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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 95 ADM-21

TO: Commissioners of
 Social Services

DIVISION: Health and
 Long Term Care

DATE: October 20, 1995

SUBJECT: Medical Assistance (MA) Eligibility Changes Relating to
 Infants Under Age One Year

SUGGESTED

DISTRIBUTION: Medical Assistance Staff
 Fair Hearing Staff
 Public Assistance and TASA Coordinators/Providers
 Staff Development Coordination

CONTACT

PERSON: MA Eligibility Representative: 1-800-343-8859,
 Extension 3-5503
 In New York City: 212-383-2512

ATTACHMENTS:

FILING REFERENCES

| Previous ADMs/INFs | Releases Cancelled | Dept. Regs. | Soc. Serv. Law & Other Legal Ref. | Manual Ref. | Misc. Ref. |
|-----------------------|-----------------------|-------------|---|-------------|-----------------------------------|
| 90 ADM-30 | | 360-3.3(c) | 366(4)(1) - | MARG | GIS Message |
| 90 ADM-9 | | | (n) | Pages | 91 MA042 |
| 85 ADM-33 | | | OBRA 90 | 8.1 | 92 MA006 94 MA035 92 LCM-62 |

I. PURPOSE

This Administrative Directive (ADM) advises social services districts of an amendment to the Social Services Law (SSL) relating to Medical Assistance (MA) eligibility for infants under one year of age. Effective October 1, 1991, an infant whose mother was eligible for and receiving MA on the date of the child's birth is eligible for MA for up to one year from the date of birth regardless of whether the mother remains eligible after the pregnancy ends.

II. BACKGROUND

Chapter 472 of the Laws of 1991 amended Section 366(4)(1) of the SSL to comply with OBRA '90. Chapter 472 provides that a child whose mother was eligible for and receiving MA on the date of the child's birth will be eligible for MA for up to one year from the date of birth if the mother would be eligible for MA if pregnant. Since a pregnant woman is provided continuous MA eligibility through her pregnancy if she is determined to be eligible for MA for any month of her pregnancy (see 90 ADM-9), this change effectively provides uninterrupted MA coverage for the infant for one year without the need for the mother's continuing MA eligibility to be verified.

On October 3, 1991 GIS Message 91MA042 was issued instructing local districts to implement the one-year MA extension for infants effective October 1, 1991.

III. PROGRAM IMPLICATIONS

Effective October 1, 1991, an infant born to a woman who is eligible for and receiving MA on the date of the child's birth, remains eligible for MA until his or her first birthday, so long as the child remains in the mother's household.

Note: If a mother recertifies before the end of the postpartum period and her income is now over 185 percent of the federal poverty level, the infant remains eligible because the mother was eligible for and receiving MA when the child was born.

In addition, the mother is no longer required to recertify at the end of the 60-day postpartum period to continue eligibility of the infant. The infant retains eligibility when the mother's eligibility ceases at the end of the postpartum period. This automatic one-year extension cannot be discontinued for the parent's failure to comply with any non-financial requirements, e.g., social security enumeration, child support enforcement. However, the mother must recertify during the 60-day postpartum period if she wants to continue MA eligibility for herself.

If the date of the child's birth falls within the three-month period prior to the month the mother applies for MA (retroactive period), and the mother was eligible during the month the infant was born, the infant is eligible for the one-year extension.

IV. REQUIRED ACTION

Local districts are required to enroll unborn infants of pregnant women in the same managed care plan as the mother unless she specifically requests otherwise in writing.

The pregnant woman must recertify at the end of the 60-day postpartum period in order to continue MA for herself. She must not be required to recertify if she only wants MA for her infant.

If the pregnant woman fails to recertify, fails to comply with non-financial eligibility requirements, or is determined financially ineligible, her MA should be discontinued at the end of the 60-day postpartum period, after timely and adequate notice has been given. However, MA must continue for the infant until he or she is one year of age, regardless of the mother's current eligibility or any changes in income or resources.

If the date of the child's birth falls within the three-month period prior to the month the mother applies for MA (retroactive period), and the mother was eligible at the time of the infant's birth, the infant is MA eligible until he or she is one year of age regardless of changes in the mother's eligibility. If an infant is hospitalized on his or her first birthday, MA eligibility will continue until the end of the hospital stay.

If the child's birth does not fall within the retroactive period, the one-year extension is not given. The infant's eligibility must be determined comparing the household income to 185 percent of the federal poverty line.

A social security number for the infant, or an application for one, is not required for MA purposes. Verification of the infant's name, date of birth and social security number is not required in order to provide the one-year MA extension. However, this information should be requested when the mother comes in for recertification at the end of the 60-day postpartum period. If the mother does not recertify, the mother's closing notice should contain the following language:

Although you are no longer eligible for Medical Assistance, your baby is eligible for Medical Assistance until age one year as long as the baby continues to live with you. If you have not yet told us the baby's name and date of birth, you should do so right away. If you do not give us your baby's name and date of birth, we may be unable to pay any additional medical bills for your baby.

If no contact was made and when the mother's case is closed, extend the infant's certification for one year from the date the mother was expected to give birth. (See Section IV for Systems Instructions.) The infant's case may be closed if both the recertification and closing notice are returned indicating addressee is unknown.

Local districts are required to enroll unborn infants of pregnant women in the same managed care plan as the mother unless she specifically requests otherwise in writing. In the situation where a mother is not enrolled in a plan during her pregnancy, the LDSS may enroll the unborn in the plan of the mother's choosing, with the mother's permission, prior to birth. This will ensure that the infant will be eligible for coverage under the plan from the moment of birth.

V. PUBLIC ASSISTANCE IMPLICATIONS

An infant whose mother is receiving PA when the infant is born is automatically eligible for MA coverage until age one year, provided that the infant remains in the mother's household. A mother is no longer required to remain MA eligible after her pregnancy ends in order for the infant to remain eligible for MA until his or her first birthday.

In districts outside NYC, the choice of the appropriate closing code for the PA case will generate the proper MA extension. Cases with codes that would not normally generate an MA extension will, if the case contains an individual under age one, provide a one month extension. The MA worker will then take the necessary action on the case. For example, if the mother fails to recertify and the worker chooses closing code M10, which would otherwise not provide an MA continuation, a one month extension will be given because of the presence in the case of an under age one child.

However, if the information on the authorization form (DSS-3209) has not been updated from "unborn" because the worker has not received the necessary information and verification about the newborn, the system will not "recognize" an unborn and will not generate an extension.

Until a system change is in place that will generate an extension for the unborn, the individual categorical code of the mother must be "15 Pregnant Woman" at the time the PA case is closing. This is true even if the worker knows that the baby has been born or that the mother should not otherwise be eligible to have her MA continue. A one month extension will be given because of the presence in the case of a "pregnant woman". The MA worker will then take the appropriate action to extend the coverage for the infant and will end coverage for the month (unless she has established her eligibility for continuing MA).

VI. SYSTEMS IMPLICATIONS

A. Upstate (MA-Only)

If the mother fails to provide the baby's name and date of birth, the automatic one-year extension for the infant may be accomplished as follows:

Use transaction type 06 to recertify the infant.

Because the date of birth is unknown, the expected date of confinement (EDC) may be used to determine what the new Authorization To Date should be. The EDC date may be obtained either from MBL, from AFA code 201 if previously entered, or from the case record. The new Authorization To Date should be the last day of the twelfth month after the EDC date.

On screens 2 and 5, leave "unborn" as the Name, "U" as the Sex, and a blank date of birth for the infant (Unborn). On screen 5, to delete the mother who has not recertified, change the individual status to 15, and enter the new coverage dates for the infant (unborn).

If the mother recertifies for herself and/or the infant, normal recertification procedures should be followed.

B. New York City

Detailed system instructions for New York City will be forwarded under separate cover.

VIII. EFFECTIVE DATE

This Directive is effective November 1, 1995.

Richard T. Cody, Deputy Commissioner
Division of Health and Long Term Care