

September 11, 2026

THIS LETTER SENT VIA EMAIL

Ms. Courtney Miller, Director
Division of Program Operations
Medicaid and CHIP Operations Group
Centers for Medicare & Medicaid Services
601 East 12th Street, Room 355
Kansas City, MO 64106

STATE PLAN AMENDMENT 26-0040: CITIZENSHIP AND NONCITIZEN ELIGIBILITY

Dear Ms. Miller:

The Department of Health Care Services (DHCS) is submitting State Plan Amendment (SPA) 26-0040 in the MACPro system for your review and approval. This SPA proposes to implement the changes to noncitizen eligibility as required by Section 1903(v)(5) of Social Security Act (the Act), which was amended by Section 71109 of Public Law 119-21, also known as the “Working Families Tax Cut” (WFTC) legislation. This legislation restricts, with limited exceptions, federal financial participation (FFP) for noncitizens. The amendment requires the state to confirm that Medicaid is provided to U.S. citizens, U.S. nationals, and certain noncitizens eligible for FFP (“FFP-eligible noncitizens”) in accordance with federal requirements at 1903(v)(5) of the Act, including for coverage provided during a reasonable opportunity period pending verification of the individual’s status. DHCS seeks an effective date of October 1, 2026, for this SPA.

Effective January 1, 2024, California's SPA 13-0026-MM incorporated citizen and non-citizen eligibility requirements into California's Medicaid State Plan to align with the Affordable Care Act. The proposed SPA 26-0040 revises the following provisions of the approved SPA 13-0026-MM:

- Section A, **Citizens, Nationals and FFP-Eligible Noncitizens**, updates the SPA language as follows: *“The state provides Medicaid to citizens and nationals of the United States and certain noncitizens who meet all other Medicaid eligibility requirements under the state plan, including for coverage for individuals for whom federal financial participation (FFP) is available consistent with section 1903(v)(5) of*

the Social Security Act (the Act) ("FFP-eligible noncitizens"), and during a reasonable opportunity period pending verification of their citizenship, U.S. national, or satisfactory immigration status."

- Section B, **Optional Coverage of All FFP-Eligible Noncitizens**, revises the SPA language from: *"The state provides Medicaid coverage to all Qualified Non-Citizens whose eligibility is not prohibited by section 403 of PRWORA (8 U.S.C. §1613)"* to: *"The state provides Medicaid coverage to LPRs, Cuban/Haitian entrants, and COFA migrants whose eligibility is not restricted by section 403 of PRWORA (8 U.S.C. §1613) and meet all other eligibility requirements in the state plan."*
- Section C, **Coverage of Lawfully Residing Individuals**, under subsection d, adds additional (underlined) groups in the SPA language: *"A noncitizen who belongs to one of the following classes:*
 - i. *Granted temporary resident status in accordance with 8 U.S.C. 1160 or 1255a, respectively;*
 - ii. *Granted Temporary Protected Status (TPS) in accordance with 8 U.S.C. §1254a, and individuals with pending applications for TPS who have been granted employment authorization;*
 - iii. *Granted employment authorization under 8 CFR 274a.12(c);*
 - iv. *Family Unity beneficiaries in accordance with section 301 of Pub. L. 101-649, as amended;*
 - v. *Under Deferred Enforced Departure (DED) in accordance with a decision made by the President;*
 - vi. *Granted Deferred Action status;*
 - vii. *Granted an administrative stay of removal under 8 CFR 241;*
 - viii. *Beneficiary of approved visa petition who has a pending application for adjustment of status;"*

Subsection e of Section C adds an additional underlined group in the SPA language: *"Is an individual with a pending application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C. 1231, or under the Convention Against Torture who:*

- i. *Has been granted employment authorization; or*
- ii. *Is under the age of 14 and has had an application pending for at least 180 days;"*

Additionally, subsection j of Section C, revises the SPA language to update the underlined language: *"Exception: An individual with deferred action under the*

Department of Homeland Security's deferred action for the childhood arrivals process, as described in the Secretary of Homeland Security's June 15, 2012 memorandum, shall not be considered to be lawfully present with respect to any of the above categories in paragraphs (1) through (9) of this definition." to: ".....shall not be considered to be lawfully present with respect to any of the above categories in paragraphs (a) through (i) of this definition."

- Section D, **Emergency Coverage section**, amends the SPA language to state:
"Regardless of whether an individual has a satisfactory immigration status for full Medicaid benefits, the state assures that it provides care and services that are necessary for the treatment of an emergency medical condition as defined in 1903(v)(3) of the Act, not related to the care and services for an organ transplant procedure, (commonly referred to as "emergency Medicaid"), to the following individuals who meet all Medicaid eligibility requirements, except are not required to have verified U.S. citizenship or satisfactory immigration status and/or present an SSN:
 - 1. LPRs subject to the five-year waiting period described in 8 U.S.C. § 1613(a) and who have not met the five-year waiting period;*
 - 2. All other noncitizens who are not FFP-eligible noncitizens, unless covered as a lawfully residing child or pregnant woman by the state under the option in accordance with section 1903(v)(4) of the Act."*

DHCS has determined that a Tribal notice is not necessary for this proposal.

If you have any questions or need additional information, please contact Sarah Crow, Chief of Medi-Cal Eligibility Division, at (916) 345-8411 or by email at Sarah.Crow@dhcs.ca.gov.

Sincerely,



Tyler Sadwith
State Medicaid Director
Chief Deputy Director, Health Care Programs
California Department of Health Care Services

Enclosures

cc: See Next Page

Ms. Miller

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September 11, 2026

cc: Saralyn M. Ang-Olson, JD, MPP
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CA - Submission Package - CA2026MS0003O - (CA-26-0040) - Eligibility

[Summary](#) [Reviewable Units](#) [News](#) [Related Actions](#)



CMS-10434 OMB 0938-1188

Package Information

Package ID CA2026MS0003O
Program Name N/A
SPA ID CA-26-0040
Version Number 1

Submission Type Official
State CA
Region San Francisco, CA
Package Status Pending

Submission - Summary

MEDICAID | Medicaid State Plan | Eligibility | CA2026MS0003O | CA-26-0040

Package Header

Package ID	CA2026MS0003O	SPA ID	CA-26-0040
Submission Type	Official	Initial Submission Date	N/A
Approval Date	N/A	Effective Date	N/A
Superseded SPA ID	N/A		

State Information

State/Territory Name:	California	Medicaid Agency Name:	California Department of Health Care Services
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Submission Component

- ☒ State Plan Amendment
- ☒ Medicaid
- ☐ CHIP

Submission - Summary

MEDICAID | Medicaid State Plan | Eligibility | CA2026MS0003O | CA-26-0040

Package Header

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SPA ID and Effective Date

SPA ID CA-26-0040

Reviewable Unit	Proposed Effective Date	Superseded SPA ID
Citizenship and Noncitizen Eligibility	10/1/2026	CA-13-0026

Submission - Summary

MEDICAID | Medicaid State Plan | Eligibility | CA2026MS0003O | CA-26-0040

Package Header

Package ID	CA2026MS0003O	SPA ID	CA-26-0040
Submission Type	Official	Initial Submission Date	N/A
Approval Date	N/A	Effective Date	N/A
Superseded SPA ID	N/A		

Executive Summary

Summary Description Including Goals and Objectives This SPA proposes to implement the changes to noncitizen eligibility as required by Section 1903(v)(5) of Social Security Act (the Act), which was amended by Section 71109 of Public Law 119-21, also known as the “Working Families Tax Cut” (WFTC) legislation. This legislation restricts, with limited exceptions, federal financial participation (FFP) for noncitizens.

Federal Budget Impact and Statute/Regulation Citation

Federal Budget Impact

	Federal Fiscal Year	Amount
First	2026	\$0
Second	2027	\$0

Federal Statute / Regulation Citation

Federal Statute: §§ 1902(a)(46)(B); 1903(v)(2), (3), (4), and (5) of the Social Security Act (the Act); 1903(x), 1137(d), and 1902(ee) of the Act; 8 U.S.C. §§ 1611, 1612, 1613, 1641

Supporting documentation of budget impact is uploaded (optional).

Name	Date Created	
No items available		

Submission - Summary

MEDICAID | Medicaid State Plan | Eligibility | CA2026MS0003O | CA-26-0040

Package Header

Package ID	CA2026MS0003O	SPA ID	CA-26-0040
Submission Type	Official	Initial Submission Date	N/A
Approval Date	N/A	Effective Date	N/A
Superseded SPA ID	N/A		

Governor's Office Review

☐ No comment ☐ Comments received ☐ No response within 45 days ☒ Other	Describe The Governor's Office does not wish to review the State Plan amendment.
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Submission - Medicaid State Plan

MEDICAID | Medicaid State Plan | Eligibility | CA2026MS0003O | CA-26-0040

CMS-10434 OMB 0938-1188

The submission includes the following:

☐ Administration

☒ Eligibility

☐ Income/Resource Methodologies

☐ Income/Resource Standards

☐ Mandatory Eligibility Groups

☐ Optional Eligibility Groups

☒ Non-Financial Eligibility

☐ State Residency

☒ Citizenship and Noncitizen Eligibility

Reviewable Unit Name	Included in Another Submission Package	Source Type
Citizenship and Non-Citizen Eligibility		CONVERTED

☐ Eligibility and Enrollment Processes

☐ Benefits and Payments

Submission - Public Comment

MEDICAID | Medicaid State Plan | Eligibility | CA2026MS0003O | CA-26-0040

Package Header

Package ID	CA2026MS0003O	SPA ID	CA-26-0040
Submission Type	Official	Initial Submission Date	N/A
Approval Date	N/A	Effective Date	N/A
Superseded SPA ID	N/A		

Indicate whether public comment was solicited with respect to this submission.

- ☒ Public notice was not federally required and comment was not solicited
- ☐ Public notice was not federally required, but comment was solicited
- ☐ Public notice was federally required and comment was solicited

Submission - Tribal Input

MEDICAID | Medicaid State Plan | Eligibility | CA2026MS0003O | CA-26-0040

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One or more Indian Health Programs or Urban Indian Organizations furnish health care services in this state

- ☒ Yes
- ☐ No

This state plan amendment is likely to have a direct effect on Indians, Indian Health Programs or Urban Indian Organizations, as described in the state consultation plan.

- ☐ Yes
- ☒ No

Explain why this SPA is not likely to have a direct effect on Indians, Indian Health Programs or Urban Indian Organizations:

DHCS does not believe a Tribal/designee Notice is required because this SPA proposes to implement the changes to noncitizenship eligibility as required by Section 1903(v)(5) of Social Security Act (the Act), which was amended by section 71109 of Public Law 119-21, also known as the "Working Families Tax Cut" (WFTC) legislation. This federal change impacts members who are not considered U.S. Citizens and whose immigration status will no longer qualify them for federal full scope Medi-Cal. American Indians and Alaska Natives are U.S. Citizens. Therefore, they will not be affected by this federal change.

Medicaid State Plan Eligibility

Non-Financial Eligibility

Citizenship and Noncitizen Eligibility

MEDICAID | Medicaid State Plan | Eligibility | CA2026MS0003O | CA-26-0040

Package Header

Package ID	CA2026MS0003O	SPA ID	CA-26-0040
Submission Type	Official	Initial Submission Date	N/A
Approval Date	N/A	Effective Date	10/1/2026
Superseded SPA ID	CA-13-0026		
	System-Derived		

☒ The state provides Medicaid to citizens and nationals of the United States and certain noncitizens who meet all other Medicaid eligibility requirements under the state plan, including for coverage for individuals for whom federal financial participation (FFP) is available consistent with section 1903(v)(5) of the Social Security Act (the Act) ("FFP-eligible noncitizens"), and during a reasonable opportunity period pending verification of their citizenship, U.S. national, or satisfactory immigration status.

A. Citizens, Nationals and FFP-Eligible Noncitizens

☒ The state provides Medicaid eligibility to individuals who meet all eligibility requirements in the State, including who are residents of 1 of the 50 states, the District of Columbia, or a territory of the United States and:

- Who are U.S. citizens or nationals of the United States; or
 - Who are FFP-eligible noncitizens in an immigration status or category listed in section 1903(v)(5) of the Act and are not restricted by section 403 of PRWORA (8 U.S.C. § 1613):
 - Lawful Permanent Residents (LPRs)--Section 1903(v)(5)(B)(ii) of the Act
 - Cuban/Haitian entrants—Section 1903(v)(5)(B)(iii) of the Act
 - Compact of Free Association (COFA) migrants—Section 1903(v)(5)(B)(iv) of the Act
- and
- Who have declared themselves to be citizens or nationals of the United States or noncitizens having satisfactory immigration status, during a reasonable opportunity period, pending verification of their U.S. citizenship, U.S. national, or satisfactory immigration status consistent with requirements of sections 1903(x), 1137(d), and 1902(ee) of the Act and regulations at 42 C.F.R. §§ 435.406, 407, 911, and 956.

The reasonable opportunity period begins on and extends 90 days from the date the notice of reasonable opportunity is received by the individual.

a. The agency provides for an extension of the reasonable opportunity period for noncitizens if the noncitizen is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the agency needs more time to complete the verification process.

- ☒ Yes
- ☐ No

☒ b. When a reasonable opportunity period is provided, the agency furnishes benefits to otherwise eligible individuals on the following date:

The date benefits are furnished is:

- ☐ i. The date of the application containing the declaration of U.S. citizenship, U.S. national, or satisfactory immigration status.
- ☒ ii. The first day of the month of application.

Citizenship and Noncitizen Eligibility

MEDICAID | Medicaid State Plan | Eligibility | CA2026MS0003O | CA-26-0040

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	System-Derived		

B. Optional Coverage of All FFP-Eligible Noncitizens

The state provides Medicaid coverage to LPRs, Cuban/Haitian entrants, and COFA migrants whose eligibility is not restricted by section 403 of PRWORA (8 U.S.C. § 1613) and meet all other eligibility requirements in the state plan.

- ☒ Yes
- ☐ No

Citizenship and Noncitizen Eligibility

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	System-Derived		

C. Coverage of Lawfully Residing Individuals

The state elects the option to provide Medicaid coverage to lawfully residing pregnant women and/or children in the United States, as provided in section 1903(v) (4) of the Act who meet all other eligibility requirements in the state plan.

- ☒ Yes
- ☐ No

- ☒ 1. Pregnant women
- ☒ 2. Individuals under a specified age:

☒ a. Individuals under age 21

☐ b. Individuals under age 20

☐ c. Individuals under age 19
3. An individual is considered to be lawfully residing in the United States if he or she is lawfully present and otherwise meets the eligibility requirements in the state plan.
4. An individual is considered to be lawfully present in the United States if they are:

a. A qualified noncitizen as defined in 8 U.S.C. 1641(b) and (c);

b. A noncitizen in a valid nonimmigrant status, as defined in 8 U.S.C. 1101(a)(15) or otherwise under the immigration laws (as defined in 8 U.S.C. 1101(a)(17));

c. A noncitizen who has been paroled into the United States in accordance with 8 U.S.C.1182(d)(5) for less than 1 year, except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings;

d. A noncitizen who belongs to one of the following classes:

i. Granted temporary resident status in accordance with 8 U.S.C.1160 or 1255a, respectively;

ii. Granted Temporary Protected Status (TPS) in accordance with 8 U.S.C. §1254a, and individuals with pending applications for TPS who have been granted employment authorization;

iii. Granted employment authorization under 8 CFR 274a.12(c);

iv. Family Unity beneficiaries in accordance with section 301 of Pub. L. 101-649, as amended;

v. Under Deferred Enforced Departure (DED) in accordance with a decision made by the President;

vi. Granted Deferred Action status;

vii. Granted an administrative stay of removal under 8 CFR 241;

viii.Beneficiary of approved visa petition who has a pending application for adjustment of status;

e. Is an individual with a pending application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C.1231,or under the Convention Against Torture who:

i. Has been granted employment authorization; or

ii. Is under the age of 14 and has had an application pending for at least 180 days;

f. Has been granted withholding of removal under the Convention Against Torture;

g. Is a child who has a pending application for Special Immigrant Juvenile status as described in 8 U.S.C.1101(a)(27)(J);

h. Is lawfully present in American Samoa under the immigration laws of American Samoa; or

i. Is a victim of severe trafficking in persons, in accordance with the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, as amended (22 §U.S.C. 7105(b)).

j. Exception: An individual with deferred action under the Department of Homeland Security's deferred action for the childhood arrivals process, as described in the Secretary of Homeland Security's June 15, 2012 memorandum, shall not be considered to be lawfully present with respect to any of the above categories in paragraphs (a) through (i) of this definition.

☐ k. Other
- https://macpro.cms.gov/suite/tempo/records/item/wx3_II4_I3tU-K3fpHgVHrSVgH5jl6UbV6fRlxfCAeo4fdnEQ9w_Gd7WfNxy_BKkgh1U11kTq0P6V8...

11/13

Citizenship and Noncitizen Eligibility

MEDICAID | Medicaid State Plan | Eligibility | CA2026MS0003O | CA-26-0040

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D. Emergency Coverage

☒ Regardless of whether an individual has a satisfactory immigration status for full Medicaid benefits, the state assures that it provides care and services that are necessary for the treatment of an emergency medical condition as defined in 1903(v)(3) of the Act, not related to the care and services for an organ transplant procedure, (commonly referred to as “emergency Medicaid”), to the following individuals who meet all Medicaid eligibility requirements, except are not required to have verified U.S. citizenship or satisfactory immigration status and/or present an SSN:

1. LPRs subject to the five-year waiting period described in 8 U.S.C. § 1613(a) and who have not met the five-year waiting period;
2. All other noncitizens who are not FFP-eligible noncitizens, unless covered as a lawfully residing child or pregnant woman by the state under the option in accordance with section 1903(v)(4) of the Act.

E. Additional Information (optional)

PRA Disclosure Statement: Centers for Medicare & Medicaid Services (CMS) collects this mandatory information in accordance with (42 U.S.C. 1396a) and (42 CFR 430.12); which sets forth the authority for the submittal and collection of state plans and plan amendment information in a format defined by CMS for the purpose of improving the state application and federal review processes, improve federal program management of Medicaid programs and Children’s Health Insurance Program, and to standardize Medicaid program data which covers basic requirements, and individualized content that reflects the characteristics of the particular state’s program. The information will be used to monitor and analyze performance metrics related to the Medicaid and Children’s Health Insurance Program in efforts to boost program integrity efforts, improve performance and accountability across the programs. Under the Privacy Act of 1974 any personally identifying information obtained will be kept private to the extent of the law. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1188. The time required to complete this information collection is estimated to range from 1 hour to 80 hours per response (see below), including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

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