

## **Title 23: Division of Medicaid**

### **Part 102: Non-Financial Requirements**

#### **Chapter 2: United States Citizens**

##### *Rule 2.5: Electronic Verification of U.S. Citizenship or Immigration Status*

- A. The Division of Medicaid attempts to verify U.S. citizenship or immigration status through electronic services including but not limited to:
  - 1. The Social Security Administration (SSA),
  - 2. Federal Agencies,
  - 3. Department of Treasury, and
  - 4. Department of Homeland Security.
- B. If the Division of Medicaid is unable to verify status through electronic services, then the Division of Medicaid attempts to verify U.S. citizenship or immigration status in accordance with Miss. Admin. Code, Title 23, Part 102, Rule 2.6.
- C. If the Division of Medicaid is unable to verify U.S. citizenship or immigration status through either method, but the applicant is otherwise eligible, the applicant will be approved for benefits for up to ninety (90) days as a reasonable period to provide acceptable documentary evidence of U.S. citizenship and identity. The ninety (90) day period does not include approval for any retroactive month(s).

Source: 42 C.F.R. §§ 435.949, 435.956, and 435.1008.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

##### *Rule 2.6: Documentary Evidences of U.S. Citizenship*

- A. Applicants declaring to be U.S. citizens whose citizenship cannot be verified by means of electronic verification must provide acceptable evidence(s) of citizenship and identity.
- B. Primary Evidence has the highest reliability. If provided, no further verification is needed to verify citizenship and identity. If any other level of evidence is used to verify U.S. citizenship, a second document verifying identity must be obtained. The following documents are accepted as primary evidence:
  - 1. U.S. Passport. A U.S. Passport does not have to be currently valid to be accepted as evidence of U.S. citizenship as long as it was originally issued without limitation. On an emergency basis, the passport office will issue a U.S. passport without proof of

citizenship. In this instance, the passport is issued with the limitation that is valid for one (1) year rather than the usual five (5) or ten (10) years. When the holder of a passport with limitation returns to the country, the holder has to provide proof of citizenship to have the passport reissued without limitation. To determine if a passport was issued with limitation, compare the issuance date with the expiration date. If the expiration date is less than five (5) years from the issuance date, the passport was issued with limitation and cannot be used as proof of citizenship. Each passport must be examined closely to determine whether or not the passport was issued with limitation. Spouses and children were sometimes included on one passport through 1980. U.S. passports issued after 1980 show only one person. The citizenship and identity of the included person can be established when one of these passports is presented. Passports issued with a limitation cannot be accepted as evidence of U.S. citizenship. However, such a passport may be used as proof of identity.

2. Certificate of Naturalization (N-550 or N-570). Issued by Department of Homeland Security (DHS) for Naturalization.
3. Certificate of Citizenship (N-560 or N-561). Issued by DHS to individuals who derive citizenship through a parent.
4. A valid state-issued driver's license, if the state issuing the license requires proof of U.S. citizenship or obtains and verifies a Social Security Number from the applicant who is a citizen before issuing such license.
5. Documentary evidence issued by a federally-recognized Indian Tribe, including Tribes located in a state that has an international border, which:
  - a) Identifies the federal- recognized Indian Tribe that issued the document,
  - b) Identifies the individual by name, and
  - c) Confirms the individual's membership, enrollment or affiliation with the Tribe, such as:
    - 1) A Tribal enrollment card,
    - 2) A Certificate of Degree of Indian Blood,
    - 3) A Tribal census document, or
    - 4) Other document on Tribal letterhead issued under the signature of the appropriate Tribal official that identifies the individual's name and confirms the individual's membership, enrollment or affiliation with the federally-recognized Indian Tribe.

- d) An updated listing of federally-recognized Indian Tribes is published annually in the Federal Register by the Bureau of Indian Affairs within the U.S. Department of the Interior.
- 6. A data match with the Social Security Administration (SSA).
- C. Secondary Evidence of citizenship is documentary evidence of satisfactory reliability that is used when primary evidence of citizenship is not available within the reasonable opportunity period. In addition, a second document establishing identity must be presented. The following documents are accepted as secondary evidence of citizenship:
  - 1. A U.S. public birth record. A birth certificate may be issued by a state, commonwealth, territory, or local jurisdiction showing birth in one of the following:
    - a) One of the fifty (50) U.S. States;
    - b) District of Columbia;
    - c) American Samoa;
    - d) Swain's Island;
    - e) Puerto Rico (if born on or after January 13, 1941);
    - f) U.S. Virgin Islands (on or after January 17, 1917);
    - g) Northern Mariana Islands (after November 4, 1986, NMI local time); Guam (on or after April 10, 1899).
  - 2. Verification through the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) database to verify U.S. citizenship for a naturalized citizen when original naturalization papers are not available.
  - 3. When a child derives U.S. citizenship from a parent and meets the requirements of the Child Citizenship Act of 2000, establish the parent's U.S. citizenship and the child's legal immigration status, if applicable, through SAVE to verify the child's citizenship. Primary verification through a Certificate of Citizenship should be available if child was issued a visa rather than a permanent resident alien card upon entry into the country.
  - 4. Certification of Report of Birth Abroad (FS-1350). The U.S. Department of State issues a DS-1350 to U.S. citizens who were born outside the U.S. and acquired citizenship at birth, as verified by the information recorded on the FS-240, Consular Report of Birth Abroad. When the birth was recorded on the FS-240, certified copies of the Certification of Report of Birth Abroad can be obtained from the U.S. Department of State. The DS-1350 contains the same information as recorded on the current version of the Consular

Report of Birth FS-240. The DS-1350 is not issued overseas and can be obtained from the U.S. Department of State in Washington, D.C.

5. Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240). The Department of State consular office prepares and issues this document. A Consular Report of Birth can only be prepared at an American consular office overseas, while the child is under eighteen (18). While original FS-240s are not issued within the U.S., lost or mutilated documents can be replaced through the U.S. Department of State in Washington, D.C. Children born to military personnel are usually issued an FS-240.
  6. Certification of Birth Abroad (FS-545). Before November 1, 1990, the U.S. Department of State consulates also issued Form FS-545 along with the prior version of FS-240. In 1990, U.S. consulates ceased to issue Form-545. A FS-545 is the equivalent of a DS-1350 for Medicaid eligibility purposes.
  7. Certificate of Birth in the U.S. This is the form created by the birthing hospital that is sent to Vital Records and used to create an official birth certificate.
  8. U.S. Citizen ID Card (I-197) or prior version I-179. The former Immigration and Naturalization Service (INS) issued the I-179 from 1960 until 1973. It revised the form and renumbered it as form I-197. INS issued the I-197 from 1973 to April 7, 1983. INS issued the form I-179 and I-197 to naturalized U.S. citizens living near the Canadian or Mexican Border who needed it for frequent border crossings. Although neither form is currently issued, either form that was previously issued is still valid.
  9. Northern Mariana Card. INS issued the I-873 to a collectively naturalized citizen of the U.S. who was born in the NMI before November 4, 1986. The card is no longer issued, but those previously issued are still valid.
  10. Final adoption decree. The adoption decree must show the child's name and U.S. place of birth. In situations where an adoption is not finalized and the state in which the child was born will not release a birth certificate prior to final adoption, a statement from a state-approved adoption agency that shows the child's name and U.S. place of birth is acceptable. The adoption agency must state in the certification that the source of the place of birth information is an original birth certificate.
  11. Evidence of civil service employment by the U.S. government. The document must show employment by the U.S. government before June 1, 1976.
  12. Official military record of service. The document must show a U.S. place of birth (for example a DD-214 or similar official document showing a U.S. place of birth).
  13. Verification with a State vital statistics agency documenting record of birth.
- D. Third-Level Evidence of citizenship is documentary evidence of satisfactory reliability that is used when primary or secondary evidence of citizenship is not available. Third-level

evidence may only be used when primary and secondary evidence does not exist or cannot be obtained and the applicant/beneficiary alleges being born in the U.S. In addition, a second document establishing identity must be obtained. The following are third-level evidences of citizenship:

1. Medical records, including but not limited to, hospital, clinic or doctor records or admission papers from a nursing facility or other institution that indicates a U.S. place of birth. Souvenir “birth certificates” issued by a hospital are not acceptable evidence.
2. Life or health or other insurance record that shows a U.S. place of birth.
3. Official religious record recorded in the U.S. showing that the birth occurred in the U.S. The record must be an official record with a religious organization. In questionable cases, e.g., a religious document recorded near an international border, the religious record must be verified and/or verify that the mother was in the U.S. at the time of birth. Entries in a family Bible are not considered religious records.
4. School records, including pre-school, Head Start and daycare, showing a U.S. place of birth. The record must show the name of the child, the date of admission to the school, the date of birth (or age at the time record was created), and a U.S. place of birth.

E. Fourth-Level Evidence of citizenship is of lowest reliability and is used in the rarest of circumstances. It is used when primary evidence is not available, both secondary and third-level evidence do not exist or cannot be obtained within the reasonable opportunity period and the applicant alleges a U.S. place of birth. In addition, a second document establishing identity must be obtained. Accept any of the following documents as fourth-level evidence of U.S. citizenship if the document meets the listed criteria, the applicant/beneficiary alleges U.S. citizenship and there is nothing indicating the person is not a U.S. citizen or lost U.S. citizenship. Fourth-level evidence consists of documents established for a reason other than to establish U.S. citizenship and showing a U.S. place of birth. The U.S. place of birth on the document and documented place of birth on the application must agree. The written affidavit may be used only when the specialist is unable to secure evidence of citizenship in any other chart. The following are fourth-level verifications:

1. Federal or state census record showing U.S. citizenship or a place of birth (generally for persons born 1900 through 1950). The census record must also show the applicant’s age. Census records from 1900 to 1950 contain certain citizenship information. To secure this information for the applicant, beneficiary, or state, complete Form BC-600, Application for Census records for Proof of Age, place the note, “U.S. Citizenship data requested,” in the remarks portion of the form, and indicate that the purpose is for Medicaid eligibility. This form requires a fee.
2. Written Affidavit. An affidavit signed by another individual under penalty of perjury who can reasonably attest to the applicant’s citizenship can be submitted with the applicant’s name, date of birth and place of U.S. birth. The affidavit does not have to be notarized.

- F. If the document used to verify U.S. citizenship indicates the individual was born in Puerto Rico, the Virgin Islands of the U.S., or the Northern Mariana Islands before these areas became part of the U.S., the individual may be a collectively naturalized citizen. Collective naturalization occurred on certain dates listed for each territory.
1. Puerto Rico. Evidence of birth in Puerto Rico on or after April 11, 1899, and the applicant/beneficiary's statement that the applicant/beneficiary was residing in the U.S. possession of Puerto Rico on January 13, 1941, or evidence that the applicant/beneficiary was a Puerto Rican citizen and the applicant/beneficiary's statement that the applicant/beneficiary did not take an oath of allegiance to Spain.
  2. U.S. Virgin Islands. Evidence of birth in the U.S. Virgin Islands and the applicant/beneficiary's statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927. The applicant/beneficiary's statement indicating resident in the U.S. Virgin Islands as a Danish citizen on January 17, 1917, and residence in the U.S., a possession or the U.S. Virgin Islands on February 25, 1927, and that the applicant/beneficiary did not make a declaration to maintain Danish citizenship; or evidence of birth in the U.S. Virgin Islands and the applicant/beneficiary's statement indicating residence in the U.S., a U.S. possession or territory or the Canal Zone on June 28, 1932.
  3. Northern Mariana Islands (NMI), formerly part of the trust territory of the Pacific Islands (TTPI). Evidence of birth in the NMI, the U.S., or a U.S. territory or possession on November 3, 1986 (NMI local time) and the applicant/beneficiary's statement that the applicant/beneficiary did not owe allegiance to a foreign state on November 4, 1986, (NMI local time); evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975, and the applicant/beneficiary's statement that the applicant/beneficiary did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); or evidence of continuous domicile in the NMI since before January 1, 1974, and the applicant/beneficiary's statement that the applicant/beneficiary did not owe allegiance to a foreign state on November 4, 1986 (NMI local time). If a person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile, and the individual is not a U.S. citizen.

Source: 42 C.F.R. § 435.407; 8 U.S.C. 1403.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

#### *Rule 2.7: Evidences of Identity*

- A. Proof of identity is required when primary evidence of citizenship cannot be obtained and a secondary, third or fourth-level evidence is used.
- B. The identity of all applicants and beneficiaries must be verified as a one-time verification requirement. Documents submitted as proof of identity must have a photograph or other

identifying information sufficient to establish identity, including but not limited to name, age, sex, height, weight, eye color or address.

C. Acceptable documents that may be used to verify the identity of an applicant or beneficiary are listed below. Documents may be recently expired provided there is no reason to believe the document does not match the individual.

1. A current driver's license issued by a state or territory.
2. A school identification card.
3. U.S. military card or draft record.
4. Identification card issued by the federal, state, or local government.
5. Military dependent's identification card.
6. U.S. Coast Guard Merchant Mariner card.
7. For children under age nineteen (19), a clinic, doctor, hospital or school record, including preschool or day care records.
8. Two (2) other documents containing consistent information that corroborates an applicant's identity. Such documents include, but are not limited to marriage licenses, divorce decrees, high school diplomas (including general education or equivalency diplomas), employer ID cards, property deeds/titles or other similar types of documents issued by local or state governmental entities.
9. A finding of identity from a Federal or State governmental agency, including but not limited to a public assistance, law enforcement, internal revenue or tax bureau, or corrections agency, if the agency has verified and certified the identity of the individual.
10. If the applicant does not have any of the above documents, accept an affidavit signed, under penalty of perjury, by a person other than the applicant who can reasonably attest to the applicant's identity. The affidavit must contain the applicant's name and other identifying information establishing identity (name, age, sex, race, height, weight, eye color, address). The affidavit does not have to be notarized.

D. Citizenship and/or identity do not have to be verified if the applicant is not otherwise eligible.

Source: 42 C.F.R. § 435.407

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

### **Chapter 3: Non-Citizens**

### *Rule 3.4: Grandfathered Non-Citizens*

- A. Effective August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) limited non-citizen eligibility for Medicaid and other federal programs. Mississippi elected to “grandfather in” non-citizens who were receiving and eligible for Medicaid on that date. This means a grandfathered non-citizen who is lawfully residing in the U.S. has the right to have eligibility continue under the non-citizen rule in effect prior to August 22, 1996. The non-citizen also retains grandfathered rights if benefits are terminated and eligibility is later reestablished. If the non-citizen was receiving Medicaid on August 22, 1996, but was subsequently determined to be ineligible, the non-citizen’s status as a qualified non-citizen must be determined for full Medicaid coverage. If the non-citizen is not a qualified non-citizen, the non-citizen may be eligible for Emergency Medicaid services.
- B. Non-citizens who entered the U.S. prior to August 22, 1996 and obtained qualified status prior to that date are considered to be qualified non-citizens if otherwise eligible.
- C. Non-citizens who entered the U.S. prior to August 22, 1996 and obtained qualified status on or after that date and have remained continuously present in the U.S. since their last date of entry into the U.S. prior to August 22, 1996 until becoming a qualified non-citizen are considered to be qualified non-citizens. There must have been no single absence from the U.S. of more than thirty (30) days and no total of aggregate absences of more than ninety (90) days. If not continuously present, these non-citizens are considered to have entered the U. S. on or after August 22, 1996 and are evaluated according to their non-citizen status.”

Source: 8 U.S.C. § 1612.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

### *Rule 3.5: Classifications of Qualified Non-Citizens*

- A. There are eleven (11) classifications of qualified non-citizens. Nine (9) are based on Immigration and Naturalization Service (INS) non-citizen status, one (1) is based on battery or extreme cruelty and INS non-citizen status, and one (1) is based on severe forms of trafficking and certification by U.S. Health and Human Services.
- B. The eleven (11) classifications of qualified non-citizens are:
  - 1. A Non-Citizen Lawfully Admitted for Permanent Residence (LPR). Under the Immigration and Nationality Act (INA),
  - 2. A refugee. Admitted under Section 207 of the INA,
  - 3. A Non-Citizen granted Asylum. Under Section 208 of the INA,



4. A Cuban and Haitian Entrant. As defined in Section 501(e) of the Refugee Education Assistance Act of 1980,
5. A Non-Citizen Granted Parole For At Least One (1) Year. Under Section 212(d)(5) of the INA,
6. A Non-Citizen Whose Deportation Is Being Withheld. Under (1) Section 243(h) of the INA as in effect prior to April 1, 1997; or (2) Section 241(b)(3) of the INA, as amended,
7. A Non-Citizen Granted Conditional Entry. Under Section 203(a)(7) of the INA in effect before April 1, 1980,
8. A Battered Non-Citizen. A qualified non-citizen includes an individual who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse or parent's family residing in the same household as the non-citizen. The non-citizen must be either the person battered, the parent of a child who is battered or a child whose parent has been battered. The battered non-citizen must not be residing in the same household with the person responsible for the battery or extreme cruelty at the time of application for coverage. A battered non-citizen must meet the condition set forth in Section 431(c) of PRWORA, as added by Section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 Pub. L. 104-208(IIRIRA), and amended Section 5571 Balanced Budget Act of 1997, Pub. L. 105-33(BBA) and Section 1508 of the Violence Against Women Act of 2000, PRWORA as amended, is codified at 8 U.S.C. § 1641(e), or
9. A Victim of a Severe Form of Trafficking. In accordance with Section 107(b)(1) of the trafficking Victims Protection Act of 2000, Pub. L. 106-86. A non-citizen who is a victim of trafficking is eligible to the same extent as a non-citizen admitted to the U.S. as a refugee under section 207 of the INA.
10. American Indians born in Canada are considered qualified non-citizens if:
  - a) They are at least one-half American Indian blood, and
  - b) Have established and maintained residence in the US since entry.
11. Citizens of the Freely Associated (COFA) States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

Source: 8 U.S.C. §§ 1101 *et seq.* and § 1641; Pub. L. 96-422; Pub. L. 106-86; and Pub. L. 116-260.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

*Rule 3.9: Qualified Non-Citizens Not Subject to Eligibility Restrictions*

- A. The following groups of qualified non-citizens are exempt from both the five (5) year disqualification and the seven (7) year eligibility time limit, and if otherwise eligible, qualify for full Medicaid:
1. Any qualified non-citizen who is also
    - a) An honorably discharged veteran, or
    - b) On active duty in the U.S. military, or
    - c) The spouse of an non-citizen honorably discharged veteran or non-citizen on active duty in the U.S. military (including a surviving spouse who has not remarried), or
    - d) An unmarried dependent child of an honorably discharged veteran or individual on active duty in the military;
  2. Grandfathered non-citizens, i.e., those eligible for and receiving Medicaid on August 22, 1996,
  3. Non-citizens who entered the U.S. and obtained qualified status prior to August 22, 1996, or
  4. Non-citizens who entered the U.S. prior to August 22, 1996, but obtained qualified status on or after that date, and remained “continuously present” in the U.S. from their last entry date into the country prior to August 22, 1996, until becoming a qualified non-citizen. Refer to Rule 3.4, *infra*, for the definition of “continuously present.”
  5. Ukrainian nationals paroled into the US on or between February 24, 2022, and September 30, 2024, are qualified non-citizens eligible to the same extent as refugees. Ukrainian nationals paroled after September 30, 2023, who are the spouse or child of the parolee above or are the parent, legal guardian or primary caregiver for the parolee above who entered as an unaccompanied minor are also eligible to the same extent as refugees. However, this special group is not subject to the five (5) year bar and not limited to seven (7) years of eligibility.
  6. Qualified American Indians born in Canada are regarded to have lawful permanent resident status, but are not in the lawfully admitted for permanent residence (LPR) classification.
  7. Citizens of the Freely Associated (COFA) States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.
- B. Non-citizens filing an application for Emergency Medicaid services only are not subject to either the five (5) year disqualification or seven (7) year time limit.

Source: 8 U.S.C. § 1612; Pub. L. 82-414, Pub. L. 116-260; Pub. L. 117-128; and Pub. L. 118-50.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

*Rule 3.14: Verification for Victims of Trafficking*

The Federal Data Services Hub (FDSH) may verify the lawful presence of a trafficking victim, in which case no further verification is needed. It is not possible to verify victims of trafficking using the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) database. If electronic verification is not possible, the Office of Refugee Resettlement (ORR) issues a certification letter for an adult who has been subjected to a severe form of trafficking and meets statutory certification requirements. The ORR also issues a similar eligibility letter for children. Other agencies may issue letters or documents to victims of severe forms of trafficking; however, the ORR letter is the acceptable verification. Victims of trafficking are not required to provide immigration documents.

Source: 22 U.S.C. § 7105.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

**Chapter 5: Categorical Eligibility**

*Rule 5.5: Pregnant Women*

- A. A pregnant woman of any age is categorically eligible. Other factors of eligibility must be met.
- B. A pregnant woman's eligibility includes a twelve (12) month postpartum period following the month of delivery, miscarriage or other termination of pregnancy.

Source: 42 C.F.R. § 435.116; Miss. Code Ann. § 43-13-115.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020, Deleted Miss. Admin. Code Part 102, Rule 5.5.C.

**Chapter 6: General Eligibility Requirements**

*Rule 6.1: Basic Eligibility Requirements*

- A. An eligible individual must:
  - 1. Be in one of the categories of assistance;
  - 2. Be a citizen of the United States or a qualified non-citizen;

3. Be a resident of Mississippi;
4. Have income and resources, when applicable, within specified program limits; and
5. File an application.

B. Notwithstanding the above, an individual is not eligible in any program if the person:

1. Fails to assign rights to any third-party medical support or cooperate with the Division of Medicaid in obtaining third-party payments;
2. Is a resident of a public institution except under specified conditions; or
3. Refuses to accept vocational rehabilitation services (*Aged, Blind and Disabled Programs*).

Source: 42 C.F.R. § 435 *et. seq.*

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

*Rule 6.20: Medicare Entitlement*

A. An applicant or recipient entitled to Medicare Part A (Hospital Insurance) and Part B (Supplemental Medical Insurance) must apply and accept coverage under Parts A and B provided the Division of Medicaid will pay all associated premiums and cost-sharing expenses for persons in the category of eligibility under which the individual is applying or is eligible.

1. An applicant or recipient entitled to Medicare Part A with no premium payable (through work history of self or spouse), must apply and accept both Part A and Part B of Medicare as a condition of eligibility.
2. An applicant or recipient who is not eligible for free Medicare Part A is required to apply and accept Medicare as follows:
  - a) If household income is equal to or less than the federal poverty level (100% FPL), the individual must apply and accept Medicare Part A under conditional enrollment, meaning Medicare will be accepted when Medicare is approved and Medicaid begins payment of the Part A premium. The individual must also apply for Medicare Part B at the same time.
  - b) If household income is greater than the federal poverty level (100% FPL), the applicant/recipient will not be required to apply for Medicare Part A unless the only category of eligibility in which the individual qualifies is that of Specified Low Income Medicare Beneficiary (SLMB) or Qualifying Individual (QI). Both SLMB and QI require active Medicare Part A as a condition of eligibility.

- c) An applicant or recipient will not be required to apply for Medicare if the individual has previously applied for Medicare Part A and/or Part B and coverage for both or either parts of Medicare were refused, withdrawn or terminated due to non-payment of premiums. The Division of Medicaid will take appropriate action to have Medicare Part A and/or Part B reopened through the Medicare Buy-In process if household income is equal to or less than the federal poverty level (100% FPL). An individual whose household income is greater than the FPL will not be required to reapply for Medicare unless the only category of eligibility in which the individual qualifies is that of a Specified Low-Income Medicare Beneficiary (SLMB) or a Qualified Individual (QI), in which case reapplication for Medicare Part A is required as a condition of eligibility.

Source: 42 C.F.R. § 431.625; Miss. Code Ann. § 43-13-121.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

*Rule 6.21: [Reserved]*

*Rule 6.22: [Reserved]*

*Rule 6.23: [Reserved]*

*Rule 6.24: [Reserved]*

*Rule 6.25: [Reserved]*

*Rule 6.26: [Reserved]*

*Rule 6.27: [Reserved]*

*Rule 6.28: [Reserved]*

*Rule 6.29: [Reserved]*

*Rule 6.30: [Reserved]*

## **Chapter 9: Residents of an Institution**

### *Rule 9.2: Institutions for Mental Diseases*

An Institution for Mental Diseases (IMD's) are hospitals, nursing facilities or other institutions of more than sixteen (16) beds that are primarily engaged in providing diagnosis, treatment or care of persons with mental diseases, including medical attention, nursing care and related services.

- A. Individuals under age twenty-one (21) may receive Medicaid while in an institution for mental diseases if they are receiving psychiatric services and are otherwise eligible. If the individual is receiving inpatient psychiatric services at the time the individual turns age twenty-one (21), the individual may receive Medicaid until age twenty-two (22).
- B. Individuals between the ages of twenty-one (21) and sixty-five (65) are not eligible to receive any Medicaid benefits while residing in an institution for mental diseases, with the following exception:
  - 1. A Medicaid eligible pregnant woman who is receiving treatment for a substance use disorder is eligible to receive Medicaid covered services provided outside the IMD facility.
  - 2. Pregnancy-related Medicaid may be determined prior to or after entering the IMD. Medicaid will continue through the twelve (12) month postpartum period.
  - 3. Eligibility for pregnancy-related Medicaid may be determined for the retroactive period but not prior to October 1, 2019, which is the effective date of the IMD exception provision.
- C. Individuals age sixty-five (65) or older may not receive Medicaid benefits while in an IMD unless they reside in a long-term care facility or receive inpatient hospital services and are otherwise eligible for Medicaid in an allowed group.

Source: 42 C.F.R. § 435.1010; U.S.C. § 1396d; Miss. Code Ann. § 43-13-115.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

## **Title 23: Division of Medicaid**

### **Part 102: Non-Financial Requirements**

#### **Chapter 2: United States Citizens**

##### *Rule 2.5: Electronic Verification of U.S. Citizenship or Immigration Status*

- A. The Division of Medicaid attempts to verify U.S. citizenship or immigration status through electronic services including but not limited to:
  - 1. The Social Security Administration (SSA),
  - 2. Federal Agencies,
  - 3. Department of Treasury, and
  - 4. Department of Homeland Security.
- B. If the Division of Medicaid is unable to verify status through electronic services, then the Division of Medicaid attempts to verify U.S. citizenship or immigration status in accordance with Miss. Admin. Code, Title 23, Part 102, Rule 2.6.
- C. If the Division of Medicaid is unable to verify U.S. citizenship or immigration status through either method, but the applicant is otherwise eligible, the applicant will be approved for benefits for up to ninety (90) days as a reasonable period to provide acceptable documentary evidence of U.S. citizenship and identity. The ninety (90) day period does not include approval for any retroactive month(s).

~~Electronic verification of U.S. Citizenship that matches an applicant's Social Security Number with data sources within the Social Security Administration (SSA) is the primary verification source to establish citizenship and identity for applicant's declaring to be U.S. citizens.~~

- ~~A. If the SSA fails to substantiate citizenship, a secondary data source that verifies vital events for participating states is utilized to verify citizenship. Identity is verified separately.~~
- ~~B. If the primary and/or secondary data source fails to substantiate U.S. citizenship, but the applicant is otherwise eligible, the applicant will be approved for benefits for up to ninety (90) days as a reasonable period to provide acceptable documentary evidence of U.S. citizenship and identity. The ninety (90) day period does not include approval for any retroactive month(s).~~

Source: 42 C.F.R. §§ 435.949, 435.956, and 435.1008.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

*Rule 2.6: Documentary Evidences of U.S. Citizenship*

- A. Applicants declaring to be U.S. citizens whose citizenship cannot be verified by means of electronic verification must provide acceptable evidence(s) of citizenship and identity.
- B. Primary Evidence has the highest reliability. If provided, no further verification is needed to verify citizenship and identity. If any other level of evidence is used to verify U.S. citizenship, a second document verifying identity must be obtained. The following documents are accepted as primary evidence:
  - 1. U.S. Passport. A U.S. Passport does not have to be currently valid to be accepted as evidence of U.S. citizenship as long as it was originally issued without limitation. On an emergency basis, the passport office will issue a U.S. passport without proof of citizenship. In this instance, the passport is issued with the limitation that is valid for one (1) year rather than the usual five (5) or ten (10) years. When the holder of a passport with limitation returns to the country, the holder has to provide proof of citizenship to have the passport reissued without limitation. To determine if a passport was issued with limitation, compare the issuance date with the expiration date. If the expiration date is less than five (5) years from the issuance date, the passport was issued with limitation and cannot be used as proof of citizenship. Each passport must be examined closely to determine whether or not the passport was issued with limitation. Spouses and children were sometimes included on one passport through 1980. U.S. passports issued after 1980 show only one person. The citizenship and identity of the included person can be established when one of these passports is presented. Passports issued with a limitation cannot be accepted as evidence of U.S. citizenship. However, such a passport may be used as proof of identity.
  - 2. Certificate of Naturalization (N-550 or N-570). Issued by Department of Homeland Security (DHS) for Naturalization.
  - 3. Certificate of Citizenship (N-560 or N-561). Issued by DHS to individuals who derive citizenship through a parent.
  - 4. A valid state-issued driver's license, if the state issuing the license requires proof of U.S. citizenship or obtains and verifies a Social Security Number from the applicant who is a citizen before issuing such license.
  - 5. Documentary evidence issued by a federally-recognized Indian Tribe, including Tribes located in a state that has an international border, which:
    - a) Identifies the federal- recognized Indian Tribe that issued the document,
    - b) Identifies the individual by name, and



c) Confirms the individual's membership, enrollment or affiliation with the Tribe, such as:

1) ~~a~~A Tribal enrollment card,

2) ~~a~~A Certificate of Degree of Indian Blood,

3) ~~a~~A Tribal census document, or

4) ~~O~~other document on Tribal letterhead issued under the signature of the appropriate Tribal official that identifies the individual's name and confirms the individual's membership, enrollment or affiliation with the federally-recognized Indian Tribe.

d) An updated listing of federally-recognized Indian Tribes is published annually in the Federal Register by the Bureau of Indian Affairs within the U.S. Department of the Interior.

6. A data match with the Social Security Administration (SSA).

C. Secondary Evidence of citizenship is documentary evidence of satisfactory reliability that is used when primary evidence of citizenship is not available within the reasonable opportunity period. In addition, a second document establishing identity must be presented. The following documents are accepted as secondary evidence of citizenship:

1. A U.S. public birth record. A birth certificate may be issued by a state, commonwealth, territory, or local jurisdiction showing birth in one of the following:

a) One of the fifty (50) U.S. States;

b) District of Columbia;

c) American Samoa;

d) Swain's Island;

e) Puerto Rico (if born on or after January 13, 1941);

f) U.S. Virgin Islands (on or after January 17, 1917);

g) Northern Mariana Islands (after November 4, 1986, NMI local time); Guam (on or after April 10, 1899).

~~h) Panama Canal Zone if born between February 26, 1904 and October 1, 1979 and one parent was a U.S. citizen at the time of the person's birth. If born in the Republic of Panama on or after February 26, 1904, but not in the Canal Zone, one parent must~~

~~have been a citizen of the U.S. and employed by the U.S. Government or by the Panama Railroad Co. at the time of the person's birth.~~

2. Verification through the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) database to verify U.S. citizenship for a naturalized citizen when original naturalization papers are not available.
3. When a child derives U.S. citizenship from a parent and meets the requirements of the Child Citizenship Act of 2000, establish the parent's U.S. citizenship and the child's legal immigration status, if applicable, through SAVE to verify the child's citizenship. Primary verification through a Certificate of Citizenship should be available if child was issued a visa rather than a permanent resident alien card upon entry into the country.
4. Certification of Report of Birth Abroad (FS-1350). The U.S. Department of State issues a DS-1350 to U.S. citizens who were born outside the U.S. and acquired citizenship at birth, as verified by the information recorded on the FS-240, Consular Report of Birth Abroad. When the birth was recorded on the FS-240, certified copies of the Certification of Report of Birth Abroad can be obtained from the U.S. Department of State. The DS-1350 contains the same information as recorded on the current version of the Consular Report of Birth FS-240. The DS-1350 is not issued overseas and can be obtained from the U.S. Department of State in Washington, D.C.
5. Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240). The Department of State consular office prepares and issues this document. A Consular Report of Birth can only be prepared at an American consular office overseas, while the child is under eighteen (18). While original FS-240s are not issued within the U.S., lost or mutilated documents can be replaced through the U.S. Department of State in Washington, D.C. Children born to military personal are usually issued an FS-240.
6. -Certification of Birth Abroad (FS-545). Before November 1, 1990, the U.S. Department of State consulates also issued Form FS-545 along with the prior version of FS-240. In 1990, U.S. consulates ceased to issue Form-545. A FS-545 is the equivalent of a DS-1350 for Medicaid eligibility purposes.
7. ———Certificate of Birth in the U.S. This is the form created by the birthing hospital that is sent to Vital Records and used to create an official birth certificate.
8. -U.S. Citizen ID Card (I-197) or prior version I-179. The former Immigration and Naturalization Service (INS) issued the I-179 from 1960 until 1973. It revised the form and renumbered it as form I-197. INS issued the I-197 from 1973 to April 7, 1983. INS issued the form I-179 and I-197 to naturalized U.S. citizens living near the Canadian or Mexican Border who needed it for frequent border crossings. Although neither form is currently issued, either form that was previously issued is still valid.

9. -Northern Mariana Card. INS issued the I-873 to a collectively naturalized citizen of the U.S. who was born in the NMI before November 4, 1986. The card is no longer issued, but those previously issued are still valid.
10. Final adoption decree. The adoption decree must show the child's name and U.S. place of birth. In situations where an adoption is not finalized and the state in which the child was born will not release a birth certificate prior to final adoption, a statement from a state-approved adoption agency that shows the child's name and U.S. place of birth is acceptable. The adoption agency must state in the certification that the source of the place of birth information is an original birth certificate.
11. Evidence of civil service employment by the U.S. government. The document must show employment by the U.S. government before June 1, 1976.
12. Official military record of service. The document must show a U.S. place of birth (for example a DD-214 or similar official document showing a U.S. place of birth).
13. Verification with a State vital statistics agency documenting record of birth.

€D. Third-Level Evidence of citizenship is documentary evidence of satisfactory reliability that is used when primary or secondary evidence of citizenship is not available. Third-level evidence may only be used when primary and secondary evidence does not exist or cannot be obtained and the applicant/beneficiary alleges being born in the U.S. In addition, a second document establishing identity must be obtained. The following are third-level evidences of citizenship:

1. Medical records, including but not limited to, hospital, clinic or doctor records or admission papers from a nursing facility or other institution that indicates a U.S. place of birth. Souvenir "birth certificates" issued by a hospital are not acceptable evidence.
2. Life or health or other insurance record that shows a U.S. place of birth.
3. Official religious record recorded in the U.S. showing that the birth occurred in the U.S. The record must be an official record with a religious organization. In questionable cases, e.g., a religious document recorded near an international border, the religious record must be verified and/or verify that the mother was in the U.S. at the time of birth. Entries in a family Bible are not considered religious records.
4. School records, including pre-school, Head Start and daycare, showing a U.S. place of birth. The record must show the name of the child, the date of admission to the school, the date of birth (or age at the time record was created), and a U.S. place of birth.

ÐE. Fourth-Level Evidence of citizenship is of lowest reliability and is used in the rarest of circumstances. It is used when primary evidence is not available, both secondary and third-level evidence do not exist or cannot be obtained within the reasonable opportunity period and the applicant alleges a U.S. place of birth. In addition, a second document establishing

identity must be obtained. Accept any of the following documents as fourth-level evidence of U.S. citizenship if the document meets the listed criteria, the applicant/beneficiary alleges U.S. citizenship and there is nothing indicating the person is not a U.S. citizen or lost U.S. citizenship. Fourth-level evidence consists of documents established for a reason other than to establish U.S. citizenship and showing a U.S. place of birth. The U.S. place of birth on the document and documented place of birth on the application must agree. The written affidavit may be used only when the specialist is unable to secure evidence of citizenship in any other chart. The following are fourth-level verifications:

1. Federal or state census record showing U.S. citizenship or a place of birth (generally for persons born 1900 through 1950). The census record must also show the applicant's age. Census records from 1900 to 1950 contain certain citizenship information. To secure this information for the applicant, beneficiary, or state, complete Form BC-600, Application for Census records for Proof of Age, place the note, "U.S. Citizenship data requested," in the remarks portion of the form, and indicate that the purpose is for Medicaid eligibility. This form requires a fee.
2. Written Affidavit. An affidavit signed by another individual under penalty of perjury who can reasonably attest to the applicant's citizenship can be submitted with the applicant's name, date of birth and place of U.S. birth. The affidavit does not have to be notarized.

EF. If the document used to verify U.S. citizenship indicates the individual was born in Puerto Rico, the Virgin Islands of the U.S., or the Northern Mariana Islands before these areas became part of the U.S., the individual may be a collectively naturalized citizen. Collective naturalization occurred on certain dates listed for each territory.

1. Puerto Rico. Evidence of birth in Puerto Rico on or after April 11, 1899, and the applicant/beneficiary's statement that the applicant/beneficiary was residing in the U.S. possession of Puerto Rico on January 13, 1941, or evidence that the applicant/beneficiary was a Puerto Rican citizen and the applicant/beneficiary's statement that the applicant/beneficiary did not take an oath of allegiance to Spain.
2. U.S. Virgin Islands. Evidence of birth in the U.S. Virgin Islands and the applicant/beneficiary's statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927. The applicant/beneficiary's statement indicating resident in the U.S. Virgin Islands as a Danish citizen on January 17, 1917, and residence in the U.S., a possession or the U.S. Virgin Islands on February 25, 1927, and that the applicant/beneficiary did not make a declaration to maintain Danish citizenship; or evidence of birth in the U.S. Virgin Islands and the applicant/beneficiary's statement indicating residence in the U.S., a U.S. possession or territory or the Canal Zone on June 28, 1932.
3. Northern Mariana Islands (NMI), formerly part of the trust territory of the Pacific Islands (TTPI). Evidence of birth in the NMI, the U.S., or a U.S. territory or possession on November 3, 1986 (NMI local time) and the applicant/beneficiary's statement that the applicant/beneficiary did not owe allegiance to a foreign state on November 4, 1986,

(NMI local time); evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975, and the applicant/beneficiary's statement that the applicant/beneficiary did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); or evidence of continuous domicile in the NMI since before January 1, 1974, and the applicant/beneficiary's statement that the applicant/beneficiary did not owe allegiance to a foreign state on November 4, 1986 (NMI local time). If a person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile, and the individual is not a U.S. citizen.

Source: 42 C.F.R. § 435.407; 8 U.S.C. 1403.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

*Rule 2.7: Evidences of Identity*

- A. Proof of identity is required when primary evidence of citizenship cannot be obtained and a secondary, third or fourth-level evidence is used.
- B. The identity of all applicants and beneficiaries must be verified as a one-time verification requirement. Documents submitted as proof of identity must have a photograph or other identifying information sufficient to establish identity, including but not limited to name, age, sex, height, weight, eye color or address.
- C. Acceptable documents that may be used to verify the identity of an applicant or beneficiary are listed below. Documents may be recently expired provided there is no reason to believe the document does not match the individual.
  - 1. A current driver's license issued by a state or territory.
  - 2. A school identification card.
  - 3. U.S. military card or draft record.
  - 4. Identification card issued by the federal, state, or local government.
  - 5. Military dependent's identification card.
  - 6. U.S. Coast Guard Merchant Mariner card.
  - 7. For children under age nineteen (19), a clinic, doctor, hospital or school record, including preschool or day care records.
  - 8. Two (2) other documents containing consistent information that corroborates an applicant's identity. Such documents include, but are not limited to marriage licenses, divorce decrees, high school diplomas (including general education or equivalency

diplomas), employer ID cards, property deeds/titles or other similar types of documents issued by local or state governmental entities.

9. A finding of identity from a Federal or State governmental agency, including but not limited to a public assistance, law enforcement, internal revenue or tax bureau, or corrections agency, if the agency has verified and certified the identity of the individual.

~~9. A U.S. Voter Registration Card or Canadian Driver's License is not acceptable as an identity verification.~~

10. If the applicant does not have any of the above documents, accept an affidavit signed, under penalty of perjury, by a person other than the applicant who can reasonably attest to the applicant's identity. The affidavit must contain the applicant's name and other identifying information establishing identity (name, age, sex, race, height, weight, eye color, address). The affidavit does not have to be notarized.

D. Citizenship and/or identity do not have to be verified if the applicant is not otherwise eligible.

Source: 42 C.F.R. § 435.407

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

### **Chapter 3: Non-Citizens**

#### *Rule 3.4: Grandfathered Non-Citizens*

- A. Effective August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) limited non-citizen eligibility for Medicaid and other federal programs. Mississippi elected to "grandfather in" non-citizens who were receiving and eligible for Medicaid on that date. This means a grandfathered non-citizen who is lawfully residing in the U.S. has the right to have eligibility continue under the non-citizen rule in effect prior to August 22, 1996. The non-citizen also retains grandfathered rights if benefits are terminated and eligibility is later reestablished. If the non-citizen was receiving Medicaid on August 22, 1996, but was subsequently determined to be ineligible, the non-citizen's status as a qualified non-citizen must be determined for full Medicaid coverage. If the non-citizen is not a qualified non-citizen, the non-citizen may be eligible for Emergency Medicaid services.
- B. Non-citizens who entered the U.S. prior to August 22, 1996 and obtained qualified status prior to that date are considered to be qualified non-citizens if otherwise eligible.
- C. Non-citizens who entered the U.S. prior to August 22, 1996 and obtained qualified status on or after that date and have remained continuously present in the U.S. since their last date of entry into the U.S. prior to August 22, 1996 until becoming a qualified non-citizen are considered to be qualified non-citizens. There must have been no single absence from the U.S. of more than thirty (30) days and no total of aggregate absences of more than ninety (90) days. If not continuously present, these non-citizens are considered to have entered the

U. S. on or after August 22, 1996 and are evaluated according to their non-citizen status.”~~these non-citizens are subject to the five (5) year disqualification period from the date qualified status was obtained and the forty (40) quarters of qualifying coverage requirement.~~

Source: 8 U.S.C. § 1612.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

*Rule 3.5: Classifications of Qualified Non-Citizens*

- A. There are ~~nine (9)~~eleven (11) classifications of qualified non-citizens. ~~Seven (7)~~Nine (9) are based on Immigration and Naturalization Service (INS) non-citizen status, one (1) is based on battery or extreme cruelty and INS non-citizen status, and one (1) is based on severe forms of trafficking and certification by U.S. Health and Human Services.
- B. The ~~nine (9)~~eleven (11) classifications of qualified non-citizens are:
1. A Non-Citizen Lawfully Admitted for Permanent Residence (LPR). Under the Immigration and Nationality Act (INA),
  2. A refugee. Admitted under Section 207 of the INA,
  3. A Non-Citizen granted Asylum. Under Section 208 of the INA,
  4. A Cuban and Haitian Entrant. As defined in Section 501(e) of the Refugee Education Assistance Act of 1980,
  5. A Non-Citizen Granted Parole For At Least One (1) Year. Under Section 212(d)(5) of the INA,
  6. A Non-Citizen Whose Deportation Is Being Withheld. Under (1) Section 243(h) of the INA as in effect prior to April 1, 1997; or (2) Section 241(b)(3) of the INA, as amended,
  7. A Non-Citizen Granted Conditional Entry. Under Section 203(a)(7) of the INA in effect before April 1, 1980,
  8. A Battered Non-Citizen. A qualified non-citizen includes an individual who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse or parent’s family residing in the same household as the non-citizen. The non-citizen must be either the person battered, the parent of a child who is battered or a child whose parent has been battered. The battered non-citizen must not be residing in the same household with the person responsible for the battery or extreme cruelty at the time of application for coverage. A battered non-citizen must meet the condition set forth in Section 431(c) of PRWORA, as added by Section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 Pub. L. 104-208(IIRIRA), and amended Section 5571 Balanced Budget Act of 1997, Pub. L.105-

33(BBA) and Section 1508 of the Violence Against Women Act of 2000, PRWORA as amended, is codified at 8 U.S.C. § 1641(e), or

9. A Victim of a Severe Form of Trafficking. In accordance with Section 107(b)(1) of the trafficking Victims Protection Act of 2000, Pub. L. 106-86. A non-citizen who is a victim of trafficking is eligible to the same extent as a non-citizen admitted to the U.S. as a refugee under section 207 of the INA.

10. American Indians born in Canada are considered qualified non-citizens if:

a) They are at least one-half American Indian blood, and

b) Have established and maintained residence in the US since entry.

11. Citizens of the Freely Associated (COFA) States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

Source: 8 U.S.C. §§ 1101 *et seq.* and § 1641; Pub. L. 96-422; ~~and~~ Pub. L. 106-86; and Pub. L. 116-260.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

*Rule 3.9: Qualified Non-Citizens Not Subject to Eligibility Restrictions*

A. The following groups of qualified non-citizens are exempt from both the five (5) year disqualification and the seven (7) year eligibility time limit, and if otherwise eligible, qualify for full Medicaid:

1. Any qualified non-citizen who is also

a) An honorably discharged veteran, or

b) On active duty in the U.S. military, or

c) The spouse of an non-citizen honorably discharged veteran or non-citizen on active duty in the U.S. military (including a surviving spouse who has not remarried), or

d) An unmarried dependent child of an honorably discharged veteran or individual on active duty in the military;

2. Grandfathered non-citizens, i.e., those eligible for and receiving Medicaid on August 22, 1996,

3. Non-citizens who entered the U.S. and obtained qualified status prior to August 22, 1996, or



4. Non-citizens who entered the U.S. prior to August 22, 1996, but obtained qualified status on or after that date, and remained “continuously present” in the U.S. from their last entry date into the country prior to August 22, 1996, until becoming a qualified non-citizen. Refer to Rule 3.4, infra, for the definition of “continuously present.”
5. Ukrainian nationals paroled into the US on or between February 24, 2022, and September 30, 2024, are qualified non-citizens eligible to the same extent as refugees. Ukrainian nationals paroled after September 30, 2023, who are the spouse or child of the parolee above or are the parent, legal guardian or primary caregiver for the parolee above who entered as an unaccompanied minor are also eligible to the same extent as refugees. However, this special group is not subject to the five (5) year bar and not limited to seven (7) years of eligibility.
6. Qualified American Indians born in Canada are regarded to have lawful permanent resident status, but are not in the lawfully admitted for permanent residence (LPR) classification.
7. Citizens of the Freely Associated (COFA) States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

B. Non-citizens filing an application for Emergency Medicaid services only are not subject to either the five (5) year disqualification or seven (7) year time limit.

Source: 8 U.S.C. § 1612; Pub. L. 82-414, Pub. L. 116-260; Pub. L. 117-128; and Pub. L. 118-50.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

#### *Rule 3.14: Verification for Victims of Trafficking*

The Federal Data Services Hub (FDSH) may verify the lawful presence of a trafficking victim, in which case no further verification is needed. It is not possible to verify victims of trafficking using the Department of Homeland Security’s Systematic Alien Verification for Entitlements (SAVE) database. The qualified status of a trafficking victim is not based on immigration status and cannot be verified electronically. If electronic verification is not possible, tThe Office of Refugee Resettlement (ORR) issues a certification letter for an adult who has been subjected to a severe form of trafficking and meets statutory certification requirements. The ORR also issues a similar eligibility letter for children. Other agencies may issue letters or documents to victims of severe forms of trafficking; however, the ORR letter is the acceptable verification. Victims of trafficking are not required to provide immigration documents.

Source: 22 U.S.C. § 7105.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

## **Chapter 5: Categorical Eligibility**

### *Rule 5.5: Pregnant Women*

- A. A pregnant woman of any age is categorically eligible. Other factors of eligibility must be met.
- B. A pregnant woman's eligibility includes a ~~two (2)~~twelve (12) month post-partum period following the month of delivery, miscarriage or other termination of pregnancy.

Source: 42 C.F.R. § 435.116; Miss. Code Ann. § 43-13-115.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020, Deleted Miss. Admin. Code Part 102, Rule 5.5.C.

## **Chapter 6: General Eligibility Requirements**

### *Rule 6.1: Basic Eligibility Requirements*

- A. An eligible individual must:
  - 1. Be in one of the categories of assistance;
  - 2. Be a citizen of the United States or a qualified non-citizen;
  - 3. Be a resident of Mississippi;
  - 4. Have income and resources, when applicable, within specified program limits; and
  - 5. File an application.
- B. Notwithstanding the above, an individual is not eligible in any program if the person:
  - ~~1. Fails to apply for any and all other benefits for which he may be eligible;~~
  - 12. Fails to assign rights to any third-party medical support or cooperate with the Division of Medicaid in obtaining third-party payments;
  - 23. Is a resident of a public institution except under specified conditions; or
  - 34. Refuses to accept vocational rehabilitation services (*Aged, Blind and Disabled Programs*).

Source: 42 C.F.R. § 435 *et. seq.*

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

*Rule 6.20: Utilization of Other Benefits—General Medicare Entitlement*

~~A. As a condition of eligibility, an aged, blind or disabled or Modified Adjusted Gross Income applicant or recipient must take all necessary steps to obtain all benefits to which they are entitled when the benefit(s) is/are one of the following types:~~

- ~~1. Unemployment Benefits,~~
  - ~~2. Worker's Compensation Benefit,~~
  - ~~3. Social Security Retirement, Survivors and Disability Insurance Benefits, Including Early Retirement at Age Sixty Two (62),~~
  - ~~4. Retirement or Disability Benefits Including Veterans' Pensions And Compensation (VA Aid and Attendance is not a required benefit under this provision), and~~
  - ~~5. Annuity Or Pension Such As Private Employer Pensions, Civil Service Pensions, Union Pensions, Railroad Retirement Annuities and Pensions, Municipal, County, or State Retirement Benefits.~~
- ~~a) Federal Civilian Employment for a minimum of five (5) years,~~
  - ~~b) Federal Uniformed Service (Military) for a minimum of twenty (20) years, or~~
  - ~~c) State or Local Government employment.~~

AB. An applicant or recipient entitled to Medicare Part A (Hospital Insurance) and Part B (Supplemental Medical Insurance) must apply and accept coverage under Parts A and B provided the Division of Medicaid will pay all associated premiums and cost-sharing expenses for persons in the category of eligibility under which the individual is applying or is eligible.

1. An applicant or recipient entitled to Medicare Part A with no premium payable (through work history of self or spouse), must apply and accept both Part A and Part B of Medicare as a condition of eligibility.
2. An applicant or recipient who is not eligible for free Medicare Part A is required to apply and accept Medicare as follows:
  - a) If household income is equal to or less than the federal poverty level (100% FPL), the individual must apply and accept Medicare Part A under conditional enrollment, meaning Medicare will be accepted when Medicare is approved and Medicaid begins payment of the Part A premium. The individual must also apply for Medicare Part B at the same time.

- b) If household income is greater than the federal poverty level (100% FPL), the applicant/recipient will not be required to apply for Medicare Part A unless the only category of eligibility in which the individual qualifies is that of Specified Low Income Medicare Beneficiary (SLMB) or Qualifying Individual (QI). Both SLMB and QI require active Medicare Part A as a condition of eligibility.
- c) An applicant or recipient will not be required to apply for Medicare if the individual has previously applied for Medicare Part A and/or Part B and coverage for both or either parts of Medicare were refused, withdrawn or terminated due to non-payment of premiums. The Division of Medicaid will take appropriate action to have Medicare Part A and/or Part B reopened through the Medicare Buy-In process if household income is equal to or less than the federal poverty level (100% FPL). An individual whose household income is greater than the FPL will not be required to reapply for Medicare unless the only category of eligibility in which the individual qualifies is that of a Specified Low-Income Medicare Beneficiary (SLMB) or a Qualified Individual (QI), in which case reapplication for Medicare Part A is required as a condition of eligibility.

Source: ~~42 C.F.R. § 435.608~~431.625; Miss. Code Ann. § 43-13-121.

History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.

*Rule 6.21: [Reserved]~~Benefits Exempt from Utilization Provision~~*

~~The client is not required to apply for the following types of benefits:~~

- ~~A. Temporary Assistance for Needy Families (TANF),~~
- ~~B. General Public Assistance, including Supplemental Security Income,~~
- ~~C. Bureau of Indian Affairs General Assistance,~~
- ~~D. Victim's Compensation payments,~~
- ~~E. Other federal, state, local or private programs with payments based on need, and~~
- ~~F. Earned Income Tax Credits.~~

~~Source: 42 C.F.R. § 435.608.~~

~~History: Revised eff. 08/01/2020.~~

*Rule 6.22: [Reserved]~~Individuals Exempt from Utilization Provision~~*

- ~~A. This provision applies only to eligible individuals (applicants or recipients).~~

~~B. It does not apply to non-applicants or other ineligible household members, such as:~~

- ~~1. An ineligible spouse or community spouse in the Aged, Blind and Disabled programs and non-applicant or ineligible parents or caretaker relatives of children.~~
- ~~2. The responsible adult is required to file on behalf of children potentially eligible for other benefits as a condition of the child's eligibility.~~

~~Source: 42 C.F.R. § 435.608.~~

~~History: Revised eff. 08/01/2020.~~

*Rule 6.23: ~~[Reserved]~~Exception to the Utilization Provision*

~~A. An individual is not required to accept another benefit if the resulting payment would be a reduction in current benefits payable to the individual.~~

~~B. This exception does not include a reduction in Medicaid benefits.~~

~~Source: 42 C.F.R. § 435.608.~~

~~History: Revised eff. 08/01/2020.~~

*Rule 6.24: ~~[Reserved]~~Good Cause for Not Complying with Utilization Provision*

~~A. The agency must require clients to take all steps necessary to apply for other benefits to which they are entitled, unless good cause can be shown for not doing so.~~

~~B. A denial or dismissal of a claim for other benefits due to failure to submit required verification does not satisfy this requirement.~~

~~C. Good cause for not applying for other benefits may be found to exist if the individual does not apply due to:~~

- ~~1. Illness, and there is no authorized representative to apply on the client's behalf,~~
- ~~2. The individual previously applied and was denied, and the reason for the denial has not changed, or~~
- ~~3. The individual was unaware of the availability of a benefit, and the agency did not advise the individual of its availability.~~

~~D. If good cause does not exist for failure to comply with this requirement, eligibility will be denied or terminated as discussed later in this section.~~

~~Source: 42 C.F.R. § 435.608.~~

History: Revised eff. 08/01/2020.

*Rule 6.25: ~~[Reserved]Applying the Utilization Provision~~*

- ~~A. The Utilization of Other Benefits provision (Rule 6.20, *infra*) is applicable at the time of application and for the duration of eligibility.~~
- ~~B. The individual potentially eligible for the types of benefits listed above or the responsible person, if the client is a child, must take steps to apply for the benefits.~~
- ~~C. If eligible, the individual must accept the payment regardless of the impact the additional income will have on Medicaid eligibility.~~

Source: ~~42 C.F.R. § 435.608.~~

History: Revised eff. 08/01/2020.

*Rule 6.26: ~~[Reserved]Notification Requirements for Utilization Provision~~*

- ~~A. The applicant must be furnished with written notice explaining the responsibility to apply for the potential benefit within thirty (30) days of the notice for Aged, Blind and Disabled applicants and within fifteen (15) days of the notice for Modified Adjusted Gross Income applicants.~~
- ~~B. A Request for Information will be used to inform the individual of the following:~~
  - ~~1. The type of benefit the applicant appears to be eligible for;~~
  - ~~2. The agency or organization where an application should be filed;~~
  - ~~3. That the applicant has thirty (30) days (or fifteen (15) for Modified Adjusted Gross Income) from the date of the notice in which to file an application for the potential benefit; and~~
  - ~~4. Proof that that application has been filed must be provided to the Regional Office within the thirty (30) day (or fifteen (15) day) timeframe.~~

Source: ~~42 C.F.R. § 435.608.~~

History: Revised eff. 08/01/2020.

*Rule 6.27: ~~[Reserved]Agreement to Comply with Utilization Provision.~~*

- ~~A. An agreement to comply does not negate any prior action to deny or terminate benefits.~~

~~B. The effective month of potential eligibility is the month in which the individual takes the steps necessary to obtain benefits from the other agency.~~

~~Source: 42 C.F.R. § 435.608.~~

~~History: Revised eff. 08/01/2020.~~

*Rule 6.28: [Reserved]Other Issues Related to Utilization Provision.*

~~A. An applicant may be eligible for more than one type of benefit. All potential sources of benefits must be identified.~~

~~B. The election of a lower benefit when the individual has an option between a high and low benefit will result in denial or loss of eligibility.~~

~~C. When an applicant has a choice regarding payment as a lump sum or an annuity, the annuity must be selected.~~

~~1. A one (1) time total withdrawal of pension plan funds in this situation does not comply with the statutory requirements that mandate application for the annuity or pension, i.e., money payments at some regular interval.~~

~~2. When a benefit source permits the individual to change the decision for a lump sum and apply for money payments at regular intervals, the individual must pursue the change as a condition of eligibility for Medicaid.~~

~~Source: 42 C.F.R. § 435.608.~~

~~History: Revised eff. 08/01/2020.~~

*Rule 6.29: [Reserved]Failure to Comply without Good Cause—Aged, Blind and Disabled (ABD) Programs*

~~A. If an ABD individual has failed without good cause to take all steps to obtain the other benefits, action to deny or terminate benefits until the requirement is fulfilled must be taken.~~

~~B. An agreement to comply does not negate any prior action to deny or terminate benefits.~~

~~C. The effective month of eligibility is the month in which the individual takes the steps necessary to obtain benefits from the other agency or provides proof of ineligibility for the benefit(s).~~

~~Source: 42 C.F.R. § 435.608.~~

~~History: Revised eff. 08/01/2020.~~

*Rule 6.30: ~~[Reserved]~~Failure to Comply Without Good Cause—Modified Adjusted Gross Income Programs*

- ~~A. When the application for other benefits has not been filed and good cause does not exist, the Modified Adjusted Gross Income adult or child who was potentially eligible for the other benefits cannot be approved for Medicaid.~~
- ~~B. Any other eligible children included in the application can be placed in an appropriate program.~~

~~Source: 42 C.F.R. § 435.608.~~

~~History: Revised eff. 08/01/2020.~~

## **Chapter 9: Residents of an Institution**

*Rule 9.2: Institutions for Mental Diseases*

An Institution for Mental Diseases (IMD's) are hospitals, nursing facilities or other institutions of more than sixteen (16) beds that are primarily engaged in providing diagnosis, treatment or care of persons with mental diseases, including medical attention, nursing care and related services.

- A. Individuals under age twenty-one (21) may receive Medicaid while in an institution for mental diseases if they are receiving psychiatric services and are otherwise eligible. If the individual is receiving inpatient psychiatric services at the time the individual turns age twenty-one (21), the individual may receive Medicaid until age twenty-two (22).
- B. Individuals between the ages of twenty-one (21) and sixty-five (65) are not eligible to receive any Medicaid benefits while residing in an institution for mental diseases, with the following exception:
1. A Medicaid eligible pregnant woman who is receiving treatment for a substance use disorder is eligible to receive Medicaid covered services provided outside the IMD facility.
  2. Pregnancy-related Medicaid may be determined prior to or after entering the IMD. Medicaid will continue through the ~~two (2)~~twelve (12) month post-partum period.
  3. Eligibility for pregnancy-related Medicaid may be determined for the retroactive period but not prior to October 1, 2019, which is the effective date of the IMD exception provision.



C. Individuals age sixty-five (65) or older may not receive Medicaid benefits while in an IMD unless they reside in a long-term care facility or receive inpatient hospital services and are otherwise eligible for Medicaid in an allowed group.

| Source: 42 C.F.R. § 435.1010; ~~and U.S.C. § 1396d~~; Miss. Code Ann. § 43-13-115.

| History: Revised eff. 11/01/2025; Revised eff. 08/01/2020.