

DSS-4357EL
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GENERAL INFORMATION SYSTEM
DIVISION: Office of Medicaid Management

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GIS 01 MA/025

TO: Local District Commissioners, Medicaid Directors

FROM: Kathryn Kuhmerker, Deputy Commissioner, Office of Medicaid Management

SUBJECT: Aliessa, et al. v. Novello

EFFECTIVE DATE: Immediately

CONTACT PERSON: Local District Support Unit (518)474-9130 (Upstate)
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REISSUED GIS-01-MA-015*****THIS GIS MUST BE DISTRIBUTED TO ALL
MEDICAID ELIGIBILITY WORKERS AND SUPERVISORS

A recent decision was issued by the New York State Court of Appeals regarding alien status and eligibility for Medicaid. The Court found Section 122 of the Social Services Law unconstitutional "insofar as it denies State Medicaid to otherwise eligible PRUCOLs [aliens permanently residing in the United States under color of law] and lawfully admitted permanent residents based on their status as aliens."

The case has been remitted to Supreme Court for further proceedings. Additional information about this decision and necessary actions to be taken to comply with it will be issued when this information becomes available. In the meantime, districts should take no action to deny or discontinue Medicaid for PRUCOLs and lawfully admitted permanent residents on the basis of their alien status. Local districts must accept applications for Medicaid without regard to citizenship status. For persons who can be determined eligible pursuant to 00 OMM/ADM-9, "Citizenship and Alien Status Requirements for the Medicaid Program," issued December 12, 2000, the case should be authorized pursuant to those provisions. For persons whose eligibility cannot be determined in accordance with 00 OMM/ADM-9, the case must be pended for further instructions, which will be issued shortly.