**Policy Clarification**

**Medical Assistance- All**

**PMA-20334-322**

**Submitted: 2/9/21 Agency: CAO’s**

**Subject: Additional Guidance for Medical Assistance for Non-Citizens During the Coronavirus (COVID-19) Public Health Emergency (PHE)**

**Question**: **1. Will the County Assistance Office (CAO) continue federally funded Medical Assistance (MA) benefits for lawfully present non-citizens who turn age 21 and lawfully present pregnant women whose 60-day postpartum period ends during the PHE?**

 **2. Will the CAO continue Emergency Medical Assistance (EMA) benefits for non-citizens who have received EMA for labor and delivery during the PHE?**

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| **Response By: Division of Health Services** |  **Date: 02/03/2021** |  |  |
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1. No. The Centers for Medicare and Medicaid Services (CMS) guidance requires that lawfully present non-citizens (citizenship code 2 under the five-year bar, or citizenship code 3) who turn age 21, or whose 60-day postpartum period ends, be closed during the PHE if not eligible for other MA because their immigration status no longer qualifies them for federally funded MA under Section 214 of the Children’s Health Insurance Program Reauthorization Act of 2009 (CHIPRA). These individuals must be reviewed for General Assistance (GA) related MA, or if there is medical documentation that supports an Emergency Medical Condition (EMC), the individual may also be reviewed for EMA. If the individual is not eligible for GA-related MA or EMA, the individual must be closed. See [MAEH 322.32](http://services.dpw.state.pa.us/oimpolicymanuals/ma/322_Citizen_Noncitizen/322_3_Alien_Status.htm?rhtocid=_16_2_3#322.32__Lawfully_Present_Children_Under_age_21_and_Pregnant_Womenbc-4) for more information on lawfully present non-citizens.
2. Yes. CMS guidance requires that non-citizens who receive EMA continue to receive MA benefits until the last day of the month in which the PHE ends. These are individuals who are eligible for MA because they have an EMC entered on the Alien/Refugee screen.

 **NOTE:** The Office of Medical Assistance Programs (OMAP) and the Office of Income Maintenance (OIM) will be tracking the individuals who continue to receive EMA due to the PHE, as demonstrated in the last example below. Additional guidance for closing EMA for these individuals will be provided prior to the end of the PHE.

**EXAMPLES:**

* Keith is a lawful permanent resident under the five-year bar (citizenship code “2- lawful permanent resident”) who is 20 years of age, and currently receiving MG91. Keith’s birthday is on 03/01/2021.When Keith turns 21, he is no longer eligible for the federally funded benefits he has been receiving. The CAO will review him for GA-related MA or EMA and close him if he is not eligible.
* Jessica is a lawfully present temporary non-citizen (citizenship code “3-temporary alien”). She is currently an MG91 P recipient who gave birth on 02/01/2021. Jessica will receive her federally funded MA benefits for the duration of her postpartum period (04/30/2021, last day of the month in which the 60th day after the delivery date falls). After her postpartum period has ended, the CAO will review her for GA-related MA or EMA and close her if she is not eligible.
* Melissa is an undocumented non-citizen (citizenship code “5-illegal alien”) EMA recipient who was admitted to the hospital on 01/31/2021 and gave birth on 02/01/2021. Melissa receives EMA for the labor and delivery of her child. Due to the PHE she will receive ongoing MA until the last day of the month in which the PHE ends. The CAO will keep her EMA open with an EMC of “labor and delivery.”