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State/Territory Name: NE

State Plan Amendment (SPA) #: 13-0032-MM6

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) Summary Form (with 179-like data)
- 3) Superseding Pages Notice (delete if not applicable)
- 4) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 East 12th Street, Suite 355
Kansas City, Missouri 64106



Division of Medicaid and Children's Health Operations

March 17, 2014

Vivianne Chaumont, Director
Department of Health and Human Services
Division of Medicaid and Long-Term Care
301 Centennial Mall South, 3rd Floor
PO Box 95026
Lincoln, NE 68509

Dear Ms. Chaumont:

On December 18, 2013, the Centers for Medicare & Medicaid Services (CMS) received Nebraska's State Plan Amendment (SPA) transmittal #13-0032-MM6, which describes the Modified Adjusted Gross Income (MAGI) citizenship and immigration status requirements. The MAGI based citizenship and immigration status requirements are set forth at 1902(a)(46)(B) and 1903(v)(2), (3), and (4) of the Act and in 42 CFR § 435.4, 435.406, and 435.956.

SPA 13-0032-MM6 was approved on March 14, 2014, with an effective date of January 1, 2014, as requested by the state. Enclosed is a copy of the CMS-179 summary form, as well as the approved pages for incorporation into the Nebraska State Plan.

If you have any questions regarding this amendment, please contact Sandra Levels or Karen Hatcher at (816) 426-5925.

Sincerely,

//s//

James G. Scott
Associate Regional Administrator
for Medicaid and Children's Health Operations

Enclosure

cc: Ruth Vineyard
Nancy Keller
Catherine Gekas-Steeby
Crystal Georgiana

Medicaid State Plan Eligibility: Summary Page (CMS 179)

State/Territory name: **Nebraska**

Transmittal Number:

Please enter the Transmittal Number (TN) in the format ST-YY-0000 where ST= the state abbreviation, YY = the last two digits of the submission year, and 0000 = a four digit number with leading zeros. The dashes must also be entered.

NE-13-0032

Proposed Effective Date

01/01/2014 (mm/dd/yyyy)

Federal Statute/Regulation Citation

1902(a)(46)(B); 1903(v)(2), (3) and (4); Proposed 42 CFR 435.4; 435.406; 435.956

Federal Budget Impact

	Federal Fiscal Year	Amount
First Year	2014	\$ 37075000.00
Second Year	2015	\$ 41500000.00

Subject of Amendment

Citizenship and Immigration Status. The Federal Budget Impact includes all Medicaid MAGI Eligibility & Benefits State Plan buckets.

Governor's Office Review

- Governor's office reported no comment
- Comments of Governor's office received

Describe:

Empty text area for describing comments.

- No reply received within 45 days of submittal
- Other, as specified

Describe:

Empty text area for describing other comments.

Signature of State Agency Official

Submitted By: **Crystal Georgiana**

Last Revision Date: **Mar 14, 2014**

Submit Date: **Dec 18, 2013**

**SUPERSEDING PAGES OF
STATE PLAN MATERIAL**

TRANSMITTAL NUMBER:

13-0032 MM6

STATE:

Nebraska

PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:

S89 Non-Financial Eligibility- Citizenship and Non-citizen Eligibility
Attachment 2.6-A: Page 2
Attachment 2.6-A: Page 3
Attachment 2.6-A: Page 3a
Attachment 2.6-A: Page 3a1

**PAGE NUMBER OF THE SUPERSEDED PLAN SECTION
OR ATTACHMENT (If Applicable):**

(None- New Page)
Attachment 2.6-A: Page 2, TN 10-13
Attachment 2.6-A: Page 3, TN 10-13
Attachment 2.6-A: Page 3a, TN 10-13
Attachment 2.6-A: Page 3a1, Item 3, TN 10-13



Medicaid Eligibility

OMB Control Number 0938-1148

OMB Expiration date: 10/31/2014

Non-Financial Eligibility Citizenship and Non-Citizen Eligibility	S89
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1902(a)(46)(B)
8 U.S.C. 1611, 1612, 1613, and 1641
1903(v)(2),(3) and (4)
42 CFR 435.4
42 CFR 435.406
42 CFR 435.956

Citizenship and Non-Citizen Eligibility

The state provides Medicaid to citizens and nationals of the United States and certain non-citizens consistent with requirements of 42

CFR 435.406, including during a reasonable opportunity period pending verification of their citizenship, national status or satisfactory immigration status.

The state provides Medicaid eligibility to otherwise eligible individuals:

Who are citizens or nationals of the United States; and

Who are qualified non-citizens as defined in section 431 of the Personal Responsibility and Work Opportunity

Reconciliation Act (PRWORA) (8 U.S.C. §1641), or whose eligibility is required by section 402(b) of PRWORA (8 U.S.C. §1612(b)) and is not prohibited by section 403 of PRWORA (8 U.S.C. §1613); and

Who have declared themselves to be citizens or nationals of the United States, or an individual having satisfactory immigration status, during a reasonable opportunity period pending verification of their citizenship, nationality or

satisfactory immigration status consistent with requirements of 1903(x), 1137(d), 1902(ee) of the SSA and 42 CFR 435.406, and 956.

The reasonable opportunity period begins on and extends 90 days from the date the notice of reasonable opportunity is received by the individual.

The agency provides for an extension of the reasonable opportunity period if the individual is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the agency needs more time to complete the verification process.

Yes No

The agency begins to furnish benefits to otherwise eligible individuals during the reasonable opportunity period on a date earlier than the date the notice is received by the individual.

Yes No

The state provides Medicaid coverage to all Qualified Non-Citizens whose eligibility is not prohibited by section 403 of PRWORA (8 U.S.C. §1613).

Yes No

The state elects the option to provide Medicaid coverage to otherwise eligible individuals under 21 and pregnant women, lawfully residing in the United States, as provided in section 1903(v)(4) of the Act.

Yes No



Medicaid Eligibility

Pregnant women

Individuals under age 21:

Individuals under age 21

Individuals under age 20

Individuals under age 19

An individual is considered to be lawfully residing in the United States if he or she is lawfully present and otherwise meets the eligibility requirements in the state plan.

An individual is considered to be lawfully present in the United States if he or she:

1. Is a qualified non-citizen as defined in 8 U.S.C. 1641(b) and (c);
2. Is a non-citizen in a valid nonimmigrant status, as defined in 8 U.S.C. 1101(a)(15) or otherwise under the immigration laws (as defined in 8 U.S.C. 1101(a)(17));
3. Is a non-citizen who has been paroled into the United States in accordance with 8 U.S.C. 1182(d)(5) for less than 1 year, except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings;
4. Is a non-citizen who belongs to one of the following classes:
 - Granted temporary resident status in accordance with 8 U.S.C. 1160 or 1255a, respectively;
 - Granted Temporary Protected Status (TPS) in accordance with 8 U.S.C. §1254a, and individuals with pending applications for TPS who have been granted employment authorization;
 - Granted employment authorization under 8 CFR 274a.12(c);
 - Family Unity beneficiaries in accordance with section 301 of Pub. L. 101-649, as amended;
 - Under Deferred Enforced Departure (DED) in accordance with a decision made by the President;
 - Granted Deferred Action status;
 - Granted an administrative stay of removal under 8 CFR 241;
 - Beneficiary of approved visa petition who has a pending application for adjustment of status;
5. Is an individual with a pending application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C.1231, or under the Convention Against Torture who -
 - Has been granted employment authorization; or
 - Is under the age of 14 and has had an application pending for at least 180 days;
6. Has been granted withholding of removal under the Convention Against Torture;
7. Is a child who has a pending application for Special Immigrant Juvenile status as described in 8 U.S.C. 1101(a)(27)(J);
8. Is lawfully present in American Samoa under the immigration laws of American Samoa; or
9. Is a victim of severe trafficking in persons, in accordance with the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, as amended (22 U.S.C. 7105(b));



Medicaid Eligibility

10. Exception: An individual with deferred action under the Department of Homeland Security's deferred action for the childhood arrivals process, as described in the Secretary of Homeland Security's June 15, 2012 memorandum, shall not be considered to be lawfully present with respect to any of the above categories in paragraphs (1) through (9) of this definition.

Other

The state assures that it provides limited Medicaid services for treatment of an emergency medical condition, not related to an organ transplant procedure, as defined in 1903(v)(3) of the SSA and implemented at 42 CFR 440.255, to the following

individuals who meet all Medicaid eligibility requirements, except documentation of citizenship or satisfactory immigration status and/or present an SSN:

Qualified non-citizens subject to the 5 year waiting period described in 8 U.S.C. 1613;

Non-qualified non-citizens, unless covered as a lawfully residing child or pregnant woman by the state under the option in accordance with 1903(v)(4) and implemented at 435.406(b).

PRA Disclosure Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148. The time required to complete this information collection is estimated to average 40 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

State of Nebraska

Citation(s)	Condition or Requirement
	b. For the medically needy, meets the non-financial eligibility Conditions of 42 CFR Part 435.
1905(p) of the Act	c. For financially eligible qualified Medicare beneficiaries covered under section 1902(a)(10)(E)(I) of the Act, meets the non-financial criteria of section 1905(p) of the Act.
1905(s) of the Act	d. For financially eligible qualified disabled and working individuals covered under section 1902(a)(10)(E)(ii) of the Act, Meets the non-financial criteria of section 1905(a).
1905(p)(3)(A)(ii) of the Act	e. For financially eligible specified low income Medicare beneficiaries covered under section 1902(a)(10)(E)(iii) of the Act, meets the non-financial criteria under 1905(p)(3)(A)(ii) of the Act.

See Form S89
Non-Financial Eligibility
Citizenship and Non-Citizen Eligibility

TN No. 13-0032

Supersedes

TN No. NE-10-13

Approval Date March 14, 2014

Effective Date January 1, 2014

State of Nebraska

Citation(s)

Condition or Requirement

See Form S89
Non-Financial Eligibility
Citizenship and Non-Citizen Eligibility

TN No. 13-0032

Supersedes

TN No. NE10-13

Approval Date March 14, 2014

Effective Date January 1, 2014

Revision: HCFA-PM-91-4
August 1991

(BPD)

ATTACHMENT 2.6-A
Page 3a
OMB No.: 0938 -

State of Nebraska

Citation(s)

Condition or Requirement

See Form S89
Non-Financial Eligibility
Citizenship and Non-Citizen Eligibility

TN No. 13-0032

Supersedes

Approval Date March 14, 2014

Effective Date January 1, 2014

TN No. NE-10-13

HCFA ID: 7985E

State of Nebraska

Citation(s)

Condition or Requirement

4.

See Form S89
Non-Financial Eligibility
Citizenship and Non-Citizen Eligibility

See Form S88
Non-Financial Eligibility
State Residency

TN No. 13-0032
Supersedes
TN No. NE-10-13

Approval Date March 14, 2014

Effective Date January 1, 2014
HCFA ID: 7985E