

1     **8.100.3.G.     General and Citizenship Eligibility Requirements**

- 2             1.     To be eligible to receive Medical Assistance, an eligible person shall:
- 3                     a.     Be a resident of Colorado;
- 4                     b.     Not be an inmate of a public institution, except as a patient in a public  
5                             medical institution or as a resident of an Long Term Care Institution or as  
6                             a resident of a publicly operated community residence which serves no  
7                             more than 16 residents;
- 8                     c.     Not be a patient in an institution for tuberculosis or mental disease,  
9                             unless the person is under 21 years of age or has attained 65 years of  
10                            age and is eligible for the Medical Assistance Program and is receiving  
11                            active treatment as an inpatient in a psychiatric facility eligible for  
12                            Medical Assistance reimbursement. See section 8.100.4.H for special  
13                            provisions extending Medical Assistance coverage for certain patients  
14                            who attain age 21 while receiving such inpatient psychiatric services;
- 15                    d.     Meet all financial eligibility requirements of the Medical Assistance  
16                            Program for which application is being made;
- 17                    e.     Meet the definition of disability or blindness, when applicable. Those  
18                            definitions appear in this volume at 8.100.1 under Definitions;
- 19                    f.     Meet all other requirements of the Medical Assistance Program for which  
20                            application is being made; and
- 21                    g.     Fall into one of the following categories:
- 22                            i)     Be a citizen or national of the United States, the District of  
23                                    Columbia, Puerto Rico, Guam, the Virgin Islands, the Northern  
24                                    Mariana Islands, American Samoa or Swain's Island; or
- 25                            ii)    Be a lawfully admitted non-citizen who entered the United States  
26                                    prior to August 22, 1996, or
- 27                            iii)    Be a non-citizen who entered the United States on or after  
28                                    August 22, 1996 and is applying for Medical Assistance benefits  
29                                    to begin no earlier than five years after the non-citizen's date of  
30                                    entry into the United States who falls into one of the following  
31                                    categories:
- 32                                    1)     lawfully admitted for permanent residence under the  
33    Immigration and Nationality Act (hereafter referred to as  
34    the "INA");

- 1 2) paroled into the United States for at least one year under  
2 8 U.S.C. § 1182(d)(5); or
- 3 3) granted conditional entry under section 203(a)(7) of the  
4 INA, as in effect prior to April 1, 1980; or
- 5 4) determined by the eligibility site, in accordance with  
6 guidelines issued by the U.S. Attorney General, to be a  
7 spouse, child, parent of a child, or child of a parent who,  
8 in circumstances specifically described in 8 U.S.C.  
9 §1641(c), has been battered or subjected to extreme  
10 cruelty which necessitates the provision of Medical  
11 Assistance (Medicaid); or
- 12 5) lawfully admitted for permanent residence under the INA  
13 with 40 qualifying quarters as defined under Title II of the  
14 Social Security Act. The 40 quarters is counted based on  
15 a combination of the quarters worked by the individual,  
16 the individual's spouse as long as they remain married  
17 or spouse is deceased, and/or the individual's parent  
18 while the individual is under age 18; ~~or,~~
- 19
- 20 iv6) Be a non-citizen who arrived in the United States on any date,  
21 who falls into one of the following categories:
  - 22 1a) lawfully residing in Colorado and is an honorably  
23 discharged military veteran (also includes spouse,  
24 unmarried surviving spouse and unmarried, dependent  
25 children), or
  - 26 2b) lawfully residing in Colorado and is on active duty  
27 (excluding training) in the U.S. Armed Forces (also  
28 includes spouse, unmarried surviving spouse and  
29 unmarried, dependent children), or
  - 30 3c) granted asylum under section 208 of the INA ~~for seven~~  
31 ~~years after the date of entry into the United States~~, or
  - 32 4d) refugee under section 207 of the INA ~~for seven years~~  
33 ~~after the date of entry into the United States~~, or
  - 34 5e) deportation withheld under section 243(h) (as in effect  
35 prior to September 30, 1996) or section 241(b)(3) (as  
36 amended by P.L. 104-208) of the INA ~~for seven years~~  
37 ~~after the date of entry into the United States~~, or

- 1 6f) Cuban or Haitian entrant, as defined in section 501(e) of  
2 the Refugee Education Assistance Act of 1980 ~~for seven~~  
3 ~~years after the date of entry into the United States~~, or
- 4 7g) an individual who (1) was born in Canada and  
5 possesses at least 50 percent American Indian blood, or  
6 is a member of an Indian tribe as defined in 25 U.S.C.  
7 sec. 450b(e), or
- 8 8h) admitted to the U.S. as an Amerasian immigrant  
9 pursuant to section 584 of the Foreign Operations,  
10 Export Financing, and Related Programs Appropriations  
11 Act of 1988 (as amended by P.L. 100-461) ~~for seven~~  
12 ~~years after the date of entry into the United States~~, or
- 13 9i) lawfully admitted permanent resident who is a Hmong or  
14 Highland Lao veteran of the Vietnam conflict, or
- 15 10j) a victim of a severe form of trafficking in persons, as  
16 defined in section 103 of the Victims of Trafficking and  
17 Violence Protection Act of 2000, Pub. L. 106-386, as  
18 amended (22 U.S.C. § 7105(b)), or
- 19 11k) An alien who arrived in the United States on or after  
20 December 26, 2007 who is an Iraqi special immigrant  
21 under section 101(a)(27) of the INA ~~for seven years after~~  
22 ~~the date of entry into the United States~~, or
- 23 12l) An alien who arrived in the United States on or after  
24 December 26, 2007 who is an Afghan Special Immigrant  
25 under section 101(a)(27) of the INA ~~for seven years after~~  
26 ~~the date of entry into the United States~~.
- 27 v7) The statutes listed at sections 8.100.3.G.1.g.iii.1-5 and at  
28 8.100.3.G.1.g.iv.ii.3-116-c-4 are incorporated herein by reference.  
29 No amendments or later editions are incorporated. These  
30 regulations are available for public inspection at the Colorado  
31 Department of Health Care Policy and Financing, 1570 Grant  
32 Street, Denver, Colorado 80203-1714. Pursuant to C.R.S. 24-4-  
33 103(12.5)(V)(b), the agency shall provide certified copies of the  
34 material incorporated at cost upon request or shall provide the  
35 requestor with information on how to obtain a certified copy of  
36 the material incorporated by reference from the agency of the  
37 United States, this state, another state, or the organization or  
38 association originally issuing the code, standard, guideline or  
39 rule.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

- ivj) Be a lawfully admitted non-citizen who is a pregnant women or a child under the age of 19 years in the United States who falls into one of the categories listed in 8.100.3.G.1.g.iii.1-6 or into one of the following categories listed below. These individuals are exempt from the 5-year waiting period:
- 1) granted temporary resident status in accordance with 8 U.S.C. 1160 or 1255a,or
  - 2) granted Temporary Protected Status (TPS) in accordance with 8 U.S.C 1254a and pending applicants for TPS granted employment authorization,
  - 3) granted employment authorization under 8 CFR 274a.12(c),or
  - 4) Family Unity beneficiary in accordance with section 301 of Pub. L. 101-649, as amended.
  - 5) Deferred Enforced Departure (DED), pursuant to a decision made by the President,
  - 6) granted Deferred Action status (excluding Deferred Action for Childhood Arrivals (DACA)) as described in the Secretary of Homeland Security's June 15,2012 memorandum,
  - 7) granted an administrative stay of removal under 8 CFR 241, or
  - 8) Beneficiary of approved visa petition who has a pending application for adjustment of status.
  - 9) Pending an 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-
    - a) as been granted employment authorization; or
    - b) Is under the age of 14 and has had an application pending for at least 180 days.
  - 10) granted withholding of removal under the Convention Against Torture,
  - 11) A child who has a pending an application or is a recipient of Special Immigrant Juvenile status under 8 U.S.C. 1101(a)(27)(J), or



1 the criteria of any category defined at 8.100.3.G(1)(g)(ii) (iii) (iv) or (vii) and has  
2 declared that he or she has a legal immigration status.

3 a. The Verify Lawful Presence (VLP) interface will be used to verify  
4 immigration status. The VLP interface connects to the Systematic Alien  
5 Verification for Entitlements (SAVE) Program. The VLP interface has  
6 three steps to verify legal immigration status.

7 i) An automated response from VLP confirms that the information  
8 submitted is consistent with VLP data for immigration status  
9 verification requirements. No further action is required for the  
10 individual and no additional documentation of immigration status  
11 is required. If Step 1 does not verify the legal immigration status  
12 of the individual and the VLP interface indicates additional  
13 information is required, Step 2 will automatically be initiated.

14 ii) Step 2: A response from the VLP interface confirms that the  
15 information submitted verifies the legal immigration status of the  
16 individual. No further action is required for the individual and no  
17 additional documentation of immigration status is required. If  
18 Step 2 does not verify the legal immigration status of the  
19 individual and the VLP interface indicates additional information  
20 is required Step 3 will be initiated.

21 iii) Step 3: The individual will be contacted by a state appointed  
22 designee with a request for additional documents and/or  
23 information needed to verify their legal immigration status  
24 through the VLP interface. A response from the VLP interface  
25 confirms that the documents and/or information received from  
26 the individual verifies their legal immigration status. No further  
27 action is required for the individual and no additional  
28 documentation of immigration status is required.

29 3. Reasonable Opportunity Period

30 a. If the verification through Step 1 of the electronic interface is  
31 unsuccessful then the applicant will be provided a reasonable  
32 opportunity period, of 90 days, to submit documents indicating a legal  
33 immigration status. The reasonable opportunity period will begin as of  
34 the date of the Notice of Action. The required documentation must be  
35 received within the reasonable opportunity period.

36 b. If the verification through Step 2 of the electronic interface is  
37 unsuccessful and Step 3 is initiated, the reasonable opportunity period  
38 will be reset to 90 calendar days which will commence on the date of the  
39 failure of Step 2.

1 c. If the applicant does not provide the necessary documents within the  
 2 reasonable opportunity period, then the applicant's Medical Assistance  
 3 application shall be terminated.

4 d. The reasonable opportunity period applies to MAGI, Adult and Buy-In  
 5 Programs.

6 i) For the purpose of this section only, MAGI Programs for persons  
 7 covered pursuant to 8.100.4.G or 8.100.4.I. include the following:

Commonly Used Program Name	Rule Citation
Children's Medical Assistance	8.100.4.G.2
Parent and Caretaker Relative Medical Assistance	8.100.4.G.3
Adult Medical Assistance	8.100.4.G.4
Pregnant Women Medical Assistance	8.100.4.G.5
Legal Immigrant Prenatal Medical Assistance	8.100.4.G.6
Transitional Medical Assistance	8.100.4.I.1-5

8 ii) For the purpose of this section only, Adult and Buy-In Programs  
 9 for persons covered pursuant to 8.100.3.F, 8.100.6.P, 8.100.6.Q,  
 10 or 8.715. include the following:

Commonly Used Program Name	Rule Citation
Old Age Pension A (OAP-A)	8.100.3.F.1.c
Old Age Pension B (OAP-B)	8.100.3.F.1.c
Qualified Disabled Widow/Widower	8.100.3.F.1.e
Pickle	8.100.3.F.1.e
Long-Term Care	8.100.3.F.1.f-h
Medicaid Buy-In Program for Working Adults with Disabilities	8.100.6.P
Medicaid Buy-In Program for Children with Disabilities	8.100.6.Q
Breast and Cervical Cancer Program (BCCP)	8.715

1 **8.100.4.G. MAGI Covered Groups**

2

3

4

5 6. A lawfully admitted non-citizen who is pregnant and who has been in the United States  
6 for less than five years is eligible for Medical Assistance if she meets all of the other  
7 eligibility requirements specified at 8.100.4.G.5 and fits into one of the immigration  
8 categories listed in 8.100.3.G.1.g.iii.1-56 and 8.100.3.G.1.g.vi.1-15. This population is  
9 referenced as Legal Immigrant Prenatal.

10

DRAFT