Module 2
Non-Financial Rules

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The SignUpNow online modules are made possible by the:

Virginia Department of Medical Assistance Services (DMAS)

Virginia Residency

- Applicants must live in Virginia
- Self-declaration on the application. No proof of residency is required
- Even homeless people can apply

An Initiative of the Virginia Health Care Foundation signupnow@vhcf.org

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Age Requirements

- For New Adult Coverage: 19 – 64 (age out at 65)
- For FAMIS/FAMIS Plus: 0 – 18 (age out at 19)*
- For Medicaid for Former Foster Youth: 19 – 25 (age out at 26)
- For LIFC: applicant must live with a child under age 18 (or an 18-year-old who will graduate from secondary school or a GED program by age 19)

*FAMIS Plus children who turn 19 will keep their coverage for the duration of the Public Health Emergency.

Social Security Numbers

- Social Security Numbers (SSN) are required for most applicants seeking coverage.
  - If an applicant has not yet applied for a SSN, s/he should be ready to provide proof that one was requested
  - Certain immigrants are not required to get a SSN (including undocumented pregnant women applying for FAMIS Prenatal)
- The application does ask for SSNs of non-applicants in the household, but giving this information is voluntary.
  - Helps with verifying income.
  - Providing a non-applicant’s SSN is not required and not listing them will not affect the eligibility of anyone else on the application.

Assignment of Rights from Third-Party Payments

- Virginia’s Medicaid/FAMIS programs require that the applicant assign any rights to third party payments to the state.
  - For example: a personal injury settlement received by an enrollee would be assigned to Virginia to reimburse the state for any medical bills paid for the injury.
- A family or individual agrees to this by signing the application.
**Having Other Insurance**

- Those covered by the New Adult Health Coverage, FAMIS Plus, Medicaid for Pregnant Women, LIFC, and FFC may have other health insurance.
  - Medicaid can pay for care the other insurance does not cover (secondary payer).
- If it is more cost-effective, Medicaid will pay premiums for an eligible individual’s employer coverage.
  - This payment is called Health Insurance Premium Payment (HIPP). The HIPP program is sometimes called "Premium Assistance."
- Health Insurance Marketplace enrollees cannot have both Medicaid and financial help through the Marketplace.

**Sections 2 and Section 3 - HIPP**

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**Having Other Insurance: FAMIS, FAMIS MOMS, and FAMIS Prenatal**

- The applicant cannot have current "creditable" health insurance
  - “Creditable” health insurance includes most group and individual insurance plans. It does not include very limited policies such as accident-only, cancer-only, or dental-only plans.

**Section 2**

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**Residents of Institutions**

- Inmates in a public institution (e.g., juvenile detention center or jail), who meet all other eligibility requirements, are eligible for Medicaid coverage for inpatient hospitalizations.
  - The Virginia Departments of Corrections and Juvenile Justice are working to make sure eligible individuals become enrolled before release.
  - Cover Virginia maintains a special unit, the Cover Virginia Inmate Unit, to receive and process applications from incarcerated Virginians.
- Children under age 21 who are inpatients in an institution for the treatment of mental disease (IMD) are not eligible for FAMIS.
- Adults between the ages of 21 and 65 who are patients in an IMD, are not eligible for Medicaid.

**Section 2**
Citizenship or Immigration Status

- **Non-pregnant adult** applicants for Medicaid must be either U.S. Citizens or in certain “qualified” immigrant categories.
  - The most common status is Legal Permanent Resident (LPR), sometimes called a “green-card holder.”
- **Refugees & Asylees** from certain countries who meet income requirements may be eligible, but only for the first 5-7 years that they are in the U.S.
- **U.S. Citizen or lawfully-residing children** who meet Medicaid/FAMIS income guidelines can qualify for coverage.
- **Undocumented** pregnant women who meet the income guidelines may qualify for FAMIS Prenatal. Lawfully-residing pregnant women may qualify for FAMIS MOMS or MPW.

LPRs Who Arrived After 8/22/96

To qualify for Medicaid, most Lawful Permanent Resident adults (LPRs, “green-card holders”) must have lived legally in the U.S. for 5 years or more.

- Lawfully-residing immigrants who do not meet this “5-year bar” requirement may be eligible for:
  - Subsidized coverage through the Marketplace (even if they have income below 138% FPL!)
  - Emergency Medicaid
- Exception: Veterans or active-duty military immigrants, and their families, as well as those from certain countries, are exempt from the requirement to have been in the U.S. for 5 years.

Special Note: Eligibility for Afghan Evacuees Entering the U.S.

- Individuals coming to the U.S. from Afghanistan will likely have one of 3 immigration status types:
  - Special Immigrant Visa (SIV)
  - Special Immigrant Parolee (S/SQ)
  - Humanitarian Parolee
- Due to a recent federal policy change, these evacuees are not subject to the 5 year residency requirement (“5-year bar”), even if they have Humanitarian Parolee status.
- Afghan evacuees should be encouraged to apply for Medicaid/FAMIS, even if they have not yet applied for a Social Security Number, and/or do not yet have a formal immigration document.
Undocumented Immigrants (except Pregnant Women)

- Not eligible for Medicaid/FAMIS.
- Not eligible for coverage on the Marketplace.
- May be eligible for Emergency Medicaid to cover a medical emergency (e.g. Dialysis).
  - Emergency Medicaid only covers the medical emergency, not ongoing care.
- DACA recipients are considered undocumented immigrants for the purposes of eligibility for Medicaid/FAMIS.

Important Notes for Families with Immigrant Members

- When a parent applies for coverage for a child, the parent’s immigration status must be provided only if that parent is also applying for coverage.
- Families that contain immigrants may be hesitant to apply for Medicaid/FAMIS due to concerns over being labeled a “public charge.”

On March 9, 2021, the U.S. Department of Justice announced that it will no longer defend the February 2020 “public charge” rule in court. Federal courts then dismissed all active cases in defense of the rule, effectively blocking it nationwide!!

Citizenship, Identity, and Immigration Status

- Applicants’ identity, and citizenship and/or immigration status will be verified electronically.
- If the information provided on the application cannot be verified electronically and the applicant is otherwise eligible for coverage, s/he will be enrolled in coverage and will have 90 days to provide documentation verifying citizenship, identity and/or immigration status.
  - If applicant fails to provide documents within 90 days, coverage will be cancelled.
Double-Check Application Information!

- A person’s name, date of birth, and other information provided on the application must be accurate and must match any documentation that person provides to verify identity, citizenship, or immigration status.
  
  - Example: The birthdate for an applicant born on January 7, 2004, should be written 01/07/04, rather than 07/01/04.

- If a person has a hyphenated last name, it is important to make certain both last names are included on an application and written the same as on the person’s documents verifying identity or immigration status.