1978 and later. (For years before 1978, contact the IFPN help desk for assistance.)



Amount Needed to Earn a Qualifying Quarter			
Year	Earnings Needed to Get One Credit	Year	Earnings Needed to Get One Credit
1978	\$250	1995	\$630
1979	\$260	1996	\$640
1980	\$290	1997	\$670
1981	\$310	1998	\$700
1982	\$340	1999	\$740
1983	\$370	2000	\$780
1984	\$390	2001	\$830
1985	\$410	2002	\$870
1986	\$440	2003	\$890
1987	\$460	2004	\$900
1988	\$470	2005	\$920
1989	\$500	2006	\$970
1990	\$520	2007	\$1,000
1991	\$540	2008	\$1,050
1992	\$570	2009	\$1,090
1993	\$590	2010	\$1,120
1994	\$620	2011	\$1,120

To calculate the number of quarters for a year, divide the person's total earnings for the year by the amount needed to get one credit.

For earnings from employment, use the gross amount of earnings. For earnings from self-employment, use the amount of earnings after allowable self-employment expenses have been deducted.

Use only full quarters. Example: 2.95 quarters are rounded down to two quarters. Each person can have no more than four quarters per year. Example:

An alien earned \$5,000 gross income in 1995. ($\$5,000 \div \$630 = 7.936$) Although the result equals over 7 quarters, the alien is credited with 4 qualifying quarters in 1995.



NOTE: Starting with January 1, 1997, do not count the income from any quarters in which an alien received any type of federal means-tested public assistance during the quarter. The quarters in a calendar year are: January through March, April through June, July through September, and October through December.

“Means-tested public assistance” includes FIP, SSI, Medicaid, and Food Assistance. Medicaid received by an individual, household, or family eligibility unit is receiving “means-tested public assistance.”

This means if an alien got FIP, Food Assistance, Medicaid, or SSI in June 1997, you would subtract the person’s April, May, and June earnings from the total 1997 earnings and divide the remainder to figure how many qualifying quarters the person has.

Aliens can count their spouse’s quarters earned during the marriage in addition to their own quarters in order to meet the 40-quarter requirement. Use the same formula to calculate qualifying quarters earned by a parent or spouse.

For example, if each spouse had 20 quarters you would add the quarters together and the wife would be eligible for IFPN.

Mr. and Mrs. Q are working in 2004. One earned \$25,000 gross income and the other earned \$3,000 gross income. ($\$25,000$ divided by $\$900 = 27.77$) ($\$3,000$ divided by $\$900 = 3.33$)

27.77 is converted to four quarters. 3.33 is converted to three quarters. The Qs’ countable quarters are combined together to determine the qualifying quarters. Mrs. Q is credited with seven qualifying quarters for 2004.

Count the spouse’s quarters earned during the marriage if the spouse is either a citizen or an alien, and either:

- ◆ The couple is currently married, or
- ◆ The couple is separated but not divorced, or
- ◆ A spouse is deceased and the surviving spouse is not remarried.

If the couple divorces, the former spouses are no longer entitled to each other’s quarters. Thus, if the divorce results in the alien no longer having 40 qualifying quarters, cancel the person’s IFPN.



Aliens can also count the quarters earned by a parent in addition to their own quarters to meet the 40-quarter requirement. For this policy, "parent" means the natural or adoptive parent or the stepparent. Count the parent's quarters if the parent:

- ◆ Is either a citizen or an alien and
- ◆ Earned the quarters before the child turned 21. (The parent's quarters earned before the child was born also count.)

Count the quarters by a stepparent during the stepparent relationship if the relationship still exists. Death of the stepparent does not end the relationship. Do not count quarters earned before the stepparent relationship began. Do not count any quarters of the stepparent if the parent and stepparent are divorced.

Do not count quarters earned by a child toward the eligibility of a parent.

(4) Sponsor Deeming

Legal reference: P.L. 104-193, P.L. 104-208, 20 CFR 416.1160(a), 416.1166a(d)3; 8 U.S.C. §§ 1182(a)(4), 1183a(1996); 441 IAC 75.11(3); 42 U.S.C. 1396b(v) as amended by P.L. 111-3

Aliens who seek admission to the United States as lawful permanent residents must establish that they will not become a "public charge." Many aliens establish that they will not become public charges by having "sponsors" who pledge to support them. An alien may have more than one sponsor.

A sponsor is a person who signs an "affidavit of support" agreeing to support an alien to help the alien obtain lawful permanent resident status. There are three versions of the *Affidavit of Support*:

- ◆ Form I-864. This form is enforceable since December 19, 1997.
- ◆ Form I-134. This form is not enforceable.
- ◆ Form I-361. This form is enforceable and must be submitted with a petition for treatment as an Amerasian. However, deeming will not apply to persons with type of support affidavit.



Sponsor deeming is the process of considering the income and resources of the sponsor to be available to the sponsored person, whether or not the income or resources are actually made available. The sponsor deeming rules apply **only** to persons who:

- ◆ Are lawful permanent residents (LPRs) age 21 and over,
- ◆ Applied for lawful permanent resident status on or after December 19, 1997, and
- ◆ Are sponsored by a person who signed Form I-864, *Affidavit of Support*.

NOTE: Sponsor deeming may still affect IFPN eligibility of children under age 21 if an adult household member has a sponsor.

For deeming purposes, deeming will not apply when the sponsor is:

- ◆ An employer who does not sign an affidavit of support.
- ◆ An organization such as a church or service club.
- ◆ The alien's eligible or ineligible spouse or a parent whose income is otherwise considered in determining the alien's Medicaid eligibility.

If the eligible couple separates and begins living in separate households, then the sponsor-to-alien deeming rules apply.

(5) Verifying Qualifying Quarters

When an exception to sponsor deeming will affect the eligibility determination, the applicant or considered person is responsible for getting verification of qualifying quarters. This includes getting verification of the qualifying quarters earned by a spouse, parent, or stepparent.

In addition to verification from the Social Security Administration (SSA) office, you can use documentation such as:

- ◆ Wage stubs
- ◆ Employer's statement
- ◆ Income tax forms
- ◆ If the alien does not have acceptable proof, the client is responsible for obtaining necessary verification from the Social Security Administration (SSA). SSA can verify quarters starting with the year 1930.



If the alien provides verification from SSA of less than the required 40 qualifying quarters but disputes the SSA records, allow the alien an opportunity to resolve the discrepancy.

In either situation:

- ◆ Instruct the applicant in writing to obtain the necessary verification or proof of requesting the verification, or that SSA is investigating the discrepancy within ten days.

Include in the note that the alien will be denied if the requested verification is not received by the stated due date. Also ask that the applicant let you know if more time is needed to obtain the requested verification or proof of request for the verification.

- ◆ Deny the alien if you do not receive the requested verification or proof for requesting the SSA verification or investigation by the due date (or the extended due date, if applicable).



If the client provides the requested proof, pend the application until the SSA verification is received or the SSA investigation is completed. Periodically contact the client to check on the status of the SSA verification or investigation of the disputed qualifying quarters.

Process the IFPN application upon receipt of the SSA verification or the results of the completed investigation. Include the alien in the eligible group if SSA verifies at least 40 qualifying quarters.

If the completed investigation still verifies less than 40 qualifying quarters:

- ◆ Include the alien if the date of entry was before August 22, 1996.
- ◆ Deny the alien if the date of entry is on or after August 22, 1996.

(6) Alien Documentation Chart

Alien Status	Acceptable Documentation of Alien Status	Medicaid Status
Amerasians treated as refugees	<ul style="list-style-type: none"> ◆ Form I-551, <i>Permanent Resident Card</i> * ◆ Temporary I-551 stamp in a passport ◆ Form I-94, <i>Arrival/Departure Record</i> ◆ Any verification from the USCIS or other authoritative document <p>All of these should have one of the following codes: AM-1, AM-2, AM-3, AM-6, AM-7, AM-8</p>	Eligible regardless of U.S. entry date
American Indians born outside the United States	<ul style="list-style-type: none"> ◆ Member of a federally recognized Indian tribe as defined in Section 4(e) of the Indian Self-Determination and Education Assistance Act; or 	Eligible regardless of U.S. entry date