



Department of Human Resources
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INFORMATION MEMO

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TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF
HEALTH OFFICERS, LOCAL HEALTH DEPARTMENTS
LOCAL HEALTH DEPARTMENT ELIGIBILITY STAFF

FROM: ROSEMARY MALONE, EXECUTIVE DIRECTOR, FIA *Rosemary Malone*
DEBBIE RUPPERT, EXECUTIVE DIRECTOR, *Debbie Ruppert*
DHMH/OES

RE: P-TRACK ELIGIBILITY TESTING FOR CHILDREN UP TO 21
AND PREGNANT WOMEN IN THE FORMER X01 COVERAGE GROUP

PROGRAMS AFFECTED: MEDICAL ASSISTANCE (MA)
MARYLAND CHILDREN'S HEALTH PROGRAM
(MCHP)

ORIGINATING OFFICE: OFFICE OF ELIGIBILITY SERVICES

BACKGROUND:

The Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) gives states the option to furnish federal CHIP and MA to pregnant women and children who are lawful permanent residents with less than 5 years continuous residency in the U.S. As a result, Action Transmittal 10-14 established the elimination of the X01 coverage group and the practice of establishing eligibility for the affected qualified alien group in the appropriate Maryland Children's Health Program (P-Track) coverage groups. In practice, DHMH has become aware that this group is also being tested for eligibility in the Medical Assistance for Families (MA4F/F05) coverage group. This has resulted in eligibility being granted for household members who do not fit the category definition.

The CHIPRA provision also extends MA and CHIP for pregnant women and children to additional types of foreign nationals who lawfully reside in the United States as special categories of "non-immigrants" (see Attachment). This particular population should be tested for eligibility in the P-Track coverage group, and 19 -20 year old children should be tested in the F98 coverage group. These particular groups should **NOT** be tested for eligibility in the MA4F/F05 category. **This information memo clarifies procedures**

listed in A.T. 10-14.

REMINDERS:

- Determine eligibility for qualified immigrants and lawful non-immigrant residents (see Attachment) who are **children** under 19 years old in the appropriate **P-track coverage group** based on age and family income. Children will be placed in the MA P-track coverage groups (P06, P07, P08) and trickle to the MCHP coverage groups (P13 and P14) based on an income determination, or be referred for eligibility determination in MCHP Premium (D02 and D04).
- For **19 and 20 year olds**, determine eligibility in the **F98** coverage group.
- Qualified immigrants and lawful non-immigrant residents (see Attachment) who are **pregnant or postpartum** will have eligibility determined in the **P02 coverage group** (and will automatically trickle to the P11 coverage group if appropriate).
- For **all** qualified immigrants and lawful non-immigrants, be sure to code the ALAS screen with the status “**L**” and enter **date of entry**.

It is important to note that this immigrant population should only be tested for eligibility in the appropriate P-Track, and 19-20 year olds should only be tested in the F98 coverage group to avoid approved coverage for household members who do not fit the category definition.

Attachment

INQUIRIES:

Please direct Medical Assistance policy questions the DHMH/OES Division of Eligibility Policy or MCHP Division at 410-767-1463 or 1-800-492-5231 (select option 2 and request extension 1463), and CARES questions to Debbie Simon at 410-238-1363.

cc: DHMH Executive Staff
DHR Executive Staff
FIA Management Staff
DHMH Management Staff
Constituent Services
DHR Help Desk

Attachment

Non-Immigrants Lawfully Residing in the U.S.: CMS Categories Eligible for MA and MCHP

Note: This Attachment has been updated for lawfully residing aliens as required by CMS.

In informal guidance interpreting §214 of CHIPRA, CMS has excluded from the 5-year bar children under 21 and pregnant women from the following types of resident non-immigrants authorized by statutes and regulations administered by the Citizenship and Immigration Service:

Legal permanent residents subject to the 5-year bar under PRWORA §401
(That is, qualified “X01” applicants plus 19 and 20 year old children)

Temporary and humanitarian non-immigrants in Homeland Security regulation 8 CFR
§103.12(a) (4)

- Non-immigrants currently in a “Temporary Resident Status” and permitted to remain in the U.S. for humanitarian or other public policy reasons.
- Non-immigrants currently under “Temporary Protected Status.”
- Cuban and Haitian entrants.
- Family Unity beneficiaries—spouses and unmarried children of a non-immigrant with temporary, long-term or permanent resident status.
- Non-immigrants under “Deferred Enforced Departure” due to a presidential decision.
- Non-immigrant spouse, child or parent of a U.S. citizen or permanent resident with pending self-petition under the Violence against Women Act and pending application for adjustment of status.
- Non-immigrant spouse or child of a U.S. citizen with approved visa petition and pending application for adjustment of status.
- An alien in nonimmigrant status who has not violated the terms of the status under which he or she was admitted or to which he or she has changed after admission.
- An alien who has paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (INA) (8U.S.C. 1182(d)(5)) for less than 1 year, except for an alien paroled for prosecution, for deferred inspection or pending removal proceedings.
- Aliens who have been granted employment authorization under 8 CFR 274a. 12(c) (9), (10), (16), (18), (20), (22), or (24).
- Aliens currently in deferred action status.
- A pending applicant for asylum under section 208(a) of the INA (8 U.S.C. §1158) or for withholding of removal under section 241(b) (3) of the (8 U.S.C. §1231) or under the Convention Against Torture who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days.
- An alien who has been granted withholding of removal under the Convention against Torture.
- A child who has a pending application for Special Immigrant Juvenile status as described in section 101(a) (27) (J) of the INA (8 U.S.C. §1101(a) (27) (J)).

Nationals of territories that have signed the Compact of Free Association with the U.S.

- Federated States of Micronesia
- Republic of the Marshall Islands
- Republic of Palau
- Northern Mariana Islands
- American Samoa

Long-term resident non-immigrants listed in Immigration and Nationality Act subparagraphs

- K Non-immigrant fiancé/fiancée of a U.S. citizen coming to U.S. to marry within 90 days, non-immigrant fiancé/fiancée of a U.S. citizen, or minor child of fiancé/fiancée or spouse;
- N Parent of a “special immigrant” child coming to the U.S. for a maximum of 5 years to perform functions of minister of a valid religious denomination; child of an adult “special immigrant” or of special immigrant’s spouse;
- R Non-immigrant coming to the U.S. for a maximum of 15 months to perform functions of minister of a valid religious denomination, and his/her spouse and children;
- S Non-immigrant coming to the U.S. who has supplied or will supply information to federal law enforcement or a federal court that aids in the conviction of a criminal or criminal organization, and his/her spouse and children;
- T Trafficking victims described below:
- Non-immigrant under 18 years old, with spouse, children, unmarried siblings under 18 years old, and parents, who arrived in the U.S. due to a severe form of human trafficking, has cooperated in prosecuting trafficker, and would be in danger if removed;
 - Such a trafficking victim aged 21 or more with spouse and children;
 - Any parent or unmarried sibling of a trafficking victim facing danger of retaliation because of escape from trafficker or assisting in prosecution of trafficker;
- U Victims of criminal acts described below:
- Non-immigrant who Homeland Security finds has been a victim of substantial physical and/or mental abuse due to criminal activity;
 - Such a non-immigrant under 16 years old or his/her parent or guardian who has information on criminal activity violating U.S. law or that has occurred in a U.S. territory, possession or military installation;
 - Spouse, children, unmarried siblings and parents of such a non-immigrant victim or witness under 21 years old;
 - Spouse and children of such a non-immigrant victim or witness 21 or older;

V Non-immigrant adult or child benefiting from a petition for §1153(a) (2)(A) status (making them eligible for a capped visa) filed before December 21, 2000 if:

- petition has been pending for 3 or more years;
- petition is approved and non-immigrant has been on a waiting list for 3 or more years; or
- if person has had visa application pending for 3 or more years.