STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY PETE WILSON, Governor

DEPARTMENT OF HEALTH SERVICES
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May 10, 1991

TO: All County Welfare Directors
All County Administrative Officers

Letter No.: 91-46

SUBJECT: OBRA ELIGIBILITY FOR MEDICARE AND THE QUALIFIED MEDICARE BENEFICIARY (QMB) AND QUALIFIED DISABLED WORKING (QDWI) PROGRAM

REFERENCE: 90-02, 90-67

This letter is to correct and clarify policy concerning aliens and their eligibility for Medicare and the QMB program.

Medicare

An undocumented alien or Immigration Reform and Control Act (IRCA) alien who receives restricted benefits may or may not be eligible for the Medicare Buy-In process. According to the Social Security Administration (SSA), any person who qualifies for premium-free Hospital Insurance (Part A of Medicare) is automatically eligible to enroll for Supplemental Medical Insurance (Part B of Medicare). For such persons, citizenship status, immigration status and the length of U.S. residence are all immaterial.

To be eligible for premium-free Part A, individuals, including nonimmigrant aliens, must: (1) be blind or disabled and have received Title II benefits for 24 months, or be aged; and, (2) have paid into SSA for the required quarters or be eligible to receive benefits from a spouse/parent (alive or deceased) who paid into SSA for the required quarters. Once eligible for premium-free Medicare Part A, they, or the State on their behalf, may purchase Part B benefits.

Conversely, to be eligible to enroll for Part B, someone who does not qualify for premium-free Part A must have resided in this country for five or more years and be either a U.S. citizen, or a lawfully admitted for permanent residence (LAPR) alien.

Since it is difficult to determine if an individual is or is not entitled to Medicare, counties should continue to refer all individuals who meet the criteria in Section 50777, Title 22, California Code of Regulations, i.e., any person 64 years and 9 months of age or older, blind or disabled individuals, persons receiving dialysis, etc., to the Social Security Administration to apply for Medicare. Therefore, the answer to Question Number 17 in All County Welfare Directors Letter (ACWDL) No. 90-67 which states that undocumented and temporary visitor aliens are not required to apply for Medicare as a condition of Medi-Cal eligibility is incorrect.

QMB and QDWI Program

In the QMB ACWDL No. 90-02, page 36, Answer Number 8, we stated that an OBRA applicant is eligible to apply for the QMB program. Since then the Health Care Financing Administration (HCFA) has informed us that a QMB must meet the nonfinancial requirements for full Medi-Cal benefit eligibility, i.e., cooperation, state residence, and status as a U.S. citizen, a LAPR alien, a permanently residing under color of law (PRUCOL) alien, or an amnesty alien who is aged, blind, disabled, or under 18 years of age. Thus, an undocumented alien, a temporary visitor, or an IRCA alien who is not aged, blind, disabled, or under 18 would be ineligible for QMB benefits, even if he/she were receiving restricted benefits and met the income, property, and Medicare Part A requirements. The same requirement also applies to those applying for the qualified disabled working individual (QDWI) program.

If you have any questions about the QMB or QDWI program, please contact Marge Buzdas at (916) 324-4972, ATSS 454-4972. For questions about aliens, please contact Linda Hayes at (916) 323-5861, ATSS 454-5861. For Buy-In questions, please contact Jo Monday at (916) 739-3208.

Sincerely,

ORIGINAL SIGNED BY

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants