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State/Territory Name: Arkansas

State Plan Amendment (SPA) #: 17-0007

This file contains the following documents in the order listed:

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- 3) Superseding Page Listing
- 4) Approved Page

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
Dallas Regional Office  
1301 Young Street, Suite 833  
Dallas, Texas 75202



**DIVISION OF MEDICAID & CHILDREN'S HEALTH - REGION VI**

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October 26, 2017

Our Reference: SPA AR 17-007

Ms. Dawn Stehle  
State Medicaid Director  
Arkansas Department of Health and Human Services  
Division of Medical Services  
P.O. Box 1437  
Little Rock, Arkansas 72203-1437

Dear Ms. Stehle:

Enclosed is a copy of approved Arkansas State Plan Amendment (SPA) No. 17-007, with an effective date of January 1, 2018. This amendment was submitted in accordance with Section 214 of the Children's Health Insurance Program Reauthorization Act (CHIPRA), which permits States to cover certain children and pregnant women in both Medicaid and the Children's Health Insurance Program (CHIP) who are "lawfully residing in the United States" as described in section 1903(v)(4) and 2107(e)(1)(J) of the Social Security Act (the Act). Approval of this option resulted in a Federal budget impact of \$1,546,729.00 for Federal Fiscal Year (FFY) 2018 and \$4,891,174.00 for FFY 2019.

This letter affirms that AR 17-007 is approved effective January 1, 2018 as requested by the State.

We are enclosing the CMS-179 and the following amended plan pages.

- OMB Control Number: 0938-1148, S89
- S89 Page Attachment

If you have any questions regarding this matter you may contact Stacey Shuman at 214-767-6479, or by email at [stacey.shuman@cms.hhs.gov](mailto:stacey.shuman@cms.hhs.gov).

Sincerely,



Bill Brooks  
Associate Regional Administrator

CC: Billy Bob Farrell, DMCH Dallas  
Stacey Shuman, DMCH Dallas  
Sarah Spector, CMS Baltimore  
Sarah O'Connor, CMS Baltimore

## Medicaid State Plan Eligibility: Summary Page (CMS 179)

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**State/Territory name:** Arkansas

**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.*

AR-17-0007

**Proposed Effective Date**

01/01/2018 (mm/dd/yyyy)

**Federal Statute/Regulation Citation**

42 CFR 435.4; 435.406; 435.956

**Federal Budget Impact**

	Federal Fiscal Year	Amount
First Year	2018	\$ 1546729.00
Second Year	2019	\$ 4891174.00

**Subject of Amendment**

To add Lawfully Residing Alien Children & Pregnant Women Option

**Governor's Office Review**

☒ Governor's office reported no comment

☐ Comments of Governor's office received

Describe:

☐ No reply received within 45 days of submittal

☐ Other, as specified

Describe:

**Signature of State Agency Official**

**Submitted By:** Jean Hecker

**Last Revision Date:** Oct 17, 2017

**Submit Date:** Aug 1, 2017

**Date Received:** 1 August, 2017

**Date Approved:** 26 October, 2017

**Signature of Regional Official:**

**Printed Name and Title:** Bill Brooks, Associate Regional Administrator, Division of Medicaid and Children's Health

## Non-Financial Eligibility: Citizenship and Non-citizen Eligibility

**TRANSMITTAL NUMBER:**

17-0007

**STATE:**

Arkansas

Notwithstanding the checked assurance on page 1 that the state provides for an extension of the reasonable opportunity period beyond 90 days for individuals declaring to be citizens and nationals of the United States and certain non-citizens, the state extends the reasonable opportunity period beyond 90 days for otherwise eligible individuals declaring to be in a satisfactory immigration status if the agency determines that the individual is making a good faith effort to obtain any necessary documentation or the agency needs more time to verify the individual's status through other available electronic data sources or to assist the individual in obtaining documents needed to verify his or her status in accordance with 42 CFR §435.956(b)(2)(ii)(B).

**State: Arkansas****Date Received: 1 August, 2017****Date Approved: 26 October, 2017****Effective Date: 1 January, 2018****Transmittal Number: 17-007**



# Medicaid Eligibility

State Name: Arkansas

OMB Control Number: 0938-1148

Transmittal Number: AR - 17 - 0007

## Non-Financial Eligibility

### Citizenship and Non-Citizen Eligibility

S89

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

State: Arkansas  
Date Received: 1 August, 2017  
Date Approved: 26 October, 2017  
Effective Date: 1 January, 2018  
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### 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.



# Medicaid Eligibility

☒ Yes    ☐ No

☒ Pregnant women

☒ Individuals under age 21:

☐ Individuals under age 21

☐ Individuals under age 20

☒ Individuals under age 19

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☒ 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



# Medicaid Eligibility

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));
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.

V.20160722

State: Arkansas  
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