

Purpose:

The purpose of this document is to provide a single reference source of tools to support hospital providers in determining Presumptive Eligibility.

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Acronyms

| Term | Definition |
|---------|--|
| ACA | Affordable Care Act |
| BPE | Bureau of Program Evaluation |
| COMPASS | Commonwealth of Pennsylvania Application for Social Services |
| DCA | Division of Corrective Action |
| EPP | Error Prevention Plan |
| FPL | Federal Poverty Level |
| MA | Medical Assistance |
| MAB | Medical Assistance Bulletin |
| MAGI | Modified Adjusted Gross Income |
| PE | Presumptive Eligibility |
| PS | Provider Specialty |
| PT | Provider Type |

Lawful Immigration Status

| Lawful Immigration Status | Five-Year Bar | Definitions/Documentation |
|--|---------------|---|
| Lawful Permanent Resident (LPR) | Yes* | Any person not a citizen of the United States who is residing in the U.S. under legally recognized and lawfully recorded permanent residence as an immigrant. I-551 Permanent Resident card. NOTE: Lawful Permanent Residents who entered under another category that is not subject to the five-year bar (e.g. Refugees, Asylees, Trafficking victims, Cuban/Haitian entrants) remain exempt from the five year bar. |
| Refugees and Asylees | No | Admitted under Section 207 of the INA. Temporary Resident card (I-94) annotated with refugee status. Asylum status is a form of protection available to refugees who are already in the U.S. or seeking admission. |
| Cuban and Haitian Entrants | No | A Cuban and Haitian Entrant is any individual granted parole status as a Cuban/Haitian immigrant, who is not subject to a final removal order, and has applied for asylum. As defined in Section 501(e) of the Refugee Assistance Act of 1980. I-94 or I-551 annotated. |
| Non-citizens granted parole for at least one year | Yes* | Have authorization to remain the US for a period of at least one year. Granted for emergency reasons. I-94 annotated grant of parole under 212(d)(5) of INA and a date showing grant of parole for at least one year. |
| Non-citizens whose deportation is being withheld | No | Order from Immigration Judge showing deportation withheld under Section 243(h) and date of the grant. |
| Non-citizens granted conditional entry | No | Individuals who were admitted to the U.S. as conditional entrants under INA §203 (a)(7) prior to April 1, 1980. |
| Battered non-citizens and their children or parents | Yes* | The Violence Against Women Act allowed certain battered non-citizens to self-petition for legal permanent residence without the knowledge of the abuser or sponsor. USCIS reviews a petition and supporting requirements. If basic requirements are met, USCIS will issue an I-797. |
| Trafficking victims and their spouse, child, sibling or parent | No | Victims of severe form of trafficking under Section 107(b)(1) of the Trafficking Victims Protection Act of 2000. Letter from the Office of Refugee Resettlement, I-94 annotated T1, T2, T3, T4 or T5 stating admission under Section 212(d)(5) of the INA if status granted for at least one year. |
| Veterans or individuals on active duty and their families | No | Qualified aliens who are (a) honorably discharged veterans; (b) on active duty in the U.S. military; or (c) the spouse (including an unmarried surviving spouse) or unmarried dependent child of such an honorably discharged veteran or individual on active duty. Evidence of honorable discharge or active duty status must also be provided. |
| Iraqi and Afghani special immigrants | Yes* | Special immigrants from Iraq and Afghanistan are individuals granted special immigrant status under INA §101(a)(27). Either entered the U.S. as asylee or entered as permanent resident with special immigrant visas. |

***Pregnant women and children are exempt from the five-year bar.**

Tax Filing Statuses Defined

Tax Filer

An individual who expects to file a tax return for the taxable year in which an initial determination of eligibility is being made.

Tax Dependent

An individual who expects to be claimed as a tax dependent by another taxpayer for the taxable year in which an initial determination of eligibility is being made.

Non-Filer

An individual who does not expect to file a tax return and does not expect to be claimed as a tax dependent for the taxable year in which an initial determination of eligibility is being made.

Child

Individuals between the ages of 0 and 18.

Tax Household Composition

| | | |
|---|---|---|
| <p>If an individual is considered a TAX FILER– Household includes:</p> <ul style="list-style-type: none"> • TAX FILER. • Spouse of TAX FILER (if living with TAX FILER). • All claimed TAX DEPENDENTS of TAX FILER. | <p>If an individual is considered a TAX DEPENDENT– Household includes:</p> <ul style="list-style-type: none"> • TAX DEPENDENT. • Claiming TAX FILER. • Claiming TAX FILER’S spouse (if living with TAX FILER). • Other TAX DEPENDENTS of claiming TAX FILER. • TAX DEPENDENT’s spouse (if living with TAX DEPENDENT). <p>NOTE: If an individual is considered both a TAX FILER and a TAX DEPENDENT, the individual will be considered a TAX DEPENDENT for Tax Household size.</p> | <p>If an individual is considered a NON-FILER– Household includes (if living in household):</p> <ul style="list-style-type: none"> • Spouse of NON-FILER. • Child(ren) under age 19 (biological, adopted or step-child(ren)) of NON-FILER. <p>If a CHILD is being determined under NON-FILER rules, household includes (if living in household):</p> <ul style="list-style-type: none"> • CHILD. • Parent(s) (biological, adopted or step-parent(s)). • Sibling(s) under age 19 (biological, adopted or step-sibling(s)). |
| <p>Exceptions to Rules Above (Use NON-FILER Rules):</p> <ul style="list-style-type: none"> • A TAX DEPENDENT who is claimed by someone other than a spouse or parent (biological, adopted or step-parent). • A TAX DEPENDENT (under age 19) who lives with both parents, for whom parents will not file jointly and only one parent claims child. • A TAX DEPENDENT (under age 19) who is claimed by a non-custodial parent. • A TAX DEPENDENT (under age 19) whose parents are married and will file jointly, but one parent does not live in the home due to a separation or pending divorce. The parent outside of the household will not be included in budget group. • A TAX FILER who cannot provide proof of their TAX DEPENDENTS. | | |

Examples of MAGI Households

1. Mary is applying for PE. She has a daughter, Joan, who is 14. Mary is divorced from Joan's father, Dale, and they are not living together. Mary plans to file taxes and claim Joan as her tax dependent.

The MAGI household for Mary follows the tax filer household rules. The MAGI household for Mary's determination consists of:

- Mary (tax filer)
- Joan (tax dependent)

2. Sarah, age 22, is pregnant and is applying for PE for herself only. She lives with her boyfriend and Aly, their common child who is 2-years-old. She files her own taxes and claims the child.

The MAGI household for Sarah follows the tax filer household rules. The MAGI household for Sarah's determination consists of:

- Sarah (tax filer)
- Aly (tax dependent)
- Unborn baby

3. Adam, age 18, is applying for PE for himself only. He is a full-time student and lives with his parents, Samantha and Jim, who are planning to claim Adam as a tax dependent. Samantha and Jim are married and will file taxes jointly.

The MAGI household for Adam follows the tax dependent household rules. The MAGI household for Adam's determination consists of:

- Adam (tax dependent)
- Samantha (tax filer)
- Jim (tax filer's spouse)

4. Mary and her 14-year-old daughter, Joan, are applying for PE. Mary is divorced from Joan's father, Dale, and they are not living together. Dale plans to file taxes and claim Joan as his tax dependent. Mary will file her own taxes.

The MAGI household for Mary follows the tax filer household rules. The MAGI household for Mary's determination consists of:

- Mary (tax filer)

The MAGI household for Joan follows the child non-filer household rules. The MAGI household for Joan's determination consists of:

- Joan (child non-filer)
- Mary (child non-filer's parent)

5. David, age 52, is applying for PE. David is single, with no dependent children. He is employed and plans to file taxes in the coming year. He is a single tax filer with no tax dependents.

The MAGI household follows the tax filer household rules. The MAGI household for David's determination consists of:

- David (tax filer)

MAGI Income

Below are the types of income that should be included in the PE assessment:

| Which income is counted under MAGI rules? | YES | NO |
|---|-----|----|
| Earned Income | | |
| Wages, Salary, Tips, Commissions, and Bonuses | X | |
| Self-Employment Income | X | |
| Child's Income – if required to file a tax return | X | |
| Unearned Income | | |
| Unemployment | X | |
| Worker's Compensation | | X |
| Veteran's Benefits | | X |
| RSDI (only included if the child's other income requires that child to file a tax return) | X | |
| Child Support | | X |
| Alimony finalized or modified prior to 1/1/2019 | X | |
| Child's Income – if required to file a tax return | X | |
| Educational Assistance not used for living expenses | | X |
| Lump Sum in the month received | X | |
| American Indian/Alaska Native Income | | X |
| SSI | | X |
| TANF | | X |

NOTE: RESOURCES ARE NOT COUNTED IN MAGI ELIGIBILITY DETERMINATION!

Allowable Tax Deductions

| SCHEDULE 1 (Form 1040) <small>Department of the Treasury Internal Revenue Service</small> | | Additional Income and Adjustments to Income <small>► Attach to Form 1040, 1040-SR, or 1040-NR. ► Go to www.irs.gov/Form1040 for instructions and the latest information.</small> | | <small>OMB No. 1545-0074</small> 2020 <small>Attachment Sequence No. 01</small> |
|---|---|--|-----------------------------|--|
| Name(s) shown on Form 1040, 1040-SR, or 1040-NR | | | Your social security number | |
| Part I Additional Income | | | | |
| 1 | Taxable refunds, credits, or offsets of state and local income taxes | 1 | | |
| 2a | Alimony received | 2a | | |
| b | Date of original divorce or separation agreement (see instructions) ► | | | |
| 3 | Business income or (loss). Attach Schedule C | 3 | | |
| 4 | Other gains or (losses). Attach Form 4797 | 4 | | |
| 5 | Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E | 5 | | |
| 6 | Farm income or (loss). Attach Schedule F | 6 | | |
| 7 | Unemployment compensation | 7 | | |
| 8 | Other income. List type and amount ► | 8 | | |
| 9 | Combine lines 1 through 8. Enter here and on Form 1040, 1040-SR, or 1040-NR, line 8 | 9 | | |
| Part II Adjustments to Income | | | | |
| 10 | Educator expenses | 10 | | |
| 11 | Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 | 11 | | |
| 12 | Health savings account deduction. Attach Form 8889 | 12 | | |
| 13 | Moving expenses for members of the Armed Forces. Attach Form 3903 | 13 | | |
| 14 | Deductible part of self-employment tax. Attach Schedule SE | 14 | | |
| 15 | Self-employed SEP, SIMPLE, and qualified plans | 15 | | |
| 16 | Self-employed health insurance deduction | 16 | | |
| 17 | Penalty on early withdrawal of savings | 17 | | |
| 18a | Alimony paid | 18a | | |
| b | Recipient's SSN | | | |
| c | Date of original divorce or separation agreement (see instructions) ► | | | |
| 19 | IRA deduction | 19 | | |
| 20 | Student loan interest deduction | 20 | | |
| 21 | Tuition and fees deduction. Attach Form 8917 | 21 | | |
| 22 | Add lines 10 through 21. These are your adjustments to income . Enter here and on Form 1040, 1040-SR, or 1040-NR, line 10a | 22 | | |

For Paperwork Reduction Act Notice, see your tax return instructions. Cat. No. 71479F Schedule 1 (Form 1040) 2020

2021 Income Limits for Presumptive Eligibility

The FPL Income Limits for Presumptive Eligibility are updated every calendar year. A link to the FPL for the current year can be found on the Pennsylvania DHS

| Coverage Group | Parents/ Caretakers | Children Ages 6-18/Adults 19-64 | Children Ages 1-5 | Pregnant Women and Children Under Age 1 | Former Foster Child | 5% Income Disregard (Based on 100% of FPL) | |
|---------------------------------------|------------------------|---------------------------------------|----------------------|--|------------------------|---|----------------|
| | 33% of FPL | 133% of FPL | 157% of FPL | 215% of FPL | N/A | | |
| Persons | Monthly | Monthly | Monthly | Monthly | N/A | Persons | Monthly |
| 1 | \$355 | \$1,428 | \$1,686 | \$2,308 | N/A | 1 | \$53.70 |
| 2 | \$480 | \$1,931 | \$2,280 | \$3,122 | N/A | 2 | \$72.60 |
| 3 | \$604 | \$2,434 | \$2,874 | \$3,935 | N/A | 3 | \$91.50 |
| 4 | \$729 | \$2,938 | \$3,468 | \$4,748 | N/A | 4 | \$110.45 |
| 5 | \$854 | \$3,441 | \$4,062 | \$5,562 | N/A | 5 | \$129.35 |
| 6 | \$979 | \$3,944 | \$4,656 | \$6,375 | N/A | 6 | \$148.25 |
| 7 | \$1,104 | \$4,447 | \$5,250 | \$7,189 | N/A | 7 | \$167.20 |
| 8 | \$1,229 | \$4,950 | \$5,844 | \$8,002 | N/A | 8 | \$186.10 |
| Each Additional Person | \$125 | \$504 | \$594 | \$814 | N/A | Each Additional Person | \$18.95 |

ACA Information for Providers website [here](#).

Supporting Documentation

Citizenship

- U.S. Birth Certificate
- U.S. Passport
- Certificate of Naturalization
- Tribal Enrollment or Membership Documents Issued by a Federally-Recognized Indian Tribe
- Permanent Resident card (Green Card)
- Visa
- I-555

Residency

- Valid PA Driver's License
- Rent Receipt
- Mortgage Statement
- Utility Bill
- Tax Office Record
- Voter Registration
- A Collateral Contact

Identity

- PA or Out-of-State Driver's License
- PA or Out-of-State ID Card
- U.S. Military ID
- U.S. Passport
- Certificate of Naturalization
- Certificate of U.S. Citizenship