TITLE 477
CHILDREN'S MEDICAL ASSISTANCE PROGRAMS (CMAP)

CHAPTER 1-000 GENERAL BACKGROUND

1-001 Legal Basis: The Nebraska Medical Assistance Program (NMAP) was established under Title XIX of the Social Security Act. The Nebraska Legislature established the program for Nebraska in Neb. Rev. Stat., Section 68-1018.~~, Revised Statutes of Nebraska.~~

The Medically Needy Program for Individuals Age 18 or Younger (Ribicoff) and Poverty Level medical assistance for children age 18 or younger are authorized by Neb. Rev. Stat., Section 68-1020.~~, Revised Statutes of Nebraska.~~

{Effective 8/18/03}

1-002 Purpose: The purpose of the CMAP is to provide medical services to individuals who do not have sufficient income and resources to meet their needs.

1-003 Administration: CMAP is administered by the Nebraska Department of Health and Human Services in accordance with state laws and with the rules, regulations, and procedures established by the Director.

1-004 Definition of Terms: For use within CMAP, the following definition of terms will apply unless the context in which the term is used denotes otherwise.

Adequate Notice: Notice of case action which includes a statement of what action(s) the worker intends to take, the reason(s) for the intended action(s), and the specific manual reference(s) that supports or the change in federal or state law that requires the action(s), (see 477 NAC 1-009.03A1).

Applicant: An individual who applies for assistance.

Application: The action by which the individual indicates in writing the desire to receive assistance by submission of an application.

Application Date: For new and reopened cases, the date a properly signed application for assistance is received.

Application Signature: Applications may be signed in writing or by electronic signature.

Application Submission: Applications may be submitted in person, by mail, by fax or by electronic transmission.

Approval/Rejection Date: The date that the new or reopened case is determined eligible or rejected by the local office.

Needy Individual: One whose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the basic requirements, and to be within the resource limits allowed an individual.

Pending Case: A case in which the application has been taken and eligibility is yet undetermined. All pending cases must be entered into the N-FOCUS system within two working days.

Post-Partum Period: The period beginning on the last day of pregnancy and continuing through the month in which the 60-day period following the termination of pregnancy ends.

Power of Attorney: A written statement allowing one person to act for another person. A power of attorney may be authorized generally for the management of a specified business or enterprise or more often specifically for the accomplishment of a particular transaction. There is no court involvement or supervision in the appointment. The statement does not have to be notarized.

A standard or non-durable power of attorney automatically becomes null and void when the appointing individual becomes incompetent. A durable power of attorney continues in effect even when the appointing individual becomes incompetent. The power of attorney document should clearly specify if it is a durable power of attorney.

Prospective Eligibility for Medical Assistance (MA): The date of eligibility beginning the first day of the month of the date of request if the client was eligible for MA in that same month.

Prudent Person Principle: The practice of assessing all circumstances regarding case eligibility and using good judgment in requiring further verification or information before determining initial or continuing eligibility.

Recipient: An individual who is receiving medical assistance.

Rejected Case: A case in which an application was completed and signed, but the applicant did not meet the categorical, procedural, or financial requirements of the program.

Request: An action by which an individual's desire to receive assistance is made known to the local office. A request may be made by telephone, letter, fax, electronic transmission, or in ~~an interview~~ person.

3. Adequate notice of any action affecting his/her application or assistance case (see 477 NAC 1-009.03C to determine if timely notice is necessary);
4. Appeal to the Director for a hearing on any action or inaction with regard to an application, the amount of the assistance payment, or failure to act with reasonable promptness. The appeal must be filed in writing within 90 days of the action or inaction;
5. Have his/her information treated confidentially;
6. Have his/her civil rights upheld. No person may be subjected to discrimination on the grounds of his/her race, color, national origin, sex, age, disability, religion, or political belief;
7. Have the program requirements and benefits fully explained;
8. Be assisted in the application process by the person of his/her choice;
9. Receive medical assistance without a separate application if s/he is eligible for categorical assistance; and
10. Referral to other agencies.

1-008 Prudent Person Principle: When the statements of the client (or the individual applying on behalf of the client) are incomplete, unclear, or inconsistent, or when other circumstances in the particular case indicate to a prudent person that further inquiry must be made, the worker shall obtain additional verification before eligibility is determined. The client has primary responsibility for providing verification of information relating to eligibility. Verification may be supplied in person, through the mail, or from another source (as an employer). If it would be extremely difficult or impossible for the client to furnish verification in a timely manner, the worker shall offer assistance.

1-009 Application Processing

1-009.01 Request: A request for assistance may be made in ~~an interview~~ person, by letter, ~~or by~~ telephone, fax, or electronic submission and may be made by the applicant, his/her guardian or conservator, an individual acting under a duly executed power of attorney (see 477 NAC 1-004), or another person authorized to act for the applicant. The worker ~~shall~~ must record the request date on the application. For Ribicoff, if an interview cannot be scheduled within 14 days from the date of request, an application must be mailed promptly or the client must be informed of the electronic application.

A request is terminated ~~–~~:

1. When a properly signed application is received;
2. When the applicant or his/her representative notifies the worker of withdrawal; or

3. After 30 days if the worker has heard nothing further from the applicant or his/her representative. However, the worker may continue to hold a request pending if there is reason to believe the applicant intends to complete his/her application.

1-009.02 Application: A request becomes an application when a properly signed application is received. A properly signed application contains~~–~~:

1. Name;
2. Address; and
3. Proper signature, as defined by the appropriate program.

An application may be signed by an individual for himself/herself or by the applicant's guardian, conservator, or an individual acting under a duly executed power of attorney. If the application is for medical benefits only, the client's relative or another individual acting on the client's behalf may sign the application.

An application for medical benefits only may be taken on behalf of a deceased person (including a miscarriage or stillborn). If there is no one to represent the deceased person, the administrator of the estate may sign the application. The eligibility requirements must have been met at the time medical services were rendered.

See 477-000-305 for application procedures for individuals in Institutions for Mental Disease (IMD's).

1-009.02A Alterations: The application, when completed and signed by the client or his/her representative, constitutes his/her own statement in regard to eligibility. If the worker adds information received from a client to a properly signed application, the worker ~~shall~~ must date the information and~~–~~:

1. ~~Request that the client initial the change, if the client is present~~Note the information received from the client; or
2. If the information is not received from the client, i~~I~~dentify the source of the information, if the client is not present.

~~If a substantial amount of information is added during the face-to-face interview, the worker may request that the client sign and date the application again.~~

The worker may ~~alter~~ add information to an ~~initial~~ application up to the date of approval or completed redetermination. ~~An application form for a redetermination may be altered up to the date the redetermination has been completed.~~

1-009.02B Prompt Action on Applications: The worker ~~shall~~ must act with reasonable promptness on all applications for assistance. The worker ~~shall~~ must make a determination of eligibility on an application within 45 days from the date of the request. If circumstances beyond the control of the worker prevent action within 45 days, the worker shall send a Notice of Action informing the applicant of the reason for the delay.

1-009.02C Place of Application: The local office that serves the county where the individual resides is responsible for taking the application. Applications may be taken in the local office, in the applicant's home, or another place that is convenient for the applicant. If the client has a guardian, conservator, or other representative, the local office ~~in~~ that serves the county where the representative resides may take the application.

Any individual may apply for medical assistance with a designated provider who has contracted with the Department to process Medicaid applications at their location.

{Effective 10/1/97}

1-009.02D Withdrawals: The applicant may voluntarily withdraw an application. If the applicant verbally withdraws the application, the worker ~~shall~~ must request a written statement of withdrawal. The worker ~~shall~~ must make note of the withdrawal in the case record and give written confirmation of withdrawal to the applicant on the Notice of Action.

If the applicant does not provide written confirmation of the withdrawal within 30 days from the application date, the worker ~~shall~~ must reject the application. The worker ~~shall~~ must send a Notice of Action to the applicant notifying him/her of the rejection.