

Medicaid and Non Title IV-E


Making Medicaid Happen: Title XIX for Non Title IV-E

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Interstate Compact on Adoption and Medical Assistance (AAICAMA)

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State-Funded Adoption Assistance

- States have the option of extending Medicaid to children receiving state-funded adoption assistance *without regard to the income of their adoptive parents.*
- Federal law: Section 1902(a)(10)(ii) of the Social Security Act*

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The COBRA Option

- Medicaid eligibility for state-funded adoption assistance eligible children can be through the COBRA option.
- 49 states and the District of Columbia have elected the COBRA option (only NM does not have the COBRA option).

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What is the COBRA option?

- States have the option to provide Medicaid to resident children with whom they have a state-funded adoption assistance agreement.
- This optional Medicaid is known as the **COBRA option**.

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COBRA Eligibility Criteria

- The COBRA option has three criteria. There must be:
 1. An existing, legally executed adoption assistance agreement between the state and adoptive parent(s);
 2. A pre-existing need for special medical or rehabilitative care that the adoption assistance state finds would have precluded adoption absent medical assistance; and

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5

COBRA Eligibility Criteria

3. Before or at the time the adoption assistance agreement was executed,
 - (a) (at the option of the adoption assistance state) the child would have been eligible for medical assistance given his/her own income and resources (i.e. title IV-E criteria used to determine payment for children in foster care rather than standards and methodologies of the state's AFDC program under Part A of title IV)

or

 - (b) the child was receiving or was eligible to receive Medicaid as either mandatory or optional categorically needy.

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6

COBRA Reciprocity

- Not all states provide Medicaid to children who reside in their state who are receiving state-funded adoption assistance from *another* state. Whether they choose to do this is referred to as **COBRA reciprocity**.
- If a state chooses **COBRA reciprocity**, the state provides Medicaid services to children who: live in their state, receive state-funded aa from a different state, and meet COBRA eligibility criteria.

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Extending Reciprocity

- Not all states extend COBRA reciprocity in the same way.
- The two most common examples of how states extend COBRA reciprocity include offering reciprocity to children from:
 - All statesor
 - ICAMA member states only

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8

Reciprocity and Interstate Cases

- When a child receiving state-funded aa is placed for adoption across state lines *or* permanently moves, you must know:
 - If the new state has elected the COBRA option
 - and if the state **has** elected the option, then
 - If the new state offers reciprocity
 - and if the state **does** offer reciprocity, then
 - How the new state extends reciprocity
 - Is it extended to the child's aa state?

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9

States without Reciprocity

- District of Columbia
- Hawaii
- Illinois
- Iowa
- Nebraska *
- Nevada
- New Hampshire
- New Mexico

* Passed by state legislature and signed by Governor, awaiting policy enactment.

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State-Funded Foster Care

- State-funded foster care recipients can become eligible for Medicaid if they meet the eligibility requirements under *one of the mandatory or optional needy groups*.
- *Examples: 42 CFR 435.222 (optional group) and Section 1931 of the SSA (mandatory group)*
- The issue in interstate cases is one of residency. The general Medicaid residency requirements apply.

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State-Funded Foster Care

Eligibility and residency:

- State-funded foster care eligible children retain the residency of the sending state (which retains custody).
- Therefore, they cannot receive Medicaid from the state in which they are physically located.
- The family will need to find a Medicaid provider in the state in which they reside that will take the child's out-of-state Medicaid card.

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Supplemental Security Income (SSI)

- 32 states and DC automatically provide Medicaid to children receiving SSI (so-called "§1634 states")
- 7 states use eligibility criteria identical to that used for SSI, but require the filing of a separate application (so-called "criteria states")
- 11 have opted to use eligibility criteria which is more restrictive than used for SSI in determining Medicaid eligibility (so-called §209(b) states)

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§1634 states

Alabama	Georgia	Montana	South Dakota
Arizona	Iowa	New Jersey	Tennessee
Arkansas	Kentucky	New Mexico	Texas
California	Louisiana	New York	Vermont
Colorado	Maine	N. Carolina	Washington
Delaware	Maryland	Pennsylvania	West Virginia
DC	Massachusetts	Rhode Island	Wyoming
Florida	Michigan	S. Carolina	
	Mississippi		

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14

Criteria States

- Alaska
- Idaho
- Kansas
- Nebraska
- Nevada
- Oregon
- Utah

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§209(b) states

- Connecticut
- Hawaii
- Illinois
- Indiana
- Minnesota
- Missouri
- New Hampshire
- North Dakota
- Ohio
- Oklahoma
- Virginia

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SSI Interstate

The Federal law:

- For any individual not residing in an institution...whose Medicaid eligibility is based on blindness or disability, the state of residence is the state in which the individual is living.
- 42 CFR 403(h)(20(b))

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SSI Interstate

CMS State Medicaid Manual:

- 3230.1 State of Residence Criteria Specific to Individuals Under Age 21 –
A. Social Security Income (SSI) Related Individuals–
For an individual not residing in an institution, whose Medicaid eligibility is SSI related, and is based on blindness or disability, the state of residence is the state where the individual is living.
- State Medicaid Manual, Chapter 3, Eligibility

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SSI Interstate

- Whether the child retains Medicaid eligibility depends upon whether the new state is a §1634, criteria, or §209(b) state:
 - §1634: retain Medicaid eligibility
 - Criteria: retain eligibility, complete new Medicaid application
 - §209(b): may not be eligible

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19

TANF

Placement supported by child-only TANF payment:

- No automatic eligibility for Medicaid
- Must qualify for Medicaid through meeting the requirements for an optional or mandatory needy group
- May be eligible for low-cost health insurance under the State Children's Health Insurance Program (Title XXI, SCHIP) *

* Residency requirements still apply.

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20

Residential Treatment Facilities

- The special residency definition given to title IV-E recipients does not apply to non title IV-E recipients.
- Therefore, the child ineligible for title IV-E placed in an out-of-state institution is considered a resident of the state which arranged for or actually made the placement, *not the state where the RTF is located.*
- Federal law: 42 CFR 435.403(e)

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21
