

## **Table of Contents**

**State Name:** Virginia

**State Plan Amendment (SPA) #:** 11-02

This file contains the following documents in the order listed:

- 1) Approval Letters
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
150 S. Independence Mall West  
Suite 216, The Public Ledger Building  
Philadelphia, Pennsylvania 19106-3499



**Region III/Division of Medicaid and Children's Health Operations**

JUN 6 2011

Gregg A. Pane, MD, MPH  
Director  
Department of Medical Assistance Services  
600 East Broad Street, Suite 1300  
Richmond, Virginia 23219

Dear Dr. Pane:


We have reviewed State Plan Amendment (SPA) 11-02 which assures the Commonwealth of Virginia State Plan conforms with guidance provided by CMS in State Health Officer's (SHO) Letter dated July 1, 2010 regarding the coverage of legal immigrant children. We understand that the State expanded its definition of those qualifying under this provision in July 2010, conforming to the July 1, 2010 CMS guidance.

This SPA is acceptable. Therefore, we are approving SPA 11-02 with an effective date of January 1, 2011. Enclosed are the approved SPA page and signed CMS-179 form.

If you have further questions about this SPA, please contact William G. Cahill at (215) 861-4173.

Sincerely,

/s/

  
Ted Gallagher  
Associate Regional Administrator

Enclosures

cc: Sarah Spector

**TRANSMITTAL AND NOTICE OF APPROVAL OF  
STATE PLAN MATERIAL  
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER  
1 1 - 0 2

2. STATE  
Virginia

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)

TO: REGIONAL ADMINISTRATOR  
CENTERS FOR MEDICARE & MEDICAID SERVICES  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE  
January 1, 2011

5. TYPE OF PLAN MATERIAL (Check One)

- NEW STATE PLAN       AMENDMENT TO BE CONSIDERED AS NEW PLAN       AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION

42 CFR Part 431, et seq.

7. FEDERAL BUDGET IMPACT

a. FFY 2011 \$ 0.00  
b. FFY 2012 \$ 0.00

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Attach. 2.6-A, Pages 2.1 and 3, of 26

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

Same pages

10. SUBJECT OF AMENDMENT

Legal Immigrant Children

11. GOVERNOR'S REVIEW (Check One)

- GOVERNOR'S OFFICE REPORTED NO COMMENT<sup>2011</sup>  
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED  
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED

Secretary of Health and Human Resources

12. SIGNATURE OF STATE AGENCY OFFICIAL

/s/ ME Gregg M.D., M.P.

16. RETURN TO

Dept. of Medical Assistance Services  
600 East Broad Street, #1300  
Richmond VA 23219

14. TITLE  
Director

15. DATE SUBMITTED  
3/29/11

Attn: Regulatory Coordinator

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED  
3/29/11

18. DATE APPROVED  
JUN 6 2011

PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL

January 1, 2011

20. SIGNATURE OF REGIONAL OFFICIAL

/s/

21. TYPED NAME

Ted Gallagher

22. TITLE

Associate Regional Administrator

23. REMARKS

**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT**  
State of VIRGINIA  
**ELIGIBILITY CONDITIONS AND REQUIREMENTS**

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Citation	Condition or Requirement
	<p>d. <b>Is a non-qualified alien, so that eligibility is limited to treatment of an emergency medical condition as defined in section 401 of PRWORA;</b></p>
	<p>e. <b>Is a qualified alien (QA) whose eligibility is authorized under section 402(b) of PRWORA as amended, and is not prohibited by section 403 of PWRORA as amended.</b> <u>      </u> State covers all authorized QAs. <u>  X  </u> State does not cover authorized QAs.</p>
	<p>f. <b>State elects CHIPRA option to provide full Medicaid coverage to otherwise eligible alien children lawfully residing in United States; consisting of the following:</b></p> <p>(1) A qualified alien as defined in section 431 of PRWORA (8 U.S.C. §1641);</p> <p>(2) An alien in nonimmigrant status who has not violated the terms of the status under which he or she was admitted or to which he or she has changed after admission;</p> <p>(3) An alien who has been paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (INA) (8 U.S.C. §1182(d)(5)) for less than 1 year, except for an alien paroled for prosecution, for deferred inspection or pending removal proceedings;</p> <p>(4) An alien who belongs to one of the following classes:</p> <p>(i) Aliens currently in temporary resident status pursuant to section 210 or 245A of the INA (8 U.S.C. §§1160 or 1255a, respectively);</p> <p>(ii) Aliens currently under Temporary Protected Status (TPS) pursuant to section 244 of the INA (8 U.S.C. §1254a), and pending applicants for TPS who have been granted employment authorization;</p> <p>(iii) Aliens who have been granted employment authorization under 8 CFR 274a.12(c)(9), (10), (16), (18), (20), (22), or (24);</p> <p>(iv) Family Unity beneficiaries pursuant to section 301 of Pub. L. 101-649, as amended;</p> <p>(v) Aliens currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President;</p> <p>(vi) Aliens currently in deferred action status; or</p> <p>(vii) Aliens whose visa petition has been approved and who have a pending application for adjustment of status;</p> <p>(5) A pending applicant for asylum under section 208(a) of the INA (8 U.S.C. § 1158)</p>

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TN No. <u>11-02</u>	Approval Date <u>JUN 6 2011</u>	Effective Date <u>01/01/11</u>
Supersedes TN No. <u>09-09</u>		

**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT**  
State of VIRGINIA  
**ELIGIBILITY CONDITIONS AND REQUIREMENTS**

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or for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. § 1231) or under the Convention Against Torture who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days;

(6) An alien who has been granted withholding of removal under the Convention Against Torture;

(7) A child who has a pending application for Special Immigrant Juvenile status as described in section 101(a)(27)(J) of the INA (8 U.S.C. § 1101(a)(27)(J));

(8) An alien who is lawfully present in the Commonwealth of the Northern Mariana Islands under 48 U.S.C. § 1806(e); or

(9) An alien who is lawfully present in American Samoa under the immigration laws of American Samoa.

Elected for pregnant women.  
 Elected for children under age 19.

g.  The State provides assurance that for an individual whom it enrolls in Medicaid under the CHIPRA section 214 option, it has verified, at the time of the individual's initial eligibility determination and at the time of the eligibility redetermination, that the individual continues to be lawfully residing in the United States. The State must first attempt to verify this status using information provided at the time of initial application. If the State cannot do so from the information readily available, it must require the individual to provide documentation or further evidence to verify satisfactory immigration status in the same manner as it would for anyone else claiming satisfactory immigration status under section 1137(d) of the Act.

42 CFR 435.403  
1902(b) of the Act

4. Is a resident of the State, regardless of whether or not the individual maintains the residence permanently or maintains it a fixed address.
- State has interstate residency agreement with the following States:
- State has open agreement(s).
- Not applicable; no residency requirement.

TN No. 11-02  
Supersedes  
TN No. 09-09

Approval Date JUN 6 2011 Effective Date 01/01/11