

# MISSISSIPPI DIVISION OF MEDICAID

## Eligibility Policy and Procedures Manual

### CHAPTER 102 – Non-Financial Requirements

Page |1105

#### **102.05.03 5-YEAR DISQUALIFICATION PERIOD**

Unless an exemption is met, qualified aliens admitted to the U. S. on or after August 22, 1996, are disqualified from receiving public benefits for:

- The first five years from the date they entered the country or
- The first five years from the day they obtained qualified alien status, **whichever is later.**

During this 5-year ban or disqualification period, these aliens are eligible only for emergency services if they meet all other eligibility requirements.

#### **Requirement for 40 Qualifying Quarters**

At the end of the 5-year disqualification period, an alien classified as lawfully admitted for permanent residence (LPR) is potentially eligible for full Medicaid benefits only if he has 40 qualifying quarters (QQs) of earnings covered by Social Security or can be credited with 40 QQs which satisfy the requirement. If 40 QQ's cannot be credited, the LPR remains potentially eligible for Emergency Medicaid only.

**NOTE:** Aliens classified as: 1) granted parole for at least 1 year, or 2) battered aliens, or 3) conditional entrants are not required to have 40 QQ's

LPR's are not eligible for full Medicaid for the first 5 years, even if they can be credited with 40 qualifying quarters prior to or during the 5-year disqualification period. The disqualification period must be imposed before an assessment of eligibility based on the 40-quarter requirement.

#### **102.05.04 40 QUALIFYING QUARTERS OF EARNINGS**

A qualifying quarter means a quarter of coverage as defined under Title II of the Social Security Act, which is worked by the alien, and/or:

- All the qualifying quarters worked by the spouse of the alien during their marriage, provided the alien remains married to the spouse or the marriage ended by death and not divorce, and
- All of the qualifying quarters worked by a parent of an alien while the alien was under age 18. The alien does not have to be under 18 at the time of the application.

#### **Combining Quarters**

Subject to the limitations above, the alien's own QQs can possibly be combined with those of his parent(s) and/or spouse to attain the required 40 quarters.

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### CHAPTER 102 – Non-Financial Requirements

Page |1106

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#### **Receipt of Means-Tested Benefits**

After December 31, 1996, any quarter in which any of these individuals, i.e., the LPR, his parent(s) and/or spouse, received Federal means-tested benefits, such as TANF, SSI and Medicaid, cannot be credited to meet the 40 quarter requirement.

When total qualifying quarters have been verified, quarters in which Federal means-tested benefits were received by any person contributing quarters should be subtracted from the total to determine the number of countable qualifying quarters.

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#### **PROCEDURES TO VERIFY 40 QUALIFYING QUARTERS OF EARNINGS**

- Determine the individuals whose quarters can be included in the quarter coverage count based on the requirements and limitations discussed above in Section 102.05.03.
    1. Question the applicant to determine that proper relationships exist, the date of birth of the applicants and request Social Security Numbers for each individual included.
  - Determine if it is possible for the applicant to meet the requirement.
    1. Ask how many years the applicant and each individual included in the quarter coverage calculation have lived in the United States. If the total number of years is less than 10 years (40 quarters), the applicant cannot meet the requirement.
  - If the total number of years is at least 10, determine how many years included earnings.
    1. Always determine the applicant's own quarters first. Many applicants may have sufficient quarters on their own record and it will not be necessary to request earnings history for other individuals. If the applicant does not have sufficient quarters, determine the quarters for the other individuals.
  - Request a quarter coverage history from Social Security unless it is clear from the interview that the applicant, or applicant in combination with others, cannot meet the 40-quarter requirement. However, if the applicant still believes he meets the 40 quarter requirement, request a quarter coverage history.
  - When verification is received from Social Security, total the quarters. Do not count any quarter(s) in which federal means-tested benefits were received by the individual as a qualifying quarter.
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