

Dear Senators LODGE, Broadsword & LeFavour, and
Representatives BLOCK, Nielsen & Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Dept. Of Health & Welfare:

IDAPA 16.03.05 – Rules Governing eligibility for Aid to the Aged, Blind and Disabled (AABD) (Docket No. 16-0305-1002).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the co-chairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 10-27-10. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 11-29-10.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address or FAX number indicated on the memorandum attached.



Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

Jeff Youtz
Director

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Research & Legislation Staff - Paige Alan Parker *PAP*

DATE: October 7, 2010

SUBJECT: Department of Health and Welfare: IDAPA 16.03.05 – Rules Governing eligibility for Aid to the Aged, Blind and Disabled (AABD) (Docket No. 16-0305-1002) (Temporary and Proposed)

The Department of Health and Welfare submits temporary and proposed rule Docket No. 16-0305-1002 - Rules Governing eligibility for Aid to the Aged, Blind and Disabled (AABD) (hereafter “proposed rule”). The Governor’s justification for the temporary rule is to confer a benefit. The temporary rule went into effect on December 19, 2009, January 1, 2010, and September 1, 2010.

The justifications for the proposed rule are changes in federal regulations and the expiration of the ISSH waiver from the Medicaid State Plan. Specifically, the proposed rule allows for the use of electronic data transfer from the Social Security Administration to verify United States citizenship and identity, changes the eligibility time period for Afghani and Iraqi special immigrants and removes references to the Idaho State School and Hospital.

According to the Department, the proposed rule is authorized pursuant to sections 56-202 and 203, Idaho Code. Also, part of the justification for the proposed rule is said to be P.L. 111-118, section 8120, and P.L. 111-3, section 211, regarding verification of citizenship or nationality for purposes of determining eligibility for Medicaid or the Children’s Health Insurance Program (CHIP).

Section 56-202(b), Idaho Code, provides the Department with general and broad rulemaking authority under Idaho’s public assistance law. Section 56-203, Idaho Code, provides a number of powers to the Department. The Department does not specify the subsection upon which it relies. However, section 56-203(2), Idaho Code, gives the Department the power to cooperate with the federal government in carrying out the purposes of any federal acts pertaining to public assistance or welfare services and in other matters of mutual concern.

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Section 211 of P.L. 111-3, referenced above, provides procedures for submitting and verifying whether an individual is a citizen or national of the United States. The Department has not provided a copy of P.L. 111-118, section 8120, upon which it relies, as required by section 67-5223, Idaho Code.

According to the Department, no fees or charges are imposed by the proposed rule. The Department states that the proposed rule has no anticipated impact to the General Fund, since the cost impacts for electronic data transfer with the Social Security Administration are minimal, there are no special immigrants currently eligible for AABD, and there are no ISSH waiver participants.

According to the Department, negotiated rulemaking was not conducted because the rulemaking is being made to confer benefits and align with federal regulations. The Department states that public hearing(s) would have been scheduled if requested in writing by 25 persons, a political subdivision or an agency, not later than September 15, 2010. All written comments were to be delivered to the Department on or before September 22, 2010.

ANALYSIS

The proposed rule modifies the determination of Medicaid for participants who do not provide citizenship and identity documentation. The proposed rule allows Medicaid participants 90 days to provide proof of United States citizenship and identity documentation. In the interim, Medicaid benefits will be provided if all other eligibility requirements are met. However, Medicaid will be denied if the participant refuses to obtain documentation. Section 104.08. Individuals considered as meeting the United States citizenship and identity documentation requirements include individuals whose name and social security number are validated by the Social Security Administration data match. Section 104.09.f.

Eligibility for AABD cash and Medicaid is expanded by the proposed rule to include Afghan and Iraqi special immigrants as defined by federal law. Sections 105.07.f and g. The eight-month limitation for these special immigrants is deleted.

Finally, the proposed rule deletes section 790, which provided the eligibility criteria for the Idaho State School and Hospital waiver.

SUMMARY

The Department's proposed rule changes appear to be authorized under sections 56-202(b) and 56-203(2), Idaho Code.

cc: Department of Health and Welfare: Tamara Prisock and Callie King

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED, BLIND AND DISABLED (AABD)

DOCKET NO. 16-0305-1002

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective dates of the temporary rules are: December 19, 2009, January 1, 2010, and September 1, 2010.

Editor's Note: The January 1, 2010, temporary effective date reflects the date on which the deletion of Section 790 became effective. This Section is being deleted from the rule in this rulemaking. Because this Section 790 is being deleted, there is no actual effective date shown in this docket. This date indicates when the formerly required waiver was no longer considered an eligibility requirement and when enforcement of the requirement was terminated.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202 and 56-203, Idaho Code; also eligibility for special immigrants per Public Law 111-118, Section 8120; and Public Law 111-3, Section 211, regarding verification of citizenship or nationality for purposes of determining eligibility for Medicaid or the Children's Health Insurance Program (CHIP).

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 15, 2010.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Due to changes in federal regulations and the expiration of the ISSH Waiver from the Medicaid State Plan, these AABD rules are amended to:

1. Allow for the use of electronic data transfer from the Social Security Administration (SSA) to verify U.S. citizenship and identity as provided in Public Law 111-3, Section 211;
2. Change the eligibility time period for Afghani and Iraqi special immigrants to comply with changes in Public Law 111-118, Section 8120; and
3. Remove references to the Idaho State School and Hospital (ISSH) Waiver as it is no longer available as of January 1, 2010.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule changes is appropriate because they confer benefits.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year.

There is no anticipated fiscal impact to the state general fund related to this rulemaking.

1. Cost impacts for electronic data transfer with SSA for this chapter is minimal to state general funds or AABD.
2. There are no Special Immigrants currently eligible for AABD, therefore the anticipated fiscal impact for 2011 is \$0.
3. There are no ISSH waiver participants, therefore the anticipated fiscal impact is \$0.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because changes are being done to confer benefits and align with federal regulations.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference into these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Callie King at (208) 334-0663.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 22, 2010.

DATED this 13th day of August, 2010.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720, Boise, ID 83720-0036
phone: (208) 334-5564; fax: (208) 334-6558
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THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT FOR DOCKET NO. 16-0305-1002

104. U.S. CITIZENSHIP AND IDENTITY DOCUMENTATION REQUIREMENTS.

To be eligible for AABD cash and Medicaid, an individual must provide documentation of U.S. citizenship and identity unless he has otherwise met the requirements under Subsection 104.09 of this rule. The individual must provide the Department with the most reliable document that is available. Documents must be originals or copies certified by the issuing agency. Copies of originals or notarized copies cannot be accepted. The Department will accept original documents in person, by mail, or through a guardian or authorized representative. (3-29-10)

01. Documents Accepted as Primary Level Proof of Both U.S. Citizenship and Identity. The following documents are accepted as the primary level of proof of both U.S. citizenship and identity: (3-30-07)

- a.** A U.S. passport; (3-30-07)
- b.** A Certificate of Naturalization, DHS Forms N-550 or N-570; or (3-30-07)
- c.** A Certificate of U.S. Citizenship, DHS Forms N-560 or N-561. (3-30-07)
- d.** A document issued by a federally-recognized Indian tribe evidencing membership, enrollment in, or affiliation with such tribe. (3-29-10)

02. Documents Accepted as Secondary Level Proof of U.S. Citizenship but Not Identity. The following documents are accepted as proof of U.S. citizenship if the proof in Subsection 104.01 of this rule is not available. These documents are not proof of identity and must be used in combination with a least one (1) document listed in Subsections 104.05 through 104.07 of this rule to establish both citizenship and identity. (3-29-10)

- a.** A U.S. birth certificate that shows the individual was born in one (1) of the following: (3-30-07)
 - i.** United States fifty (50) states; (3-30-07)

- ii. District of Columbia; (3-30-07)
 - iii. Puerto Rico, on or after January 13, 1941; (3-30-07)
 - iv. Guam, on or after April 10, 1899; (3-30-07)
 - v. U.S. Virgin Islands, on or after January 17, 1917; (3-30-07)
 - vi. America Samoa; (3-30-07)
 - vii. Swain's Island; or (3-30-07)
 - viii. Northern Mariana Islands, after November 4, 1986; (3-30-07)
 - b.** A certification of report of birth issued by the Department of State, Forms DS-1350 or FS-545; (3-30-07)
 - c.** A report of birth abroad of a U.S. Citizen, Form FS-240; (3-30-07)
 - d.** A U.S. Citizen I.D. card, DHS Form I-197; (3-30-07)
 - e.** A Northern Mariana Identification Card, Form I-873; (3-30-07)
 - f.** An American Indian Card issued by the Department of Homeland Security with the classification code "KIC," Form I-873; (3-30-07)
 - g.** A final adoption decree showing the child's name and U.S. place of birth; (3-30-07)
 - h.** Evidence of U.S. Civil Service employment before June 1, 1976; (4-2-08)
 - i.** An official U.S. Military record showing a U.S. place of birth; (4-2-08)
 - j.** A certification of birth abroad, FS-545; (4-2-08)
 - k.** A verification with the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) database; or (4-2-08)
 - l.** Evidence of meeting the automatic criteria for U.S. citizenship outlined in the Child Citizenship Act of 2000. (4-2-08)
- 03. Documents Accepted as Third Level Proof of U.S. Citizenship but Not Identity.** The following documents are accepted as proof of U.S. citizenship if a primary or secondary level of proof is not available. These documents are not proof of identity and must be used in combination with a least one (1) document listed in Subsections 104.05 through 104.07 of this rule to establish both citizenship and identity. (3-29-10)
- a.** A written hospital record on hospital letterhead established at the time of the person's birth that was created five (5) years before the initial application date that indicates a U.S. place of birth; (4-2-08)
 - b.** A life, health, or other insurance record that was created at least five (5) years before the initial application date and that indicates a U.S. place of birth; (4-2-08)
 - c.** A religious record recorded in the U.S. within three (3) months of birth showing the birth occurred in the U.S. and showing either the date of the birth or the individual's age at the time the record was made. The record must be an official record recorded with the religious organization; or (4-2-08)
 - d.** An early school record showing a U.S. place of birth. The school record must show the name of the child, the date of admission to the school, the date of birth, a U.S. place of birth, and the names and places of the birth

of the child's parents. (4-2-08)

04. Documents Accepted as Fourth Level Proof of U.S. Citizenship but Not Identity. The following documents are accepted as proof of U.S. citizenship only if documents in Subsections 104.01 through 104.03 of this rule do not exist and cannot be obtained for a person who claims U.S. citizenship. These documents are not proof of identity and must be used in combination with a least one (1) document listed in Subsections 104.05 through 104.07 of this rule to establish both citizenship and identity. (3-29-10)

- a. Federal or state census record that shows the individual has U.S. citizenship or a U.S. place of birth; (3-30-07)
- b. One (1) of the following documents that shows a U.S. place of birth and for a participant who is sixteen (16) years of age or older was created at least five (5) years before the application for Medicaid. For a child under sixteen (16) years of age, the document must have been created near the time of birth; (4-2-08)
 - i. Bureau of Indian Affairs tribal census records of the Navajo Indians; (3-30-07)
 - ii. U.S. State vital Statistics official notification of birth registration; (3-30-07)
 - iii. A delayed U.S. public birth record that was recorded more than five (5) years after the person's birth; (4-2-08)
 - iv. Statement signed by the physician or midwife who was in attendance at the time of birth; (3-30-07)
 - v. Medical (clinic, doctor, or hospital) record; (3-30-07)
 - vi. Institutional admission papers from a nursing facility, skilled care facility or other institution; (4-2-08)
 - vii. Bureau of Indian Affairs (BIA) roll of Alaska Natives; or (4-2-08)
- c. A written declaration, signed and dated, which states, "I declare under penalty of perjury that the foregoing is true and correct." A declaration is accepted for proof of U.S. citizenship or naturalization if no other documentation is available and complies with the following: (4-2-08)
 - i. Declarations must be made by two (2) persons who have personal knowledge of the events establishing the individual's claim of U.S. citizenship; (3-30-07)
 - ii. One (1) of the persons making a declaration cannot be related to the individual claiming U.S. citizenship; (3-30-07)
 - iii. The persons making the declaration must provide proof of their own U.S. citizenship and identity; and (3-30-07)
 - iv. A declaration must be obtained from the individual applying for Medicaid, a guardian, or representative that explains why the documentation does not exist or cannot be obtained. (3-30-07)

05. Documents Accepted for Proof of Identity but Not Citizenship. The following documents are accepted as proof of identity. They are not proof of citizenship and must be used in combination with at least one (1) document listed in Subsection 104.02 through 104.04 of this rule to establish both citizenship and identity. (3-29-10)

- a. A state-issued driver's license bearing the individual's picture or other identifying information such as name, age, gender, race, height, weight, or eye color; (3-30-07)
- b. A federal, state, or local government-issued identity card with the same identifying information that is included on driver's licenses as described in Subsection 104.05.a. of this rule; (3-29-10)

- c. School identification card with a photograph of the individual; (3-30-07)
- d. U.S. Military card or draft record; (3-30-07)
- e. Military dependent's identification card; (3-30-07)
- f. U. S. Coast guard Merchant Mariner card; (3-30-07)
- g. A cross-match with a federal or state governmental, public assistance, law enforcement, or corrections agency's data system; or (4-2-08)
- h. A declaration signed under the penalty of perjury by the facility director or administrator of a residential care facility where a disabled participant resides may be accepted as proof of identity when the individual does not have or cannot get any document in Subsections 104.05.a. through 104.05.i. of this rule. (3-29-10)

06. Additional Documents Accepted for Proof of Identity. If the participant provides citizenship documentation as described in Subsections 104.02 or 104.03 of this rule, three (3) or more corroborating documents may be used to prove identity. (3-29-10)

07. Identity Rules for Children. The following documentation of identity for children under sixteen (16) may be used: (3-30-07)

- a. School records may be used to establish identity. Such records also include nursery or daycare records. (3-30-07)
- b. Clinic, doctor, or hospital records. (4-2-08)
- c. A written declaration, signed and dated, which states, "I declare under penalty of perjury that the foregoing is true and correct," if documents listed in Subsection 104.02 of this rule are not available. A declaration may be used if it meets the following conditions: (3-29-10)
 - i. It states the date and place of the child's birth; and (3-30-07)
 - ii. It is signed by a parent or guardian. (3-30-07)
- d. A declaration can be used for a child up to the age of eighteen (18) when documents listed in Subsection 104.05.a. through 104.05.c. of this rule are not available. (3-29-10)
- e. A declaration cannot be used for identity if a declaration for citizenship documentation was provided for the child. (3-30-07)

08. Eligibility for ~~Applicants and~~ Medicaid Participants Who Do Not Provide Citizenship and Identity Documentation. (~~3-30-07~~)

~~a. Eligibility will be denied to any applicant who does not provide proof of citizenship and identity documentation.~~ (~~3-30-07~~)

~~b. Any Medicaid participants, who does not have ninety (90) days to provide proof of U.S. citizenship and identity documentation, at a scheduled renewal and who is making a good faith effort to obtain documentation, will not be terminated from Medicaid for lack of documentation unless the participant: Medicaid benefits will be approved pending verification if the participant meets all other eligibility requirements. Medicaid will be denied if the participant refuses to obtain documentation.~~ (~~3-30-07~~)(9-1-10)T

- ~~i. Does not meet other eligibility criteria required in this chapter of rules; or~~ (~~3-30-07~~)
- ~~ii. Refuses to obtain the documentation.~~ (~~3-30-07~~)

09. Individuals Considered as Meeting the U.S. Citizenship and Identity Documentation Requirements. The following individuals are considered to have met the U.S. citizenship and identity documentation requirements, regardless of whether documentation required in Subsections 104.01 through 104.08 of this rule is provided: (3-29-10)

- a. Supplemental Security Income (SSI) recipients; (4-2-08)
- b. Individuals determined by the SSA to be entitled to or are receiving Medicare; (4-2-08)
- c. Social Security Disability Income (SSDI) recipients; *and* ~~(4-2-08)~~(9-1-10)T
- d. Adoptive or foster care children receiving assistance under Title IV-B or Title IV-E of the Social Security Act; ~~(4-2-08)~~(9-1-10)T
- e. Individuals deemed eligible for Medicaid as a newborn under Section 800 of these rules; *and* ~~(3-29-10)~~(9-1-10)T
- f. Individuals whose name and social security number are validated by the Social Security Administration data match as meeting U.S. citizenship status. (9-1-10)T

10. Assistance in Obtaining Documentation. The Department will assist individuals who are mentally or physically incapacitated and who lack a representative to assist them in obtaining such documentation. (3-30-07)

11. Provide Documentation of Citizenship and Identity One Time. When an individual has provided citizenship and identity documents, changes in eligibility will not require an individual to provide such documentation again unless later verification of the documents provided raises a question of the individual's citizenship or identity. (3-30-07)

105. CITIZENSHIP AND QUALIFIED NON-CITIZEN REQUIREMENTS.

To be eligible for AABD cash and Medicaid, an individual must be a member of one (1) of the groups listed in Subsections 105.01 through 105.17 of this rule. An individual must also provide proof of identity as provided in Section 104 of these rules. (3-29-10)

- 01. U.S. Citizen.** A U.S. Citizen. (3-30-07)
- 02. U.S. National, National of American Samoa or Swain's Island.** A U. S. National, National of American Samoa or Swain's Island. (3-30-07)
- 03. Child Born Outside the U.S.** A child born outside the U.S., as defined in Public Law 106-395, is considered a citizen if all of the following conditions are met: (3-30-07)
 - a. At least one (1) parent is a U.S. Citizen. The parent can be a citizen by birth or naturalization. This includes an adoptive parent; (3-30-07)
 - b. The child is residing permanently in the U.S. in the legal and physical custody of a parent who is a U.S. Citizen; (3-30-07)
 - c. The child is under eighteen (18) years of age; (3-30-07)
 - d. The child is a lawful permanent resident; and (3-30-07)
 - e. If the child is an adoptive child, the child was residing in the U.S. at the time the parent was naturalized and was in the legal and physical custody of the adoptive parent. (3-30-07)
- 04. Full-Time Active Duty U.S. Armed Forces Member.** A qualified non-citizen as defined in 8 U.S.C. 1641(b) or (c) currently on full-time active duty with the U.S. Army, U.S. Air Force, U.S. Marine Corps, U.S.

Navy or U.S. Coast Guard, or a spouse or unmarried dependent child of the U.S. Armed Forces member. (3-30-07)

05. Veteran of the U.S. Armed Forces. A qualified non-citizen as defined in 8 U.S.C. 1641(b) or (c) honorably discharged from the U.S. Army, U.S. Air Force, U.S. Marine Corps, U.S. Navy or U.S. Coast Guard for a reason other than their citizenship status or a spouse, including a surviving spouse who has not remarried, or an unmarried dependent child of the veteran. (3-30-07)

06. Non-Citizen Entering the U.S. Before August 22, 1996. A non-citizen who entered the U.S. before August 22, 1996, and is currently a qualified non-citizen as defined in 8 U.S.C. 1641(b) or (c) and remained continuously present in the U.S. until they became a qualified alien. (3-30-07)

07. Non-Citizen Entering on or After August 22, 1996. A non-citizen who entered on or after August 22, 1996, and; (3-30-07)

a. Is a refugee admitted into the U.S. under 8 U.S.C. 1157, and can be eligible for seven (7) years from their date of entry; (3-30-07)

b. Is an asylee granted asylum into the U.S. under 8 U.S.C. 1158, and can be eligible for seven (7) years from the date their asylee status is assigned; (3-30-07)

c. Is an individual whose deportation or removal from the U.S. has been withheld under 8 U.S.C. 1253 or 1231(b)(3) as amended by Section 305(a) of Division C of Public Law 104-208, and can be eligible for seven (7) years from the date their deportation or removal was withheld; (3-30-07)

d. Is an Amerasian immigrant admitted into the U.S. under 8 U.S.C. 1612(b)(2)(A)(i)(V), and can be eligible for seven (7) years from the date of entry; ~~or~~ (12-19-09)T

e. Is a Cuban or Haitian entrant to the U.S. under Section 501(e) of the Refugee Assistance Act, and can be eligible for seven (7) years from their date of entry; ~~(3-30-07)~~ (12-19-09)T

f. Is an Afghan special immigrant, as defined in Public Law 110-161, who has special immigration status after December 26, 2007; or (12-19-09)T

g. Is an Iraqi special immigrant, as defined in Public Law 110-181, who has special immigration status after January 28, 2008. (12-19-09)T

08. Qualified Non-Citizen Entering on or After August 22, 1996. A qualified non-citizen under 8 U.S.C. 1641(b) or (c), entering the U.S. on or after August 22, 1996, and who has held a qualified non-citizen status for at least five (5) years. (3-30-07)

09. American Indian Born in Canada. An American Indian born in Canada under 8 U.S.C. 1359. (3-30-07)

10. American Indian Born Outside the U.S. An American Indian born outside of the U.S., and is a member of a U.S. federally recognized tribe under 25 U.S.C. 450 b(e). (3-30-07)

11. Qualified Non-Citizen Child Receiving Federal Foster Care. A qualified non-citizen child as defined in 8 U.S.C. 1641(b) or (c), and receiving federal foster care assistance. (3-30-07)

12. Victim of Severe Form of Trafficking. A victim of a severe form of trafficking in persons, as defined in 22 U.S.C. 7102(13); who meets one (1) of the following: (3-20-04)

a. Is under the age of eighteen (18) years; or (3-20-04)

b. Is certified by the U.S. Department of Health and Human Services as willing to assist in the investigation and prosecution of a severe form of trafficking in persons; and (3-20-04)

i. Has made a bona fide application for a temporary visa under 8 U.S.C. 1104(a)(15)(T), which has not been denied; or (3-20-04)

ii. Is remaining in the U.S. to assist the U.S. Attorney General in the prosecution of traffickers in persons. (3-30-07)

13. Qualified Non-Citizen Receiving Supplement Security Income (SSI). A qualified non-citizen under 8 U.S.C. 1641(b) or (c), and is receiving SSI; or (3-20-04)

14. Permanent Resident Receiving AABD Cash On August 22, 1996. A permanent resident receiving AABD cash on August 22, 1996. (3-20-04)

~~**15. Afghan Special Immigrants.** An Afghan special immigrant, as defined in Public Law 110-161, who has special immigration status after December 26, 2007, are eligible for eight (8) months from the date they enter into the U.S. as a special immigrant or the date they convert to the special immigrant status. (3-29-10)~~

~~**16. Iraqi Special Immigrants.** An Iraqi special immigrant, as defined in Public Law 110-181, who has special immigration status after January 28, 2008, is eligible for eight (8) months from the date they enter the U.S. as a special immigrant or the date they convert to the special immigrant status. (5-8-09)~~

175. Individuals Not Meeting the Citizenship or Qualified Non-Citizen Requirements. Individuals who do not meet the citizenship or qualified non-citizen requirements in Subsections 105.01 through 105.164 of this rule, may be eligible for emergency medical services if they meet all other conditions of eligibility. (~~3-29-10~~)(12-19-09)T

(BREAK IN CONTINUITY OF SECTIONS)

(Editor's Note: The effective date of this deletion is January 1, 2010. This is the date when the waiver was no longer a required part of the eligibility determination process.)

~~**790. IDAHO STATE SCHOOL AND HOSPITAL (ISSH) WAIVER.** To be eligible, the participant must be at least fifteen (15) years of age but less than nineteen (19) years of age and is currently at or would be placed at the Idaho State School and Hospital (ISSH) if not for waiver services. (3-20-04)~~

~~7910.~~ -- 798. (RESERVED).