




Module 2
Non-Financial Rules




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**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



Section 2

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

Sections 2 and 5

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

Section 2

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

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

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.

Section 2

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.

Section 2

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 (SI/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 Parole 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.

Section 2

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.

Section 2

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.
