

7.14 SPECIFIC WV CHIP REQUIREMENTS

The information in this Section parallels the information in Chapter 16, which contains the requirements specific to the Children Under Age 19 Medicaid Group. Item A describes the criteria for WV CHIP. Sections B and C describe the similarities and differences between requirements for WV CHIP and the Children Under Age 19 Medicaid Group.

A. REQUIREMENTS FOR WV CHIP CHILDREN

Income:	211% FPL 300% FPL WV CHIP Premium Expansion No Spenddown Provision	Assets: N/A
---------	--	-------------

Individuals are eligible for WV CHIP when all of the following conditions are met:

1. At the time of application or redetermination, the child must not be financially eligible for a full-coverage Medicaid coverage group. If ineligible for a non-financial reason such as lack of documentation of citizenship or cooperation in pursuing medical support, the child does not qualify for WV CHIP. An individual interested in receiving WV CHIP but eligible for Medicaid cannot choose WV CHIP instead of Medicaid but he can refuse Medicaid.
2. The child is not yet age 19, regardless of school attendance or course completion date. He becomes ineligible the end of the month in which he attains age 19. Emancipation does not impact eligibility.

EXCEPTION: When a child is receiving inpatient services on the date he would lose eligibility due to age, coverage continues until the child is discharged.

3. Household income, determined according to Section 7.10, is less than or equal to 300% FPL. See Chapter 10, Appendix A.
4. The child is not an inmate of a public institution.
5. The child is not a patient in an institution for mental diseases.
6. The child meets the Medicaid citizenship and alienage requirements found in Chapter 4. See Section 7.5, F regarding enumeration.
7. The child is not **receiving** a state group health plan based on a family member's employment with a public agency that has access to a state health plan.

WV CHIP

NOTE: Any child who has access to insurance through a state health plan, including Public Employee Insurance Agency (PEIA), may now receive WV CHIP, if otherwise eligible and currently not enrolled. West Virginia has expanded coverage which allows WV CHIP to offer benefits to children of public employees having income of up to 300% of the Federal Poverty Level. Because of PEIA's open enrollment period, children can be evaluated for eligibility for WV CHIP beginning March 19 through April 30, 2014, and if otherwise eligible, will have coverage beginning July 1, 2014. Every year thereafter, the enrollment period will be March 1 through April 30. Due to IRS Section 125 rules regarding life-changing events, PEIA can only dis-enroll children during the program's open enrollment period that occurs April 1 through April 30 each year. The only exception is for new employees that have not yet enrolled in PEIA. New employees have 60 days from date of hire to enroll in PEIA. WV CHIP is not a secondary payer.

EXCEPTION: This requirement does not apply if the public agency contributes less than \$10 more per family, per month toward the cost of dependent coverage, than their contribution toward the cost of covering the employee only.

EXAMPLE: A client has PEIA through his employment at a county agency. The employer pays \$25 toward the cost of his insurance. If he adds his son to his insurance, his employer pays \$30 (\$25 for him and \$5 additional for family coverage) toward the cost of his family insurance. The insurance is available and his son is eligible, but the employer pays less than \$10 more to add the child than they pay for the client's insurance alone. If otherwise eligible, the child is eligible for WV CHIP coverage.

For WV CHIP purposes, a public agency is defined as having operations funded by state revenues that are in part, used to pay an employer's share of an employee's health care in a state health plan such as, but not limited to, PEIA.

WV CHIP

NOTE: Employees of certain community-based non-profit agencies such as, but not limited to, community action programs, senior service agencies, and mental health centers, although commonly thought to be public agencies, do not meet the public agency definition as defined by federal regulations and are identified by a tax exempt status under IRS Regulation, (501(c)3. An applicant employed by an agency with 501(c)3 tax status can, if otherwise eligible, receive WV CHIP for her child(ren).

When there is a question if an applicant's employer is considered a public agency for WV CHIP eligibility, and this information is not available to the Department or obtainable from WV CHIP, the Worker requests verification of the employer's tax status from the client.

EXAMPLE: An applicant is working for Eldercare Mental Health Center, a community-based non-profit agency. She has access to a state health plan with the premium costs shared between the employer and employee. The Worker is unsure if this agency is considered a public agency for WV CHIP purposes and requests verification of the tax status from the client. If the employer's human resource department verifies the agency's tax status as 501(c)3, the applicant, if otherwise eligible, can receive WV CHIP for her son.

An employee who "buys in" to PEIA or another state health plan with his own funds, without any employer contribution, would, if otherwise eligible, be able to receive WV CHIP, since no state funds are used to pay his health insurance premiums.

8. The child does not have individual or group health insurance coverage. Most children with health coverage will not qualify for WV CHIP. See "Definitions" in Appendix A.

Failure to accept available health insurance coverage does not affect WV CHIP eligibility, except for public employees who are receiving or eligible to enroll in a state health plan such as PEIA. This requirement applies only to persons who drop out of an existing program.

NOTE: The Worker must not advise a family concerning dropping a child's existing health insurance or about other health care provider choices.