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GENERAL INFORMATION SYSTEM
DIVISION: Office of Medicaid Management

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PAGE 1

GIS 98 MA/21

TO: Local District Commissioners, Medicaid Directors, IM Directors

FROM: Ann Clemency Kohler, Deputy Commissioner, OMM

SUBJECT: Newly Enacted State Law Impacting Alien Eligibility for
Medicaid

EFFECTIVE DATE: Immediately

CONTACT PERSON: Ann Hughes, 518 474-9130

This is to advise you that Chapter 58 of the Laws of 1998 provides that any person who, on August 4, 1997, was diagnosed as having AIDS, as defined in Section 2780(1) of the Public Health Law, and was in receipt of a Medicaid authorization based on a determination that he or she was an alien permanently residing in the United States under color of law (PRUCOL), must continue to be provided Medicaid if he or she is otherwise eligible.

Therefore, persons who are not qualified aliens under the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) but who meet the requirements outlined below must not be terminated from Medicaid. Further, PRUCOL individuals who come to the attention of the district who have been terminated as a result of PRWORA and who meet these requirements must have their Medicaid coverage reinstated retroactive to August 4, 1997 or the date of case closing, whichever is later.

Section 2780 of the Public Health Law defines AIDS as having the meaning defined by the Centers for Disease Control (CDC). A diagnosis of AIDS may be verified by a document from a physician, clinic or hospital that indicates the individual had CDC-defined AIDS on or before August 4, 1997. Such document may already exist in the individual's Medicaid file, or an individual claiming this exemption may provide current documentation, as long as the document indicates the diagnosis was present on August 4, 1997.

PRUCOL individuals terminated from Medicaid because of their alien status and who are being reinstated as a result of this provision may be reimbursed for medical expenses paid during the period of ineligibility, as long as such expenses are determined to have been medically necessary.

These individuals should be coded in the Welfare Management System with a Citizenship/Aliens Status Indicator Code of N.