

§ 436.100

42 CFR Ch. IV (10-1-02 Edition)

Subpart B—Mandatory Coverage of the Categorically Needy

§ 436.112 Individuals who would be eligible for cash assistance except for increased OASDI under Pub. L. 92-336 (July 1, 1972).

§ 436.100 Scope.

This subpart prescribes requirements for coverage of categorically needy individuals.

The agency must provide Medicaid to individuals who meet the following conditions:

§ 436.110 Individuals receiving cash assistance.

(a) In August 1972, the individual was entitled to OASDI and—

(a) A Medicaid agency must provide Medicaid to individuals receiving cash assistance under OAA, AFDC, AB, APTD, or AABD.

(1) He was receiving cash assistance; or

(b) For purposes of this section, an individual is receiving cash assistance if his needs are considered in determining the amount of the payment. This includes an individual whose presence in the home is considered essential to the well-being of a recipient under the State's plan for OAA, AFDC, AB, APTD, or AABD if that plan were as broad as allowed under the Act for FFP.

(2) He would have been eligible for cash assistance if he had applied, and the Medicaid plan covered this optional group; or

§ 436.111 Individuals who are not eligible for cash assistance because of a requirement not applicable under Medicaid.

(3) He would have been eligible for cash assistance if he were not in a medical institution or intermediate care facility, and the Medicaid plan covered this optional group.

(a) The agency must provide Medicaid to individuals who would be eligible for OAA, AB, APTD, or AABD except for an eligibility requirement used in those programs that is specifically prohibited under title XIX of the Act.

(b) The individual would currently be eligible for cash assistance except that the increase in OASDI under Pub. L. 92-336 raised his income over the limit allowed under the cash assistance program. This includes an individual who—

(b) The agency also must provide Medicaid to:

(1) Meets all current requirements for cash assistance except for the requirement to file an application; or

(1) Individuals denied AFDC solely because of policies requiring the deeming of income and resources of the following individuals who are not included as financially responsible relatives under section 1902(a)(17)(D) of the Act:

(2) Would meet all current requirements for cash assistance if he were not in a medical institution or intermediate care facility, and the Medicaid plan covers this optional group.

(i) Stepparents who are not legally liable for support of stepchildren under a State law of general applicability;

§ 436.114 Individuals deemed to be receiving AFDC.

(ii) Grandparents

(iii) Legal guardians;

(iv) Aliens sponsors who are not organizations; and

(a) The Medicaid agency must provide Medicaid to individuals deemed to be receiving AFDC, as specified in this section.

(v) Siblings.

(b) The State must deem individuals to be receiving AFDC who are denied a cash payment from the title IV-A State agency solely because the amount of the AFDC payment would be less than \$10.

(2) [Reserved]

(c) The State may deem participants in a work supplementation program to be receiving AFDC under section 414(g) of the Act. This section permits States, for purposes of title XIX, to deem an individual and any child or relative of the individual (or other individual living in the same household) to be receiving AFDC, if the individual—

[58 FR 4934, Jan. 19, 1993, as amended at 59 FR 43053, Aug. 22, 1994]