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TO: Local District Commissioners, Medicaid Directors and Temporary Assistance Directors

FROM: Betty Rice, Director
Division of Consumer and Local District Relations

Patricia Stevens, Deputy Commissioner
Office of Temporary and Disability Assistance

SUBJECT: Correction to LDSS-4148B: "What You Should Know About Social Services Programs"

EFFECTIVE DATE: Immediately

CONTACT PERSON: Medicaid: Bureau of Local District Support:
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This is to inform social services districts of changes in policy on page 12 of the client booklet, LDSS-4148B: "What You Should Know About Social Services Programs".

In accordance with a recent decision by the New York State Court of Appeals Aliessa, et al v. Novello full State and local Medicaid coverage cannot be denied if an otherwise eligible alien is permanently residing in the United States under color of law (PRUCOL) or is a lawfully admitted permanent resident. Medicaid eligibility for otherwise eligible aliens is no longer dependent on whether the alien is a qualified or non-qualified alien and the date on which the alien entered the United States. Therefore, the booklet should read:

Q. Can I get Medical Assistance if I am not a citizen of the United States?

A. If you are pregnant, you do not have to tell us about your citizenship or alien status. Otherwise, if you are not a citizen of the United States, you must document that you are an alien in one of the immigration categories below in order to be eligible for Medical Assistance:

1. an alien admitted to the United States as a refugee under Section 207 of the Immigration and Nationality Act; or
2. an alien granted asylum under Section 208 of the Immigration and Nationality Act; or
3. an alien whose deportation has been withheld under Sections 241 (b) (3) or 243 (h) of the Immigration and Nationality Act; or
4. an alien admitted to the United States as a Cuban and Haitian entrant; or
5. an alien admitted as an Amerasian immigrant; or
6. an alien who has been admitted as a lawful permanent resident; or
7. an alien who has been paroled into the United States under Section 212 (d) (5) of the Immigration and Nationality Act, for a period of at least one year; or
8. an alien who has been granted conditional entry under Section 203 (a) (7) of the Immigration and Nationality Act; or
9. an alien who has been battered or subject to extreme cruelty in the United States by a family member and who meets certain other requirements; or

Please Add:

10. an alien not listed above who is considered to be permanently residing in the United States Under Color of Law (PRUCOL), including:

- a. an alien paroled into the United States for less than one year;
- b. an alien residing in the United States pursuant to an Order of Supervision;
- c. an alien residing in the United States pursuant to an indefinite stay of deportation;
- d. an alien residing in the United States pursuant to an indefinite voluntary departure;
- e. an alien on whose behalf an immediate relative petition has been approved and their families covered by the petition;
- f. an alien who has filed an application for adjustment of status that INS has accepted as "properly filed" or has granted;
- g. an alien granted stays of deportation;
- h. an alien granted voluntary departure;
- i. an alien granted deferred action status;
- j. an alien who has entered and continuously resided in the United States before January 1, 1972;
- k. an alien granted suspension of deportation; or
- l. an alien living in the United States with the knowledge and permission or acquiescence of the INS and whose departure the INS does not contemplate enforcing. (Examples include, but are not limited to: permanent non-immigrants, pursuant to P.L.99-239, applicants for deferred action or voluntary departure status, and aliens granted extended voluntary departure for a specified time due to conditions in their home countries.)

The following paragraphs are no longer applicable; please delete:

"If you document that you are an alien in one of the immigration categories below and that you entered the United States before August 22, 1996, you may also receive Medical Assistance."

"If you are an alien in categories 6, 7, 8, or 9 but you entered the United States on or after August 22, 1996, you must wait five years from the date you obtained your immigration status to get full Medical Assistance benefits. During this time, you may be able to get help with your medical care if you are pregnant or need medical care because of an emergency medical condition."

"NOTE: You do not have to wait five years if you are on active duty in the United States Armed Forces or are a veteran of the United States Armed Forces."

At the next reprinting of the LDSS-4148B, this policy change will be reflected. In the interim, districts are instructed to provide the attached correction with any LDSS-4148B that is distributed.