



STATE OF DELAWARE

DELAWARE HEALTH AND SOCIAL SERVICES  
DIVISION OF MEDICAID & MEDICAL ASSISTANCE

PLANNING AND POLICY DEVELOPMENT UNIT

MEMORANDUM

REPLY TO  
ATTN. OF: Administrative Notice DMMA-07-2011

TO: All DMMA Staff and DSS Staff

DATE: May 19, 2011

SUBJECT: Medical Assistance for Legally Residing Aliens

**BACKGROUND**

In State Fiscal Year 1998 the Delaware legislature appropriated state only funds to provide coverage of full medical benefits to certain legally residing aliens who are ineligible for full Medicaid benefits because of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). This state funded medical assistance was provided to qualified aliens subject to the five-year bar and legally residing nonqualified aliens. Coverage for these aliens was subject to the availability of state funding.

Due to budgetary constraints, continued funding for this state funded medical assistance was not included in the recommended budget for State Fiscal Year 2012.

Effective July 1, 2011, these legally residing aliens may be found eligible for Medicaid covered emergency services and labor and delivery only. There are approximately 800 aliens who will be affected by this change.

**DISCUSSION**

The groups of aliens who will be affected by this reduction in coverage to emergency services and labor and delivery only are listed in the following policy sections:

DSSM 14310-14310.4 Qualified Aliens

DSSM 14320-14320.1 Legally Residing Nonqualified Aliens

The reduction in coverage to emergency services and labor and delivery only will not affect legally residing pregnant women and children. Legally residing pregnant women and children were converted to full Medicaid effective July 1, 2010. See DMMA Administrative Notice 04-2010 for information about legally residing pregnant women and children.

**ACTION REQUIRED**

Aliens who are currently receiving state funded full medical benefits will be converted to Medicaid covered emergency services and labor and delivery only with an effective date of

July 1. The aid category on the MMIS will change from a “U” to a “W”. On or before June 17, a notice will be sent to the affected clients. A copy of the notice is attached. These clients will have an opportunity to request a fair hearing. Any requests for a fair hearing over this reduction in coverage will be sent to the fair hearing officer. A fair hearing summary is not required. The fair hearing officer will dismiss the request because this is a change in state law. The fair hearing officer will notify the client of the dismissal of the request.

Newly approved aliens may have eligibility that includes months prior to July and for July ongoing. The DCIS opening notice has been modified to notify the client of the coverage provided based on the month of eligibility. For example, the client may receive state funded full medical benefits for May and June, but will receive Medicaid covered emergency services and labor and delivery only for July. These clients will also have an opportunity to request a fair hearing. As noted above, the fair hearing officer will dismiss the request and notify the client.

### **INQUIRIES TO**

Jill Williams

255-9609

***Dave Michalik 5/19/2011***

Dave Michalik, Chief  
Policy & Planning Development  
Division of Medicaid & Medical  
Assistance

ATTACHMENT

Notice About Your Medical Assistance

Beginning July 1, 2011, your medical assistance will be changed from full Medicaid benefits to coverage of emergency services and labor and delivery only.

This is because funding for full Medicaid benefits for certain legally residing noncitizens was not included in the state budget beginning July 2011.

The rules we used to take this action are DSSM 14360.

You can ask for a fair hearing if you do not agree with what we have told you in this notice. If you want to have a hearing, you must ask for it in writing. You can mail your fair hearing request to the Division of Social Services Hearing Office, P.O. Box 906, New Castle, DE 19720. You can ask for a hearing for 90 days from the date this notice says your benefits will change. You may have someone, such as a lawyer or a friend, help you with your fair hearing. If you want free legal advice, you can call Community Legal Aid Society, Inc., at their toll free number in New Castle County 1-800-292-7980; in Kent County, 1-800-537-8383; or in Sussex County, 1-800-462-7070. You can also call Legal Services Corporation of Delaware, in Dover, 734-8820; or Wilmington, 575-0408 for free legal advice.