

-Revised 03/21/12-

Operations Memorandum

Medicaid OPS120203

February 9, 2012

SUBJECT: Qualified Aliens Aged 65 and Over Who Are Subject to the Five-year Bar

TO: Executive Directors

FROM: Richard Wallace, Acting Director, Bureau of Operations

Purpose

To inform County Assistance Offices (CAOs) of a change to the policy regarding qualified aliens aged 65 and over who meet criteria for General Assistance (GA)-related Non-Money Payment (NMP) and are subject to the five-year bar on Federally-funded Medical Assistance (MA).

Background

Section 403 of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 provides that certain qualified aliens who entered the United States (U.S.) on or after August 22, 1996 are not eligible for Federally-funded MA for five years, beginning on the date the individual entered the U.S. with a qualified alien status.

Discussion

The following policy revision is based on the Department of Public Welfare's (DPW's) Office of General Counsel's recent legal interpretation of the "equal protection" clause requirements of the Constitution.

Effective January 1, 2012, CAOs are to evaluate qualified aliens subject to the five-year bar and over the age of 65 for eligibility for GA-related NMP. If the individual meets the GA-related NMP income and resource levels, as well as at least one of the GA-related NMP criteria listed below, he or she is eligible for GA-related NMP. For additional information on GA-related NMP criteria, see Medical Assistance Handbook Section 305.5.

1. Two-parent applicant/recipient group
2. Physical or mental disability, whether permanent or temporary
3. Caring for a child or individual who is ill or disabled
4. Undergoing treatment for a drug or alcohol problem

5. Victim of domestic violence.

The caseworker is to complete an override, by using the steps below, to authorize PD:

1. On CAMBCO, place a Y in the "P/O" column next to the first budget and transmit.
2. On CAMIEO, change Eligible individual (EA, ES, etc.) in the "SFU ELG" column to Non-eligible (NA, NS, etc.). Place a Y in the "SFU Ovr Ind" column. Enter code 901 (PASS to FAIL due to system logic deficiency) under the "Cpsn Ovr Rsn" column and transmit.
3. On CAMBCO repeat the same process with all budget eligibility periods for which the individual shows as PASS. Only those budgets in which the individual is an Eligible individual should be modified.
4. After all necessary budgets have been changed to FAIL, place a Y under the "P/O" column at the bottom of the screen under "New A/R Group Details." Enter PD under the "Cat" column. Enter appropriate code under the "TT:"
 - o (F): Two Parent Family
 - o (D): Disabled
 - o (H): Health Sustaining Meds
 - o (C): Non Parent Caretaker
 - o (A): Drug and Alcohol Treatment
 - o (V): Domestic Violence
5. Enter the begin date under "Beg Elig." Enter the end date under "End Elig." If authorizing ongoing benefits, no end date is needed.
6. On CAMIEO, enter Eligible (EA, ES, etc.) under the "SFU Elg" column and 900 (FAIL to PASS due to system logic deficiency) under the "Cpsn Ovr Rsn" column and transmit.
7. Continue case processing.

This change does not apply to U.S. citizens or qualified aliens whose five-year bar has expired as they will be continue to be evaluated for Healthy Horizons.

Reminder: The CAO determines if the individual meets the criteria for Emergency MA that may allow the individual to qualify for Healthy Horizons. If eligible for Emergency MA, the individual is opened as Non-Continuous Eligibility (NCE) only for the duration of the emergency. The criteria for Emergency MA may be found in MA Handbook Section 322.32. ~~If the disability is not severe enough to warrant Emergency MA, the individual is to be evaluated for GA-related NMP.~~ **If the individual is applying for payment of Long Term Care (LTC) services, the medical condition must be reviewed by the Bureau of Policy prior to authorization of MA. LTC services include both Home and Community-Based Services and LTC facility services. If the condition is not severe enough to warrant Emergency MA, the individual is to be evaluated for GA-related NMP only and is not eligible for payment of LTC services.**

Next Steps

1. Share and review this information with appropriate staff members.
2. Direct questions regarding this Operations Memorandum to your Area Manager.
3. This Operations Memorandum will become obsolete when this information is incorporated in the Handbooks.