

Service Chapter: Medicaid 510-03 and 510-05

Effective Date: Immediately

Overview

Updating 40 qualifying quarters using ND Verify in SPACES.

Description of Changes

1. Aliens Lawfully Admitted for Permanent Residence on or After August 22, 1996 510-03-35-65] - Change

Updating information regarding work history and counting qualifying quarters.
Removing lawfully present pregnant women from #1 and adding #4.

2. Aliens Lawfully Admitted for Permanent Residence on or After August 22, 1996 510-05-35-65 - Change

Updating information regarding work history and counting qualifying quarters.

Policy Section Updates

1. Aliens Lawfully Admitted for Permanent Residence on or After August 22, 1996 510-03-35-65

1. Aliens admitted for Lawful Permanent Residence (LPR) on or after August 22, 1996 are banned from Medicaid, for five years from the date they obtained LPR status. After the five-year ban, aliens who are lawful permanent residents who can be credited with forty qualifying quarters of social security coverage may be eligible for Medicaid.

~~Exception: Pregnant women who are lawfully present in the United States and are otherwise eligible for medical assistance, are not subject to the 5 year waiting period/40 quarter requirement through the twelve month postpartum period.~~

Verifications of this status are:

- a. Form I-551 or I-151 (Resident Alien Card) (these are also known as 'green cards' but are not green);

- b. Foreign passport stamped LPR or I-551.

Note: If a qualified alien's status has changed to LPR, the codes at [510-03-35-58](#) apply. If the code on the Permanent Resident Card is not in [510-03-35-58](#), the individual is subject to the 5-year ban and forty qualifying quarter requirements.

Example: An asylee entered as an AS1 (which shows on his I-94 card). He has now become a LPR and his code on his I-551 is AS8. He is still an Asylee and a qualified alien. If his LPR code had been issued as an SD6, which is not a qualified alien code instead of the AS8, he is subject to the 5-year ban or the forty-quarter requirements.

~~2. Qualifying quarters of social security coverage determined by Social Security can be obtained using the NDVerify system. Earnings of some federal civilian employees hired before 1984, earnings of employees of some state and local governments, and certain agricultural and domestic earnings are not calculated by Social Security. These earnings count in establishing qualifying quarters of social security coverage and must be determined using the same process used by Social Security. If an alien claims to have work history that may qualify, but that the NDVerify system does not support, gather the information regarding the amount of earnings by quarter and contact the Medicaid Eligibility unit for further assistance.~~

- ~~a. When determining the number of qualifying quarters an individual has, count:~~

~~i. All qualifying quarters the alien has due to work;~~

~~ii. All qualifying quarters worked by the alien's spouse during their marriage, if the alien remains married to such spouse or the spouse is deceased; and~~

~~iii. All qualifying quarters worked by a natural, adoptive, or stepparent of such alien while the alien was under age 18. Qualifying quarters of an adoptive parent count from the quarter of the adoption. Qualifying quarters of a stepparent count from the quarter of marriage to the alien's parent.~~

- ~~b. Do not count or deem any qualifying quarters for any quarter in which an individual received TANF, SNAP, Medicaid, or SSI benefits (including~~

~~benefits received in another state), for at least one month in the quarter, or from any parent whose parental rights have been terminated.~~

2. Qualifying quarters of social security coverage, determined by the Social Security Administration, can be obtained using the Verification Interfaces/40 Quarters in the eligibility system.
 - a. When the interface returns a total of forty quarters or more, no further action is needed.
 - b. If the interface returns less than forty quarters, but the alien claims to have 40 quarters work history, gather the information regarding the amount of earnings by quarter and contact the Medicaid Eligibility unit for further assistance.

Note: When determining the number of qualifying quarters an individual has, count:

- All qualifying quarters the alien has due to work;
 - All qualifying quarters worked by the alien's spouse during their marriage, if the alien remains married to such spouse or the spouse is deceased; and
 - All qualifying quarters worked by a natural, adoptive, or stepparent of such alien while the alien was under age 18. Qualifying quarters of an adoptive parent count from the quarter of the adoption. Qualifying quarters of a stepparent count from the quarter of marriage to the alien's parent.
 - Earnings of some federal civilian employees hired before 1984, earnings of employees of some state and local governments, and certain agricultural and domestic earnings are not calculated by Social Security
 - Do not count or deem any qualifying quarters for any quarter in which an individual received TANF, SNAP, Medicaid, or SSI benefits (including benefits received in another state), for at least one month in the quarter, or from any parent whose parental rights have been terminated.
3. Adopted or biological children born outside the US may establish their automatic citizenship if verification is provided as described in the Secondary Verification of Citizenship table at [510-03-35-45](#).
 4. Pregnant women who are lawfully present in the United States and are otherwise eligible for medical assistance, are not subject to the 5 year waiting period/40 quarter requirement through the twelve month postpartum period.

2. Aliens Lawfully Admitted for Permanent Residence on or After August 22, 1996 510-05-35-65

1. Aliens admitted for Lawful Permanent Residence (LPR) on or after August 22, 1996 are banned from Medicaid, for five years from the date they entered the United States. After the five-year ban, aliens who are lawful permanent residents who can be credited with forty qualifying quarters of social security coverage may be eligible for Medicaid.

Verifications of this status are:

- a. Form I-551 or I-151 (Resident Alien Card) (these are also known as 'green cards' but are not green);
- b. Foreign passport stamped LPR or I-551.

Note: If a qualified alien's status has changed to LPR, the codes at 510-05-35-58 apply. If the code on the Permanent Resident Card is not in 510-05-35-58, the individual is subject to the 5-yr ban and forty qualifying quarter requirements.

Example: An asylee entered as an AS1 (which shows on his I-94 card). He has now become a LPR and his code on his I-551 is AS8. He is still an Asylee and a qualified alien. If his LPR code had been issued as an SD6, which is not a qualified alien code instead of the AS8, he is subject to the 5-year ban or the forty-quarter requirements.

~~2. Qualifying quarters of social security coverage determined by Social Security can be obtained using the Third Party Query (TPQY) information system. Earnings of some federal civilian employees hired before 1984, earnings of employees of some state and local governments, and certain agricultural and domestic earnings are not calculated by Social Security. These earnings count in establishing qualifying quarters of social security coverage and must be determined using the same process used by Social Security. If an alien claims to have work history that may qualify, but that the TPQY does not support, gather the information regarding the amount of earnings by quarter and contact the Medicaid Eligibility unit for further assistance.~~

- ~~a. When determining the number of qualifying quarters an individual has, count:~~

- ~~i. All qualifying quarters the alien has due to work;~~
 - ~~ii. All qualifying quarters worked by the alien's spouse during their marriage, if the alien remains married to such spouse or the spouse is deceased; and~~
 - ~~iii. All qualifying quarters worked by a natural, adoptive, or stepparent of such alien while the alien was under age 18. Qualifying quarters of an adoptive parent count from the quarter of the adoption. Qualifying quarters of a stepparent count from the quarter of marriage to the alien's parent.~~
 - ~~b. Do not count qualifying quarters for any quarter in which TANF, SNAP, Medicaid, or SSI benefits were received (including benefits received in another state), or from any parent whose parental rights have been terminated.~~
2. Qualifying quarters of social security coverage, determined by Social Security Administration, can be obtained using the Verification Interfaces/40 Quarters in the eligibility system.
- a. When the interface returns a total of forty quarters or more, no further action is needed.
 - b. If the interface returns less than forty quarters, but the alien claims to have 40 quarters work history, gather the information regarding the amount of earnings by quarter and contact the Medicaid Eligibility unit for further assistance.

Note: When determining the number of qualifying quarters an individual has, count:

- All qualifying quarters the alien has due to work;
- All qualifying quarters worked by the alien's spouse during their marriage, if the alien remains married to such spouse or the spouse is deceased; and
- All qualifying quarters worked by a natural, adoptive, or stepparent of such alien while the alien was under age 18. Qualifying quarters of an adoptive parent count from the quarter of the adoption. Qualifying quarters of a stepparent count from the quarter of marriage to the alien's parent.
- Earnings of some federal civilian employees hired before 1984, earnings of employees of some state and local governments, and certain agricultural and domestic earnings are not calculated by Social Security

- Do not count or deem any qualifying quarters for any quarter in which an individual received TANF, SNAP, Medicaid, or SSI benefits (including benefits received in another state), for at least one month in the quarter, or from any parent whose parental rights have been terminated.
3. Adopted or biological children born outside the US may establish their automatic citizenship if verification is provided as described in the Secondary Verification of Citizenship table at 510-05-35-45.
 4. Pregnant women who are lawfully present in the United States and are otherwise eligible for medical assistance are not subject to the 5-year waiting period/40 quarter requirement through the 12 month postpartum period.

