

**DEPARTMENT OF MENTAL HEALTH**1600 - 9TH STREET  
ACRAMENTO, CA 95814

(916) 654-3551



November 11, 1997

DMH INFORMATION NOTICE NO.: 97-19

TO : LOCAL MENTAL HEALTH DIRECTORS  
LOCAL MENTAL HEALTH PROGRAM CHIEFS  
LOCAL MENTAL HEALTH ADMINISTRATORS  
COUNTY ADMINISTRATIVE OFFICERS  
CHAIRPERSONS, LOCAL MENTAL HEALTH BOARDS

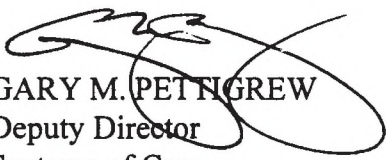
SUBJECT: GUIDANCE ON THE DEFINITION OF "FEDERAL MEANS-TESTED  
PUBLIC BENEFIT"

EXPIRES : Retain Until Rescinded

The enclosed letter received from Joyce T. Berry, Ph.D., J.D., Director, Division of State and Community Systems Development, Substance Abuse and Mental Health Services Administration (SAMHSA), provides guidance on certain immigrant eligibility provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

We will provide you with all pertinent future information as we receive it from SAMHSA.

Sincerely,



GARY M. PETIGREW  
Deputy Director  
Systems of Care

Enclosure

cc: California Mental Health Planning Council  
Chief, Technical Assistance and Training



August 28, 1997

Substance Abuse and Mental  
Health Services Administration  
Rockville MD 20857

SUBJECT: Guidance on the Definition of "Federal Means-Tested Public Benefit"

Dear Program Grantee:

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P.L. 104-193, restricts the access of certain categories of immigrants to specified Federal benefits, including some benefits administered by the Department of Health and Human Services (HHS). This letter provides guidance on certain immigrant eligibility provisions of the PRWORA.

Section 403 of PRWORA bars most qualified aliens who enter the U.S. on or after enactment (August 22, 1996) from eligibility for "Federal means-tested public benefits" for five years beginning on the date the individual entered the United States with a qualified alien status. As defined in a Federal Register notice dated August 26, 1997 and effective immediately, HHS is interpreting "Federal means-tested public benefits" to include only those benefits provided under Federal means-tested, mandatory spending programs. The following HHS programs meet this definition: Medicaid, and Temporary Assistance for Needy Families (TANF) Block Grant - the successor to the AFDC program. Therefore, no other HHS programs are "Federal means-tested public benefits" for purposes of PRWORA, and all qualified aliens, regardless of when they entered the U.S., continue to be eligible to receive assistance and services under the Mental Health Block Grant Program if they meet other program requirements.

Finally, guidance on other immigration-related issues is still under consideration. The immigrant provisions of the PRWORA are extremely complex and require careful analysis to determine the impact of the provisions on numerous programs and services. We are currently analyzing these provisions and will provide further information to you as these issues are resolved.

If you need further clarification, please contact: Dr. Anne Mathews-Younes at (301) 443-0554.

Sincerely,

Joyce T. Berry, Ph.D., J.D.

Director

Division of State and Community  
Systems Development