The Commonwealth of Kentucky
Presumptive Eligibility Program

Presumptive Eligibility Policy and Procedure Training Guide

Document Control Information

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1. Introduction

This training module provides an overview of Kentucky's Presumptive Eligibility (PE) program with a focus on policy and procedures for PE Determiners.

2. Course Overview

This module covers key topics including:

- How to conduct an intake interview for PE
- Who can apply for PE on behalf of another person
- How to consider citizenship and immigration statuses for PE
- The five eligibility groups

3. Conducting an Intake Interview for PE

3.1 Gathering Information

As a Determiner for a Qualified Entity, it will be your responsibility to gather information from applicants who are potentially eligible for PE.

During the interview, Determiners will be asking individuals (or their responsible representative) to attest to their household circumstances.

Please Note: It is important to understand that all information for a PE determination is based on the applicant's self-attestation. **NO VERIFICATION IS REQUIRED.**

In order to submit the application for processing:

- The Determiner will record the applicant's information in the kynect Self Service Portal which will evaluate the application and determine the eligibility of the applicant based on criteria established by the Commonwealth.
    - In circumstances where the user is unable to access the Self Service Portal, information can be recorded manually using the Patient Information Form, and then entered into the kynect Self Service Portal.
    - Please remember, applications can only be backdated three (3) days.

Qualified entities are responsible for:

- Gathering information from applicants who may qualify for PE.
- Assessing eligibility based on household composition, income, and qualifying factors.
- Providing clear instructions to applicants regarding next steps after eligibility determination.

4. Components of Eligibility

Determiners are required to accept the self-attestation of eligibility components. The primary components of eligibility are:

- Residency
- Citizenship
- Immigration Status
- Pregnancy
- Household composition and Income

5. Who Can Apply on Behalf of Another

When completing an application on behalf of a minor it is important to understand who can apply on that child's behalf.

- Their Legal Guardian or Custodian
- Their Conservator
- Their Social Security Representative Payee
- Any Adult that meets the definition of Caretaker Relative
    - Typically, a relative by blood, adoption, or marriage
- Any Tax Filer that claims the minor as a dependent

6. Who can apply for an Incapacitated Person

6.1 Non-Legally Incapacitated Adult

In Medicaid, a non-legally incapacitated individual refers to someone who considered unable to manage their own affairs and decisions due to a mental or physical condition, but no court appointed guardian has been named.

- Such as recent medical condition leaves a patient unresponsive, such as a car wreck or coma
- Can also refer to an abandoned minor prior to court action

The following can apply on their behalf:

- Their Medical Representative
- Their Spouse
- Their Durable Power of Attorney
- Their Social Security Payee
- Any Tax Filer that claims the individual as a dependent

6.2 Legally Incapacitated Adult

In Medicaid, a legally incapacitated individual refers to someone who has been officially declared, by a court or SSA, as unable to manage their own affairs due to mental or physical condition.

The following can apply on behalf of a Legally Incapacitated Person:

- Their Guardian
- Their Conservator
- Their Representative Payee
- Any Tax Filer that claims the member as a dependent

7. Medicaid Residence Requirement

Kentucky does have a residency requirement for eligibility in the PE Program. In order to qualify for coverage:

- Applicants must live in Kentucky and intend to remain in Kentucky to be eligible for benefits.
- Households are not required to have a permanent dwelling or fixed residence.
    - In these situations, the Determiner should capture a mailing address where the individual can receive mail.

Please Note: At this time, incarcerated individuals are not eligible for Hospital or Pregnancy Presumptive Eligibility (PE).

8. Citizenship and Immigration Requirements

To be eligible for the Presumptive Eligibility Program, a client must meet citizenship and immigration requirements.

8.1 Qualifying for Presumptive Eligibility

To qualify for Presumptive Eligibility applicants must meet on of the following:

- A U.S. Citizen or U.S. National
- A Non-Citizen with a satisfactory immigration status, including:
    - Lawfully residing in the U.S. for at least five years (*Green Card Holder*)
    - Lawfully residing in the U.S. as a refugee
    - Lawfully residing in the U.S. under another eligible immigration status

Please note: For more information on eligible immigration statuses, please refer to the job aid: *Immigration Fact Sheet*.

8.2 Non-qualifying Immigration Statuses

The following are examples of immigration statuses that would not qualify for PE:

- Undocumented Immigrants – Foreign-born persons who do not have a legal right to be or remain in the United States. Often referred to as Undocumented or Unauthorized immigrants.
- DACA Recipients – Undocumented children who were deferred action for childhood arrivals, often referred to as DACA Individuals.
    - DACA is an administrative relief that protects eligible immigrants who came to the United States when they were children from deportation.
    - DACA gives undocumented immigrants:
        - 1. protection from deportation
        - 2. A work permit
- Expired Status – Persons whose immigration status has expired and meets no other immigration status, including those with expired visas.

Please note: Applicant statement is used to determine immigration status for PE determinations. Never request documents or immigration information on household members who are not applying for benefits. Immigration information is never shared with any entity; it is only utilized to establish eligibility.

9. Emergency Medical Assistance for Non-Citizens

Emergency Time-Limited Medicaid is available for individuals who do not meet citizenship or qualified immigrant requirements for Medicaid, but have an emergency medical condition that without treatment could result in:

- Placing patients' health in serious jeopardy
- Serious impairment to bodily functions
- Serious dysfunction of any bodily organ

It is recommended that Non-Citizen applicants with medical expenses file a full Medicaid application to explore their coverage options.

For more detailed information on the Emergency Medical Program please see the Emergency Time-Limited Medicaid fact sheet linked here: Emergency Time-Limited Medicaid Fact Sheet

10. Eligibility Groups for Presumptive Eligibility (PE)

The Presumptive Eligibility Program covers many different eligibility groups. Let's explore the groups who are eligible for coverage.

11. Populations Eligible for PE Determination

PE determinations are limited to individuals who meet the categorical requirements and fall into one of the following coverage groups:

11.1 Parent and Caretaker Relatives

A relative of a dependent child by blood, adoption, or marriage with whom the child is living, who assumes primary responsibility for the child's care.

- Parents and other caretaker relatives must have at least one dependent minor in the home.
- Parents and other dependents in home are not capped at age 65.

11.2 Pregnant Women

Guidelines for using PE with Pregnant Women:

- Pregnant women are the only coverage group that Non-Hospital based PE Determiners may apply on behalf of.
- Only PE group that does not require attestation of citizenship or qualified non-citizenship status.
- Verification of pregnancy is not required.
- Coverage for outpatient prenatal only. (*Labor and delivery are not covered under PE*).
- When determining household size for a pregnant woman include the number of expected births.
- Pregnant women may be determined for PE at time of delivery, however hospital and provider determiners should assist in submitting a full Medicaid application.
    - If determined to be eligible for full coverage Medicaid, based on timely submission of a full Medicaid application, the period including the labor and delivery may be covered retroactively.

11.3 Infants and Children under age 19

- When working with a minor child through age 18, it is important to:
    - Ensure appropriate person is speaking on behalf of the minor and included in the household.

- Newborns:
    - If a woman delivers while covered under PE, a separate Hospital PE determination is required to cover a newborn.
- Newborns delivered to a PE eligible mother are not considered Medicaid deemed eligible.

Please note: The Determiner should assist the mother and newborn to apply for full Medicaid. If the mother is approved full Medicaid for the month of delivery, the newborn's status could change to deemed eligible, which provides greater coverage protections for the newborn.

11.4 Adults 19 – 64

Kentucky has extended Medicaid coverage to include adults ages 19 – 64. Requirements for covering adults:

- Must fall between ages 19 – 64
- Cannot be eligible for or enrolled in Medicare Part A
- Cannot be enrolled in Medicare Part B

11.5 Former Foster Care Children

- Individuals aged 18-25 who:
    - Was enrolled in Medicaid and receiving foster care services as a resident in any of the 50 states, District of Columbia or a US Territory (including any state Tribe) at the time they turned 18.
- Additional Former Foster Care information:
    - This group has no income limit.
    - This group meets citizenship/immigration criteria are automatically met, as it would have been established while in foster care.

Assessment

1. The name of the system used to collect and enter applicant's attested information is which of the following?

A. KOG
B. Excel
C. kynect
D. SharePoint

2. Which of the following relationships CANNOT apply for a Minor?

   A. Biological Father
   B. Stepmother that is child's egal guardian
   C. The child's daycare provider
   D. Family friend that is custodian of child

3. Deferred Action Childhood Arrivals (DACA) recipients are undocumented individuals when they came to the United States. (true or false)

4. Which of the following is not a population eligible for PE?

   A. Former Foster Care Children
   B. Pregnant Women
   C. Infants
   D. Adults above age 65 on Medicare

5. Conclusion

This guide provides the essential policies and procedures for determining eligibility under the Kentucky Presumptive Eligibility (PE) Program.

PE allows Qualified Entities to make temporary Medicaid determinations to ensure individuals receive immediate access to healthcare services while their full application is processed.

For further details, refer to official Kentucky PE policy documents and job aids provided by the Kentucky Health Benefit Exchange (KHBE).