STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

GEORGE DEUKMEJIAN, *Governor*

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
SACRAMENTO, CA 95814

April 12, 1988

To: All County Welfare Directors
All County Administrative Officers

LETTER NO.: 88-21

SUBJECT: OBRA/IRCA INTERIM TRACKING PROCEDURES PRIOR TO STATE LAW CHANGE

REFERENCE: ACWDLs 87-55 and 87-56

This letter is to answer county questions stemming from ACWDLs 87-55 and 87-56. These letters dealt with the tracking of Omnibus Budget Reconciliation Act of 1986/Immigration Reform and Control Act of 1986 (OBRA/IRCA) aliens from January 1, 1988 until passage of legislation implementing OBRA/IRCA, such as SB 175. System-specific programming issues will be discussed in another All County Welfare Directors' Letter (ACWDL).

The CA6 process will remain in effect until it is eliminated by State law. Otherwise eligible aliens who sign the CA6 attesting to their lawful resident status should continue to receive full-scope benefits.

Q 1: Why are we tracking OBRA/IRCA eligibles?

A 1: There are various reasons: 1) For appropriate claiming of Medicaid federal financial participation (FFP) and State Legalization Impact Assistance Grant (SLIAG) funds. 2) To determine correct capitation rates for Prepaid Health Plans (PHPs). Once these rates are established, some IRCA aliens may be able to choose PHPs instead of fee-for-service providers. 3) To issue Medi-Cal cards with the appropriate level of benefits (full scope or emergency/pregnancy-related) to which the alien will be entitled when legislation is enacted.

Q 2: Must we examine existing continuing cases to determine whether they are OBRA/IRCA and start tracking them?

A 2: No. However, as these cases come to your attention from a redetermination or beneficiary reporting activities, track them retroactively to January 1, 1988.

Q 3: Must we now send a CA6 to INS for all OBRA/IRCA alien applicants?

A 3: Not in all cases. The current policy should be followed until State law changes: All aliens must complete and sign a CA6, a copy of which must be retained in the case file. The CA6 need not be sent to INS if the alien applicant presents acceptable documentation of alien status. The CA6 should be sent to INS when the alien has no documentation, the documentation is insufficient, lost, unavailable, has expired, or its validity is doubtful. When documentation is available but not acceptable, attach a copy of it to the CA6 you send to INS.

Q 4: Is INS form I-688A acceptable documentation of lawful resident status now?

A 4: No, the I-688A is issued to aliens who have applied for amnesty or Special Agricultural Worker (SAW) temporary resident status. It authorizes the alien to work while INS determines the outcome of the legalization application. Because the I-688A does not confer lawful resident status for Medi-Cal purposes, a CA6 must be sent to INS. You should track these individuals as aid code 58.

Q 5: Is INS form I-688 acceptable documentation of lawful resident status now?

A 5: Yes, the I-688 is issued to aliens granted lawful temporary resident status by INS. A CA6 should be completed, but need not be sent to INS unless some irregularity is suspected. You should track these individuals as amnesty or SAWs full scope (aid codes 51 or 56), or limited scope (52 or 57) as appropriate. ACWDL 87-56 contains a full description of the OBRA/IRCA aid codes.

Q 6: When we send a CA6 to INS, should we code the alien in question as OBRA (aid code 58) while the CA6 is being processed?

A 6: Yes. If INS indicates on the CA6 that the alien has been granted lawful temporary resident status under amnesty or SAW, update the original aid code field with the appropriate IRCA aid code. For example, a CA6 sent to INS for an alien with an I-688A is returned indicating the person now has lawful temporary resident status. Change the original aid code field from 58 to the appropriate IRCA aid code for each month of

eligibility, including retroactive eligibility. If the applicant is in satisfactory immigration status (SIS), but is not an amnesty or SAW alien, you need not track him/her any longer.

Q 7: What should we do if INS indicates on the CA6 "Not legally present", has no record of the person, and requests more information?

A 7: Resubmit the CA6, state whether additional information is available, and if it is, attach it. Continue to submit the CA6 until the INS provides a verified status determination. If necessary, contact the INS officer who signed the CA6 to ensure that his/her response was based on INS records or an interview with the alien. Medi-Cal benefits should continue while INS verification is pending.

We are recommending this action because, for a time, some INS offices stopped scheduling interviews with aliens. They merely indicated "Not legally present" because their record search did not turn up the alien's name. INS officials have assured us that they will resume scheduling interviews with unregistered aliens.

Q 8: What should we do when INS indicates on the CA6 "Not legally present" but does not explain its finding or request additional information?

A 8: Contact the INS officer who signed the CA6 to verify that the undocumented status determination was based on INS records or an interview with the alien. If it was, deny or discontinue the case as usual. Otherwise, resubmit the CA6 until INS positively verifies alien status, e.g. INS determines that an unregistered alien failed to appear for an interview, or INS finds records showing the alien lacks SIS. Medi-Cal benefits may continue while INS verification is pending.

Q 9: Are OBRA children eligible until age 21?

A 9: Yes, if they continue to meet other Medi-Cal eligibility requirements.

Q 10: When we become aware of a change in age that would affect the IRCA code, i.e. a 64 year old turns 65 or a 17 year old turns 18, what should we do?

A 10: Update the original aid code field to reflect the change in age. For the two given examples, you would change the aid code for the 65-year-old from 52 or 57 to 51 or 56 for the effective month and ongoing. For the 18-year-old, the aid code would change from 51 or 56 to 52 or 57, for the effective month and ongoing. If a child turned 21, then you would discontinue both his/her eligibility and tracking, assuming there was no other linkage.

Q 11: Can we pend applications of aliens with unexpired temporary visas so that, when State legislation passes, they can receive the OBRA benefits they do not now receive under current regulations?

A 11: No, you must process such applications according to the rules prevalent during the period for which benefits are requested. This means that, while the current CA6 system is in place, aliens with an unexpired temporary visa are not eligible for Medi-Cal. This will change after legislation is enacted and we will notify counties how the changes will affect processing of such applications.

Q 12: Should we track aliens with a Cuban/Haitian or Pre-1972 Amnesty designation from INS?

A 12: No. These aliens were part of the IRCA legislation, but SLIAG funds are not available for persons legalizing under those categories.

Q 13: Should we submit a CA6 to INS for aliens who claim to have resided continuously in the U.S. since before 1972?

A 13: Yes. Attach to the CA6 all available documentation so INS can determine lawful permanent residence on the basis of pre-1972 registrant status.

Q 14: How should we track "undocumented" Medically Indigent Adult (MIA) and Medi-Cal-linked aliens, or IRCA aliens who will be eligible only for limited scope benefits when legislation passes, who receive long-term care (LTC) Medi-Cal benefits? ("Undocumented" means an alien signed a CA6, did not attend an INS interview as requested, and good cause was found for their failure to cooperate.)

A 14: Track the "undocumented" groups as OBRA, aid code 58. Do not discontinue them based on unsatisfactory alien status until further notice. IRCA limited-scope aliens should be tracked as aid code 52 or 57 as appropriate.

Q 15: How should we track "undocumented" MIA and Medi-Cal-linked aliens, or IRCA limited-scope aliens, now receiving renal dialysis services? This is a State-only program, and Dialysis Supplement Program records are not reported to MEDS.

A 15: Track the "undocumented" groups as OBRA, aid code 58, and the IRCA limited-scope aliens as aid code 52 or 57 as appropriate. This may be done either manually if they are Dialysis Supplement Program-only, or through MEDS if the recipient/applicant receives or will receive a full scope Medi-Cal card in addition to the Dialysis Supplement card. We will ask you to report manual tracking information at a later date. Do not discontinue the "undocumented" groups based on unsatisfactory alien status until further notice.

We hope this letter answers your questions regarding tracking of OBRA/IRCA aliens. If additional questions arise, or clarification is needed, please call Sandra Bierer at (916) 324-4971. For systems-related questions, call Maria Enriquez at (916) 445-2043.

Sincerely,

Original signed by

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

Attachment

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

Expiration Date: March 31, 1989