



Department of Human Resources  
311 West Saratoga Street  
Baltimore MD 21201

## FIA ACTION TRANSMITTAL

Control Number: # 10-14

Effective Date: December 1, 2009

Issuance Date: November 17, 2009

**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:** KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR, FIA   
JILL SPECTOR, ACTING EXECUTIVE DIRECTOR, DHMH/OES 

**RE:** MA/MCHP REQUIREMENT TO LIFT 5-YEAR BAR FOR CHILDREN UP  
TO 21 AND PREGNANT WOMEN;  
ELIMINATION OF THE X01 COVERAGE GROUP

**PROGRAMS AFFECTED:** MEDICAL ASSISTANCE  
MARYLAND CHILDREN'S HEALTH PROGRAM (MCHP)  
STATE FUNDED MEDICAL ASSISTANCE FOR  
INELIGIBLE QUALIFIED CHILDREN AND PREGNANT  
WOMEN IMMIGRANTS

**ORIGINATING OFFICE:** OFFICE OF PROGRAMS

### 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. This basically lifts the "5-year bar" that abolished federal benefits for pregnant women and children who were legal permanent residents. Therefore, the 100% State-funded X01 coverage group that Maryland created to maintain health care coverage for this population will no longer be necessary.

In addition, the CHIPRA expansion authority makes two changes to the former X01 population. First, Maryland is required to cover eligible lawful permanent residents who qualify as children under the MA standard, which means children aged 19 and 20, who were not included in the X01 coverage group, will be able to apply.

Second, the CHIPRA provision extends MA and MCHP for pregnant women and children to additional types of foreign nationals who lawfully reside in the United States

as special categories of “non-immigrants.” (U.S. Citizenship and Immigration Services recognize certain non-immigrants, other than visitors, students, and other temporary classes, as “expected long-term residents;” legal permanent residents are one example of this type of admission to the U.S.) Most non-immigrant residents live in states with foreign borders or major ports of entry, so they are likely to be very rare in Maryland. Even so, Case Managers (CM) must be prepared to accept the U.S. documents of an individual who belongs to any of the types of non-immigrant residents identified by CMS for inclusion in the CHIPRA expansion. (See list in Attachment 1).

With the elimination of the X01 program, offline calculations and manual notices of eligibility will no longer be required. The CM will process applications of lawful residents who are pregnant or younger than 21 using CARES, just like any other MA or MCHP application, using the coverage groups specified below, and CARES will calculate the income and send system-generated notices of eligibility.

Effective December 1, 2009, children under 19 years old and pregnant or postpartum women active in an X01 category will be automatically converted to the appropriate P-track coverage group on MMIS. Children 19 and 20 years old who are (erroneously) active in X01 will be converted to the F98 coverage group.

### **ACTION REQUIRED:**

**For active X01s who have been converted on MMIS by December 1, 2009:**

- Each District Office will receive a list of their affected X01s from DHMH at the time of the MMIS conversions.
- At the next redetermination for an X01 on the list, create a P-track case on CARES and close out the X01:
  - Based on age and family income, place **children** in P06, P07, P08, P13, or P14, or refer to MCHP Premium as D02 or D04. Use income information from redetermination response.
  - Place all X01 recipients who are **pregnant or postpartum** (within 2 months after month of delivery) in P02. Be sure to enter the end date.
  - For **all** converted X01s be sure to complete the ALAS screen with “L” status code and **date of entry** (*i.e.*, date of admission to the U.S.).

For (approximately 100) 19 and 20 year olds erroneously active in X01 who have been converted on MMIS by December 1, 2009:

- Each District Office will receive a list of 19 and 20 year old X01s from DHMH at the time of the MMIS conversions.
- Create a case in F98 on CARES and close out the X01. Be sure to include "L" status code and date of entry on the ALAS screen.

For MCHP or Medical Assistance applications filed on or after December 1, 2009:

- Determine eligibility for qualified immigrants and lawful non-immigrant residents (on Attachment 1) 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), placed in the MCHP coverage groups (P13 and P14), or referred for eligibility determination in MCHP Premium (D02 and D04).
- For **19 and 20 year olds**, determine eligibility in F98 coverage group.
- Qualified immigrants and lawful non-immigrant residents (see Attachment 1) who are **pregnant or postpartum** will have eligibility determined in P02 (and will automatically trickle to P11 if appropriate).
- For **all** qualified immigrants and lawful non-immigrants, be sure to code status "L" and enter **date of entry** on the ALAS screen.

### 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 1

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

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 §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.

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

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.