

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 NONFILER– 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 stepsibling(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) 2021		Page 2
Part II Adjustments to Income		
11	Educator expenses	11
12	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106	12
13	Health savings account deduction. Attach Form 8889	13
14	Moving expenses for members of the Armed Forces. Attach Form 3903	14
15	Deductible part of self-employment tax. Attach Schedule SE	15
16	Self-employed SEP, SIMPLE, and qualified plans	16
17	Self-employed health insurance deduction	17
18	Penalty on early withdrawal of savings	18
19a	Alimony paid	19a
b	Recipient's SSN	
c	Date of original divorce or separation agreement (see instructions) ▶	
20	IRA deduction	20
21	Student loan interest deduction	21
22	Reserved for future use	22
23	Archer MSA deduction	23
24	Other adjustments:	
a	Jury duty pay (see instructions)	24a
b	Deductible expenses related to income reported on line 8k from the rental of personal property engaged in for profit	24b
c	Nontaxable amount of the value of Olympic and Paralympic medals and USOC prize money reported on line 8l	24c
d	Reforestation amortization and expenses	24d
e	Repayment of supplemental unemployment benefits under the Trade Act of 1974	24e
f	Contributions to section 501(c)(18)(D) pension plans	24f
g	Contributions by certain chaplains to section 403(b) plans	24g
h	Attorney fees and court costs for actions involving certain unlawful discrimination claims (see instructions)	24h
i	Attorney fees and court costs you paid in connection with an award from the IRS for information you provided that helped the IRS detect tax law violations	24i
j	Housing deduction from Form 2555	24j
k	Excess deductions of section 67(e) expenses from Schedule K-1 (Form 1041)	24k
z	Other adjustments. List type and amount ▶	24z
25	Total other adjustments. Add lines 24a through 24z	25
26	Add lines 11 through 23 and 25. These are your adjustments to income . Enter here and on Form 1040 or 1040-SR, line 10, or Form 1040-NR, line 10a	26

2023 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 ACA Information for Providers website [here](#).

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)	
						Persons	Monthly
	33% of FPL	133% of FPL	157% of FPL	215% of FPL	N/A		
Persons	Monthly	Monthly	Monthly	Monthly	N/A		
1	\$401	\$1,616	\$1,908	\$2,613	N/A	1	\$60.75
2	\$543	\$2,186	\$2,581	\$3,534	N/A	2	\$82.20
3	\$684	\$2,756	\$3,253	\$4,455	N/A	3	\$103.60
4	\$825	\$3,325	\$3,925	\$5,375	N/A	4	\$125.00
5	\$967	\$3,895	\$4,598	\$6,296	N/A	5	\$146.45
6	\$1,108	\$4,465	\$5,270	\$7,217	N/A	6	\$167.85
7	\$1,250	\$5,035	\$5,943	\$8,138	N/A	7	\$189.25
8	\$1,391	\$5,604	\$6,615	\$9,059	N/A	8	\$210.70
Each Additional Person	\$142	\$570	\$673	\$921	N/A	Each Additional Person	\$21.45

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