

## CHAPTER 2

### Rules and Regulations for Kid Care CHIP

#### Eligibility

Section 1. Authority. This Chapter is promulgated pursuant to the Child Health Insurance Program Act at W.S. § 35-25-108 and the Wyoming Administrative Procedure Act at W.S. § 16-3-102.

Section 2. Purpose and Applicability.

(a) This Chapter shall provide uniform procedures for determining eligibility for Kid Care CHIP. This Chapter shall become effective for Kid Care CHIP services provided on or after January 1, 2014.

(b) The requirements of 42 C.F.R. Ch. IV, Subch. C, Pt. 435 also apply to Kid Care CHIP and are incorporated by this reference as of the effective date of this Chapter, and may be cross-referenced throughout this Chapter where applicable. This incorporation by reference does not include any later amendments or editions of the incorporated matter. The incorporated matter may be viewed at <http://www.ecfr.gov/cgi-bin/ECFR> and [www.ssa.gov](http://www.ssa.gov) or may be obtained at cost from the Department.

Section 3. Application Process. When an individual makes a request for Kid Care CHIP, the following apply:

- (a) An application form shall be provided upon request;
- (b) A separate application shall be required for each family, and the applicant shall be notified, in writing, of the result;
- (c) The application may be mailed, delivered personally, faxed or submitted on-line to the Department;
- (d) The application shall be accepted when complete and noted as received;
- (e) Applicants shall be informed of the eligibility criteria, services available under the program, and their rights and responsibilities;
- (f) An application shall be approved if the applicant is found to be eligible; or
- (g) An application shall be denied if the applicant:
  - (i) is found to be ineligible;
  - (ii) does not provide all required information;

- (iii) has withdrawn the application;
- (iv) is an inmate of a public institution;
- (v) is a resident in an institution for mental disease;
- (vi) is a dependent of a state employee eligible for health insurance benefits;
- (vii) has insurance or has willingly dropped insurance within thirty (30) days before the application was submitted; or
- (viii) is age nineteen (19) or older.

(h) Documentation of the action taken and the reasons for the action shall be placed in the applicant's case file.

(i) The Department shall provide notice to the applicant of the determination within forty-five (45) calendar days from the application date.

Section 4. Applicant Rights. Applicants shall have the following rights:

(a) To apply without delay at the Kid Care CHIP Central Office (at the Department in Cheyenne), either in person, by mail, by facsimile, on-line, or by leaving the application at the Central Office.

(b) To be accompanied or assisted by a person of the applicant's choice in requesting or completing an application.

(c) To request assistance from the Department in completing an application.

(d) To have the application and all personally identifiable information kept confidential and only disclosed as necessary to determine or verify eligibility or in accordance with the rules of the Department.

(e) To be treated with respect and to not be discriminated against, in accordance with applicable federal and state laws.

(f) To be informed:

(i) Orally or in writing of the program eligibility factors and required verifications;

(ii) In writing of the effective date of eligibility; and

(iii) In writing of their rights and responsibilities.

(h) To be informed that the denial of an application for benefits is an adverse action, and that the applicant is entitled to reconsideration and an administrative hearing pursuant to Chapter 1, Section 9.

Section 5. Applicant Responsibilities.

(a) An applicant shall complete an application in the form and in the manner specified by the Department. The application must be completed, dated and signed by the applicant's parent or guardian, or by the child, if the child is an emancipated minor.

(b) An applicant shall cooperate fully in the process of determining eligibility, including the following:

(i) Provide any and all necessary information required by the Department; and

(ii) Promptly provide a Change Report to reflect a Change in Circumstances.

Section 6. Verifications. The following information shall be verified, and documentation shall be maintained in the individual's case file:

(a) Qualified alien status;

(b) Birth certificate;

(c) Proof of identity;

(d) Proof of American Indian or Alaska Native status; and

(e) Reasons for the denial of eligibility.

Section 7. Citizenship and Residence. Eligibility is limited to:

(a) Citizens and Qualified Aliens; and

(b) Residents of Wyoming

Section 8. Eligibility Determination.

(a) Eligibility shall be determined using the countable income of the family unit, as specified in 42 C.F.R. § 435.603.

(i) Except as specified in paragraph (ii) below, eligibility shall be determined based on the child's family's countable income during the month in which the application is submitted.

(ii) Income from self-employment or seasonal work shall be based on

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the monthly average of the family's annual countable income for the previous twelve (12) month period. Current monthly income may be used if income from the previous twelve (12) month period is not representative of the family's current financial circumstance.

(b) Eligibility for Kid Care CHIP shall be limited to an individual who:

(i) Has countable income for the family unit that does not exceed 200% of the Federal Poverty Level;

(ii) Is under age nineteen (19);

(iii) Is not eligible for Medicaid;

(iv) Is not in a public institution;

(v) Is not eligible for State of Wyoming employee health insurance coverage;

(vi) Is not covered by any private health insurance plan; and

(vii) Has not been covered by a health insurance plan for one (1) month or more before the date of application (unless the plan is ended for a reason considered to be an exception in the CHIP State Plan);

(c) Resources. Resources shall not be used in determining eligibility.

Section 9. Eligibility Redetermination. The Department shall conduct a Periodic Review to determine continuing eligibility. Such reviews shall be done on forms and in accordance with procedures developed and specified in manuals or bulletins distributed by the Department.

Section 10. Eligibility Letters. The Department shall issue "Kid Care CHIP Eligibility Letters" to the parent or guardian of each insured notifying him or her of the approval of eligibility for the program. The letter shall include information about available participating insurance programs and specify which Kid Care CHIP plan the child is enrolled in.

Section 11. Duration of Eligibility. After being determined eligible, a child shall remain eligible for twelve (12) months following the effective date of eligibility unless the child turns age nineteen (19), enters a public institution, moves out of state, becomes eligible for Medicaid, requests that the Kid Care CHIP policy be closed and/or fails quality control.