



State of New Jersey
DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

CHRISTINE TODD WHITMAN
Governor

MICHELE K. GUHL
Commissioner
MARGARET A. MURRAY
Director

MEDICAID COMMUNICATION NO. 17

DATE: October 5, 1999

TO: County Welfare Agency Directors
ISS Area Supervisors

SUBJECT: Miscellaneous Issues Regarding Medicaid for Non Citizens

The following are policy clarifications and changes that affect the establishment of Medicaid eligibility for non citizens.

1. **Entered United States legally prior to August 22, 1996 but achieved Qualified Alien status on or after August 22, 1996**

Medicaid Communication No. 98-20 instructed the county boards of social services (CBOSS) to determine the date a qualified alien entered the United States using the date of entry as listed on the individual's Legal Permanent Resident card "green card" or Form I-94. As a result, an individual who entered the United States as a visitor or in another lawful status prior to August 22, 1996, but adjusted his/her status to a qualified alien status after that date, was restricted from receiving Medicaid for five years. A recent clarification from the Department of Justice allows us to use an earlier date of entry in establishing Medicaid eligibility for a qualified alien.

Effective **immediately**, if an alien was in the United States before August 22, 1996, in a nonimmigrant status or other **lawful** status, and who subsequently obtained **qualified alien** status (regardless of the date that the immigrant applied for a change of status or if the immigrant's visa expired prior to obtaining qualified alien status), Medicaid eligibility can be established if the individual was **continuously present in the United States from the latest date of entry** prior to August 22, 1996, until the date he or she obtained qualified alien status. Any single absence from the United States of more than 30 days, or a total of aggregated absences of more than 90 days, should be considered to interrupt continuous residence. Absences should be verified by reviewing the individual's foreign passport for stamps showing all entries into the United States. Alternatively, as a last resort, a **less reliable source** of verification could be used. For example, verification of continued presence may be obtained using

rent receipts, a letter from an employer, and/or school records if these sources (alone or in combination) provide proof that no breaks in U.S. residence occurred.

A reasonable attempt should be made to review cases that were denied because the qualified alien entered the United States on or after August 22, 1996. Applicants that meet the criteria as described above shall have their Medicaid eligibility re-evaluated. If eligible, the date of eligibility shall be based on the date of the original application so long as all other Medicaid eligibility factors are met. The Division will be liberal in granting fair hearings in those cases denied because the qualified alien's immigration papers showed a date of entry on or after August 22, 1996. In these cases, the counties should attempt to resolve the issue prior to the hearing, if possible, and establish eligibility retroactive to the appropriate date for those applicants who meet the above criteria.

2. Special Program Status Codes for Emergency Medical Payment Program for Aliens

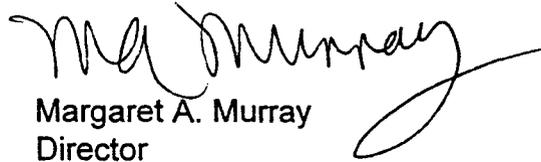
Additional federal funds are now available in New Jersey to cover emergency services for undocumented aliens in twelve states that have a high percentage of undocumented alien residents. Effective immediately, in order to identify and immediately claim these funds, **Special Program Code 10** will **only** be used when establishing an eligibility record for emergency services for an **undocumented (illegal) alien**. For those immigrants whose eligibility is restricted and for legal nonimmigrants (visitor visas, students, workers, etc.) **Special Program Code 11** shall be used.

3. Application for Emergency Medical Payment Program for Aliens during the Third Trimester of Pregnancy

As was discussed at the November 1998 Medicaid Supervisors' Meeting, pregnant women can apply for the Emergency Medical Payment Program for Aliens during their third trimester of pregnancy. Eligibility can be entered into the system with a Special Program Code effective no earlier than the first day of the month that ~~the third trimester began unless there was an earlier emergency~~ that can be covered. A termination date and termination of the Special Program Code shall be entered in the Medicaid Eligibility File effective the last day of the month after the month that the due date falls. Although the eligibility is open for that extended period of time, only labor and delivery and other emergency services will be covered.

Questions concerning this communication should be referred to the Bureau of Eligibility Policy at (609) 588-2556.

Sincerely,


Margaret A. Murray
Director

MAM:G

c: Christine Grant, Commissioner
Susan C. Reinhard, Ph.D., Deputy Commissioner
Department of Health and Senior Services

David C. Heins, Director
Division of Family Development

Charles Venti, Director
Division of Youth and Family Services