Bureau of TennCare
Policy Manual

Policy No: EED 06-002	
Subject: Provision of TennCare/Medicaid Benefits to Qualified Aliens and Refugees	
Approval: J.D. Hickey DC	Date: 5/10/2006

PURPOSE:

This policy supersedes TSOP #003, which was written in 1994. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) placed a new set of limitations on non-citizen eligibility on top of any program-specific requirements. This policy provides information on pertinent changes in federal law and how they affect TennCare/Medicaid eligibility for certain groups of aliens.

BACKGROUND:

PRWORA basically divides immigrants into two categories. Those legally residing in the United States are regarded as "qualified aliens," while those who are in the United States without having met legal conditions are regarded as "nonqualified aliens," sometimes referred to as undocumented aliens. PRWORA restricts the provision of Medicaid benefits to individuals who are qualified aliens. Nonqualified aliens are not eligible for Medicaid, except for emergency services. Information on Emergency Medicaid for Illegal/Undocumented Aliens is contained in TennCare Policy EED 05-001.

POLICY:

In order to be eligible for TennCare coverage, applicants/recipients must be:

- Citizens of the United States, or
- Naturalized citizens, or
- Certain American Indians born outside the United States, or
- Qualified Aliens

Non-financial eligibility requirements are met when an individual is included in one of the groups referenced above.

In addition to meeting non-financial eligibility requirements, applicants/recipients must also meet all financial eligibility requirements that are mandated by the Department of Human Services (DHS) and TennCare.

Per federal law, certain qualified aliens must receive full Medicaid benefits, if otherwise eligible. Other qualified aliens may receive full Medicaid benefits depending on their date of entry into the United States.

States cannot deny Medicaid to the following immigrants: naturalized citizens, refugees and other humanitarian immigrants (for the first seven years after refugee or some other humanitarian status is granted), legal immigrants who are active-duty members or veterans of the U.S. Armed Forces (and their children and spouses), and lawful permanent residents who can be credited with forty quarters of work in the United States (including quarters worked by a parent or spouse under certain circumstances).

Qualified Alien Status, in and of itself, is not sufficient to establish eligibility for TennCare/Medicaid. Aliens who entered the United States on or after August 22, 1996 have a five-year bar before potential eligibility for TennCare/Medicaid. If the five-year disqualification period applies, applicants should be evaluated for emergency medical services only.

Information specific to refugees:

Refugees fall under the category of Qualified Aliens. Under the U.S. Resettlement program, singles and childless couples are eligible for Refugee Medical Assistance (RMA) for their first eight months in the United States. However, families with minor children are eligible for the Medicaid program. RMA is the program of last resort. Therefore, the agency (i.e., DHS) must first assess each individual refugee applicant for Medicaid eligibility. Eligibility for RMA is limited to those refugees who are ineligible for any category of Medicaid (45 CFR § 400.94).

Based upon the federal guidelines listed above, Tennessee provides eight months' Medicaid coverage (from refugee's date of entry into the United States) under the RMA program to refugees who do not qualify for regular Medicaid. The State receives federal funds for RMA expenditures. After their eight months' coverage ends, refugees can reapply for TennCare/Medicaid but they must meet all financial and non-financial eligibility criteria to be found eligible.

Refugees can receive Medicaid for up to seven years from date of entry into the United States, if they qualify. In order to qualify for Medicaid after their seven-year coverage has ended, they must be United States citizens.

PROCEDURES:

An applicant's statement that s/he is a United States citizen will be verified only when the statement is inconsistent with other information on the application, on previous applications, or on other documented information known to the DHS caseworker. Each household member's United States citizenship or alien status must be acknowledged at the time of application and at each review.

SUMMARY:

Full Medicaid/TennCare benefits may be authorized by DHS if applicants who are qualified aliens meet all mandated technical and non-technical eligibility criteria. TennCare Information Services (IS) has no code for qualified aliens on interChange because these individuals receive benefits that are no different from those received by American citizens. Neither TennCare nor the Managed Care Contractor (MCC) would have reason to differentiate qualified aliens from other TennCare recipients—except perhaps in the event that an enrollee with Limited English Proficiency (LEP) needed interpreter/translation services.

REFERENCE DOCUMENTS:

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)
8 USC §1641
8 USC §1612
42 USC §1396b (v)
42 CFR §435.400, et seq.
42 CFR §440.255
42 CFR §436.406
45 CFR §400.94
Immigration and Nationality Act (INA) § 101(a)(42)
State Medicaid Manual, Sections 3210 and 3211
DHS State Rule: 1240-3-2-.02(2)(p)
TennCare Medicaid and TennCare Standard Policy Manual (Published by Tennessee Department of Human Services, October 2005)

OFFICE(S) OF PRIMARY RESPONSIBILITY:

DHS (for making eligibility decisions and providing eligibility notice and appeal rights)

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