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**MAGI RECERTIFICATION**

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**REVISED 5/31/2024 – CHANGE NO. 06-24**

**Current Change Notice: 06-24**

- Section II.L.4. - If immigration status cannot be verified via the ex-parte process, the beneficiary must be given a reasonable opportunity period.
- Section II.L.5. - If a beneficiary failed to provide documentation confirming immigration status at the end of the ROP:
- Section II.L.5.c. - The individual may reapply for Medicaid; the caseworker must process the application and allow another ROP.

**BACKGROUND**

Federal regulations require that eligibility be evaluated annually. This section provides recertification procedures for all MAGI (Modified Adjusted Gross Income) programs of Family & Children's Medicaid. Recertifications must be completed so that the appropriate notice can be sent in a timely manner and to ensure that ongoing benefits are issued timely and accurately.

When recertification is not completed timely, benefits must be extended one month at a time until the recertification is completed.

**I. POLICY PRINCIPLES**

**A. Definitions**

1. **Ex-parte process**: a determination of Medicaid eligibility utilizing information available to the local agency without requesting verification from the beneficiary. This may be electronic sources or information verified by other programs, such as Food and Nutrition Services (FNS) or Work First Family Assistance (WFFA). When information and/or verification must be requested from the beneficiary, the ex-parte process ends.

When possible, caseworkers should process recertifications using the ex-parte process. Refer to IV, below for more information.

2. **Recertification**: a review of all factors of eligibility subject to change. May be completed ex-parte. For non-MAGI programs, there is no recertification form, and no signature is required to complete a recertification.

3. **Monthly processing deadline:** the second to the last state business day of the month.
4. **90-Day reopen:** 90-day reopen policy applies when required information is received within 90 days from the termination effective date. Refer to XI., below.

## **B. Reasonable Compatibility**

When the recertification cannot be completed ex-parte and the NCF-20020 must be generated and mailed, reasonable compatibility may be applicable. Caseworkers should use the guidance below to determine if reasonable compatibility applies. Refer to [MA-3310, Reasonable Compatibility](#).

1. Reasonable compatibility refers to the standard used to compare the self-attested income/resource and income/resource as reported by an electronic data source.
  - a. Reasonable compatibility is determined based on the total countable amount of income/resources for the household.
  - b. Reasonable compatibility cannot be used without a current self-attestation of income/resources.
  - c. Self-attestation may be the applicant/beneficiary's statement or information they provide. Refer to [MA-3310, Reasonable Compatibility](#).
2. Reasonable compatibility is **not** applicable for income when calculating a deductible for medically needy Medicaid programs or when calculating the patient monthly liability (PML) for long-term care (LTC) and PACE Medicaid programs.
3. Reasonable compatibility **is** applicable for resources for all Medicaid programs that determine eligibility based on resources.

## **C. Timely Recertification**

1. Complete the recertification process every 12 months.
2. Begin the recertification process no earlier than:
  - The 10th month of the current 12-month certification period or
  - 2 months prior to the last month of the MPW 12-month postpartum certification period or
  - Two months prior to the month in which a child turns 19. Benefits may not be reduced or terminated until the month following the month the child turns 19.

**Example:** Child turns 19 in September; caseworker begins

evaluation in July and determines that the child will no longer be eligible for the current Medicaid program. The current benefits cannot be reduced or terminated any earlier than October. Timely notice must be sent in September, following timely notification policy found in [MA-3430, Notice and Hearings Process](#).

3. The recertification process must be completed prior to the monthly processing deadline of the last month of the certification period.
4. Complete the recertification process according to the Medicaid program type by the monthly processing deadline of the last month of the certification period.
  - a. Complete the recertification process for MIC-N/1, MAF-C/N/D, IAS, EFCP, and MFC prior to the monthly processing deadline of the 12<sup>th</sup> month of the certification period.
  - b. Complete the recertification process for newborns prior to the monthly processing deadline of the last month at the end of the one-year automatic newborn period.
  - c. Complete the recertification process for an MPW case prior to the monthly processing deadline of the last month of the postpartum period.
  - d. Complete the recertification process prior to the monthly processing deadline of the month in which a child in MAGI household turns age 19.
  - e. Complete the recertification process prior to the monthly processing deadline of the month in which the youngest child of a parent/caretaker in the MAGI household turns age 18.

**D. Assistance with Recertification**

The beneficiary is allowed to have any third person to assist in the recertification process.

**E. Reducing Benefits or Terminating – Franklin Requirements for Critical Age or End of the 12-Month Postpartum Period**

Franklin v. Kinsley (5:17-CV-581 E.D.N.C.) – previously known as Hawkins v. Cohen, is a federal lawsuit filed in 2017 on behalf of Medicaid beneficiaries in North Carolina.

1. Beneficiaries whose benefits will be potentially reduced or terminated at recertification or as a result of critical age change or end of postpartum will receive DHB-2187, Notice of Potential Change in Medicaid Eligibility.
2. Refer to VIII. for instructions regarding requirements for individuals who allege disability. Benefits may not be reduced or terminated if the a/b meets

the requirements in VIII.

## **F. Reducing or Terminating Benefits Based on Electronic Source Information**

1. Benefits may not be reduced or terminated based on verifications obtained from an electronic source alone. The caseworker must:
  - a. Update the evidence in NC FAST
  - b. Request additional verification from the beneficiary by sending the prepopulated NC FAST 20020 and [DHB-5097/DHB-5097sp](#), Request for Information, allow 30-days to respond prior to taking action.
  - c. Refer to II.B above and [MA-3310, Reasonable Compatibility](#) to determine if reasonable compatibility policy is applicable.
2. If the beneficiary fails to respond with the required information requested on the [DHB-5097/DHB-5097sp](#), Request for Information, take the following steps:
  - a. Ensure that all requirements regarding the DHB-2187, Notice of Potential Change in Medicaid Eligibility, are followed. Refer to VIII.A. below.
  - b. Medicaid benefits may not be terminated until 60 calendar days after the date the DHB-2187 was mailed.
  - c. The caseworker must review the DHB-2187 in NC FAST to determine the date mailed. Then use the Time Standards chart to calculate the 60<sup>th</sup> calendar day.
  - d. Send a timely [DSS-8110](#) to terminate Medicaid effective the last day of the month in which the 61<sup>st</sup> day falls. Follow policy in [MA-3430, Notice and Hearings Process](#).
3. If Medicaid benefits are reduced or terminated, a [DSS-8110, Notice of Modification, Termination, or Continuation of Public Assistance notice](#) must be completed so that it expires prior to the monthly processing deadline to allow for timely notice period. Refer to [MA-3430, Notice and Hearings Process](#).

## **G. Requesting Information**

1. Only request information about individuals in the MAGI household of the persons receiving or requesting Medicaid coverage. Refer to [MA-3306, Modified Adjusted Gross Income \(MAGI\)](#), for policy regarding who is in the MAGI household.
2. When information is requested via the NCFast 20020 and/or the DHB-5097, the first request **must** be 30 calendar days, and subsequent requests should be

12 days.

When the date due is a non-business day, allow the beneficiary until the next business day to provide the requested information.

#### **H. Self-Attestation**

Permit, on a case-by-case basis, a complete self-attestation by beneficiaries of any eligibility requirement except citizenship/immigration status when documentation doesn't exist or is not reasonably available, such as for individuals who are homeless or victims of domestic violence or natural disaster.

#### **I. Evaluate for All Programs**

Always evaluate eligibility under all Medicaid programs. This includes all MAGI and non-MAGI Medicaid programs.

#### **J. Eligibility Factors Subject to Change**

1. Reverify only those eligibility factors that are subject to change, such as:
  - Income
  - Household composition
  - The status of qualified aliens lawfully residing in the United States.
2. If verification is needed at recertification:
  - a. Attempt to obtain the verification by conducting an ex-parte review first.
  - b. If verification is needed from the beneficiary, send the prepopulated NC FAST 20020 and [DHB-5097/DHB-5097sp](#), Request for Information to the beneficiary and their authorized representative.
  - c. Refer to [MA-3300, Income](#), and [MA-3320, Resources](#), to determine the correct base-period and countable income/resources.
3. The local agency must obtain the verification for the individual and document in NC FAST when:
  - There is a fee involved in obtaining the information OR
  - If the individual requests assistance OR
  - The individual is mentally, physically, or otherwise incapable of obtaining the information.

#### **K. Providing Assistance**

1. When assistance is needed, it must be provided in a manner accessible to persons with disabilities or limited English proficiency.

2. Home visits may be made only at the request of the beneficiary when needed. Home visits may be used to assist the beneficiary in providing information needed to complete the review. Beneficiaries may request a home visit due to incapacity or other good cause.

**L. Immigration Status Must be Re-verified at Recertification.**

At recertification, the caseworker must review the case for the beneficiary's immigration documentation. If verification is needed at recertification, attempt to obtain the verification by conducting an ex-parte review before contacting the beneficiary and their authorized representative. If verification is not available ex-parte, request verification. Generate and send both the NCFAS-20020 and [DHB-5097/DHB-5097sp](#), Request for Information, to request required verifications that are not available from any other source.

1. Verify the beneficiary continues to reside lawfully in the United States using SAVE, Systematic Alien Verification for Entitlement Program.

Refer to NC FAST Job Aid: SAVE Automation Verification. The caseworker should use any documentation provided at application in the case file.

2. **DO NOT** use SAVE as verification for **trafficking victims**. The case file contains a copy of the Office of Refugee Resettlement (ORR) certification letter received at application. Call the trafficking verification line at (866)

401-5510 to confirm the validity of the certification letter or eligibility letter for children if questionable. Refer to [MA-3330, Alien Requirements](#).

3. If the case (including all agency records and electronic sources) contains an expired document and the beneficiary is unable to present any immigration documentation evidencing their immigration status, refer the beneficiary to the local U.S. Citizenship and Immigration Services (USCIS) Office to obtain documentation of their immigration status.

4. If immigration status cannot be verified via the ex-parte process, the beneficiary **must be given** a reasonable opportunity period (ROP):

- a. Request verification by sending the NCFAS 20020 and [DHB-5097/DHB-5097sp](#), Request for Information, to the beneficiary and their authorized representative.

Do not ask the beneficiary to mail or leave any original documents at the local agency. A copy of the document is sufficient.

- b. If the beneficiary attests, they have a valid immigration status, but states they do not have documentation and they are making a good faith effort to obtain the needed documents, document the case.
- c. If all other eligibility requirements are met apply ROP and complete the

recertification and authorize with the appropriate certification period.

5. **If a beneficiary failed to provide** documentation confirming immigration status **at the end of the ROP:**
  - a. Follow NC FAST Job Aid: Reasonable Opportunity Period, to end-date the verification.
  - b. Terminate the case effective the last day of the current certification period if the beneficiary has received a ROP and failed to provide documentation or did not request assistance in obtaining verification of immigration status.
  - c. **The individual may reapply for Medicaid; the caseworker must process the application and allow another ROP. Refer to [MA-3330, Alien Requirements](#) policy.**
6. When the beneficiary is a current or former lawful permanent resident (LPR):
  - a. Refer to [MA-3330, Alien Requirements](#), for acceptable documentation for LPR beneficiaries
  - b. Use SAVE to verify the authenticity of the LPR document.
  - c. Refer to NC FAST Job Aid: SAVE Automation Verification.

**M. Eligibility Factors not Subject to Change**

1. Do not reverify factors that are not subject to change, such as:
  - date of birth
  - citizenship.
2. Citizenship and identity documentation is required at application and does not need to be re-established at recertification.
3. The local agency must obtain the verification for the beneficiary and document in NC FAST when:
  - There is a fee involved in obtaining the information OR
  - The beneficiary requests assistance OR
  - The beneficiary is mentally, physically, or otherwise incapable of obtaining the information.
4. Do not require further immigration documentation at recertification for the following:
  - a. Title IV-E and Title IV-B children. See [MA-3232 Foster Care Medical Assistance](#), for procedures to obtain the necessary documentation of Title

IV-B or Title IV-E status at recertification.

- b. Children born in the United States whose delivery was covered by Medicaid.
- c. Current or former SSI recipient. Use OVS to access the SDX to verify current or former SSI status.
- d. Current or former Social Security Disability Insurance (SSDI) recipient, or Medicare recipient. Use OVS to access SOLQ to prove current or former Medicare and SSDI status.
- e. Current or former lawful permanent resident (LPR). Refer to [MA-3330, Alien Requirements](#) for acceptable documentation for LPR applicants and use SAVE, Systematic Alien Verification for Entitlement Program, to verify the authenticity of the LPR document.

**N. Authorized Representative**

1. Review all agency records to determine if the beneficiary has one or more of the following:
  - a. A power of attorney
  - b. Legal guardian
  - c. Authorized representative
  - d. Refer to [MA-3430, Notice and Hearings Process](#) for a complete list.
2. Verify the documentation is not expired.
3. If the documents are expired, contact the beneficiary to determine if the individual on file is still serving in this capacity. If yes, the caseworker should request an updated authorization form.
4. If continued eligibility cannot be determined ex-parte, send all forms and requests for verification to both the beneficiary and the authorized representative.
5. Refer to:
  - [MA-3430, III Notice and Hearings Process](#) for a list of authorized representatives and hierarchy for determining order of priority.
  - NC FAST Job Aid: Adding an Authorized Representative.

**O. Program Change**

1. If the beneficiary is eligible in a different Medicaid program, obtain necessary verifications and update evidence in NC FAST.



Refer to NC FAST Job Aids: MAGI Medicaid Recertification and Traditional Medicaid Recertifications for instructions.

2. When the beneficiary states they are disabled, turns age 65, or becomes eligible for Medicare, refer to the [Medicaid for the Aged, Blind, and Disabled](#) policy manual for eligibility requirements.
3. The caseworker must review NC FAST prior to making a program change to determine if the beneficiary has a pending application for Medicaid for the Disabled (MAD). Refer to section II.E. above for requirements and section VII. below for processing instructions.

## **II. INFORMING THE BENEFICIARY OF THEIR RIGHTS AND RESPONSIBILITIES**

In-person and telephone interviews can no longer be required at recertification. However, the local agency must provide information to the beneficiary which formerly was provided during the recertification interview.

### **A. Notice of Rights and Responsibilities**

NC FAST will generate and mail the DHB-5085, Important Information About Your Rights and Responsibilities for Medicaid at Recertification, on the first day of the tenth month of the beneficiary's certification period.

### **B. In Person or Telephone Contact**

1. When the caseworker has in person or telephone contact with the beneficiary during the recertification process, rights and responsibilities should be explained by the caseworker to the beneficiary.
2. Document on the case that the information on DHB-5085, Important Information About Your Rights and Responsibilities for Medicaid at Recertification, has been explained.
3. At every in person or telephone contact, the caseworker must offer assistance to the individual with creating an ePASS account, and with linking/delinking their ePASS account.
  - The option to **link** their ePASS account is not available to a/bs who DO NOT have a Social Security Number and sufficient credit history.
  - Refer to:
    - [Dear County Director Letter \(DCDL\) posted on May 18, 2022](#)
    - The Learning Gateway training, [ePASS Linking & Delinking Enhanced Accounts](#)
    - NC FAST Job Aid: ePASS Linked Accounts Change of

## Circumstance

### **C. Non-Emergency Medical Transportation (NEMT)**

The [DHB-5046, Medical Transportation Assistance Notice of Rights](#) is generated and mailed automatically by NC FAST when the recertification is marked complete in NC FAST.

### **D. Third Party Insurance**

1. If the beneficiary reports that they have health insurance or have been in an accident, verification of insurance must be provided post eligibility.
2. When an individual is in an accident and Medicaid covers the medical bills when there is third-party liability, inform the beneficiary that if there is an insurance settlement at a later date, Medicaid will recoup up to the amount paid by Medicaid.
  - a. Examples of the kinds of insurance that must pay the medical bills or refund the Division of Health Benefits (DHB) are:
    - Health insurance
    - Auto insurance settlements used to pay medical bills.
    - Worker's compensation
    - CHAMPUS or Tri-Care
    - Indemnity policies.
  - b. Explain that:
    - (1) By accepting Medicaid, the beneficiary has given the state the right to all money that they might be entitled to from all insurance that will pay for their medical expenses up to the amount paid by Medicaid.
    - (2) It is a misdemeanor for anyone to willfully fail to tell the local agency of any claim they may have against anyone for medical expenses, regardless of the kind of insurance or accident involved.

### **E. Homeless Individuals with no Permanent Address**

1. Caseworkers should enter the local agency's mailing address for the homeless beneficiary if they report no other mailing address.
2. Instruct beneficiaries with no mailing address:
  - a. They are responsible for coming to the agency to pick up their annual Medicaid card and necessary notices.
  - b. They are responsible for checking with the local agency periodically to

pick up their mail from the enrollment broker and/or their assigned prepaid health plan (PHP).

3. If the beneficiary fails to pick up their annual Medicaid card for two consecutive months, refer to III.G. below.

#### **F. Child Support Referral**

1. Cooperation with child support is required. Refer to [MA-3365, Child Support](#), to determine if a referral is required.
2. When required, the caseworker should inform the beneficiary they must cooperate with child support enforcement.

#### **G. Returned Mail/Unable to Locate**

1. Document all attempts to locate the beneficiary. Documentation must include the date of the attempt and the outcome.
  - a. Review agency records and other program records for a current address including:
    - Food and Nutrition Services (FNS)
    - Work First Family Assistance (WFFA)
    - Other agency records and/or electronic sources as needed.
  - b. Review current electronic sources for an updated address, such as (not an exhaustive list):
    - ACTS
    - ESCWS
    - SDX
    - SOLQ
    - The Work Number (TWN)
  - c. Attempt to contact the beneficiary by telephone to obtain a current address.
  - d. Send a [DHB-5097/DHB-5097sp.](#), Request for Information to the most recent mailing address to request verification of a new address.
2. If all attempts to locate the beneficiary are unsuccessful:
  - a. Ensure that all requirements regarding the DHB-2187, Notice of Potential Change in Medicaid Eligibility, are followed. Refer to VIII.A. below.
  - b. Medicaid benefits may not be terminated until 60 calendar days after the date the DHB-2187 was mailed.

- c. The caseworker must review the DHB-2187 in NC FAST to determine the date mailed. Then use the Time Standards chart to calculate the 60<sup>th</sup> calendar day.
  - d. Send an **adequate** [DSS-8110](#) to terminate Medicaid effective the last day of the month in which the 61<sup>st</sup> day falls. Follow policy in [MA-3430, Notice and Hearings Process](#).
3. If the local agency **is able to locate** the beneficiary prior to the end of the current certification period, reopen the terminated case from the first day of the month after the month of termination and authorize benefits through the end of the certification period.
- **Example:** Caseworker begins ex-parte recertification on 10/5 for a beneficiary's case with a certification period that ends 12/31.
  - The caseworker discovers that additional information is required and mails the beneficiary a NCFAS-20020 and a DHB-5097 on 10/10.
  - The caseworker receives returned mail on 10/28 with no forwarding address for the beneficiary.
  - The caseworker then follows the policy in steps one and two above. After exhausting all efforts to locate the beneficiary and ensuring that 60 calendar days have passed since the DHB-2187 was mailed, the caseworker terminates the case using the reason "unable to locate" effective 11/30 and mails adequate notice to the beneficiary.
  - On 12/15, the beneficiary contacts the caseworker after a medical provider informs them that their Medicaid is not active.
  - The beneficiary provides a new address, and the caseworker reopens the case, authorizing benefits through 12/31 (the original certification end date).
  - Because the caseworker originally was unable to complete the recertification ex-parte, the new certification period cannot be authorized until the recertification is completed.
  - The caseworker must follow the steps in four, below.
4. At recertification, when the original returned mail item is the NCFAS-20020, Medical Assistance Renewal Notice and/or the [DHB-5097/DHB-5097sp](#), Request for Information, mailed by the caseworker to request verification to complete the recertification, take the following steps when the local agency **is able to locate** the beneficiary prior to the end of the **current** certification period:
- a. Generate and mail another NCFAS-20020, Medical Assistance Renewal Notice and/or [DHB-5097/DHB-5097sp](#), Request for Information, requesting the same information that is needed to complete the recertification.
  - b. Allow the beneficiary 30 calendar days to provide the information.

- c. If the 30th calendar day is in the month after the certification period ends, extend the certification period for one month at a time until the recertification process is complete.
- d. If the beneficiary fails to respond or is no longer eligible, and there is not enough time to mail timely notification after the 30th calendar day, extend the certification period for one month at a time until the timely notification process is complete.

**Example:**

- Using the same scenario in the example under III.G.3. above, the caseworker reopened the case and generated and mailed the NCFAS-20020, and a [DHB-5097/DHB-5097sp.](#) requesting the same information required to complete the recertification.
- The beneficiary returns the information, however, the information provided results in ineligibility for all Medicaid programs.
- The caseworker determined the beneficiary is ineligible on 12/21 and generates and mails timely notice which expires in January.
- Because timely notice does not expire before the end of the current certification period (12/31), the caseworker extends the benefits for one month, with the end date of 1/31.

### **III. EX-PARTE RECERTIFICATION**

#### **A. Ex-parte**

1. All recertifications must be completed using electronic data sources and available agency records to determine continued eligibility prior to contacting the beneficiary/authorized representative.
2. Electronic data sources and agency records include but are not limited to:
  - a. Online Verification Service (OVS)
  - b. TWN (can only be completed inside of NC FAST due to contractual requirements)
  - c. Food and Nutrition Services (FNS)
  - d. Work First Family Assistance (WFFA)
  - e. Other agency records and/or electronic sources as needed.

#### **B. Child Support**

**Child Support Cooperation is NOT required during the Continuous Coverage Unwinding. Refer to [DHB Administrative Letter 13-23, Child Support Cooperation and Applying for Other Monetary Benefits Post Eligibility During](#)**

## [the Continuous Coverage Unwinding \(CCU\) Period.](#)

During the ex-parte recertification process:

1. Review the NC Automated Collection and Tracking System (ACTS) via OVS.
2. If ACTS indicates non-cooperation for the parent/caretaker, the caseworker must:
  - a. Review the case to determine if there is a reported child support non-cooperation change.
  - b. If a child support cooperation has been reported, determine if the change was reacted to timely.
  - c. If the local agency was unable to terminate or failed to terminate Medicaid benefits due to non-cooperation with child support timely, an NCFAS-20020 and [DHB-5097/DHB-5097sp](#) must be sent.
  - d. Allow the beneficiary allowed 30 calendar days to provide verification of child support cooperation.
  - e. If the beneficiary fails to provide verification of child support cooperation and ACTS indicates continued non-cooperation, propose termination and mail a timely [DSS-8110: Notice of Modification, Termination, or Continuation of Public Assistance](#).
3. Refer to [MA-3430, Notice and Hearings Process](#) for policy regarding timely notification.

### **C. Base-Period and Countable Income**

Refer to [MA-3306, Income and Budgeting for MAGI](#) policy to determine the correct base-period and countable income.

## **IV. CONTINUED ONGOING ELIGIBILITY DETERMINED**

When ongoing eligibility can be determined using available information and there is no indication of a change that may impact eligibility, complete the recertification in NC FAST. Generate and mail the [DSS-8110: Notice of Modification, Termination, or Continuation of Public Assistance](#), in NC FAST.

Refer to the following NC FAST Job Aids:

- MAGI Recertification Straight-through Processing Automated Recert Selection and Exclusion Criteria
- MAGI Medicaid Recertification
- MA/MAGI DSS-8110 Notice of Modification, Termination, or Continuation of

**V. CHANGES IMPACTING ELIGIBILITY**

**A. Changes Discovered During the Ex-parte Review**

When there is an indication of a change discovered during the ex-parte process that could potentially impact eligibility negatively, the ex-parte process ends, and the NCFAS-20020 prepopulated Medicaid Renewal form is required. The NCFAS-20020 must be returned signed or a voice signature must be obtained.

**B. Program Change – No Reduction of Benefits**

1. When eligibility for a current full coverage Medicaid program is changing to eligibility for another full coverage Medicaid program, such as MXP or ABD, a NCFAS-20020 is NOT required.
2. If MXP eligibility is being authorized, the caseworker must document evaluation for all other Medicaid program categories including medically needy.
3. The parent/caretaker is potentially eligible for transitional Medicaid (TMA).
  - a. Determine if the parent/caretaker is otherwise eligible for TMA (i.e., continues to have a child under the age of 18).
  - b. If electronic sources verify the income and start-date, authorize TMA.
  - c. If electronic sources **do not** verify required information, send the DHB-5097 to request. Allow 30 calendar days for the beneficiary to respond.
  - d. If there is no response to the DHB-5097 request, do **NOT** terminate benefits. Authorize MXP. The caseworker will enter a product exclusion to authorize MXP.
4. After evaluating for all other full Medicaid programs, including medically needy, caseworkers must document the following information:
  - a. When there is no indication of medical expenses to meet a spenddown/deductible.

**Example:** The beneficiary has reported no medical expenses and there is no indication of old, current or anticipated medical expenses.

- b. When documenting other eligibility factors such as age or disability:

**Examples:**

- The beneficiary is not 65 or older, is not blind, and is not disabled.
- The beneficiary is not the parent/caretaker of a child under the age of 18.

- The beneficiary is not eligible for nor enrolled in Medicare Part A or Part B.
- The beneficiary is not pregnant.

### C. Examples of Changes that Do NOT Require an NCFAST-20020

1. **MIC-N to MIC-1:** At the MIC-N recertification, electronic sources verify the household's countable MAGI income is above the MIC-N income limit but below the MIC-1 income limit. Even if electronic sources reveal new employment, the beneficiary remains eligible under a full MAGI Medicaid program (MIC-1). Therefore, the NCFAST-20020 is not required. Authorize MIC-1.
2. **MAF-N to MXP:** At recertification, electronic sources verify the household's countable income is above the MAF limit. The Medicaid record indicates no old, current, or anticipated medical expenses. Therefore, the NCFAST 20020 and the DHB 5097 are not required. Authorize MXP. Document the case thoroughly for the evaluation under all programs, including medically needy.
3. **MPW to MXP:** At the end of the MPW recertification post-partum period, electronic sources verify the household's countable MAGI income is above the MAF-C income limit but below the MXP income limit. Even if electronic sources reveal an increase in income, the beneficiary remains eligible under a full MAGI Medicaid program (MXP). The Medicaid record indicates no old, current, or anticipated medical expenses. Therefore, the NCFAST-20020 and DHB-5097 are not required. Authorize MXP. Document the case thoroughly for the evaluation under all programs, including medically needy.

### D. Changes Requiring an NCFAST-20020

1. Self-Employment Income

When the source of income is self-employment the caseworker must send an NCFAST-20020 and DHB-5097 to request self-employment income records, **unless** another needs-based program (i.e., FNS, WFFA, etc.) has a current base period self-employment income verification.

2. Electronic sources indicate that benefits will decrease.
3. Electronic sources indicate that the beneficiary is ineligible for all Medicaid programs.
4. Household changes including:
  - a. Tax filer status

When the beneficiary's current tax filing status is a non-filer, and they are now employed, the caseworker must verify if the individual's tax filing status will change.



- b. Household composition changes that may impact eligibility.
5. Marital status (newly married, widowed, separated, or divorced)

## VI. WHEN CONTINUED ELIGIBILITY CANNOT BE DETERMINED EX-PARTE

When continued eligibility cannot be determined or eligibility will change to a lesser benefit or terminate:

### A. Send the NCF-20020, Medical Assistance Renewal Notice

1. The NCF-20020 is a prepopulated renewal form for the beneficiary to validate that current information (update evidence with the information obtained in the electronic source, if applicable, prior to generating the NCF-20020) remains the same or indicate changes and provide self-attestation of eligibility requirements, including income.

Refer to NC FAST Job Aid: MAGI Medicaid Recertification. Follow instructions in the job aid to ensure that evidence in NC FAST is updated prior to generating the NCF-20020.

2. Allow the beneficiary 30 calendar days to return the **signed** NCF-20020 or to verify or update information requested by phone and provide a voice signature. When [DHB-5097/DHB-5097sp](#), Request for Information is mailed with the NCF-20020, allow 30 calendar days to return the requested information.

If the 30<sup>th</sup> calendar day is a weekend or holiday, allow the beneficiary until the next business day to provide the requested information.

- a. If it is discovered that additional verification is required, send a [DHB-5097/DHB-5097sp](#), Request for Information and allow the beneficiary 12-calendar days to provide.
  - b. Aggressive processing is encouraged throughout the entire ex-parte recertification process.
3. Requested information may be provided by:
- a. Telephone
  - b. Mail
  - c. In person
  - d. Electronic/fax
  - e. ePASS (for beneficiaries with a linked account)

4. When the beneficiary returns the NCFAST-20020 to the local agency or contacts the local agency by phone to provide information, the form **must** be signed.
  - a. If the NCFAST-20020 is returned within the 30-calendar day period, but is not signed, the beneficiary must be allowed the remainder of the 30-calendar day period to return the signed NCFAST-20020.

If the form is returned via mail and is unsigned the caseworker must:

- (1) Attempt to contact the household by phone to obtain a telephonic voice signature within three days of the receipt of the unsigned NCFAST-20020.
- (2) If the attempt to contact the beneficiary by phone **is not** successful, mail the NCFAST-20020 and a [DHB-5097/DHB-5097sp](#), Request for Information to the household and allow the remainder of the original 30-day period or 12 calendar days after the date of the [DHB-5097/DHB-5097sp](#), (whichever is later) to provide the signed NCFAST-20020.

- (a) The [DHB-5097/DHB-5097sp](#), must include instructions to the beneficiary that the NCFAST-20020 must be signed by the beneficiary
  - (b) The [DHB-5097/DHB-5097sp](#), must include the date the NCFAST-20020 must be returned to the local agency. The date is the later of the original 30-day period or the 12th calendar day after the date of the [DHB-5097/DHB-5097sp](#).
- (3) Document the attempt, including the phone number called, date, and time of attempted contact.
- b. If the attempt to contact the beneficiary by phone **is** successful, or if the beneficiary contacts the local agency by phone to complete the NCFAST-20020, initiate the voice signature process during the phone call.
- 5. The [DHB-5097/DHB-5097sp](#) may be issued with the NCFAST- 20020 when it is known what information/verification is needed, allowing the 30 days for return.
- 6. The local agency must obtain the verification for the individual when:
  - a. There is a fee involved in obtaining the information OR
  - b. The individual requests assistance OR
  - c. The individual is mentally, physically, or otherwise incapable of obtaining the information.
- 7. If the NCFAST-20020 is not returned or the household does not make contact with the agency by the end of 30 calendar days (or additional 12 calendar days if applicable), the case should be closed for failure to provide required verifications.
- 8. Document all actions taken in NC FAST.

## **B. Using Collateral Contacts**

Collateral contacts are used to substantiate or verify information necessary to establish eligibility.

- 1. Collateral contacts include specific individuals, business organizations, public records, and documentary evidence. Specific alternative collateral contacts that may be used for verification are outlined in the eligibility determination sections.

2. For more information about allowable contacts, see the policy section related to the evidence type being verified, i.e., if verifying income, review the appropriate policy section for income.
3. Collateral contacts should only be used if the recertification cannot be completed ex-parte.
4. Limit collateral contacts to those necessary to obtain the required valid information and where the beneficiary requests assistance or cannot obtain the needed verification.
5. If the beneficiary/representative does not want the local agency to contact necessary collateral contacts, ask them to obtain the information themselves.
6. If the beneficiary does not cooperate in providing/obtaining the necessary verifications, terminate the case following timely notice requirement. Refer to [MA-3430, Notice and Hearings Process](#).
7. Update/add verification on the evidence dashboard of the income support case in NC FAST. See the following NC FAST Job Aids:
  - a. Managing Spend Down Evidence (if applicable)
  - b. Income & Expense Evidence Wizards – Income Support
  - c. Adding Evidence to Cases
  - d. Verifications
  - e. NC FAST Mandatory Evidence and Verifications

### **C. Wage Verification**

When wage verification is needed:

1. The [DSS-8113, Wage Verification Form](#), may be sent to the employer when it is known that the information is not available to the local agency.
2. The form should be sent at the same time the [DHB-5097/DHB-5097sp](#), and NCFAS-20020 is sent to the beneficiary and authorized representative.

### **D. Modes for Providing Requested Information**

Inform the beneficiary that requested information may be provided by:

1. Telephone
2. Mail
3. In-person
4. Electronic/fax
5. ePASS (for beneficiaries with a linked account)

**E. When all Information/Verification is Received:**

1. Complete the recertification, or
2. If additional information is required, issue a [DHB-5097/DHB-5097sp](#), Request for Information, allowing the beneficiary 12 calendar days to return the information.

**VII. FRANKLIN REQUIREMENTS AT RECERTIFICATION**

**A. Franklin Requirements: Beneficiary Alleging Disability**

Beneficiaries receiving full Medicaid in any Family and Children's program, including MPW, and who allege disability may be eligible to have their benefits continued while a disability determination is made. At recertification, caseworkers must review and follow the guidance in this section.

1. DHB-2187, Notice of Potential Change in Medicaid Eligibility

This form notifies the beneficiary of the right to allege disability and how to have their current benefits continued while disability is being determined.

- a. All beneficiaries receiving **full** Medicaid benefits in any Family and Children's program must receive the DHB-2187, Notice of Potential Change in Medicaid Eligibility, 180 calendar days prior to the end of their certification period for categorically needy beneficiaries.

Refer to [MA-3420, Medically Needy Recertification](#), for guidance for recertifications for the medically needy beneficiary.

- b. The requirement to receive the DHB-2187 does not include beneficiaries eligible for limited eligibility programs, i.e., Family Planning Medicaid.
- c. For all categorically needy cases, NC FAST automatically generates and sends the DHB-2187, Notice of Potential Change in Medicaid Eligibility, 180 calendar days prior to:

- (1) The end of the current 12-month certification period
  - (2) Critical age change
  - (3) End of postpartum period
  - (4) The day the spenddown case is authorized.
- d. NC FAST will maintain an electronic copy of the notice.

If the DHB-2187 is **NOT** present on the case for the individual beneficiary do **NOT** terminate the case. The benefits must be continued until the DHB-2187 is mailed and the 60 calendar days have expired. The caseworker **MUST** submit an NCFast Helpdesk ticket.

2. Medicaid may terminate no earlier than 60 calendar days after the DHB-2187 has been mailed to the beneficiary unless:
- a. The beneficiary has moved out of state.
  - b. The beneficiary is deceased.
  - c. The beneficiary voluntarily requests termination of Medicaid.
    - (1) The request must be in writing and specifically request Medicaid termination.
    - (2) Maintain the written request with the case in NC FAST. The record must include documentation that the individual understood that they and/or their children may still be eligible for Medicaid and chose not to continue.
3. When the beneficiary reports alleged disability, the caseworker must:
- a. Review the date of the DHB-2187 in NC FAST.
 

Beneficiaries who receive the DHB-2187 have 30 calendar days from the date the notice was mailed to contact the local agency and **allege** disability for any member of the Medicaid case.
  - b. Document that the beneficiary has contacted the local agency to allege disability. Beneficiaries may allege disability in the following ways:
    - (1) Completing and returning the DHB-2187 to the local agency electronically, by mail, or in person.
    - (2) Visiting the local agency in person to allege disability.

- (3) Calling or emailing the local agency to allege disability.
  - (4) Submitting an application for Medicaid for the Disabled (MAD).
- c. Document the **date** that the beneficiary contacts the local agency to allege disability **and** the date that the local agency provides instructions to the beneficiary regarding how to submit an application for MAD. Refer to VIII.A.4. & 5. below.

The beneficiary has 30 calendar days from the date the local agency provided instructions to the beneficiary to **submit** an application for MAD.

4. The local agency must explain that the individual must submit an application for MAD and offer to assist the beneficiary alleging disability with submitting an application for MAD.

For in person or telephone interactions, the caseworker should offer to take the application at the time of contact.

- a. If the beneficiary does not have time to complete the application for MAD on the same day, an appointment should be scheduled to complete the interview.
- b. The appointment may be scheduled for an in person or telephone interview, according to the beneficiary's preference.
- c. The date of application is the date of the telephone interview or the date the individual requests to be evaluated for Medicaid and an appointment is made.

5. At recertification, including critical age review and end of postpartum review, caseworkers must take the following steps for the beneficiary alleging disability only (does not apply for other members of the Medicaid case who are not alleging disability):

- a. At recertification, review the case to determine if the beneficiary contacted the local agency to allege disability within 30 calendar days from the date of the DHB-2187.
  - (1) If the beneficiary did **not** contact the local agency within the 30-calendar day period, continue with the recertification. The beneficiary is not eligible to have their current benefits continued while awaiting a disability determination. However, the caseworker must ensure that 60 calendar days have passed since the DHB-2187 was mailed, prior to

reducing or terminating the current benefits. The individual must be given the full 60 days to allege disability and/or apply for MAD.

(2) If the beneficiary **did** make contact with the local agency within the 30-calendar day period, the caseworker should take the following steps:

- (a) Determine the date the beneficiary made contact to allege disability.
- (b) Determine the date the beneficiary was provided with instructions for submitting an application for MAD.
- (c) Review NC FAST to determine if an MAD application has been submitted for the beneficiary alleging disability.
- (d) Determine the date the MAD application was submitted.
- (e) If the MAD application was submitted within 30 calendar days from the date the local agency has provided instruction to the beneficiary regarding how to submit an application for MAD, the beneficiary must continue to receive full Medicaid benefits in a Family and Children's Medicaid program until disability is determined and the beneficiary has had an opportunity to appeal that decision. The caseworker must continue the case utilizing "medical continued" evidence.

Refer to NC FAST job aid: Continued Eligibility for Medical Assistance.

- (f) If the MAD application was submitted **more than 30 calendar days** after the date the local agency provided instructions to the beneficiary regarding how to submit an application for MAD, continue with the recertification.

The beneficiary is **not** eligible to have their current MAGI benefits continued while awaiting a disability determination. However, the benefits may not be reduced or terminated earlier than 60 calendar days after the day the DHB-2187 was mailed.



- b. If an MAD application was submitted within the timeframe noted in VIII.A.3. above, current benefits **cannot be changed, reduced, or terminated** until a disability decision is made and the beneficiary has had an opportunity to appeal that decision.
  - (1) For parent/caretakers whose youngest child has reached age 18, the parent/caretaker's case should be extended in MAFC.
  - (2) For beneficiaries receiving MPW, at the end of the 12-month postpartum period, the benefits must be extended in MPW.

## **B. Franklin Requirements: Appeal Requests**

The Franklin court order requires that beneficiaries who have applied for and been denied Medicaid based on disability (MAD) have the right to a hearing on whether they are disabled before their Medicaid under a Family & Children's category is reduced or terminated. It is very important that the following procedures be followed before adverse action is taken for individuals who applied for MAD. The instructions below are in two parts.

- The first part is designed to protect beneficiaries who have already requested an appeal of the MAD application denial.
- The second part is designed to protect those beneficiaries whose MAD application has been denied and the deadline to appeal that denial has not yet expired.

If an MAD application was submitted within the timeframe in VIII.A.3. above, current **Family & Children's Medicaid** benefits cannot be changed, reduced, or terminated until a disability decision is made and the beneficiary has had an opportunity to appeal that decision. Take the steps **in VIII.B.2 below** prior to taking adverse action to reduce or terminate Medicaid when the MAD application was filed within the above time frames and has since been denied:

1. Appeals process reminders.
  - a. When a beneficiary requests an appeal, the caseworker should review [MA-3430, Notice and Hearings Process](#). An a/b has the right to appeal an action if they disagree with the local agency decision.
  - b. An appeal may be requested verbally or in writing in any of the following modes of communication:
    - (1) Via the ePASS portal
    - (2) Telephonically

**Note:** When the beneficiary contacts the local agency and leaves a voice message requesting to appeal an action to be taken by the local agency, the caseworker must attempt to contact the beneficiary by telephone no later than the following business day.

The caseworker must document the call in NC FAST and include:

- Date and time of the original voice message.
- Date and time of the returned call.
- Telephone number(s) used to attempt to contact the beneficiary.
- Outcome of the call (successful, unsuccessful, left message, etc.)
- Details of the call relevant to the case and appeal request.

(3) In-person

(4) Via all electronic data sources (i.e., fax, email, etc.)

(5) In writing

c. Anytime the beneficiary requests a hearing to appeal a decision, explain to the beneficiary policy regarding the right to continued benefits found in [MA-3430, Notice and Hearings Process](#), section V.B.8.

## 2. MAD application denial – appeal status

The following steps should be taken **only if** the beneficiary submitted an MAD application within the timeframes specified above in VIII.A. above **and** the MAD application has since been denied:

a. Determine if the beneficiary has requested an appeal of the MAD application denial.

b. MAD application denial has been appealed:

- (1) Continue the current Family & Children’s Medicaid benefits until the state hearing officer has made a decision on the MAD appeal.

Refer to NC FAST Job Aid: Continued Eligibility for Medical Assistance for keying instructions.

- (2) If the state hearing officer rules that the beneficiary is disabled, the Family & Children’s Medicaid PDC should be terminated, and the MAD application reopened and approved.
- (3) If the state hearing officer rules that the beneficiary is not disabled, follow the guidance in IX.E. below to reduce or terminate the beneficiary’s Family & Children’s Medicaid benefits with timely notice.

c. MAD application denial **has not been appealed**:

- (1) Follow guidance in IX. below to reduce or terminate the beneficiary’s Family & Children’s Medicaid benefits with timely notice.
- (2) If the beneficiary appeals the decision on the **Family & Children’s Medicaid** termination or benefit reduction notice within **10 state business days**, follow instructions in VIII.B.3. below.
- (3) If the beneficiary **does not** contact the local agency to appeal the Family & Children’s Medicaid termination or reduction within **10 state business days**, do not continue Family & Children’s Medicaid benefits.

3. MAD application denial – appeal deadline

When the MAD application denial has not been appealed, and guidance in VIII.B.2. above has been followed, determine if the 60-day deadline to request a hearing to appeal the MAD application denial has passed.

a. When the deadline to appeal the MAD application denial **has passed**, but the deadline to appeal the Family & Children’s Medicaid termination or benefit reduction has not passed:

- (1) Schedule a local hearing that does not consider the issue of disability (based on the Family & Children’s Medicaid case reduction or termination).
- (2) If the beneficiary meets the requirements to continue to receive Medicaid during the appeals process and elects to do so, continue current Family & Children’s Medicaid benefits until a decision is made by the local hearing officer.

Refer to NC FAST Job Aid: Continued Eligibility for Medical Assistance for keying instructions.

b. When the deadline to appeal the MAD application denial **has not passed**, and the beneficiary contacts the local agency to request an appeal for the reduction/termination of the Family & Children’s Medicaid, the caseworker must ask if they continue to allege disability.

(1) If the beneficiary states that they no longer allege disability, schedule a local hearing that does not consider the issue of disability (based on the Family & Children’s Medicaid case reduction or termination).

(2) If the beneficiary states that they do continue to allege disability:

(a) Schedule a state hearing to appeal the MAD application denial.

(b) Reinstate or continue the current Family & Children’s Medicaid benefits until the state hearing officer has made a decision on the MAD appeal.

(c) Refer to VIII.B.2.b. for guidance when the state hearing officer has made a decision.

## **VIII. RECERTIFICATION PROCEDURES**

A complete recertification of all eligibility factors subject to change is required every 12 months for all programs other than medically needy. Medically needy programs must be recertified every six months. Refer to [MA-3420, Medically Needy Recertification](#).

### **A. Policy Procedures**

1. Always evaluate eligibility in all other Medicaid programs. This includes all MAGI and non-MAGI Medicaid programs.
2. Begin the ex-parte process no earlier than the beginning of the 10<sup>th</sup> month of a 12-month certification period.
3. There cannot be a lapse in coverage during the Medicaid recertification process.
4. Local agency staff must utilize the MAGI Pending Recertification Details reports to ensure that all cases due for recertification by the end of the month are completed or extended.

### **B. Program Requirements**

1. Categorically needy programs

The following Medicaid programs use Modified Adjusted Gross Income (MAGI) budgeting methodology. Refer to [MA-3306, Modified Adjusted Gross Income \(MAGI\)](#), for more information:

- a. Medicaid for Infants and Children under 19 (MIC)
- b. Medicaid for Pregnant Women (MPW)

Refer to [MA-3240, Pregnant Woman Coverage](#).

- c. 19 and 20-year-olds
- d. Parents/Caretaker Relatives

Refer to [MA-3235, Caretaker Relatives/Kinship](#).

- e. Family Planning Program

Refer to [MA-3265, Family Planning Program](#).

- f. Former Foster Care Children up to age 26 (MFC)

Refer to [MA-3233, Former Foster Care Children \(MFC\)](#)

- g. Expanded Foster Care Program

Refer to [MA-3234, Expanded Foster Care Program \(EFCP\)](#)

- h. HSF Foster Care

Refer to [MA-3232, Foster Care Medical Assistance](#).

- 2. Medically needy

Refer to [MA-3420, Medically Needy Recertification](#) for policy regarding recertification of Medically Needy cases.

### **C. Beneficiary Ineligible for the Current Medicaid Program**

- 1. If the beneficiary no longer meets the eligibility criteria under the current program, evaluate eligibility for Transitional Medicaid (MAF-C) when appropriate.

Refer to [MA-3405, Twelve Month Transitional Medicaid](#).

**Note:** At the end of the twelve-month transitional Medicaid certification period, evaluate for all other programs including Medically Needy. Refer to [MA-3420, Medically Needy Recertification](#) for information required to be requested on the [DHB-5097/DHB-5097sp](#),

2. When Transitional Medicaid is not appropriate or the beneficiary is not eligible for Transitional, evaluate eligibility in all other programs. Other possible programs to evaluate:
  - a. MAA – when an individual in the case is 65-years or older.
  - b. MAD – when an individual in the case indicates disability, is receiving Social Security Disability income, or there is a [DHB-4037, Disability Determination Transmittal](#) indicating that the individual has been determined disabled.
  - c. MPW – when an individual in the case reports they are pregnant, they remain eligible through the end of the 12-month postpartum period.
  - d. MAF – for women who qualify for Breast and Cervical Cancer Medicaid (BCCM). Refer to [MA-3250, Breast and Cervical Cancer Medicaid](#).
  - e. MAF-M – when income exceeds the categorically needy income limits.
  - f. MXP – when the beneficiary is 19 years old or older and under the age of 65, is not eligible for or enrolled in Medicare, and is not eligible or enrolled in another mandatory, full Medicaid program (including medically needy).

#### **D. Program Changes**

When a beneficiary is determined **ineligible** for categorically needy Medicaid due to excess income, the beneficiary must be evaluated for all other Medicaid programs including medically needy Medicaid.

1. The caseworker must send a [DHB-5097/DHB-5097sp](#), Request for Information prior to sending timely notification. (Refer to 2., below if the caseworker has contact with the beneficiary.)
  - a. Request both paid and unpaid medical bills and anticipated medical expenses to meet the new six-month deductible. Accept the beneficiary's statement of anticipated medical expenses if it reasonably shows that the deductible may be met by anticipated medical expenses (scheduled surgery, for example).

- b. The [DHB-5097/DHB-5097sp](#) **must** include the new deductible amount, if applicable.
  - c. The [DHB-5097/DHB-5097sp](#) **must** include the amount and source of the income used to calculate the deductible, if applicable and that the beneficiary must notify the local agency if the amount of income is incorrect.
2. When the beneficiary is ineligible for any full Medicaid program other than medically needy, and the local agency **has** contact with the beneficiary either by telephone or in person, the caseworker **must**:
- a. Inform the beneficiary of the amount and source of the income used to calculate the deductible.
  - b. Inform the beneficiary of the deductible amount.
  - c. Confirm with the beneficiary that the income amount and source are accurate.
  - d. Ask the beneficiary if they have paid or unpaid old, current, or anticipated medical expenses to meet the new six-month deductible.
  - e. Document who they spoke with, the date/time of contact, whether contact was in person or by phone (include phone number) and **all** information explained to the beneficiary and their **complete** statement regarding the income amount and source, and availability of or anticipated medical expenses.
  - f. When the beneficiary reports no medical expenses to meet the six-month deductible, accept the beneficiary's statement.
  - g. When the beneficiary reports anticipated medical expenses, accept the beneficiary's statement of anticipated medical expenses if it reasonably shows that the deductible may be met by anticipated medical expenses (scheduled surgery, for example).
3. Allow 30 calendar days to provide the requested information when the request is the first request. Allow a minimum of 12 calendar days for all subsequent requests.

When the date due is a weekend or holiday, allow the beneficiary until the next business day to provide the requested information..

4. Accept the changed decision on the current Medicaid PDC to generate the applicable adequate or timely notice to the beneficiary.

- a. If eligibility is changing from full Medicaid using MAGI budgeting to full Medicaid using non-MAGI budgeting, mail adequate notice.
  - b. If eligibility is changing from full Medicaid to a lesser benefit (i.e., FPP, MQB only or Medically Needy Medicaid), mail timely notice.
5. Key a traditional Medicaid application.
- a. Refer to NC FAST job aid, Application to Case for keying instructions.
  - b. Choose “Administrative Application” from the application type drop-down menu.
  - c. Mail the appropriate approval notice.
    - (1) **For ABD approvals:** [DHB-5002, Important Notice About Your Medicaid or Special Assistance Approval Notice](#)
    - (2) **For family and children’s medically needy approvals:** [DHB-5003, Medicaid Approval Notice](#)

**E. Terminating with Timely Notice:**

- 1. If the case is ineligible in any other Medicaid program, mail a timely [DSS-8110](#).
- 2. Prior to termination, always evaluate each individual in the case in all other Medicaid programs for ongoing benefits.
- 3. When the individual(s) is ineligible for any other Medicaid program for ongoing benefits, take the following steps:
  - a. Ensure that all requirements regarding the DHB-2187, Notice of Potential Change in Medicaid Eligibility, are followed. Refer to VIII.A. above.
  - b. Medicaid benefits may not be terminated until 60 calendar days after the date the DHB-2187 was mailed.
  - c. The caseworker must review the DHB-2187 in NC FAST to determine the date mailed. Then use the Time Standards chart to calculate the 60<sup>th</sup> calendar day.
  - d. Send a **timely** [DSS-8110](#) to terminate Medicaid effective the last day of the month in which the 61<sup>st</sup> day falls. Follow policy in [MA-3430, Notice and Hearings Process](#).



4. The caseworker must complete the recertification steps and generate the timely notice at least ten state business days prior to the end of the certification period.
  - a. Refer to [MA-3430, Notice and Hearings Process](#) for policy requirements
  - b. Refer to NC FAST Job Aids:
    - MA/MAGI DSS-8110 Notice of Modification, Termination, or Continuation of Public Assistance
    - MAGI Medicaid Recertification for system requirements.

**F. Untimely Completion of Recertifications – Franklin v. Kinsley Requirements**

Franklin v. Kinsley (5:17-CV-581 E.D.N.C.) is a federal lawsuit filed in 2017 on behalf of Medicaid beneficiaries in North Carolina. The Court has ordered N.C. Department of Health and Human Services (DHHS) and all 100 county Department of Social Services (DSS) to stop terminations or reductions of Medicaid benefits until eligibility under all Medicaid categories, including Medicaid for the Disabled (MAD), has been considered and proper notice of the termination has been sent.

It is imperative that caseworkers begin working recertifications in a timely manner. The procedures below apply if the caseworker does not complete the process timely OR if the beneficiary submits information late in the recertification process that must be verified.

When the recertification cannot be completed so that timely notification can be completed by the end of the current certification period:

1. Active benefits must continue on a month-by-month basis until timely notification procedures have been followed.
  - a. The local agency must comply with the Franklin v. Kinsley court order by ensuring that caseworkers extend Medicaid benefits for the next month. Ensure that the beneficiary’s benefits continue for the same program being recertified.
    - For cases that can be extended utilizing “Medical Continued” evidence, refer to NC FAST Job Aid: Continued Eligibility for Medical Assistance.
    - For cases that must be extended by utilizing forced eligibility, refer to NC FAST Job Aid: Forced Eligibility for Income Support Medical Assistance, Special Assistance, & Cash Assistance.
  - b. In order to comply with Franklin v. Kinsley, if the recertification is not completed and no extension is given by the local agency, NC FAST will

automatically extend the benefits for one month at a time until the recertification is completed.

- c. If the local agency fails to fully comply with the Franklin v. Kinsley court order and NC FAST automatically extends benefits, the local agency will be financially responsible for any erroneous benefits and Medicaid claims payments if the beneficiary is determined ineligible. This is required by the court order and N.C. Gen. Stat. § 108A-25.1A.
2. Timely notice should be generated in NC FAST. Refer to the following for policy and system requirements:
    - a. [MA-3430, Notice and Hearings Process](#)
    - b. NC FAST Job Aid: MA/MAGI DSS-8110 Notice of Modification, Termination, or Continuation of Assistance

## **IX. MANAGED CARE ENROLLMENT**

### **A. Enrollment in Prepaid Health Plan**

1. Most Categorically Needy beneficiaries are required to enroll in a Managed Care Prepaid Health Plan (PHP).
2. Refer to NC FAST Job Aid: MC/TO – Managed Care Status Reference Guide for information regarding mandatory, exempt, and excluded statuses.

### **B. Medicaid Direct: Community Care of North Carolina/Carolina Access (CCNC/CA) Enrollment**

1. Individuals who are exempt from enrollment with a PHP may choose to enroll with a PHP or they may choose to be Medicaid Direct. If Medicaid Direct is chosen, enroll the a/b in CCNC/CA.
2. Individuals excluded from enrollment with a PHP remain Medicaid Direct and CCNC/CA policy applies.
3. The local agency must enroll excluded individuals or exempt beneficiaries who choose Medicaid Direct in CCNC/CA:
  - a. At application
  - b. Recertification
  - c. Any time a beneficiary contacts the agency to request a change in CCNC/CA enrollment status.

4. Refer to [MA-3435, Community Care of North Carolina \(CCNC\)/Carolina Access \(CA\)](#)

**C. Program Changes that Impact Managed Care or Medicaid Direct**

1. When a beneficiary was enrolled in Managed Care and is now Medicaid Direct, caseworker action is not required unless the beneficiary reports a change to their primary care provider (PCP). When the beneficiary reports a change to their PCP, the caseworker must update the evidence in NC FAST.
2. When a beneficiary has moved from a NC Medicaid Direct program to a Managed Care program, no caseworker action is required. NC FAST will make necessary changes to the beneficiary's managed care status.

**X. WHEN TO REOPEN A CASE TERMINATED FOR MISSING INFORMATION**

**A. Information Received by the 90<sup>th</sup> Day Following Termination**

1. A case which terminates for not cooperating with the recertification process or for failure to provide information must be reopened if **all** information necessary to approve eligibility is received within 90 calendar days from the termination effective date.
2. Determine eligibility as if the information was received timely, from the first day of the month following the termination date.

**B. Information not Received by the 90<sup>th</sup> Day Following Termination**

Do not reopen the case if all required information is received after the 90<sup>th</sup> day following termination.