

0304 TECHNICAL ELIGIBILITY REQUIREMENTS

0304.05 REQUIREMENTS OF CITIZENSHIP/ALIENAGE

REV:02/1999

To be eligible for the Medical Assistance Program, an otherwise eligible applicant must be a member of one of the following categories:

- o A United States Citizen;
- o A Repatriate;
- o An Amerasian;
- o An American Indian Born in Canada;
- o A Resident Alien;
- o An Alien Residing in U.S. Under Color of Law;
- o A Legal Temporary Resident (LTR). (Note: Program authorizing LTRs expired in May, 1991)
- o A member of a state-funded coverage group as defined in Section 0304.05.45

Medical Assistance for emergency services is accessible to all persons regardless of citizenship status, provided such persons are residents of Rhode Island and meet the categorical and financial criteria for the Medical Assistance Program. This includes persons who, but for citizenship status, meet the criteria for MA under SSI-related, family-related, or Rite Care rules. In addition, each applicant must have a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that inpatient hospital or hospital emergency room treatment is required.

0304.05.05 The SAVE Program

REV:06/1994

The Immigration Reform and Control Act of 1986 mandated the establishment of the Systematic Alien Verification for Entitlements (SAVE) Program. SAVE enables states and federal assistance programs to exchange information regarding the immigration status of aliens applying for benefits under certain programs, including Medical Assistance.

Applicants for Medical Assistance programs must declare in writing that they are United States citizens or nationals, or that they are in "satisfactory immigration status." The DHS/SAV-1 is used for the declaration of citizenship or alienage.

Verification of U.S. citizenship or naturalized citizen status is accomplished by the applicant providing a valid birth certificate, U.S. passport or other acceptable documentation (see sections 304.05.10 - 304.05.20).

To be considered in "satisfactory immigration status," an applicant must provide either:

- o Alien registration documentation of proof of immigration registration from the INS containing the alien's admission or file number; or
- o Such other documents as constitute reasonable evidence of satisfactory immigration status (see sections 0304.05.25 - 0304.05.35).

For SAVE participation and procedural requirements, see 0104.40 through 0104.75.

0304.05.10 Eligibility as a United States Citizen

REV:06/1994

A United States citizen is defined in the Immigration and Nationality Act as any person born in any of the 50 States, the District of Columbia, Puerto Rico, Guam or the United States Virgin Islands. Nationals from American Samoa or Swain's Island are also regarded as United States citizens, as are those persons who are naturalized U.S. Citizens.

0304.05.10.05 Verification of Citizen Status

REV:11/2006

Effective July 1, 2006, in conformance with the federal Deficit Reduction Act of 2005, both applicants and recipients for Medical Assistance must submit verification of both citizenship and identity. This policy does not apply to persons who are not US Citizens.

Individuals who are not U.S. citizens must comply with the alienage requirements of the Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) (PRWOA) and may not be eligible for Title XIX Medical Assistance benefits. Unless exempt, qualified non-citizens entering the U.S. on or after August 22, 1996 are subject to a five (5) year ban during which they are ineligible for full Title XIX Medical Assistance benefits. Non-qualified non-citizens are not eligible for Title XIX Medical Assistance benefits.

Individuals who are in receipt for Supplemental Security Income or Medicare are deemed to have met the verification requirements for citizenship and identity for Medical Assistance and not required to provide further documentation.

Acceptable verification of citizenship is divided into four (4) tiers. Applicants/recipients submitting documentation from the First Level (Primary documentation) satisfy both the citizenship and identity requirements. Applicants and recipients born outside of the United States who were not U.S. citizens at birth, must submit a document listed under the First Level (Primary documentation) as evidence of U.S. citizenship.

If documentation from the First Level of citizenship documentation is not available, then the applicant/recipient must submit both a document from one of the lower levels of citizenship documentation as well as a document from the list of acceptable forms

of identity documentation. Primary and Secondary levels of documentation must be exhausted before third level documentation is used to verify citizenship as third level documentation is only acceptable if primary and secondary documentation cannot be obtained or does not exist.

Fourth level documentation should only be used under the rarest of circumstances. It is only to be used when absolutely no other documentation exists that will establish the individual's U.S. citizenship.

CITIZENSHIP

FIRST LEVEL (PRIMARY)

The following forms of documentation qualify as both proof of citizenship and identity:

--A U.S. Passport

NOTE: U.S. Passport does not have to be currently valid to be accepted as proof of citizenship. However, do not accept any passport as evidence of U.S. citizenship if it was issued with a limitation. Passports possessing a limitation may only be used for proof of identity.

--A Certificate of Naturalization (Forms N-550 or N-570)

--A Certificate of U.S. Citizenship (Form N-560 or N-561)

If the applicant/recipient does not possess any of the above forms of documentation, then documentation of both the individual's citizenship (preferably from the Secondary tier of documentation) and identity is necessary.

SECOND LEVEL (SECONDARY)

--A U.S. Birth Certificate

--A Certification of Birth Issued by the Department of State
(Form DS-1350)

--A Report of Birth Abroad of a U.S. Citizen (Form FS-240)

--A Certification of Birth Issued by the Department of
State (Form FS-545 or DS-1350)

--A U.S. Citizens I.D. Card (Form I-197 or prior version I-179)

--An American Indian Card, I-872 issued by the Department of
Homeland Security with the classification code "KIC" issued
to identify U.S. citizen members of the Texas Band of Kickapoos
living near the U.S./Mexican border

--Final Adoption Decree showing the child's name and U.S.
birthplace

--Evidence of Civil Service employment by the U.S. government
before June 1976

--An official military record of service showing a U.S. place

of birth

- A Northern Mariana Identification Card, I-873 (issued by the INS to a collectively naturalized citizen of the United States who was born in the Northern Mariana Islands before November 4, 1986)

THIRD LEVEL

- Extract of a hospital record on hospital letterhead established at the time of the person's birth and was created at least five (5) years before the initial application date and that indicates a U.S. place of birth. (For children under sixteen (16) years old the document must have been created at or near the time of birth or five (5) years before the date of application.)
- Life or health or other insurance record showing a U.S. place of birth and was created at least five (5) years before the initial application day.

FOURTH LEVEL

- Federal or state census record showing U.S. citizenship or a U.S. place of birth
- Institutional admission papers from a nursing home, skilled nursing care facility, or other institution and was created at least five (5) years before the initial application date and indicates a U.S. place of birth.
- Medical (clinic, doctor, or hospital) record created at least five (5) years before the initial application date that indicates a U.S. place of birth. (For children under sixteen (16) years old the document must have been created near the time of birth or five (5) years before the date of application.) NOTE: An immunization record is not considered a medical record for purposes of establishing U.S. citizenship.
- Other documents that were created at least five (5) years before the application for Medicaid. These documents include:
 - Seneca Indian Tribal Census Report,
 - Bureau of Indian Affairs Tribal Census Records of the Navajo Indians,
 - U.S. State Vital Statistics Official nomination of birth registration,
 - An amended U.S. public birth record that is amended more than five (5) years after the person's birth or statement signed by the physician or midwife who was in attendance at the time of birth.
- A written affidavit which may be used only in rare circumstances when the state cannot prove evidence of citizenship in any other way. Affidavits must be given by at least two individuals—one must be of no relation to the applicant. Each person must attest to having personal knowledge of the events establishing the applicant is a

citizen, and must also prove their own citizenship and identity. If the person knows why documentary evidence establishing the applicant's claim of citizenship is not available, the affidavit should contain that information as well. The State must obtain a separate affidavit from the applicant/recipient or other knowledgeable individual explaining why the evidence does not exist or cannot be obtained. It must be signed under penalty of perjury by the person making the affidavit.

IDENTITY

The following forms of documentation qualify as proof of identity and must accompany any documents establishing citizenship that were submitted from the second, third, or fourth levels of citizenship documentation.

- A current U.S. state or territory driver's license bearing the individual's picture or other identifying information such as name, age, sex, race, height, weight, or eye color
- Certificate of Indian Blood, or other U.S. American Indian/Alaska Native tribal document
- Any identity document described in Section 274A(b)(1)(D) of the Immigration and Nationality Act
- School identification card with a photograph of the individual
- U.S. military card or draft record
- Identification card issued by the Federal, State, or local government with the same information included on the driver's license issued by the Federal, State, or local government.
- Military dependent's identification card
- Native American tribal document
- U.S. Coast Guard Merchant Mariner card
- Data matches with federal or state government agency, including but not limited to Vital Statistics and Division of Motor Vehicles.

In addition to the above identity documents, children who are under sixteen (16) years of age may prove their identity through the use of the following documents:

- School records including nursery or day care records
- Affidavit signed under penalty of perjury by a parent or guardian attesting to the child's date and place of birth.
NOTE: This cannot be used if an affidavit was submitted to document citizenship.

Various "documents" issued by an organization called the World Council of Washington, D.C. are considered bogus and unacceptable as evidence of identity, citizenship, age,

etc., for enumeration or other official purposes. These "documents" include: World Birth Certificates, World Citizen Cards, World Identity Cards, and World Marriage Certificates.

REASONABLE OPPORTUNITY

Applicants/recipients will be given a reasonable opportunity to present documents that establish U.S. citizenship and identity.

Recipients will not have their Medical Assistance terminated for failure to provide the required documentation of citizenship and identity so long as they demonstrate a good faith effort to present satisfactory documentation. Reasonable opportunity period for recipients is defined as ninety (90) days after first date of redetermination after July 1, 2006.

Applicants will not be eligible to receive Medical Assistance benefits until they have presented the required documentation of citizenship and identity. Applicants have thirty (30) days from the time the application is filed to submit documentation of citizenship and identity. Eligibility will be denied for applicants who did not submit acceptable proof of citizenship and identity.

The agency will assist an applicant or recipient to document their U.S. citizenship and identity if they:

- o Are unable to obtain the required documents, and
- o Require assistance (i.e. are homeless, mentally impaired, or physically incapacitated), and
- o Do not have someone who can act on their behalf.

Medicaid applicants and recipients are allowed to submit proof of citizenship and documentation to the Department of Human Services (DHS) through an authorized representative. Authorized representatives are defined as Family Resource Counselors, hospitals, community health centers and Medical Assistance providers, and agencies and organizations that provide services to Medical Assistance recipients as determined by the Department of Human Services. Authorized representatives who accept documentation of citizenship and identity will transmit this documentation to DHS.

CHILDREN

Children born to foreign diplomats residing in the United States and/or its territories are not citizens of the United States.

0304.05.15.05 Verification of Repatriate Status

REV:11/2006

Verification of repatriate status is made by documenting United States citizenship as defined in DHS Policy Section 0304.05.10.05.

0304.05.20 Eligibility as an Amerasian

REV:06/1994

Certain Amerasians may have a claim to United States citizenship under Section 301(g) of the Immigration and Nationality Act, as made applicable by Section 309(a) (amended November 14, 1986), if such Amerasian was:

- o A resident of Vietnam as of the date (December, 1987), of the Amerasian Homecoming Act, Section 584 of the Continuing Resolution for Fiscal Year 1987 (P.L. 100-200);
- o Born in Vietnam after January 1, 1962 and before January 1, 1976; and,
- o Fathered by an identified United States citizen.

0304.05.20.05 *Verification of Amerasian Status*

REV:06/1994

In order to establish United States citizenship for such Amerasian, an identified American father must meet several requirements under the law, which may include:

- o Establishment of both blood and legal relationship to the child;
- o Acknowledgement of paternity in writing under oath; and
- o Agreement to provide financial support until the child's eighteenth birthday.

0304.05.20.10 *Amerasian Refugees*

REV:06/1994

An Amerasian not entering the United States as an American citizen or as a beneficiary of an immediate relative or preference visa petition, filed on her/his behalf by relatives in the United States, may be eligible for refugee benefits. (See Section 901, III, A., B., C., and D.)

0304.05.25 *Elig as an American Indian Born in Canada*

REV:06/1994

An American Indian born in Canada who has maintained residence in the United States since entry is considered lawfully admitted for permanent residence if s/he is at least one-half American Indian blood. This does not include the non-citizen spouse or child of such Indian, or a non-citizen whose membership in an Indian tribe or family is created by adoption, unless such person is at least 50 percent or more American Indian blood.

0304.05.25.05 *Verif of Stat as Amer Indian Born in Canada*

REV:06/1994

Documents which may verify status as an American Indian born in Canada are:

- o Birth or baptismal certificate issued on a reservation;
- o Tribal records;
- o Letter from the Canadian Department of Indian Affairs; or
- o School records.

0304.05.30 Eligibility as a Resident Alien

REV:06/1994

A resident alien is one who was lawfully admitted for permanent residence in accordance with the immigration laws, such status not having changed since admission.

A resident alien, sponsored by an individual or organization and applying for AFDC within three years following entry into the United States, shall, as a condition of eligibility, provide information and documentation from the sponsor in support of his/her immigration application.

0304.05.30.05 *Verification of Status as a Resident Alien*

REV:06/1994

The following INS forms may be used as evidence to determine whether an alien is lawfully admitted for permanent residence:

- o Form I-181, Memorandum of Creation of Record of Lawful Permanent Residence, is a temporary identification document issued by an INS field office pending issuance of an Alien Registration Receipt Card;
- o Forms AR-3 and AR-3a, Alien Registration Receipt Card. This document was issued between 1941 and 1949 and pertains to lawful permanent resident alien;
- o Form I-151, Alien Registration Receipt Card. This document was issued prior to June 1978 and remains valid indefinitely;
- o Form I-551, Resident Alien Card. This is the current document given to a lawful permanent resident alien and is valid indefinitely. This form is commonly referred to as a "green card";

Lawful temporary resident aliens who become lawful permanent residents will be issued Form I-551 with a registration number in the 90-million series. In addition, the date such aliens are granted LTR status is indicated as the fourth line on the reverse of the form. The fourth line will read: "TEMP RES ADJ DATE -

MM/DD/YY." Eligibility for AFDC, full Medical Assistance and Food Stamp benefits will exist five (5) years from the date that appear on the reverse of the I-551.

- o Form I-551, Resident Alien Card (Conditional Resident Alien). This form is issued to a conditional permanent resident, such as an alien spouse of a U.S. citizen. It is the same form as issued to a permanent resident alien but is valid for a limited period of time and has an expiration date stamped on the back; or
- o Form I-327, Re-entry Permit, is issued to a lawful permanent resident alien before s/he leaves the U.S. for a one-to-two-year period. This document contains an expiration date.

0304.05.35 Elig as Alien Resid in US Under Color of Law

REV:06/1994

The definitions of an alien residing in the U.S. under color of law (PRUCOL) are:

- o An alien who entered the United States prior to January 1, 1972 is considered "permanently residing under color of law" (PRUCOL) and may be eligible for lawful permanent resident (LPR) status in accordance with Section 249 of the Immigration and Nationality Act;
- o A conditional entrant lawfully present in the United States under the provisions of Section 203 (a) (7) (prior to 4/1/80);
- o A refugee under Section 207(c) (after 3/31/81) (Refer to the Refugee Assistance Program, Section 900, for specific eligibility and verification procedures.);
- o An asylee under Section 208 or a parolee under Section 212 (d) (5). Asylum or parole into the United States may be provided at the discretion of the U.S. Attorney

General, for an indefinite temporary for emergency reasons or for reasons in the public interest;

- o An alien granted "voluntary departure." A Cuban refugee or any other alien who was not legally paroled into the United States may be granted "voluntary departure" for an indefinite period or may be granted an indefinite stay of deportation because of: humanitarian considerations or technical difficulties which cannot be overcome and which prevent the Immigration and Naturalization Service (INS) from deporting them;
- o A Western Hemisphere alien. An alien from a Western Hemisphere country who applied for a residency visa

between July 1, 1968 and December 31, 1976, but entered the United States before their visa was granted and whose last entry was before March 11, 1977, is allowed to remain in the United States until further notice without threat of expulsion or deportation under a temporary restraining order granted in the United States District Court, Northern District, Illinois (Silva v. Levi).

0304.05.35.05 *Alien Status Verification Under Color of Law*

REV:06/1994

For an alien in the United States prior to 1972, records showing the alien to have been in the United States prior to 1972, such as school, marriage, medical, insurance applications, or driver's license, are used as verification of residence. In lieu of such documents, a statement from two persons attesting to the fact that the claimant was in the United States prior to 1972 and the basis of their knowledge may be used.

A Western Hemisphere Alien should have the following court ordered notice: "Due to a Court Order in Silva v. Levi, 76- C4268, entered by District Judge John F. Grady in the District Court for the Northern District of Illinois, we are taking no action on your case. This means that you are permitted to remain in the United States without threat of deportation or expulsion until further notice. Your employment in the United States is authorized."

All persons admitted "under the color of law" should have one of the following documents:

- o Form AR-3a, Alien Registration Receipt card--issued during 1941-1949 for permanent resident aliens;
- o Form I-94, Arrival-Departure Record--annotated either "Section 207" or "Refugee," or "Section 208" or "Asylum";
- o Form I-94, Arrival-Departure Record-Parole Edition--annotated either "Section 212(d)(5)", or "Conditional Entry" or "Section 203(a)(7)";
- o Form I-94, Arrival-Departure Record--annotated "Section 243(h)";
- o Form I-94, Arrival-Departure Record--annotated "Cuban-Haitian Entrant".

0304.05.40 **Legal Temporary Resident (LTR) Defined**

REV:06/1994

The Immigration Reform and Control Act of 1986 (IRCA) established a legalization program in which certain aliens living in the United States in an unlawful status

could apply for legalization during the twelve month period beginning May 5, 1987. To participate in the legalization program, an alien must have entered the U.S.

before January, 1982 either unlawfully or on a non-immigrant visa which expired before January 1, 1982, and must have lived in the U.S. continuously since January 1, 1982. Persons whose application for legalization was approved by the Immigration and Naturalization Service (INS) were granted Legal Temporary Resident (LTR) status.

To adjust their status from Legal Temporary Resident to Legal Permanent Resident (LPR), such aliens must have applied for legal resident status during the permitted 12-month period.

Certain alien groups had special exemptions from the entry date and date of application (see section 104.20.05).

The Immigration Reform and Control Act expired in May, 1991.

0304.05.45 State-Funded Coverage Group Defined

REV:02/1999

The state-funded alien group is comprised of lawfully residing non-citizens who do not meet the citizenship/alienage criteria under Title XIX.

This group includes:

- o Persons with a pending application for political asylum or withholding of deportation who have employment authorization or if under age 14 have an application pending for at least 180 days;
- o Deportable aliens residing in the US pursuant to an indefinite stay of deportation;
- o Aliens granted suspense of deportation pursuant to section 244 of the INA (8 USC 1254) whose departure the INS does not contemplate enforcing;
- o Aliens residing in the U.S. pursuant to an Order of Supervision;
- o Other aliens who are permitted to remain in the U.S. for humanitarian or other public policy reasons including:
 - * Aliens in Temporary Protected Status;
 - * Family Unity Beneficiaries;
 - * Aliens granted Deferred Action Status;
 - * Aliens under Deferred Enforced Departure; and
 - * Aliens who are the spouses or children of citizens with approved visa petitions pending adjustment of status applications.

0304.05.45.05 Eligibility as a State Funded Alien

REV:10/1999

R.I.G.L. 40-8-1, 42-12.3-4 and 42-12.3-15 provide the legal authority for state-funded Medical Assistance for aliens.

Members of the state-funded alien group may establish eligibility for State-funded MA under SSI-related, family-related, or Rite Care rules.

Non-citizen children are eligible for MA if they possess a lawfully residing alien status, as indicated in section 0304.05.45, and they meet the all MA requirements. This group includes minor heads of household.

Otherwise eligible adults must possess a lawfully residing alien status (See 0304.05.45) AND show that they were:

- (1) lawfully residing in the US prior to 8/22/96; and,
- (2) a RI resident prior to 7/1/97.

Pregnant women and children (including minor heads of household) who do not qualify for Title XIX due to their alien status may establish eligibility for MA under Rite Care provisions contained in section 0348. This includes individuals who are undocumented.

0304.05.45.10 Verification of Lawfully Residing Status

REV:02/1999

Documents which may be used to verify alien status include:

In general,

- * INS form I-94 with date of admission and annotated with unexpired status as listed in Section 0304.05.45.05;
- * Dated INS letter or court order indicating a lawfully residing status listed in section 0304.05.45.05; and/or
- * An unexpired INS employment authorization document (I-688-B) annotated with status code.

More specifically,

- * Applicants for asylum: I-94, I-589 on file, I-688B coded 274a.12(c)(8).
- * Applicants for suspension of deportation: I-94, I-256A on file, I-688B coded 274a.12(c)(10);
- * Aliens granted stays of deportation by court order statute or regulation or by individual determination of INS whose departure the INS does not contemplate enforcing: letter or copy of court order showing that the alien has been granted a stay of deportation, I-688B coded 274.12(c)(12);

- * Aliens granted suspension of deportation pursuant to section 244 of INA (8 USC 1254) whose departure the INS does not contemplate enforcing: letter/order from the immigration judge and a Form I-94 showing suspension of deportation granted;
- * Aliens residing in the U.S. pursuant to an Order of Supervision: INS Form I-220B, I-688B coded 274a.12(c)(18);
- * Temporary Protected Status: I-94 "Temporary Protected Status" and/or I-688B employment authorization coded 274a.12(a)(12);
- * Deferred Enforced Departure: Letter from INS; I-688B coded 274a.12(a)(11);
- * Family Unity: INS approval notice, I-797, and/or I-688B coded 274a.13;
- * Aliens granted deferred action status: Letter indicating that the alien's departure has been deferred and/or I-688B coded 274a.12(c)(14).
- * Aliens who have filed applications for adjustment of status whose departure the INS does not contemplate enforcing: Form I-94 or I-181 or passport stamped with either of the following : "adjustment application" or " employment authorized during status as adjustment applicant"; and/or I-688B coded 274a.12(c)(9).

To determine if the applicant was lawfully residing in the US prior to 8/22/96 use the following:

- * Form I-94, date of admission;
- * If an applicant presents an INS grant letter or court order, derive date status was granted from the date of the letter or court order. If missing, contact INS to verify date of grant by filing Form G-845, attaching copy of document.
- * If employment authorization documents are presented, ask for I-94 or other INS documentation showing effective date of status. If not available contact INS by submitting Form G-845, attaching a copy of the document presented.

Expired or absent documentation:

If an applicant presents an expired INS document, a receipt indicating the s/he applied to INS for a replacement document, or is unable to present any document demonstrating his or her immigration status, further verification of current alien status must be obtained before eligibility can be established. The DHS worker offers to assist the applicant in obtaining the required documentation from INS. The applicant may decline this assistance, in which case eligibility is denied. Otherwise, the worker completes and files INS Form G-845 (secondary verification) along with the alien registration number, a copy of the expired document and a copy of photo I.D. (if available) with the INS office to verify status.

Note: Pregnant women may qualify for Medical Assistance under the Rite Care waiver even when undocumented.

0304.05.45.15 *Documentation of RI Residency Before 7/1/97*

REV:02/1999

Any one of the following documents which are dated prior to 7/1/97 and contain the applicant's address at that time will meet the verification requirement:

- * Utility/telephone bills;
- * Rent receipt, lease, mortgage bill/receipt;
- * Tax receipts or tax records;
- * Insurance policy or insurance records;
- * Employment records/pay stubs;
- * INS documents;
- * Court records;
- * State agency records;
- * Medical dental records;
- * State-issued I.D. or license (drivers, professional, or recreational) showing issuance date;
- * School records; and
- * Other legal document; such as marriage license, will, etc.

Also acceptable as verification are contemporary documents attesting to the alien's residency prior to 7/1/97 signed by an authorized person.

(Two collateral sources are necessary to meet verification requirement.) For example:

- * Employer letter on company letterhead;
- * Agency (government or private) letter on agency letterhead;
- * Doctor/health care provider on appropriate letterhead;
- * Religious institution letter from authorized person;
- * Third party affidavit attesting to alien's residency prior to 7/1/97 and the basis for that knowledge.

Verification of RI residence at any time prior to 7/1/97 is sufficient; residence in RI need not be continuous.

0304.10 RESIDENCY REQUIREMENT

REV:06/1994

The Medical Assistance Program exists primarily to meet the needs of residents of the Rhode Island. Therefore, as a factor of eligibility, an individual who is applying for eligibility must be a resident of the state. Any person living in the state voluntarily and intending to make Rhode Island his/her home, for whatever reason, is a resident of the state.

0304.10.05 MA Residency Requirements

REV:01/2002

The residency definitions apply to SSI individuals, MA families, MA individuals age 21 and over, MA individuals under twenty one (21), and institutionalized MA individuals.

0304.10.05.05 SSI Individual

REV:06/1994

For an individual eligible for SSI and receiving a State Supplementary Payment (SSP), the State of Residence is the state paying the SSP. (In some instances, a person may have sufficient income to receive only the State Supplement.)

0304.10.05.10 MA Families

REV:01/2002

For individuals and families applying for MA based on family-related (formerly AFDC-related) rules, a resident of the state is a person:

- o Who is living in Rhode Island voluntarily with the intention of making his/her home there, and not for a temporary purpose. A child is a resident of the state in which (s)he is living other than on a temporary basis. (Residence may not depend on the reason for which the individual entered the state except insofar as it may bear upon whether the individual is there voluntarily or for a temporary purpose); or,
- o Who, at the time of application, is living in the state, is not receiving assistance from another state, and entered the state with a job commitment or seeking employment in the state (whether or not currently employed). Under this definition, the child is a resident of the state in which the caretaker relative is a resident.

0304.10.05.15 MA Individual Over 21

REV:06/1994

For an individual over age 21 applying for MA, not living in an institution, the State of Residence is the state where the individual is:

- o Living voluntarily with the intention to remain permanently or for an indefinite period (or if incapable of stating intent, where (s)he is living); or,
- o Living voluntarily, is not receiving assistance from another state, and which (s)he entered with a job commitment or seeking employment (whether or not currently employed).

0304.10.05.20 MA Individual Under 21

REV:06/1994

For an individual under 21 applying for MA, not living in an institution, the State of Residence is the state in which the caretaker relative is a resident unless Medicaid eligibility is based on blindness or disability, then the State of Residence is the state in which (s)he is living.

0304.10.05.25 Institutionalized MA Individual

REV:06/1994

For MA individuals living in institutions, applying for MA (Public, Medical or Group Care Facilities), the State of Residence is as follows

- o If a state places an individual in an institution in another state, the state making the placement is the State of Residence, irrespective of the individual's indicated intent or ability to indicate intent; otherwise,
- o If over 21, the State of Residence is the state where the individual is living with the intention to remain there permanently or for an indefinite period; however,
- o If the individual is under 21 (or is age 21 or older and became incapable of indicating intent before age 21), the State of Residence is:
 - that in which his/her parent(s) or legal guardian, if one had been appointed, resides; or,
 - that of the parent applying on the individual's behalf if the parents reside in separate states and no legal guardian has been appointed.
- o If the individual became incapable of indicating intent at, or after age 21, the State of Residence is the state in which the individual was living when (s)he became incapable of indicating intent. If this cannot be determined, the State of Residence is the state in which the individual was living when (s)he was first determined to be incapable of declaring intent.

In any case, the state in which the institution is located is the State of Residence unless that state determines that the individual is a resident of another state according to the above rules.

0304.15 REQUIREMENT FOR SOCIAL SECURITY NUMBER

REV:06/1994

Section 2651 of the Deficit Reduction Act (DEFRA) of 1984 (P.L.

98-369) requires that each individual (including children) requesting Medical Assistance furnish his or her own Social Security Number (SSN) as a CONDITION OF ELIGIBILITY for the program. Since many MA applicants/recipients are receiving Social Security benefits through claim numbers, which may be the Social Security number of a parent or spouse, with a letter(s) suffix, they must now procure their OWN SSNs.

The applicant or recipient must be notified that the furnishing of the SSN is a condition of eligibility and that the number will be utilized only in the administration of the MA Program, including its use in verifying income and eligibility.