



Eligibility Verification Plan

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The New Mexico Health Insurance Exchange, also known as beWellnm, will verify applicant information in accordance with the applicable federal regulations.<sup>1</sup>

BeWellnm will use the applicant's attestations, in combination with trusted data sources, to determine eligibility to purchase health coverage, and if applicable, eligibility for financial assistance (advance payments of the premium tax credit and cost sharing reductions)<sup>2</sup>. An individual is eligible to shop for health or dental coverage, with or without financial assistance, through beWellnm by attesting to and verifying, where applicable, the following criteria:

- a. The individual is a United States citizen, national, or a non-citizen who is lawfully present in the United States;
- b. The individual is not incarcerated, other than incarcerated pending the disposition of charges; and
- c. The individual is a resident of the State of New Mexico, provided that they live in New Mexico or intend to reside in New Mexico by the coverage effective date.

Individuals who are eligible to shop for health or dental coverage through beWellnm may also seek financial assistance to pay for health coverage. Individuals may be eligible for financial assistance by attesting to and verifying, where applicable, the following criteria:

- a. Have a projected annual modified adjusted gross income (MAGI) between 100% and 400% of the Federal Poverty Level (FPL).
  - o Most adults with incomes below 138% of the FPL will be eligible for Medicaid. Medicaid eligibility categories for children have higher income thresholds, up to 300% of the FPL. Additional information about income thresholds for coverage programs can be found in the "Everyone Qualifies for Coverage" brochure, available [here](#).<sup>3</sup>
  - o Special Income Rule: Lawfully present individuals who are ineligible for Medicaid due to immigration status may be eligible for financial assistance if household income is less than 100% of the FPL.
- b. Are a tax filer, or a member of household with a tax filer, who is married and filing jointly OR single and filing single;
- c. Are not eligible for or enrolled in other qualifying minimum essential coverage (MEC), such as Medicare, Medicaid, other government-sponsored health insurance, or affordable employer-sponsored insurance that meets minimum value requirements;
- d. Attest that they will file taxes for the year during which a tax credit is received. Married couples must file jointly in order to be eligible to receive a tax credit with the exception of victims of domestic violence or spousal abandonment; and
- e. File a federal income tax return and reconcile the APTC for the year in which the individual (or the individual's spouse) received APTC

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<sup>1</sup> 45 CFR 155.305 (f)(1-6); 45 CFR 155.315 (a-j); 45 CFR 155.320 (a-e); 45 CFR 155.330 (a-g); 45 CFR 155.335)

<sup>2</sup> BeWellnm will conduct assessments of Medicaid eligibility based on an applicant's attestations.

<sup>3</sup> Available in multiple languages; <https://www.bewellnm.com/financial-help/educational-materials/>

Individuals who are determined eligible for financial assistance must enroll in health coverage through beWellnm to receive the financial assistance.

## Income Used for Financial Assistance Application

Financial assistance (APTCs and CSRs) is based on a household's expected income for the year of health coverage. Generally, household income is made up of income for the tax filer, their spouse, and their tax dependents (even if they don't need coverage). Income is used to determine whether an individual or family is eligible to receive APTC, and, if they are eligible, how much APTC they receive. Eligibility for financial assistance is calculated on estimated taxable income, which is based on the following common types of income:

- Wages/salaries
- Social Security retirement and Social Security disability
- Unemployment
- Self-employment
- Retirement or Pension
- Rent or royalty
- Capital gains
- Interest, dividends or other investment income
- Alimony (if finalized before January 1, 2019)
- Tips and gratuities
- Farming or Fishing income

Non-taxable income is not factored into APTC calculations. This income can include the following:

- Supplemental Security Income (SSI)
- Child support
- Workers' compensation
- Temporary Assistance for Needy Families (TANF)
- Veteran's benefits
- Federal income tax refunds
- Insurance proceeds (accident, health, and life)

The beWellnm application will collect information about current income, to assist in estimating income for the year of coverage. Users can attest to the total income calculation or make changes to their projected income.

## Verification of Income for a Financial Assistance Application

To receive a tax credit, beWellnm will use trusted data sources to verify the applicant's self-attestation of income. If the data returned is not reasonably compatible with information provided in the application, further documentation will be required from the applicant to verify income.

## Eligibility Verification Process

BeWellnm will attempt to verify individual attestation via the trusted data sources available through the Federal Data Services Hub (FDSH).<sup>4</sup> If the individual's attestation cannot be verified by trusted data sources or other information available to beWellnm, beWellnm will send a request for information (RFI) from the applicant to verify attestations.

The "Request for Information" notice will provide more detail about the types of documents that can be used for verification (or proof) of statements on the application. It will also provide instructions about sending the documents.

### Forms of documentation commonly used to verify applicant attestations.

When attestation cannot be verified via trusted data sources or other information available to beWellnm, beWellnm sends a RFI notice. The notice is delivered via the preferred method of the head of household and, if applicable, their authorized representative -- i.e., paper notice or electronic delivery in the account holders' secure inbox. Applicants, or their representatives, may respond to an RFI by uploading documents, mailing documents, or faxing documents to beWellnm. Applicants may get assistance responding to an RFI by calling the Customer Engagement Center.

The common types of documents requested from applicants for citizenship or immigration status and income are listed below.

#### *U.S. citizenship or immigration status:*

- U.S. passport or passport card
- Certificate of Naturalization (N-550/N-570)
- Certificate of U.S. citizenship (N-560/N-561)
- Documented evidence issued by a federally recognized Indian tribe
- U.S. birth certificate
- Copy of the front and back of a resident alien card, or
- Copy of another form of documentation showing legal status.

#### *Individuals considered "Lawfully Present"*

45 CFR 155.2; 45 CFR 155.300; 45 CFR 155.305; 26 CFR 1.36B-2

- Lawful Permanent Resident (LPR) (without having met the 5-year bar)
- Individual who is seeking, or has been granted, political asylum
- Refugee
- Cuban/Haitian entrant
- Paroled into the U.S.
- Conditional entrant (granted before 1980)
- Battered spouse, child, or parent victim of trafficking and his/her spouse, children, siblings, or parents
- Granted withholding of deportation or withholding of removal (under immigration laws or under Convention Against Torture (CAT))

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<sup>4</sup> BeWellnm has provided to CMS a list of FDSH service we intend to use. That list can be sent separately if necessary.

- Temporary Protected Status (TPS)
- Lawful Temporary Resident (LPR)
- Individual with non-immigrant status (includes worker visas, student visas, and citizens of Micronesia, Marshal Islands, and Palau)
- Administrative order staying removal issued by the Department of Homeland Security
- Member of federally recognized Indian tribe or American Indian born in Canada
- Resident of American Samoa
- Deferred Enforced Departure (DED)
- Deferred action status (ineligible for APTC if granted deferred action under DACA program)

OR

- An applicant for any of these statuses:
  - Adjustment to LPR status
  - Temporary Protected Status (TPS) with employment authorization
  - Special immigrant juvenile status
  - Victim of trafficking visa
  - Asylum (those who are granted employment authorization, or are under the age of 14 and have had application pending at least 180 days)
  - Withholding of deportation or withholding removal (under immigration laws or under CAT)

OR

- With employment authorization:
  - Registry applicants
  - Order of supervision
  - Applicant for cancellation of removal or suspension of deportation
  - Applicant for legalization under Immigration Reform and Control Act (IRCA)
  - Legalization under the Legal Immigration Family Equity Act (LIFE)

*Documents to verify “lawfully present” status*

- Permanent Resident Card, “Green Card” (I-551)
- Reentry Permit (I-327)
- Refugee Travel Document (I-571)
- Employment Authorization Document (I-766)
- Machine Readable Immigrant Visa (with temporary I-551 language)
- Temporary I-551 Stamp (on passport or I-94/I-94A)
- Arrival/Departure Record (I-94/I-94A)
- Arrival/Departure Record in foreign passport (I-94)
- Foreign Passport
- Certificate of Eligibility for Nonimmigrant Student Status (I-20)
- Certificate of Eligibility for Exchange Visitor Status (DS-2019)
- Notice of Action (I-797)
- Document indicating membership in a federally recognized Indian tribe or American Indian born in Canada

- Certification from U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR)
- Document indicating withholding of removal
- Office of Refugee Resettlement (ORR) eligibility letter (if under 18)
- Resident of American Samoa card
- Alien number (also called alien registration number or USCIS number) or I-94 number

*Income:*

- Recent pay stubs
- Tax returns
- Unemployment benefit statements
- 1040 SE with Schedule C, F or SE (for self-employment income)
- Bank statements showing regular deposits
- Accountant statements
- Bookkeeping records
- A statement from a knowledgeable source.

## Eligibility Pending Verification

When an RFI is issued due to an inconsistency with trusted data sources, the individual's eligibility will be determined based on their attestation, pending submission and verification of the requested documentation. In that case, the individual will be notified and will have 90 days to provide documentation.

If, after the 90 days, beWellnm remains unable to verify the attestation, the individual's eligibility will be determined based on the information available from the data sources.

BeWellnm may extend the inconsistency period if the applicant demonstrates that a good faith effort has been made to obtain the required documentation during the period or for other good cause. For an applicant who does not have documentation to resolve their inconsistency because it does not exist or is not reasonably available, with the exception of an inconsistency related to citizenship or immigration status, beWellnm will provide exceptions on a case-by-case basis to accept an applicant's attestation for the information that cannot be verified, along with an explanation of circumstances as to why the applicant does not have documentation.

Individuals required to submit proof of their lawful presence in the United States and who fail to do so may be terminated, depending on available data.

## Other Eligibility Factors

### *Residency Requirements*

An individual must meet the applicable residency standards. BeWellnm will accept the applicant's attestation of residency status without further documentation.

### *American Indian/Alaska Native (AI/AN) Status*

An individual may attest to membership of federally recognized tribe. In alignment with the New Mexico Medicaid program, beWellnm does not require further documentation.

### *Incarceration Status*

BeWellnm will attempt to verify the incarceration status through the Social Security Administration (SSA) composite service available through the FDSH. If an applicant's attestation of incarceration is inconsistent with the data source, beWellnm will issue an RFI but accept the applicant's attestation of incarceration status.

## Reporting Changes and Redeterminations

45 CFR 155.335

BeWellnm is required to redetermine eligibility for a Qualified Health Plan (QHP) or Qualified Dental Plan (QDP), as well as any financial assistance (if applicable), for an enrollee and their dependent(s) based upon a change to any eligibility criteria.

This includes information reported by the enrollee or obtained by beWellnm through a data match during the plan year. A change reported by the enrollee may need to be verified before it is finalized, including by ensuring that the information provided is consistent with the records of beWellnm (i.e. beWellnm was able to confirm the change by matching with electronic data sources) or that the enrollee has provided documentation to support the change. If a change cannot be verified, beWellnm must redetermine eligibility based on other information it has.

### *Enrollee Responsibility*

An enrollee and the dependent(s) must report any changes that impact eligibility for coverage through beWellnm and/or financial assistance within 30 days of the event. [See 45 CFR 155.3359(e)]

### *Reporting Changes*

Enrollees must report changes related to:

- a. Family size or composition due to birth, adoption, placement for adoption, marriage, divorce, death, etc.;
- b. Residency, including a change to a residential and/or mailing address;
- c. Citizenship, nationality, or lawful presence;
- d. Indian status (as defined in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. §450b(d)));
- e. Incarceration status;

### *Reporting Changes for Enrollees Receiving Financial Assistance*

Only individuals who requested an eligibility determination for financial assistance (e.g., APTCs) are required to report changes related to:

- a. Eligibility determination for or enrollment in other health insurance, including Medicare, Medicaid, other government-sponsored health insurance, or employer-sponsored coverage;
- b. Income;
- c. Employment status, including any change in eligibility for employer-sponsored insurance

#### *Changes Found during Data Matching Process*

BeWellnm is required by federal law [45 CFR 155.330(d)] to periodically check data of enrollees receiving financial assistance (e.g., APTCs). If beWellnm identifies updated information through data matching, beWellnm will notify the enrollee and provide them 30 days to provide their own updated information (plus 5 days for mailing).

- a. If the enrollee confirms the information in the notice, their eligibility will be updated in accordance with the applicable effective dates.
- b. If the enrollee provides different information, beWellnm will verify the information provided by the enrollee and update eligibility in accordance with the applicable effective dates.
- c. If the enrollee does not respond to the notice, beWellnm will update the eligibility using the information collected via data matching at the end of the month in which the 35th day after mailing occurs, unless such data matching is related to income, family size, or family composition. If the enrollee does not respond to data matching regarding income, family size, or family composition, no change will be made to the eligibility.