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State/Territory Name: Nevada

State Plan Amendment (SPA) #: 18-003

This file contains the following documents in the order listed:

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

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
San Francisco Regional Office
90 Seventh Street, Suite 5-300 (5W)
San Francisco, CA 94103-6706



DIVISION OF MEDICAID & CHILDREN'S HEALTH OPERATIONS

May 17, 2018

Richard Whitley, Director
Department of Health and Human Services
4126 Technology Way, Suite 100
Carson City, NV 89706

Dear Mr. Whitley:

Enclosed is an approved copy of Nevada State Plan Amendment (SPA) 18-003. The SPA amends NV's state plan to implement the CHIPRA 214 option in order to cover lawfully residing individuals under the age of 19. The SPA was submitted to my office on February 23, 2018.

This SPA is approved effective February 1, 2018. Enclosed is the approval notice generated by the MACPro system. Please incorporate the amended language into your state plan.

If you have any questions, please contact Peter Banks by phone at (415) 744-3782 or by email at Peter.Banks@cms.hhs.gov.

Sincerely,

/s/

Hye Sun Lee
Acting Associate Regional Administrator
Division of Medicaid & Children's Health Operations

cc: Marta Jensen: Acting Administrator, DHCFP

Encls: Approval Package

CMS-10434 OMB 0938-1188

Package Information

Package ID	NV2018MS0001O	Submission Type	Official
Program Name	N/A	State	NV
SPA ID	NV-18-0003	Region	San Francisco, CA
Version Number	6	Package Status	Approved
Submitted By	Jenifer Graham	Submission Date	3/20/2018
Package Disposition		Approval Date	5/17/2018 6:40 AM EDT
Priority Code	P2		

Approval Notice

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-14-26
Baltimore, Maryland 21244-1850



Date: 05/17/2018

Head of Agency: Richard Whitley

Title/Dept : Director, Nevada DHHS

Address 1: 1100 East William Street

Address 2:

City : Carson City

State: NV

Zip: 89701

MACPro Package ID: NV2018MS0001O

SPA ID: NV-18-0003

Subject

Approval of NV SPA 18-003

Dear Richard Whitley

This is an informal communication that will be followed with an official communication to the State's Medicaid Director.

The Centers for Medicare and Medicaid Services (CMS) is pleased to inform you that we are recommending approval for your request for NV SPA 18-003

Reviewable Unit	Effective Date
Citizenship and Non-Citizen Eligibility	2/1/2018

The SPA amends NV's state plan to implement the CHIPRA 214 option in order to cover lawfully residing individuals under the age of 19. The SPA was submitted to my office on February 23, 2018.

This SPA is approved effective February 1, 2018. Please incorporate the amended language into your state plan.

Sincerely,

Lela Teal

Special Assistant

Approval Documentation

Name	Date Created	
20180517 NV SPA 18-003 ApvLtr	5/21/2018 11:31 AM EDT	A small red icon representing a PDF document.

Submission - Summary

MEDICAID | Medicaid State Plan | Eligibility | NV2018MS0001O | NV-18-0003

Package Header

Package ID	NV2018MS0001O	SPA ID	NV-18-0003
Submission Type	Official	Initial Submission Date	3/20/2018
Approval Date	5/17/2018	Effective Date	N/A
Superseded SPA ID	N/A		

State Information

State/Territory Name:	Nevada	Medicaid Agency Name:	State of Nevada DHHS, Division of Health Care Financing & Policy
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Submission Component

- ☒ State Plan Amendment
- ☒ Medicaid
- ☐ CHIP

Submission - Summary

MEDICAID | Medicaid State Plan | Eligibility | NV2018MS0001O | NV-18-0003

Package Header

Package ID	NV2018MS0001O	SPA ID	NV-18-0003
Submission Type	Official	Initial Submission Date	3/20/2018
Approval Date	5/17/2018	Effective Date	N/A
Superseded SPA ID	N/A		

SPA ID and Effective Date

SPA ID NV-18-0003

Reviewable Unit	Proposed Effective Date	Superseded SPA ID
Citizenship and Non-Citizen Eligibility	2/1/2018	NV-13-0025

Submission - Summary

MEDICAID | Medicaid State Plan | Eligibility | NV2018MS0001O | NV-18-0003

Package Header

Package ID	NV2018MS0001O	SPA ID	NV-18-0003
Submission Type	Official	Initial Submission Date	3/20/2018
Approval Date	5/17/2018	Effective Date	N/A
Superseded SPA ID	N/A		

Executive Summary

Summary Description Including Goals and Objectives NV SPA 18-0003 supersedes NV SPA-13-0025 in the NV state plan. This SPA describes citizenship and non-citizen eligibility and includes the state's election to provide Medicaid coverage to otherwise eligible individuals under 19, lawfully residing in the United States, including providing coverage during the five-year waiting period, as provided in section 1903(v)(4) of the Social Security Act.

Federal Budget Impact and Statute/Regulation Citation

Federal Budget Impact

	Federal Fiscal Year	Amount
First	2018	\$2196
Second	2019	\$10614

Federal Statute / Regulation Citation

42 CFR 435.406 and 1903(v)(4)

Submission - Summary

MEDICAID | Medicaid State Plan | Eligibility | NV2018MS0001O | NV-18-0003

Package Header

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Superseded SPA ID	N/A		

Governor's Office Review

<input type="radio"/> No comment	Describe The Governor's Office does not wish to review the State Plan Amendment.
<input type="radio"/> Comments received	
<input type="radio"/> No response within 45 days	
<input checked="" type="radio"/> Other	

Submission - Public Comment

MEDICAID | Medicaid State Plan | Eligibility | NV2018MS0001O | NV-18-0003

Package Header

Package ID	NV2018MS0001O	SPA ID	NV-18-0003
Submission Type	Official	Initial Submission Date	3/20/2018
Approval Date	5/17/2018	Effective Date	N/A
Superseded SPA ID	N/A		

Indicate whether public comment was solicited with respect to this submission.

- ☐ Public notice was not federally required and comment was not solicited
- ☒ Public notice was not federally required, but comment was solicited
- ☐ Public notice was federally required and comment was solicited

Indicate how public comment was solicited:

- ☐ Newspaper Announcement
- ☐ Publication in state's administrative record, in accordance with the administrative procedures requirements
- ☐ Email to Electronic Mailing List or Similar Mechanism
- ☐ Website Notice
- ☐ Public Hearing or Meeting

Date of meeting: 2/22/2018

Time of meeting: 1:00 PM

Location of meeting: Nevada State Legislature 401 S Carson Street Carson CityNV 89701

Communication Method

- Telephonic Capability Used

Public Forum Used

- A commission or other similar process, where meetings are open to members of the public.

Name of commission or process: Public Hearing

- ☐ Other method

Upload copies of public notices and other documents used

Name	Date Created	
SPA_PH_02_22_18_Agenda	5/7/2018 6:31 PM EDT	

Upload with this application a written summary of public comments received (optional)

Name	Date Created	
No items available		

Indicate the key issues raised during the public comment period (optional)

- ☐ Access
- ☐ Quality
- ☐ Cost
- ☐ Payment methodology
- ☐ Eligibility
- ☐ Benefits
- ☐ Service delivery
- ☐ Other issue

Submission - Tribal Input

MEDICAID | Medicaid State Plan | Eligibility | NV2018MS0001O | NV-18-0003

Package Header

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Submission Type	Official	Initial Submission Date	3/20/2018
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Superseded SPA ID	N/A		

One or more Indian health programs or Urban Indian Organizations furnish health care services in this state

- ☒ Yes
- ☐ No

This state plan amendment is likely to have a direct effect on Indians, Indian health programs or Urban Indian Organizations

- ☐ Yes
- ☒ No

Explain why this SPA is not likely to have a direct effect on Indians, Indian Health Programs or Urban Indian Organizations

Proposed changes to the Medicaid State Plan has no anticipated fiscal impact to the Tribal Government.

- ☒ Even though not required, the state has solicited advice from Indian Health Programs and/or Urban Indian Organizations prior to submission of this SPA
- ☐ The state has not solicited advice from Indian Health Programs and/or Urban Indian Organizations prior to submission of this SPA

Complete the following information regarding any solicitation of advice and/or tribal consultation conducted with respect to this submission:

Solicitation of advice and/or Tribal consultation was conducted in the following manner:

☐ All Indian Health Programs

Date of solicitation/consultation:	Method of solicitation/consultation:
11/30/2017	Letter to the Inter-Tribal Council of Nevada

☐ All Urban Indian Organizations

States are not required to consult with Indian tribal governments, but if such consultation was conducted voluntarily, provide information about such consultation below:

☐ All Indian Tribes

The state must upload copies of documents that support the solicitation of advice in accordance with statutory requirements, including any notices sent to Indian Health Programs and/or Urban Indian Organizations, as well as attendee lists if face-to-face meetings were held. Also upload documents with comments received from Indian Health Programs or Urban Indian Organizations and the state's responses to any issues raised. Alternatively indicate the key issues and summarize any comments received below and describe how the state incorporated them into the design of its program.

Name	Date Created	
Tribal Letter - SB325 (11-30-17)	3/20/2018 4:33 PM EDT	

Indicate the key issues raised (optional)

- ☐ Access
- ☐ Quality
- ☐ Cost
- ☐ Payment methodology
- ☐ Eligibility
- ☐ Benefits
- ☐ Service delivery
- ☐ Other issue

Medicaid State Plan Eligibility

Non-Financial Eligibility

Citizenship and Non-Citizen Eligibility

MEDICAID | Medicaid State Plan | Eligibility | NV2018MS0001O | NV-18-0003

Package Header

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Superseded SPA ID	NV-13-0025		
	System-Derived		

☐ The state provides Medicaid to citizens and nationals of the United States and certain non-citizens who meet all other Medicaid eligibility requirements under the state plan, 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.

A. Citizens, Nationals and Eligible Non-Citizens

The state provides Medicaid eligibility to otherwise eligible individuals:

- Who are citizens or nationals of the United States; or
- 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 who are non-citizens treated as refugees under other federal statutes for purposes of Medicaid eligibility, subject to the requirements at 8 U.S.C. §1612(b)(2), and are not restricted by section 403 of PRWORA (8 U.S.C. §1613); or who are non-citizens whose eligibility is required by 8 U.S.C. 1612(b)(2)(E) and (F); and
- Who have declared themselves to be citizens or nationals of the United States, or non-citizens 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, 911, 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.

a. The agency provides for an extension of the reasonable opportunity period for non-citizens if the non-citizen 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

☐ b. When a reasonable opportunity period is provided, the agency furnishes benefits to otherwise eligible individuals on the following date:

The date benefits are furnished is:

- ☒ i. The date of the application containing the declaration of citizenship or immigration status.
☐ ii. The first day of the month of application.

Citizenship and Non-Citizen Eligibility

MEDICAID | Medicaid State Plan | Eligibility | NV2018MS0001O | NV-18-0003

Package Header

Package ID	NV2018MS0001O	SPA ID	NV-18-0003
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	System-Derived		

B. Optional Coverage of Qualified Non-Citizens

The state provides Medicaid coverage to all otherwise-eligible Qualified Non-Citizens whose eligibility is not restricted by section 403 of PRWORA (8 U.S.C. §1613).

- ☒ Yes
- ☐ No

Citizenship and Non-Citizen Eligibility

MEDICAID | Medicaid State Plan | Eligibility | NV2018MS0001O | NV-18-0003

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C. Coverage of Lawfully Residing Individuals

The state elects the option to provide Medicaid coverage to otherwise eligible individuals, lawfully residing in the United States, as provided in section 1903(v)(4) of the Act.

☒ Yes

☐ No

☐ 1. Pregnant women

☐ 2. Individuals under a specified age:

☐ a. Individuals under age 21

☐ b. Individuals under age 20

☒ c. Individuals under age 19

3. 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.

4. An individual is considered to be lawfully present in the United States if he or she is:

a. A qualified non-citizen as defined in 8 U.S.C. 1641(b) and (c);

b. 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));

c. 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;

d. A non-citizen who belongs to one of the following classes:

i. Granted temporary resident status in accordance with 8 U.S.C.1160 or 1255a, respectively;

ii. 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;

iii. Granted employment authorization under 8 CFR 274a.12(c);

iv. Family Unity beneficiaries in accordance with section 301 of Pub. L. 101-649, as amended;

v. Under Deferred Enforced Departure (DED) in accordance with a decision made by the President;

vi. Granted Deferred Action status;

vii. Granted an administrative stay of removal under 8 CFR 241;

viii.Beneficiary of approved visa petition who has a pending application for adjustment of status;

e. 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:

i. Has been granted employment authorization; or

ii. Is under the age of 14 and has had an application pending for at least 180 days;

f. Has been granted withholding of removal under the Convention Against Torture;

g. Is a child who has a pending application for Special Immigrant Juvenile status as described in 8 U.S.C.1101(a)(27)(J);

h. Is lawfully present in American Samoa under the immigration laws of American Samoa; or

i. 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)).

j. 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 (a) through (i) of this definition.

☐ k. Other

Citizenship and Non-Citizen Eligibility

MEDICAID | Medicaid State Plan | Eligibility | NV2018MS0001O | NV-18-0003

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D. Emergency Coverage

☐ 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 Social Security Act 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:

1. Qualified non-citizens subject to the 5 year waiting period described in 8 U.S.C. 1613(a)
2. 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).

E. Additional Information (optional)

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 0938-1188. 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.

This view was generated on 5/21/2018 11:39 AM EDT