

Title 23: Division of Medicaid

Part 102: Non-Financial Requirements

Part 102 Chapter 5: Categorical Eligibility

Rule 5.5: Pregnant Women.

- A. A pregnant woman of any age is categorically eligible.
- B. A pregnant woman's eligibility includes a two (2) month post-partum period following the month of delivery, miscarriage or other termination of pregnancy.

Source: 42 CFR § 435.116 (Rev. 2012).

History: Deleted Miss. Admin. Code Part 102, Rule 5.5.C.

Rule 5.6: Parents and Caretaker Relatives of Dependent Children

- A. Low-income parent(s) or caretaker relatives with children under age eighteen (18) are categorically eligible for Medicaid.
- B. This group includes intact two (2) parent families and families in which the children are deprived of one or both parents.
- C. A caretaker relative is related by blood, adoption or marriage with whom the dependent child is living, who assumes primary responsibility for the child's care, as may be indicated by claiming the child as a tax dependent for federal income tax purposes and meets a specified degree of relationship.
- D. A dependent child is under the age of eighteen (18) and is deprived of parental support by reason of the death, absence from the home, physical or mental incapacity, or unemployment (or underemployment) of at least one parent.

Source: 42 CFR § 435.110 (Rev. 2012).

History: Revised to correspond with the ACA (eff. 01/01/2014) eff. 04/01/2014.

Part 102 Chapter 6: General Eligibility Requirements

Rule 6.3: Eligible Individuals - FCC Programs.

- A. Children under age nineteen (19), pregnant women of any age and parents or needy caretakers, within the specified degree of relationship, are eligible individuals for the FCC programs if they apply and meet program requirements.
- B. For family coverage, parents must live together, have a biological, adopted or step child, apply and meet all of the basic program requirements.

Source: 42 CFR §. 435.110 (Rev. 2012).

History: Revised to correspond with the ACA (eff. 01/01/2014) eff. 04/01/2014.

Rule 6.4: Verification of Age.

A. The age of an individual must be verified in the following situations:

1. The applicant is an adult or child applying for benefits which are based on age;
2. There are ineligible children in an ABD deeming household;
3. A disabled or blind applicant under age twenty-one (21) applies for ABD and any of the following conditions exist:
 - a) Deeming;
 - b) Student earned income exclusion; or
 - c) Support from absent parent exclusion.
4. Age will be verified by matching with electronic data sources, as required by the ACA. If age cannot be verified by available data sources, the applicant will be required to provide acceptable verification of age.

Source: 42 CFR § 435. 522 (Rev. 1993).

History: Revised to correspond with the ACA (eff. 01/01/2014) eff. 04/01/2014.

Rule 6.9: Marital Relationships - FCC Programs.

A. A marital relationship is one in which members of the opposite sex are:

1. Married under State law;
2. Married under common law prior to April 1, 1956 as recognized by MS.
3. Couples in “holding out” situations are unrelated individuals for FCC purposes.

Source: 42 CFR § 435. 603 (Rev. 2012).

History: Deleted Miss. Admin. Code Part 102, Rule 6.9 A(4).

Rule 6.10: Termination of a Martial Relationship - FCC Programs.

A. The marital relationship no longer exists for FCC purposes as of the date that:

1. Either individual dies;
2. A final decree of divorce or annulment is issued for the marriage;
 - a) If a divorced couple resumes living together, the adults are unrelated.
3. The married couple begins living in separate households.
 - a) A legally married man and woman who resume living together after having lived apart are treated as a married couple, regardless of the reason for having resumed living together.

Source: 42 CFR § 435. 603 (Rev. 2012).

History: Revised to correspond with the ACA (eff. 01/01/2014) eff. 04/01/2014.

Rule 6.11: Changes in Marital Relationship – Applications, FCC Programs.

- A. Marriage or termination of marriage, including separation, is effective the month the event occurs.
- B. In application situations, individuals must be in the home at least one day of the month to be included in that month.

Source: 42 CFR § 435. 603 (Rev. 2012).

History: Revised to correspond with the ACA (eff. 01/01/2014) eff. 04/01/2014.

Rule 6.16: Definition of a Child - FCC Programs.

- A. To be categorically eligible as a child in the FCC programs, the individual must be under the age of nineteen (19).
- B. Age is verified, primarily through electronic sources.
- C. An individual's status as a child ends effective the month after he turns age nineteen (19).

Source: 42 CFR § 435.603 (Rev. 2012).

Rule 6.17: Emancipated Children - FCC Programs.

- A. Most children are dependents of their parents or have another adult caretaker. However, some children may be emancipated. An emancipated minor is authorized to act on his own behalf. Though not a dependent child, the emancipated minor under age nineteen (19) is a categorically eligible child for FCC programs.
- B. Emancipation may occur by court-ordered emancipation, marriage or living independently; however, how an emancipated child under age 19 is treated for Medicaid or CHIP purposes depends on the living arrangement of the child, the child's tax dependent or tax filer status and/or whether the child

must be treated as an exception to tax filer rules or under non-filer rules, as described in budgeting rules.

Source: 42 CFR § 435. 603 (Rev. 2012).

History: Revised to correspond with the ACA (eff. 01/01/2014) eff. 04/01/2014.

Rule 6.18: Minor Parents - FCC Programs.

- A. An unmarried parent under age nineteen (19) who resides in the home with his children and his parents (the children's grandparents) has his own eligibility determined using tax filer or exception rules applies; however, the minor's children are included in the household composition with the minor parent as children cannot be separated from their parent(s) if living together.
- B. The minor's children are dependent children of the minor parent for determining their eligibility.

Source: 42 CFR § 435. 603 (Rev. 2012).

History: Revised to correspond with the ACA (eff. 01/01/2014) eff. 04/01/2014.

Rule 6.35: Child Support Requirements for Parents and Caretaker Relatives

- A. Referral to and cooperation with child support is required as a condition of the adult's eligibility if the deprivation reason for at least one child is continued absence.
- B. The parent or caretaker relative must cooperate with child support requirements and assist the state by cooperating with enforcement of existing court orders or in obtaining at least medical support from the absent parent.
- C. A referral to the IV-D agency is made whether or not there is an existing court order and regardless of whether child support is being paid by the absent parent.

Source: 45 CFR. § 233.90 (Rev. 1994). Miss. Code Ann. § 43-13-121 (Rev. 2005).

History: Revised to correspond with the ACA (eff. 01/01/2014) eff. 04/01/2014.

Part 102 Chapter 8: Non-Financial Requirements - FCC Programs

Rule 8.1: Deprivation.

- A. Deprivation is an eligibility factor for dependent children under age eighteen (18). Deprivation must exist within the household in order for the parent(s) or caretaker relative to obtain eligibility. The child's eligibility is not tied to deprivation but there must be a dependent child under the age of eighteen (18) in the home in order for the adult to qualify for coverage.
- B. A condition of deprivation is not applicable in any other Medicaid programs or CHIP.

C. The deprivation factor means a dependent child is deprived of the support of one or both of their parents for one of the following reasons:

1. Death;
2. Continued absence from the home;
3. Physical or mental incapacity (two (2) parent families only); and
4. Unemployment or Underemployment (two (2) parent families only).

D. Deprivation is established for the dependent child in relation to the child's legal and/or natural parents.

1. The biological parent of a child who has been legally adopted is no longer a legally responsible parent. Deprivation is determined only in regard to the adoptive parents.
2. Deprivation due to continued absence is always met in a single parent adoption.

Source: 42 CFR § 435.601 (a); 42 CFR § 435.601 (b) (Rev. 1993).

History: Revised to correspond with the ACA (eff. 01/01/2014) eff. 04/01/2014.

Rule 8.2: Legally Responsible Parents.

A. The following are legally responsible parents:

1. The child's biological, adoptive or step mother;
2. The child's biological, adoptive or step father;
3. The adoptive parent who has been legally granted a final decree of adoption.

Source: 42 CFR § 435.603 (Rev. 2012).

History: Revised to correspond with the ACA (eff. 01/01/2014) eff. 04/01/2014.

Rule 8.3: Legal Father.

A. For the deprivation determination, a child's legal father is one of the following:

1. A man whose name appears on the child's birth certificate unless a court has determined otherwise;
2. A man who has been declared to be the child's father by a court order;
3. A man who has acknowledged paternity of the child in an Admission of Paternity if there is no legal father either on the birth certificate or in a court order;

4. A man who married the child's mother subsequent to the birth and publicly acknowledges that he is the father of the child when there is no legal father listed on the child's birth certificate and a paternity order has not been issued establishing a different person as the father.

Source: 42 CFR § 435.601 (a); 42 CFR § 435.601 (b) (Rev. 1993). Miss. Code Ann. 43-13-121.1 (Rev. 2005).

History: Revised to correspond with the ACA (eff. 01/01/2014) eff. 04/01/2014.

Rule 8.5: Incapacity.

- A. A child who lives with biological, legal or adoptive parents is deprived of parental support or care if one (1) or both parents receive Social Security Disability or SSI.

Source: 42 CFR § 435.601 (a); 42 CFR § 435.601 (b) (Rev. 1993).

Rule 8.6: Under/Unemployment.

- A. A child who lives with both of his parents is deprived of parental support or care if the combined family income is equal to or below the program gross and net income limits for the appropriate family size.

Source: 42 CFR §§ 435.601 (a) and (b) (Rev. 1993).

History: Revised to correspond with the ACA (eff. 01/01/2014) eff. 04/01/2014.

Rule 8.8: Relationship.

- A. The responsible adult may be a relative or a non-relative for children eligible under a federal poverty level and CHIP.
- B. To meet the requirement of relationship as a parent or caretaker relative, a child must live in the home with a biological, adopted or step parent or one of the following relatives within the specified degree of relationship:
 1. Grandfather or grandmother (extends to great, great-great and great-great- great);
 - a) A grandparent-in-law is within the required degree;
 - b) The relationship of grandparent-in-law occurs when one of the child's grandparents remarries;
 - c) For instance, if the child's paternal grandmother dies and his paternal grandfather marries again, this second wife of the child's grandfather becomes the child's grandmother-in-law;
 - d) A step-grandparent is not within the degree of relationship;

- (1) A step-grandparent is the parent of a child's stepmother or stepfather;
 2. Brother or sister (including half-brother and half-sister);
 3. Uncle or aunt (extends to great and great-great);
 4. First cousin, including first cousin once removed (child of a first cousin);
 5. Nephew or niece (extends to great and great-great);
 6. Stepfather or stepmother; or
 7. Stepbrother or stepsister.
- C. Relationship extends to the legal spouse of the above listed relatives even after the marriage is terminated by death or divorce.
- D. The relationship requirement is met when the child lives with any of the above named relatives.
- E. Legal custody is not a factor in determining relationship.
- F. Legal adoption terminates all prior relationships except that the biological parent remains a qualified relative to the child for eligibility.
1. A natural or biological parent whose child has returned to the parent's home after being legally adopted by another individual is within the degree of relationship.
 2. In such instances the natural parent is not legally responsible for the child and the adoptive parents must be reported as absent parents to the Division of Child Support.
 3. Example: The maternal grandmother adopts her grandchild. The biological mother returns to live in the home. The biological mother is not within the degree of relationship because the legal mother (the grandmother) is living in the home.
 4. Example: The maternal grandmother adopts her grandchild and the child later returns to live with the biological mother. In this case, the biological mother is within the degree of relationship because the legal mother is not living in the home. The adoptive mother (grandmother) is the absent legal parent for child support purposes.
- G. Relationship as a caretaker relative must be verified.
1. While parents may provide the child's birth certificate or other legal documents to prove relationship, another relative will need to provide additional documents to show the relationship to the child's parent and to the child.

Source: 42 CFR §§ 435.601 (a) and (b) (Rev. 1993).

History: Revised to correspond with the ACA (eff. 01/01/2014) eff. 04/01/2014.