

## **Template CS18 - Non-Financial - Citizenship**

**Statute:** Section 2105(c)(9) of the SSA 2107(e)(1)(J)

**Regulations:** 42 CFR 457.320(b)(6)

**Additional references:** Section 211 and 214 of CHIPRA 2009; 8 U.S.C. sections 1612, 1613 and 1641; SHO # 10-006 (Medicaid and CHIP Coverage of “Lawfully Residing” Children and Pregnant Women) dated July 1, 2010 and SHO # 09-016 (Citizenship Documentation Requirement) dated December 28, 2009.

### **INTRODUCTION:**

To be completed by States with separate child health assistance programs.

In template CS18, the State provides information regarding its citizenship rules and provision of Medicaid to citizens and nationals of the United States and to certain non-citizens.

### **BACKGROUND:**

State CHIP programs are required to provide CHIP coverage to otherwise eligible residents of the United States who are citizens or nationals of the United States or qualified non-citizens (aliens) as described in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U. S. C. section 1641).

Effective January 1, 2010, section 2105(c) of the Act was amended to apply to separate CHIP programs the same requirements as in Medicaid with respect to required verification of citizenship or nationality, for individuals who have declared themselves to be U. S. citizens. This change also applies to citizenship verification (for individuals who are required to verify their citizenship status), the same requirement of providing coverage during a reasonable opportunity period pending verification of satisfactory immigration status, as required in sections 1137(d)(4) and 1903(x) of the SSA to individuals who have not declares themselves as citizens or nationals of the U.S. Additional information regarding the provision of CHIP during a reasonable opportunity period can be found in SHO # 09-016, dated December 28, 2009.

States also have the option to cover non-citizen pregnant women and children during the 5 year waiting period, who are lawfully residing in the United States. This option was added by section 214 of CHIPRA 2009 (P.L. 111-3) and section 2107(e)(1)(J) of the SSA and gives states the option to provide CHIP to pregnant women (including the 60-day postpartum period) and/or children up to age 19. To meet the criteria of lawfully residing and to qualify under this option, an individual must be both lawfully present in the U. S. and a resident of the State. A listing of individuals who may be considered lawfully present and additional information may be found in SHO # 10-006 dated July 1, 2010.

States may not select the option to cover lawfully residing non-citizen pregnant women and children under CHIP if they do not also cover them under their State’s Medicaid program.

Additionally states not elect to cover pregnant women under this option without also covering children.

#### **TECHNICAL GUIDANCE:**

Template C18 begins with the State providing assurance that it provides CHIP to citizens and nationals of the United States and certain non-citizens, including the time period during which they are provided with reasonable opportunity to submit verification of their citizenship, national or immigration status.

The State provides this affirmative assurance by checking the box at the top of Template CS18. If the State does not check this box, the system will not accept this template for review and approval.

The first section begins with a statement that supports this assurance, followed by a listing of the three citizen/non-citizen categories which must be provided CHIP coverage. States must also enter the length of the reasonable opportunity period, during which CHIP coverage is provided pending verification of citizenship, national status or immigration status, in the text box provided.

#### **Review Criteria**

***For the number entered for the length of the reasonable opportunity period, the state should also note the specific time period, for example 60 days, 2 months, etc.***

This is followed by a statement of the requirement that the State provides extensions to the reasonable opportunity period for good cause. This statement is pre-checked and the State must describe good cause reasons used by the State in the text box provided.

#### **Review Criteria**

***The description should be sufficiently clear, detailed and complete to permit the reviewer to determine that the State's election meets applicable federal statutory, regulatory and policy requirements.***

In the second section, the State is asked two questions:

- The first question asks if the state elects the option to provide CHIP coverage to otherwise eligible children, lawfully residing in the United States.

If the response is yes, the system displays the definition for 'otherwise eligible children', followed by an assurance by the State that lawfully residing children are also covered under the State's Medicaid program. The CHIP Agency provides this affirmative assurance by checking the box next to the assurance statement. If the CHIP Agency does not check this box, the system will not accept this template for review and approval.

- The second question asks if the state elects the option to provide CHIP coverage to otherwise eligible pregnant women, lawfully residing in the United States.

If the response is yes, the system displays the definition for ‘otherwise eligible pregnant women’.

*Validation: a check is done to ensure that pregnant women covered under section 111 CHIPRA (targeted low-income pregnant women) are covered under the plan, that is the State must have checked the ‘targeted low-income pregnant women’ option under the separate CHIP options (tab CS4)).*

If the validation fails, that is the CHIP Agency did not check that it covers targeted low-income pregnant women, the CHIP Agency must either return to the separate CHIP options screen to select the option of covering ‘targeted low-income pregnant women’ or de-select the option of covering lawfully residing pregnant women from this screen.

If the validation passes, an assurance is displayed stating that lawfully residing pregnant women are also covered under the State's Medicaid program. The CHIP Agency provides this affirmative assurance by checking the box next to the assurance statement. If the State does not check this box, the system will not accept this template for review and approval.

This is followed by an assurance that lawfully residing pregnant women are also covered under the State's Medicaid program. The CHIP Agency provides this affirmative assurance by checking the box next to the assurance statement. If the CHIP Agency does not check this box, the system will not accept this template for review and approval.

*Validation: a check is done to ensure that lawfully residing children are covered under the plan.*

If the validation fails, that is lawfully residing children was not checked as an option under the separate CHIP options (tab CS4)), a message is displayed, stating that this option cannot be selected unless the State also elects to cover lawfully residing children. The CHIP Agency must either return to the separate CHIP options screen to select the option of covering lawfully residing children or de-select the option of covering lawfully residing pregnant women from this screen.

This section ends with statements providing the definition as to which individuals are considered to be lawfully residing.