

Service Chapter: Medicaid 510-03 and 510-05

Effective Date: January 1, 2025

Overview

Align ACA and Non-ACA manuals regarding the statement of 'reasonable opportunity period' (ROP) and align policy in 3.c. so that both manuals read the same. This follows requirements from N.D.A.C. Section 75-02-02.1-12.

Description of Changes

1. Age and Identity 510-03-35-40- Change

Aligning with Non-ACA manual and updating information for Reasonable Opportunity Period (ROP)

2. Age and Identity 510-05-35-40-Change

Aligning with ACA manual and updating information for Reasonable Opportunity Period (ROP)

Policy Section Updates

1. Age and Identity 510-03-35-40 – Change

(N.D.A.C. Section 75-02-02.1-12)

1. Caretaker relatives are not subject to any age requirements for purposes of Medicaid eligibility.
2. In instances where only the year and not the exact date of birth can be established, use July 1 to designate the date of birth; or if the year and month can be established, use the year and first day of the month for purposes of Medicaid eligibility.
3. Identity must be established and documented as provided in this section.
 - a. The following individuals are exempt from the identity verification requirements:
 - i. SSI recipients who claim that they are US Citizens and that claim is not questionable (can prove using the SDX, NDVerify Other Benefits match);
 - ii. Medicare beneficiaries who claim that they are US Citizens and that claim is not questionable (can prove using the NDVerify Other Benefits match);
 - iii. Individuals receiving SSA disability insurance benefits based on their own disability;
 - iv. Individuals receiving Foster Care maintenance payments;
 - v. Individuals receiving Subsidized Guardianship payments.
 - b. Newborn children: A child, born to a woman who has applied for and been determined Medicaid eligible and is in receipt of Medicaid when the child is born, may be eligible without verifying identity. This provision also applies in instances where labor and delivery services were furnished prior to the date of the Medicaid application and covered based on retroactive eligibility.

This provision applies to all children whose Mother is eligible for Medicaid at the time of their birth, including those under the emergency services only provisions.

Children who are born to a woman who is here on a temporary basis and who is not eligible for Medicaid or emergency medical services must comply with the verification requirements if Medicaid is requested.

- c. Reasonable Opportunity Period. Applicants who claim they are U.S. citizens or qualified non-citizens are entitled to a reasonable opportunity period to provide verification of citizenship, qualified non-citizen status, and identity. Medicaid is not permitted to deny, delay, reduce, or terminate eligibility while documentation is being gathered during the reasonable opportunity period. A reasonable opportunity period applies when all other information necessary to determine eligibility is available. If an individual is eligible for Medicaid and has met all other criteria except for citizenship or identity verification, that individual's eligibility may not be pended for verification of either citizenship or identity, but must be approved. If the individual does not provide satisfactory documentation of citizenship and identity by the end of the reasonable opportunity period, the individual's eligibility must be terminated with advance (10-day) notice and without regard to continuous eligibility provisions.

A 'reasonable opportunity period' is defined as 90 days from the date the application is submitted and for the remaining days of the month in which the 90th day falls.

An extension of an additional 60 days from the 90th day may be granted if the individual has verifiable documented evidence they have been making a good faith effort to obtain the verifications, but still have not received them.

An example of a good faith effort would be a letter from another state's vital statistics office that the documentation was requested timely (no later than 10 days after the latter of the application date or the earliest date the verification was requested by the county or state agency), but there will be a delay in providing the documentation.

Example: Mr. Brown applies for Medicaid on May 11, 2010. He has verification of citizenship; however he has nothing to prove identity. He does not meet any of the exemptions from the verification requirements that are listed in the manual. Mr. Brown is determined to be eligible for Medicaid and the application approved for the prior months of March and April, the application month of May, and the future month of June. Mr. Brown claims he is a member of a federally-recognized Indian tribe in California. The worker has assisted him in requesting identifying tribal documents from the tribe in California. The worker sets an alert to follow up in early August. The worker does not receive a response by August 20, so sends an advance notice to close. On August 23, Mr. Brown brings in a recent letter from the tribal enrollment office in California, acknowledging receipt of his request for his tribal enrollment verification, and stating that it will take another 6 weeks for them to process it. In this case, an additional 2 month period may be granted. The worker would set an alert for a

secondary follow up for October 2010. If not received by October 20, 2010, advance notice to close must be sent.

~~A reasonable opportunity can only be allowed once for any individual. If granted a reasonable opportunity period but the requested verifications are not received and eligibility is terminated, a second reasonable opportunity period is not allowed at a later application.~~

A reasonable opportunity period is not limited to one.

- Example: If granted a reasonable opportunity period but the requested verifications are not received and eligibility is terminated, upon reapplication, if needed, a new reasonable opportunity period will be allowed.

- d. Primary and preferred verification of identity. A photocopy, facsimile, scanned or other copy of a document must be accepted to the same extent as the original document, unless information on the copy submitted is inconsistent with other information available, or there is reason to question the validity of the information in the document. A copy must be maintained in the case file.

2. Age and Identity 510-05-35-40 - Change

(N.D.AC. Section 75-02-02.1-12)

1. An eligible categorically or medically needy aged applicant or recipient is eligible for Medicaid for the entire calendar month in which that individual reaches age sixty-five.
2. Eligibility may continue for a person who attains age twenty-one while receiving treatment and continues to receive treatment as an inpatient in a Psychiatric Residential Treatment Facility (PRTF), or the state hospital, the Prairie at St. John's center, or the Stadter Psychiatric Center, through the month the individual attains the age of twenty-two.

3. Blind and disabled individuals are not subject to any age requirements for purposes of Medicaid eligibility.
4. In instances where only the year and not the exact date of birth can be established, use July 1 to designate the date of birth; or if the year and month can be established, use the year and first day of the month for purposes of Medicaid eligibility.
5. Identity must be established and documented as provided in this section.
 - a. The following individuals are exempt from the identity verification requirements:
 - i. SSI recipients who claim that they are US Citizens and that claim is not questionable (can prove using the SDX or TPQY SSI match);
 - ii. Medicare beneficiaries who claim that they are US Citizens and that claim is not questionable (can prove using the TPQY SSA match);
 - iii. Individuals receiving SSA disability insurance benefits based on their own disability;
 - iv. Individuals receiving Foster Care maintenance payments;
 - v. Individuals receiving Subsidized Adoption payments; and
 - vi. Individuals receiving Subsidized Guardianship payments.
 - b. Reasonable Opportunity Period. Applicants who claim they are U.S. citizens or qualified aliens are entitled to a reasonable opportunity period to provide verification of citizenship, qualified alien status, and identity. Medicaid is not permitted to deny, delay, reduce, or terminate eligibility while documentation is being gathered during the reasonable opportunity period. A reasonable opportunity period applies when all other information necessary to determine eligibility is available. If an individual is eligible for Medicaid and has met all other criteria except for citizenship or identity verification, that individual's eligibility may not be pended for verification of either citizenship or identity, but must be approved. If the individual does not provide satisfactory documentation of citizenship and identity by the end of the reasonable opportunity

period, the individual's eligibility must be terminated with advance (10-day) notice and without regard to continuous eligibility provisions.

A 'reasonable opportunity period' is defined as 90 days from the date the application is submitted and for the remaining days of the month in which the 90th day falls. An extension of an additional 60 days from the 90th day may be granted if the individual has verifiable documented evidence they have been making a good faith effort to obtain the verifications, but still have not received them.

An example of a good faith effort would be a letter from another state's vital statistics office that the documentation was requested timely (no later than 10 days after the latter of the application date or the earliest date the verification was requested by the county or state agency), but there will be a delay in providing the documentation.

Example: Mr. Brown applies for Medicaid on May 11, 2010. He has verification of citizenship; however, he has nothing to prove identity. He does not meet any of the exemptions from the verification requirements that are listed in the manual. Mr. Brown is determined to be eligible for Medicaid and the application approved for the prior months of March and April, the application month of May, and the future month of June. Mr. Brown claims he is a member of a federally-recognized Indian tribe in California. The worker has assisted him in requesting identifying tribal documents from the tribe in California. The worker sets an alert to follow up in early August. The worker does not receive a response by August 20, so sends an advance notice to close. On August 23, Mr. Brown brings in a recent letter from the tribal enrollment office in California, acknowledging receipt of his request for his tribal enrollment verification, and stating that it will take another 6 weeks for them to process it. In this case, an additional 2 month period may be granted. The worker would set an alert for a secondary follow up for October 2010. If not received by October 20, 2010, advance notice to close must be sent.

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