

**STATE OF RHODE ISLAND
DEPARTMENT OF HUMAN SERVICES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance Rhode Island General Laws (RIGL) 42-35, notice is hereby given that the Department of Human Services proposes to amend the following DHS rule:

**MEDICAL ASSISTANCE PROGRAM
SECTIN 0316 – MEDICAL ASSISTANCE FOR ALIENS**

This amended rule provides procedures to implement state-funded Medical Assistance, effective April 1, 2010, to non-citizen children under the age of 19 who are otherwise eligible aliens lawfully residing in the United States. Such aliens consist of qualified aliens subject to the 5-year bar, aliens described in 8 CFR 103.12(a) (4), and legal non-immigrants whose admission to the U.S. is not conditioned on having a permanent residence in a foreign country (such non-immigrants include citizens of the Compact of Free Association States who are considered permanent non-immigrants but does not include visitors for business or pleasure or students). The proposed amendments have been approved by CMS.

In the development of this rule, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the R.I. Secretary of State website (<http://www.sec.state.ri.us/ProposedRules/>) and the DHS website (www.dhs.ri.gov) or available in hard copy upon request (401 462-2018 or RI Relay, dial 711). Interested persons should submit data, views or written comments by Friday March, 12, 2010 to Kimberly Merolla-Brito, Office of Policy Development, Department of Human Services, Louis Pasteur Building, Bldg. 57, Howard Avenue, Cranston, RI 02920.

In Accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

The Department of Human Services does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief or handicap in acceptance for or provision of services or employment in its programs or activities.

Gary D. Alexander, Director

0316 MEDICAL ASSISTANCE FOR ALIENS

0316.05 IMPACT OF ALIEN STATUS ON SCOPE OF SERVICES

REV: 04/2010 ~~10/2009~~

A. An Alien who meets all other requirements of the Medical Assistance Program is either eligible for the full scope of Medical Assistance benefits or eligible for restricted services, depending on alien status.

1. Aliens who are potentially eligible for the full scope of Medical Assistance benefits as Categorically Needy or Medically Needy

~~are~~include:

a. Aliens admitted for permanent residence;

b. Certain American Indians born in Canada and some Amerasians;

c. Refugees, Amerasian Immigrants or Cuban/Haitian entrants;

d. Aliens Permanently Residing in the U.S. Under Color of Law (PRUCOL);

e. Parolees;

f. Asylees-;

g. Lawfully residing aliens who are members of the state-funded coverage group as defined in 0304.05.45.

2. Aliens who are potentially eligible for restricted services

~~are~~include:

a. Undocumented Aliens who are in the U.S. without permission from the Immigration and Naturalization Service and who are not otherwise defined as PRUCOL;

b. Aliens with temporary status who are admitted to the U.S. for a temporary period, usually for travel, visits, study or diplomatic service. Included in this group are foreign government representatives, crewman on shore leave, foreign students, temporary workers, members of the foreign media and film crews.

B. Undocumented pregnant women ~~and pending approval from the Centers for Medicaid and Medicare Services (CMS), eligible alien children under the age of nineteen (19) who are lawfully residing in the United States are not subject to the five (5) year bar and~~ are potentially eligible for Medical

Assistance benefits ~~under RItE Care or RItE Share~~ through Title XIX or XXI. (See Manual Section 0348.10 through 0348.10.10 for state-funded RItE Care Coverage Group benefits.)

0316.05.05 SAVE Requirement

REV: 04/2010~~06/1994~~

A. Aliens who are potentially eligible for MA as either Categorically Needy or Medically Needy must:

1. Provide documentation of alien status;

2.e Sign a statement attesting to their satisfactory alien status;

3.e Permit DHS to verify their documentation and alien status directly with the Immigration and Naturalization Service. Once the documentation and verification requirements are met, eligibility determination proceeds in the same manner as eligibility determination for applicants who are U.S. citizens.

0316.05.10 Refugee Medical Assistance

REV:01/2002

Refugees who have resided in the United States for eight (8) months or less, and who have been determined ineligible for one of the categorical programs due to lack of a characteristic may be eligible for Refugee Medical Assistance (RMA). Family cases will have eligibility determined according to family-related (RIte Care) rules. Individuals and couples will have RMA eligibility determined according to SSI-related rules.

0316.10 INELIG ALIENS RECEIVING RESTRICTED SERVICES

REV:06/1994

Aliens whose status renders them ineligible for Medical Assistance as Categorically or Medically Needy may be eligible for restricted services only. Restricted services are emergency in-patient hospital services and hospital emergency room services, including labor and delivery services. No other services are covered for this group.

0316.10.05 Restricted Services Eligibility Requirements

REV:06/1994

Normally, eligibility for persons in restricted services is determined retroactively. The alien must have received and incurred expenses for the services in the month of application, or in one of the three months prior to the month of application.

However, a pregnant woman in the third trimester of pregnancy may be certified for restricted services until the end of the month in which her estimated date of confinement falls.

To be eligible under this restricted services provision, an alien must meet all eligibility requirements of the Medical Assistance Program except for citizenship, enumeration and SAVE requirements.

Eligibility for Medical Assistance must exist at the time the services are rendered.

0316.10.05.05 Restricted Services Eligibility Requirement

REV:06/1994

The alien must be a resident of Rhode Island. Residency is an eligibility condition for all individuals and families. The determination of residency is largely based on the intent of the applicant to reside in Rhode Island, with no retrospective or prospective durational requirement.

0316.10.05.10 Exception to SAVE Requirement

REV:06/1994

Aliens who are admitted to the U.S. for a temporary purpose, or as Legal Temporary Residents or Legal Permanent Residents must provide documentation of their legal status. However, signing the DHS/SAV-1 to certify that s/he is in satisfactory alien status is NOT a requirement for aliens eligible only for restricted services. Aliens who cannot receive INS documentation need not declare themselves to be in satisfactory alien status.

0316.10.05.15 Exception to Enumeration Requirement

REV:06/1994

Ineligible aliens eligible for restricted services only are exempt from the enumeration requirement and are not required to file for or provide a Social Security number. However, an alien must provide his/her social security number if one has been issued by the Social Security Administration.