

DSS-4357EL

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**GENERAL INFORMATION SYSTEM**  
**DIVISION:** Office of Medicaid Management

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**PAGE 1**

**GIS 01 MA/033**

**TO:** Local District Commissioners, Medicaid Directors

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

**SUBJECT:** Aliessa, et al. v. Novello and Family Health Plus

**EFFECTIVE DATE:** Immediately

**CONTACT PERSON:** Local District Support Unit (518) 474-8216 (Upstate)  
(212) 268-6855 (Downstate)

The purpose of this GIS message is to clarify that the provisions of GIS 01-MA-015, GIS 01-MA-026 and GIS 01-MA-030 on alien status and eligibility also apply to Family Health Plus.

GIS 01-MA-015 advised districts of the New York Court of Appeals decision regarding alien status and eligibility for Medicaid. Pursuant to this decision, 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.

Therefore, effective immediately, Family Health Plus eligibility, for otherwise eligible aliens, is not dependent on whether the alien is a qualified or non-qualified alien and the date on which the alien entered the United States. This means that aliens who are permanently residing in the United States under PRUCOL or who are qualified aliens subject to the five year ban are eligible for Family Health Plus provided they meet all other Family Health Plus eligibility requirements.

Systems instructions for authorizing Family Health Plus provided for PRUCOL aliens or qualified aliens in the five year ban will be forthcoming.