
42 C.F.R. § 436.2

Basis.

This part implements the following sections of the Act and public laws that state requirements and standards for eligibility:

402(a)(22) Eligibility of deemed beneficiaries of AFDC who receive zero payments because of recoupment of overpayments.

402(a)(37) Eligibility of individuals who lose AFDC eligibility due to increased earnings.

414(g) Eligibility of certain individuals participating in work supplementation programs.

473(b) Eligibility of children in foster care and adopted children who are deemed AFDC beneficiaries.

1902(a)(8) Opportunity to apply; assistance must be furnished promptly.

1902(a)(10) Required and optional groups.

1902(a)(12) Determination of blindness.

1902(a)(16) Out-of-State care for State residents.

1902(a)(17) Standards for determining eligibility; flexibility in the application of income eligibility standards.

1902(a)(19) Safeguards for simplicity of administration and best interests of beneficiaries.

1902(a)(34) Three-month retroactive eligibility.

1902(a) (second paragraph after (47)) Eligibility despite increased monthly insurance benefits under title II.

1902(a)(55) Mandatory use of outstation locations other than welfare offices to receive and initially process applications of certain low-income pregnant women, infants, and children under age 19.

1902(b) Prohibited conditions for eligibility:

Age requirements of more than 65 years;

State residence requirements excluding individuals who reside in the State; and

Citizenship requirement excluding United States citizens.

1902(e) Four-month continued eligibility for families ineligible because of increased hours or income from employment.

1902(e)(2) Minimum eligibility period for beneficiaries enrolled in HMO.

1902(e)(3) Optional coverage of certain disabled children at home.

1902(e)(4) Eligibility of newborn children of Medicaid-eligible women.

1902(e)(5) Eligibility of pregnant women for extended coverage for a specified period after pregnancy ends.

1903(v) Payment for emergency services under Medicaid provided to aliens.

1905(a) (i)-(viii) List of eligible individuals.

1905(a) (clause following (21)) Prohibitions against providing Medicaid to certain institutionalized individuals.

1905(a) (second sentence) Definition of essential person.

1905(d)(2) Definition of resident of an intermediate care facility for individuals with intellectual disabilities.

1905(n) Definition of qualified pregnant woman and child.

1912(a) Conditions of eligibility.

1915(c) Home or community based services.

1915(d) Home and community-based services for individuals age 65 or older.

412(e)(5) of Immigration and Nationality Act-Eligibility of certain refugees.

Pub. L. 93-66, section 230 Deemed eligibility of certain essential persons.

Pub. L. 93-66, section 231 Deemed eligibility of certain persons in medical institutions.

Pub. L. 93-66, section 232 Deemed eligibility of certain blind and disabled medically indigent persons.

Pub. L. 96-272, section 310(b)(1) Continued eligibility of certain beneficiaries of Veterans Administration pensions.

Pub. L. 99-509, section 9406 Payment for emergency medical services provided to aliens.

Pub. L. 99-603, section 201 Aliens granted legalized status under section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a) may under certain circumstances be eligible for Medicaid.

Pub. L. 99-603, section 302 Aliens granted legalized status under section 210 of the Immigration and Nationality Act may under certain circumstances be eligible for Medicaid (8 U.S.C. 1160).

Pub. L. 99-603, section 303 Aliens granted legal status under section 210A of the Immigration and Nationality Act may under certain circumstances be eligible for Medicaid (8 U.S.C. 1161).

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