

2035.40.05 AUTHORIZING WHEN CITIZENSHIP OR IMMIGRATION STATUS IS NOT VERIFIED

If a person would be determined otherwise eligible for Medicaid under any category due to meeting all verification requirements of Medicaid, except for the verification of either citizenship or qualified immigration status, then the person must be determined eligible for Medicaid. Please refer to IHCPPM 2402.20.00 for individuals declaring to be immigrants.

Persons who do not have citizenship or qualified immigration status verified promptly by the DFR through an electronic match or by other means but can otherwise be determined eligible are given 95 days from intake date to provide proof of citizenship or qualified immigration status. The system will automatically generate a notice of Reasonable Opportunity if electronic interface verification for citizenship fails. Additionally, the Notification of Requirement to Provide Documentation of Citizenship” (FI 2326 or FI 2326 S, the Spanish version) should be completed and mailed. For more information including due dates, see IHCPPM 2402.15.10.

If such person has not verified citizenship or qualified immigration status after 95 days, the person is to be discontinued from eligibility. Children under 19 receiving benefits during their reasonable opportunity period (ROP) are ineligible for a CE period, unless the state can verify their status during the ROP.²⁴

Effective 6/1/24, under CMS guidance, the number of allowable Reasonable Opportunity Periods is unrestricted.²⁵ If a person who received appropriate notices reapplies **at least 95 days** after being denied for not verifying **satisfactory immigration status or** citizenship during their Reasonable Opportunity Period, they will **get 13 only acquire a new ROP and if all other requirements are met, Medicaid benefits must be authorized.** ~~days to verify citizenship a second time. During that second time, the case will need to remain pending until citizenship is verified.~~ Refer to IHCPPM 2402.15.10 regarding what documents can be used to verify citizenship.

Note: For individuals who state they are not qualified immigrants or that they are **undocumented, do not require more documentation of their immigration status.** No 95-day Reasonable Opportunity Period applies to individuals who are not attesting to a qualified immigration status. Client statement is all that is needed and if passing, Medicaid can be authorized as Emergency Services Only.

²⁴ Section 5112 of the Consolidated Appropriations Act, 2023 (CAA, 2023)

²⁵ **42 CFR 435.956(b)(4) and 42 CFR 457.380(b)(1)(ii)**