

# MISSISSIPPI DIVISION OF MEDICAID

## Eligibility Policy and Procedures Manual

### CHAPTER 102 – Non-Financial Requirements

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#### **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.