



JOHANNE E. MORNE, MS
Executive Deputy Commissioner

The purpose of this Informational Letter (INF) is to update local departments of Social Services (LDSS) and the Human Resources Administration (HRA) of recent changes to New York State law, impacting undocumented non-citizens aged 65 and older who became eligible to enroll in mainstream Medicaid managed care plans on January 1, 2024.

Chapter 57 of the Laws of 2025 amended New York State Social Services Law §364-j(3)(d-4) to specify that consumers who have been permanently placed in a nursing home for at least three consecutive months will be disenrolled from their mainstream Medicaid managed care plan. Therefore, undocumented non-citizens aged 65 or older who have been permanently placed in a nursing home for at least three consecutive months will be disenrolled from their Medicaid managed care plan, beginning October 31, 2026. Disenrollment will continue monthly for consumers who meet this criteria.

Currently, undocumented consumers enrolled in mainstream Medicaid managed care plans receive this coverage in NY State of Health or the Medicaid Eligibility and Client Management System (MECM). Their eligibility will continue to be maintained in these systems; these consumers will not transition back to the LDSS or HRA as a result of this change.

If districts receive documentation related to nursing home eligibility for consumers enrolled in this program, it should continue to be sent to the New York State Department of Health using the MCfor65PlusUndoc@health.ny.gov e-mail or by fax to 518-408-9792.

Undocumented non-citizens aged 65 and older disenrolled from a mainstream managed care plan may still will qualify for Medicaid coverage of services for the treatment of an emergency medical condition, only. Federal regulation 42 Code of Federal Regulations (CFR) §440.255 defines emergency medical services as “services required after the sudden onset of a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

- Placing the patient’s health in serious jeopardy;
- Serious impairment to bodily function; or
- Serious dysfunction of any bodily organ or part.”

The care and services related to an organ transplant procedure are not included in the definition of treatment of an emergency medical condition.

Undocumented non-citizens aged 65 and older who are not permanently placed in a nursing home for at least three consecutive months will remain enrolled in their mainstream Medicaid managed care plan.

The Department will begin sending notices to impacted consumers in August 2026. Consumers currently residing in a nursing home will be the first group to receive these notices. Subsequently, all consumers who are in a nursing home for more than three months will receive the same notice regarding this change. Attached is a copy of the notice consumers will receive.

If you have any questions regarding this INF, please contact your local district liaison.

Date: August 21, 2026

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A handwritten signature in blue ink, appearing to read 'Amir Bassiri', is positioned above a horizontal line.

Amir Bassiri, Medicaid Director
Office of Health Insurance Programs