

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
601 East 12<sup>th</sup> Street, Suite 235  
Kansas City, Missouri 64106



**Division of Medicaid and Children's Health Operations**

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September 21, 2010

Kerry Winterer  
Chief Executive Officer  
Department of Health & Human Services  
301 Centennial Mall South, 3<sup>rd</sup> Floor  
P.O. Box 95026  
Lincoln, NE 68509-5026

Dear Mr. Winterer:

The Centers for Medicare & Medicaid Services (CMS) has completed its review of Nebraska State Plan Amendment (SPA) 10-13 which elects the option provided in Section 214 of the Children Health Insurance Program Reauthorization Act of 2009 to cover pregnant women and children under Section 1903(v)(4) of the Social Security Act who are aliens lawfully residing in the state.

Based on the revisions received, we are pleased to inform you that SPA 10-13 is approved with the requested effective date of July 1, 2010. In the course of evaluating this SPA, we have been made aware of certain issues regarding the State's application forms with respect to the attestation of citizenship and alien status. We will continue to work with your staff to reconcile these issues.

Enclosed is a copy of the CMS 179 form as well as the approved pages for incorporation into the Nebraska State plan. If you have any questions regarding this amendment, please call Barbara Cotterman at (816) 426-5925.

Sincerely,

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

Enclosure

cc: Vivianne Chaumont  
Pat Taft

<b>TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL</b>  <b>FOR: HEALTH CARE FINANCING ADMINISTRATION</b>	1. TRANSMITTAL NUMBER: 10-13	2. STATE Nebraska
	3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR HEALTH CARE FINANCING ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES	4. PROPOSED EFFECTIVE DATE July 1, 2010	

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: Section 1903(v)(4) of the Social Security Act	7. FEDERAL BUDGET IMPACT: a. FFY 2010 \$ 423,542 b. FFY 2011 \$1,734,559
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Attachment 2.6-A, pages 2;3; <del>and</del> 3a; 3a1; 3a2; 3a3	9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): Attachment 2.6-A, pages 2; 3; 3a; <del>3a1; 3a2; 3a3</del>

10. SUBJECT OF AMENDMENT:  
Eliminating 5-year bar for children and pregnant women who are eligible aliens.

11. GOVERNOR'S REVIEW (Check One):

GOVERNOR'S OFFICE REPORTED NO COMMENT
  COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
  NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL
  OTHER, AS SPECIFIED:  
Governor has waived review

12. SIGNATURE OF STATE AGENCY OFFICIAL:	16. RETURN TO:
13. TYPED NAME: Vivianne M. Chaumont	Patricia (Pat) Taft Division of Medicaid & Long-Term Care Nebraska Department of Health & Human Services 301 Centennial Mall South Lincoln, NE 68509
14. TITLE: Director, Division of Medicaid and Long-Term Care	
15. DATE SUBMITTED: June 22, 2010	

**FOR REGIONAL OFFICE USE ONLY**

17. DATE RECEIVED: June 23, 2010	18. DATE APPROVED: September 21, 2010
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PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL: July 1, 2010	20. SIGNATURE OF REGIONAL OFFICIAL:
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21. TYPED NAME: James G. Scott	22. TITLE: Associate Regional Administrator for Medicaid and children's Health operations
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23. REMARKS:  
pen: ink changes per State request via e-mail dated 9/9/10.

State of Nebraska

Citation(s)	Condition or Requirement
1905(p) of the Act	<ul style="list-style-type: none"> <li>b. For the medically needy, meets the non-financial eligibility Conditions of 42 CFR Part 435.</li> <li>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.</li> </ul>
1905(s) of the Act	<ul style="list-style-type: none"> <li>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).</li> </ul>
1905(p)(3)(A)(ii) of the Act	<ul style="list-style-type: none"> <li>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.</li> </ul>
42 CR 435.406	<ul style="list-style-type: none"> <li>3. Is residing in the United States and--               <ul style="list-style-type: none"> <li>a. Is a citizen or national of the United States;</li> <li>b. Is a qualified alien (QA) as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) as amended, and the QA's eligibility is required by section 402(b) of PRWORA as amended, and is not prohibited by section 403 of PRWORA as amended;</li> <li>c. Is a qualified alien subject to the 5-year bar as described in section 403 of PRWORA, so that eligibility is limited to treatment of an emergency medical condition as defined in section 401 of PRWORA;</li> <li>d. Is a non-qualified alien, so that eligibility is limited to treatment of an emergency medical condition as defined in section 401 of PRWORA;</li> </ul> </li> </ul>

TN No. NE-10-13  
Supersedes  
TN No. MS-97-11

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State of Nebraska

Citation(s)	Condition or Requirement
	<p>e. Is a QA whose eligibility is authorized under section 402(b) of PRWORA as amended, and is not prohibited by section 403 of PRWORA as amended.</p> <p><input checked="" type="checkbox"/> State covers all authorized QAs. <input type="checkbox"/> State does not cover authorized QAs.</p>
	<p>f. State elects CHIPRA option to provide full Medicaid coverage to otherwise eligible pregnant women or children as specified below who are aliens lawfully residing in the United States; including the following:</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>

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Supersedes  
TN No. MS-91-24

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State of Nebraska

Citation(s)	Condition or Requirement
	<ul style="list-style-type: none"><li>(iv) Family Unity beneficiaries pursuant to section 301 of Pub. L. 101-649, as amended;</li><li>(v) Aliens currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President;</li><li>(vi) Aliens currently in deferred action status; or</li><li>(vii) Aliens whose visa petition has been approved and who have a pending application for adjustment of status;</li></ul>
	(5) A pending applicant for asylum under section 208(a) of the INA (8 U.S.C. § 1158) 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.
	<u>  X  </u> Elected for pregnant women. <u>  X  </u> Elected for children under age <u>19</u> .

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Supersedes

TN No. MS-92-1

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State of Nebraska

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Citation(s)	Condition or Requirement
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- g. X 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 at a fixed address.

State has interstate residency agreement with the following States:

State has open agreement(s).

Not applicable; no residency requirement.

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Supersedes

TN No. MS-91-29

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Effective Date 1111 01 2010

HCFA ID: 7985E

State of Nebraska

Citation(s)	Condition or Requirement
435.1008	5. a. Is not an inmate of a public institution. Public institutions do not include medical institutions, nursing facilities and intermediate care facilities for the mentally retarded, or publicly operated community residences that serve no more than 16 residents, or certain child care institutions.
42 CFR 435.1008 1905(a) of the Act	b. Is not a patient under age 65 in an institution for mental diseases except as an inpatient under age 22 receiving active treatment in an accredited psychiatric facility or program.  <input type="checkbox"/> Not applicable with respect to individuals under age 22 in psychiatric facilities or programs. Such services are not provided under the plan.
433.145 435.604 1912 of the Act	6. Is required, as a condition of eligibility, to assign rights to medical support and to payments for medical care from any third party, to cooperate in obtaining such support and payments, and to cooperate in identifying and providing information to assist in pursuing any liable third party. The assignment of rights obtained from an applicant or recipient is effective only for services that are reimbursed by Medicaid. The requirements of 42 CFR 433.146 through 433.148 are met.  An applicant or recipient must also cooperate in establishing the paternity of any eligible child and in obtaining medical support and payments for himself or herself and any other person who is eligible for Medicaid and on whose behalf the individual can make an assignment; except that individuals described in §1902(l)(1)(A) of the Social Security Act (pregnant women and women in the post-partum period) are exempt from these requirements involving paternity and obtaining support. Any individual may be exempt from the cooperation requirements by demonstrating good cause for refusing to cooperate.

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State of Nebraska

Citation(s)	Condition or Requirement
42 CFR 435.910	<p>(6. continued) An applicant or recipient must also cooperate in identifying any third party who may be liable to pay for care that is covered under the State plan and providing information to assist in pursuing these third parties. Any individual may be exempt from the cooperation requirements by demonstrating good cause for refusing to cooperate.</p> <p><input checked="" type="checkbox"/> Assignment of rights is automatic because of State law.</p> <p>7. Is required, as a condition of eligibility, to furnish his/her social security account number (or numbers, if he/she has more than one number); except for aliens seeking medical assistance for the treatment of an emergency medical condition under Section 1903(v)(2) of the Act.</p>

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