

TO: Local District Commissioners, Medicaid Directors

FROM: Judith Arnold, Director
Division of Eligibility and Marketplace Integration

SUBJECT: Incarcerated Temporary Non-Immigrants and Undocumented Aliens

EFFECTIVE DATE: January 1, 2016

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The purpose of this General Information System (GIS) message is to inform local departments of social services (LDSS) of a policy change for incarcerated temporary non-immigrants, who do not meet New York State residency criteria, and undocumented (illegal) aliens.

Otherwise eligible temporary non-immigrants who are not residents of the State and undocumented aliens receive Medicaid coverage for the treatment of an emergency medical condition (Coverage Code 07 – Emergency Services Only). In February 2013, GIS message 13 MA/09, “Changes to Medicaid Coverage for the Treatment of an Emergency Medical Condition,” informed districts that Emergency Services Only coverage was to be authorized for a 12-month authorization period. To align this policy change with the Medicaid suspension and reinstatement process, Emergency Services Only coverage will be suspended for incarcerated individuals and reinstated upon release. While incarcerated, Emergency Services Only coverage will pay for the treatment of an inpatient medical emergency condition provided off the grounds of the correctional facility.

The district of fiscal responsibility (DFR) for incarcerated temporary non-immigrants, who are not residents of the State, and undocumented aliens, is where the individual was living immediately prior to incarceration. With respect to out-of-State residents who commit a crime resulting in incarceration, and undomiciled individuals for whom no information and/or documentation exists concerning where the individual was staying immediately prior to incarceration, the DFR is the sentencing district. The DFR district is responsible for any inpatient emergency hospital claims paid while the individual is incarcerated.

Effective with the January 2016, Upstate WMS migration, the monthly electronic incarceration match performed by the New York State Office of Temporary and Disability Assistance (OTDA) will automatically suspend coverage for single individuals with Coverage Code 07. The coverage will remain 07. Timely notice will be issued using Reason Code XX4, “Suspend Medicaid Coverage for Treatment of Inpatient Emergency Medical Conditions - Inmate of a Correctional Facility.” This notice will be issued to the incarcerated individual at the correctional facility. The coverage and authorization “To” dates will be changed to 12/31/49. Individuals in multi-member households will be exceptioned to the district for manual processing through the existing WMS WINR 5612, “Prisoner Closing Case Eligibility Report.” These individuals will be identified on the report with Exception Code “L” (Prisoner Emergency Extension). Districts are instructed to use Reason Code XX4 when suspending coverage for an incarcerated temporary non-immigrant, who is not a resident of the State, or an undocumented alien.

For applications submitted to the district for incarcerated temporary non-immigrants, who are not residents of the State, and undocumented aliens (non-MAGI or Temporary Assistance/Medicaid separate determinations), if the inmate is determined to be otherwise eligible for Medicaid, the district must establish 07 coverage for the individual with a coverage and authorization “To” date of 12/31/49. Districts must also use Reason Code XX5, “Accept Medicaid Coverage for Treatment of Inpatient Emergency Medical Conditions - Inmate of a Correctional Facility,” to open the case. This notice will be issued to the

incarcerated individual at the correctional facility and will inform the individual that due to his or her immigration and inmate status, Medicaid can only pay for medical care and services necessary for the treatment of an inpatient emergency medical condition provided off the grounds of the correctional facility.

For individuals released to the street or parole supervision, Emergency Services Only coverage will be reinstated for a period of five months (beginning on the first day of the release month and continuing for the following four months) in the district where the releasee resided immediately prior to incarceration. Newly created Reason Code XX6, "Reinstate Medicaid Coverage for Treatment of Emergency Medical Conditions - Individual Released from a Correctional Facility," will be used by the automated reinstatement process and must be used if a district is manually reinstating coverage. Emergency Services Only coverage will not be reinstated for individuals who are deceased, or who have been discharged to immigration, the Federal Bureau of Prisons, or another state's law enforcement. Individuals discharged to a NYS or local correctional facility will continue to have their Emergency Services Only coverage suspended.

The policy change contained in this GIS was effective in New York City on April 9, 2015.