

DEPARTMENT OF HEALTH SERVICES

14/744 P STREET
O. BOX 942732
SACRAMENTO, CA 94234-7320



February 11, 1991

TO: All County Welfare Directors
All County Administrative Officers

Letter No.: 91-11

SUBJECT: FINAL IRCA/OBRA REGULATIONS

REFERENCE: ACWDLs 88-87 and 89-110

This letter transmits a copy of the final version of the changes to Title 22 of the California Code of Regulations that were made necessary by enactment of (State) Senate Bill 175, the (federal) Immigration Reform and Control Act of 1986 and Section 9406 of the (federal) Omnibus Budget Reconciliation Act of 1986. The present regulations were approved by the Office of Administrative Law on December 17, 1990. They conform to the state Administrative Procedure Act and are not in conflict with the Ruiz v. Kizer and Crespin v. Kizer court injunctions. They will stay the same until and unless final decisions by the courts require them to be changed. You will be informed, when and if this happens.

If you have questions about the IRCA/OBRA regulations, contact Tom Dickson of my staff. He can be reached at (916) 324-4961, ATSS 454-4961.

Sincerely,

ORIGINAL SIGNED BY

Frank S. Martucci, Chief
Medi-Cal Eligibility

Enclosure

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

CALIFORNIA OFFICE OF ADMINISTRATIVE LAW
SACRAMENTO, CALIFORNIA

NOTICE OF APPROVAL OF
REGULATORY ACTION
(Gov. Code, Sec. 11349.3)

In re:

Health Services

REGULATORY ACTION:

Adopt sections 50301, 50301.1
- 50301.6, 50302, 50304,
50740; Amend sections 50169,
50173, 50187; Repeal sections
50301, 50303, 50304, 50305,
50310, 50311, 50313 of Title
22 of the California Code of
Regulations

OAL File No. 90-1120-03 RC

RECEIVED

DEC 18 1990

OFFICE OF REGULATIONS
OF HEALTH SERVICES

SUMMARY OF REGULATORY ACTION

On November 20, 1990, the Department of Health Services submitted the certificate of compliance for the above mentioned emergency regulatory action to the Office of Administrative Law for review. The notice of rulemaking for this action was published in California Regulatory Notice Register 89, Number 49-Z (December 8, 1989), on page 3288. The regulations specify the eligibility of aliens for Medi-Cal benefits.

OFFICE OF ADMINISTRATIVE LAW DECISION

OAL approves the above-referenced regulatory action.

REASON FOR DECISION

All legal requirements applicable to the proposed regulatory action were met.

DATE: 12/17/90


DAVID POTTER
Senior Staff Counsel

for: JOHN D. SMITH
Director

Original: Kenneth W. Kizer, Director
cc: Ron C. Wetherall
app.ltr

Section 50169(d)(7), (e), (f), (g), (h):

(7) Immigration status.

(e) County departments shall verify the immigration status of all alien applicants for full Medi-Cal benefits and of persons applying for restricted Medi-Cal benefits who indicate they are amnesty aliens.

(f) The following items shall be verified whenever there is a change:

(1) Blindness.

(2) Disability.

(3) Immigration status.

(4) SSN, except for an applicant for restricted Medi-Cal benefits, unless the applicant is an amnesty alien who is not eligible for full Medi-Cal benefits pursuant to Section 50301(b)(5).

(5) HIC number.

(g) The following procedures shall apply for persons who were determined eligible prior to the effective date of this subsection and who have not

submitted an SSN, at the time of the next redetermination, restoration or reapplication:

(1) Section 50168(a)(1) shall apply when a face-to-face interview is required.

(2) Persons for whom a face-to-face interview is not required shall submit an SSN, or evidence of application for an SSN, within 60 days.

(h) Certification for Medi-Cal shall not be delayed or discontinued pending receipt of verification from a person who is currently eligible unless the beneficiary refuses to cooperate.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; Section 2, Chapter 364, Statutes of 1984; and Section 9, Chapter 1441, Statutes of 1988.
Reference: Sections 14005.14, 14007.5 and 14011, Welfare and Institutions Code.

Section 50173(b)(1) and (2):

(1) Only the income and resources discovered through the search shall be considered available.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; and Section 9, Chapter 1441, Statutes of 1988.
Reference: Sections 11054, 14000, 14001, 14007.5 and 14011, Welfare and Institutions Code.

(1) Amend Section 50187(a) to read:

(a) Each applicant or beneficiary shall, as a condition of eligibility for full Medi-Cal benefits, obtain and provide to the county department a Social Security Number (SSN) and, if eligible, a Social Security Health Insurance Claim (HIC) Number. In addition, amnesty aliens eligible for restricted Medi-Cal benefits pursuant to Section 50302(b)(3) must possess or have applied for an SSN and, if eligible, a HIC number.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code.

Reference: Sections 14005.7 and 14011, Welfare and Institutions Code; and Section 1320b(7)(a), Title 42, United States Code of Regulations.

Section 50301:

50301- Residence and Citizenship Requirements-

(a) To be eligible under the MN or ME programs, an applicant or beneficiary shall be a California resident, as specified in Section 50320, who is one of the following:

(1) A citizen of the United States-

(2) An alien lawfully admitted for permanent residence-

(3) An alien permanently residing in the United States under color of law. These aliens are persons who are any of the following:

(A) Lawfully in the United States as conditional entrants, or refugees, and whose status has not been terminated by the United States Attorney General-

(B) Lawfully in the United States for an indefinite period as parolees-

(C) Granted indefinite voluntary departure in lieu of deportation-

(D) Granted an indefinite stay of deportation-

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; and Section 9, Chapter 1441, Statutes of 1988.
Reference: Section 14007.5, Welfare and Institutions Code; and Sections 1, 2 and 3, Chapter 1441, Statutes of 1988.

(2) Amend Section 50301 to read:

50301. Citizenship or Immigration Status for Full Medi-Cal Benefits.

(a) "Full Medi-Cal benefits" means all the services ordinarily covered by the Medi-Cal program.

(b) To be eligible for full Medi-Cal benefits, an applicant or beneficiary shall be a California resident who is one of the following:

(1) A citizen of the United States.

(2) A national of the United States from American Samoa or Swain's Island.

(3) An alien who has been lawfully admitted to the United States for permanent residence. This category includes "conditional permanent residents" who have been granted a two-year period of lawful admission for permanent residence in accordance with Section 216 of the Immigration and Nationality Act (8 USC 1186a).

(4) An alien permanently residing in the United States under color of law (PRUCOL).

(5) An amnesty alien (lawful temporary resident or lawful permanent resident) whose status has been adjusted in accordance with Section 210, 210A or 245A of the Immigration and Nationality Act (8 USC Sections 1160, 1161 or 1255a) if the alien meets one of the following conditions:

(A) The alien is aged, blind, disabled, or under 18 years of age, or

(B) More than five years has elapsed since the date the alien ~~applied~~ for and ~~subsequently~~ was granted lawful temporary resident status. The date of granting is the date the alien filed his or her application for lawful temporary resident status.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; and Section 9, Chapter 1441, Statutes of 1988.
Reference: Section 14007.5, Welfare and Institutions Code.

(3) Amend Section 50301.1 to read:

50301.1. Documentation of Status as a Citizen or National of the United States.

(a) Applicants in this classification shall present a document which establishes their identity, such as a driver's license, and an original document which serves as evidence that an applicant is a citizen or national of the United States:

(1) If the applicant declares a birthplace outside of the United States or its outlying possessions, or

(2) If evidence exists which suggests that the applicant may be falsely claiming to be a citizen or national of the United States.

(b) Documents which establish status as a citizen or national of the U. S. include the following:

(1) A birth certificate issued by a governmental entity within the United States or its outlying possessions.

(2) A United States passport.

- (3) United States Citizen Identification Card (INS Form I-197) or Identification Card for Use of Resident Citizen in the United States (I-179).
- (4) Certificate of Naturalization (INS Form N-550 or N-570).
- (5) Certificate of Citizenship (INS Form N-560 or N-561).
- (6) Certification of Birth Abroad (Dept. of State Form FS-545 or DS-1350).
- (7) Report of Birth: Child Born Abroad of American Parent or Parents (Dept. of State Form FS-240).
- (8) Northern Mariana Identification Card issued by INS to persons born in the Northern Mariana Islands who are now U. S. citizens.
- (9) A religious document, of which the issuing organization has a record, showing that the birth took place in the U. S. Religious documents shall be accepted only in the absence of other types of evidence.
- (10) An Individual Fee Register Receipt (INS Form G-711) which shows that the person has filed an Application for a New Naturalization or Citizenship Paper (INS Form N-565).

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; and Section 9, Chapter 1441, Statutes of 1988.
Reference: Section 14011 and 14007.5, Welfare and Institutions Code.

Section 50301.2:

50301.2. Documentation of Status as an Alien Lawfully Admitted for Permanent Residence.

Applicants in this classification shall present a document, such as a driver's license, which establishes their identity and one or more of the following documents:

(a) An Alien Registration Receipt Card (INS Form I-551 or earlier Forms I-151 or AR-3a).

(b) An Arrival-Departure Record (INS Form I-94) or foreign passport with a special stamp showing that an Alien Registration Receipt Card (INS Form I-551) will be issued.

(c) An INS Form I-181b notification letter issued in connection with an INS Form I-181, Memorandum of Creation of Record of Lawful Permanent Residence, which shows that an Alien Registration Receipt Card (INS Form I-551) will be issued.

(d) A Permit to Re-enter the United States (INS Form I-327).

(e) A letter from the Canadian Department of Indian Affairs, a birth or baptismal record issued on a Canadian Indian reservation or tribal or school records which establish that an American Indian born in Canada is of at least one half American Indian ancestry.

(f) An Individual Fee Register Receipt (INS Form G-711) for replacement of a lost, stolen or unreadable alien registration or alien admission document listed in this section.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; and Section 9, Chapter 1441, Statutes of 1988.
Reference: Sections 14011 and 14007.5, Welfare and Institutions Code.

(4) Amend Section 50301.3 to read:

50301.3. Documentation of Status as an Alien Permanently Residing in the United States Under Color of Law (PRUCOL).

Applicants in this classification shall present a document which establishes their identity, such as a driver's license, and one or more of the following INS-issued documents:

(a) Aliens admitted to the United States before April 1, 1980 in accordance with Immigration and Nationality Act (INA) Section 203(a)(7) (8 USC 1153(a)(7)): Arrival-Departure Record, INS Form I-94, annotated "REFUGEE-CONDITIONAL ENTRY."

(b) Aliens paroled into the United States for an indefinite period including Cuban/Haitian Entrants and Public Interest/Humanitarian Parolees: INS Form I-94, with notation that the alien has been paroled into the United States pursuant to INA Section 212(d)(5) (8 USC 1182(d)(5)). Although Cuban/Haitian Entrants were admitted to the U.S. under this section, their I-94s are stamped: "Cuban/Haitian Entrant (Status Pending) reviewable January 15, 1981. Employment authorized until January 15, 1981." or stamped "Cuban/Haitian Entrant (Status Pending) reviewable January 15, 1981. Employment authorized until January 15, 1981."

(c) Aliens subject to an Order of Supervision: INS Form I-220B.

(d) Aliens granted an indefinite stay of deportation: INS Form I-94 or a letter from INS showing this status.

(e) Aliens granted an indefinite voluntary departure: INS Form I-94 or a letter from INS showing this status.

(f) Aliens on whose behalf an INS Form I-130 (Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa) has been filed, with their families covered by the petition, who are entitled to voluntary departure but whose departure INS does not contemplate enforcing: INS Form I-94 showing this status or Alien Voluntary Departure Notice, INS Form I-210.

(g) Aliens who have filed applications for adjustment to lawfully admitted for permanent residence status that INS has accepted as "properly filed": an INS Form I-181 Memorandum of Creation of Record of Lawful Permanent Residence, an INS Form I-94 (Arrival-Departure Record) stamped I&NA Section 245 Applicant, or a properly endorsed U.S. passport.

(h) Aliens granted a stay of deportation for a specific period by court order, statute or regulation, or by individual determination of INS in accordance with INA Section 106 (8 USC 1105a) or relevant INS Operating

Instruction and whose departure INS does not contemplate enforcing: INS Form I-94, a letter from INS, or an order issued by a District Director of INS, the Executive Office of Immigration Review, or a federal court.

(i) Aliens granted asylum in accordance with INA Section 208 (8 USC 1158): INS Form I-94 and a letter from INS showing this status.

(j) Aliens admitted as refugees since April 1, 1980: Arrival-Departure Record, INS Form I-94, annotated: "ADMITTED AS A REFUGEE PURSUANT TO SECTION 207 OF THE IMMIGRATION AND NATIONALITY ACT" or an unexpired Refugee Travel Document, INS Form I-571.

(k) Aliens granted voluntary departure, whose departure INS does not contemplate enforcing: INS Form I-94 showing this status or Alien Voluntary Departure Notice, INS Form I-210 bearing a departure date.

(l) Aliens in deferred action status pursuant to INS operating instructions: Alien Voluntary Departure Notice, INS Form I-210 or a letter from INS showing this status.

(m) Aliens who have applied for an adjustment of status from undocumented alien to alien lawfully admitted for permanent residence in accordance with INA Section 249 (8 USC 1259) on the basis of having entered and continuously resided in the United States since before January 1, 1972:

Individual Fee Register Receipt, INS Form G-711 and an Interview Appointment Letter, INS Form I-468.

(n) Aliens who have been granted suspension of deportation in accordance with INA Section 244 (8 USC 1254) whose departure INS does not contemplate enforcing: Arrival-Departure Record, INS Form I-94 and an order issued by the Executive Office of Immigration Review.

(o) Aliens whose deportation is being withheld in accordance with INA Section 243(h) (8 USC 1253(h)): Arrival-Departure Record, INS Form I-94 and an order issued by the Executive Office of Immigration Review.

(p) Citizens of the Republic of the Marshall Islands or the Federated States of Micronesia who, in accordance with 48 USC Sections 1681 through 1695, may live, work or study in the United States without restrictions: Arrival-Departure Record, INS Form I-94 annotated "CFA/MIS" or "CFA/FSM".

(q) Aliens granted extended voluntary departure for a specified time due to conditions in their home countries: Arrival-Departure Record, INS Form I-94 showing this status or Alien Voluntary Departure Notice, INS Form I-210.

(r) Aliens whose INS documents have been lost or stolen or are unreadable: An Individual Fee Register Receipt (INS Form G-711) which

shows the person has applied for replacement of a lost, stolen or unreadable alien registration or alien admission document listed in this section.

(s) Aliens living in the United States with the knowledge and permission of INS whose departure that agency does not contemplate enforcing: INS documents which establish these facts.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; and Section 9, Chapter 1441, Statutes of 1988.
Reference: Sections 14007.5 and 14011, Welfare and Institutions Code.

(5) Amend Section 50301.4 to read:

50301.4. Documentation of Status as an Amnesty Alien.

(a) Aliens whose status has been adjusted in accordance with Immigration and Nationality Act Sections 210, 210A or 245A (8 USC Sections 1160, 1161 or 1255a) who are applying for full Medi-Cal benefits shall present one of the following INS documents:

(1) Aliens granted lawful temporary resident status: Temporary Resident Card, INS Form I-688.

(2) Aliens granted lawful permanent resident status: Alien Registration Receipt Card, INS Form I-551 or an INS Form I-688 with a sticker on the back which reads "Temporary evidence of lawful admission for permanent residence and employment authorization. Valid for 1 year from the expiration date on the reverse of this I-688....Form I-688 Ext."

(3) Aliens whose INS documents have been lost or stolen or are unreadable: An Individual Fee Register Receipt (INS Form G-711) which shows the person has applied for replacement of a lost, stolen or unreadable I-688 or I-551.

(4) Aliens who were issued an I-688 extension sticker which subsequently was lost or stolen or which became unreadable: an I-94 (Arrival-Departure Record) with the stamp: "PROCESSED FOR I-551. TEMPORARY EVIDENCE OF LAWFUL ADMISSION FOR PERMANENT RESIDENCE. VALID UNTIL _____." (The expiration date is one year from the date lawful permanent resident status was granted.)

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; and Section 9, Chapter 1441, Statutes of 1988.
Reference: Sections 14007.5 and 14011, Welfare and Institutions Code.

(6) Amend Section 50301.5 to read:

50301.5. Opportunity to Document Satisfactory Immigration Status.

(a) Alien applicants for full Medi-Cal benefits must present documents from INS or an order issued by a District Director of INS, the Executive Office of Immigration Review, or a federal court which serve as reasonable evidence of satisfactory immigration status for Medi-Cal purposes. After they are informed of this fact, they shall have 30 calendar days, or the time it actually takes the county department to process their Medi-Cal applications, whichever is longer, to submit such documents. The 30-day period begins at the time the applicant submits a completed ~~Medi-Cal~~ form MC 13 (5/89) containing a declaration in writing, under penalty of perjury, which attests to his or her status as an alien.

(b) Applicants who do not present documentation indicating satisfactory immigration status within the period prescribed in subsection (a), are eligible for restricted Medi-Cal benefits if they meet all other program requirements.

(c) The county department shall provide adequate notice to the individual of any adverse action and shall accord to the individual an opportunity for a hearing in accordance with the Department of Social

Services Manual of Policies and Procedures Sections 22-017, 22-021 and 22-022.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; and Section 9, Chapter 1441, Statutes of 1988.
Reference: Sections 10950 to 10965, inclusive, 14007.5 and 14011, Welfare and Institutions Code.

(7) Amend Section 50301.6 to read:

50301.6. Verification of Satisfactory Immigration Status.

(a) "Satisfactory immigration status" for Medi-Cal purposes means lawful admission for permanent residence in the United States, status as an alien permanently residing in the U. S. under color of law, or status as an amnesty alien.

(b) The authenticity of all INS-issued documents presented as reasonable evidence of such status shall be verified through the Systematic Alien Verification for Entitlements (SAVE) system operated by INS or by direct contact with INS officials.

(c) Applicants for full Medi-Cal benefits who have declared themselves to be aliens, must also declare in writing whether, to the best of their knowledge and belief, they have a satisfactory immigration status. Such aliens shall present INS-issued documents which indicate their status. At least one of these documents should contain an alien registration or alien admission number.

(d) A primary SAVE system verification shall be used to access the biographical/immigration status computer record contained in the Alien Status Verification Index maintained by INS. This procedure shall be used

to verify the status of all aliens claiming satisfactory immigration status who present an INS-issued document which contains an alien registration or alien admission number.

(e) The secondary SAVE system verification procedure shall be used to forward copies of original INS documents in cases where:

(1) A primary check of the Alien Status Verification Index instructs the county department to "Institute secondary verification."

(2) The document presented indicates immigration status but does not include an alien registration or alien admission number.

(3) The Alien Status Verification Index record includes the alien registration or admission number on the document presented by the alien but does not match other information contained in the document.

(4) The document is suspected to be counterfeit or to have been altered.

(5) The document includes an alien registration number in the A60 000 000 (not yet issued) or A80 000 000 (illegal border crossing) series.

(6) The document is a fee receipt from INS for replacement of a lost, stolen or unreadable INS document.

(7) The document is one of the following: an INS Form I-181b notification letter issued in connection with an INS Form I-181 Memorandum of Creation of Record of Permanent Residence, an Arrival-Departure Record (INS Form I-94) or a foreign passport stamped "PROCESSED FOR I-551, TEMPORARY EVIDENCE OF LAWFUL PERMANENT RESIDENCE" that INS issued more than one year before the date of application for Medi-Cal.

(f) The status of amnesty aliens who are eligible only for restricted Medi-Cal benefits because they are not aged, blind, disabled or under 18 years of age, shall be verified through the SAVE system.

(g) Full Medi-Cal benefits received pending completion of a determination of immigration status by INS shall be reduced to restricted Medi-Cal benefits upon receipt of notice from the SAVE system, from an INS official, or the applicant/beneficiary of a lack of satisfactory immigration status.

(h) The county department shall provide adequate notice to the individual of any adverse action and shall accord to the individual an opportunity for a hearing in accordance with the Department of Social

Services Manual of Policies and Procedures Sections 22-017, 22-021 and 22-022.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; and Section 9, Chapter 1441, Statutes of 1988.
Reference: Sections 10950 to 10965, inclusive, 14007.5 and 14011, Welfare and Institutions Code.

(8) Amend Section 50302 to read:

50302. Restricted Medi-Cal Benefits for Certain Aliens.

(a) "Restricted Medi-Cal benefits" to certain applicants and beneficiaries means program-covered services to treat an emergency medical or ~~pregnancy-related~~ condition, as defined in Section 14007.5(d) of the Welfare and Institutions Code and Section 440.255 of Title 42 of the Code of Federal Regulations, and pregnancy-related services, as defined in Section 1(g) of Chapter 1441 of the Statutes of 1988 and Section 440.255 of Title 42 of the Code of Federal Regulations.

(b) To be eligible for restricted Medi-Cal benefits, an applicant or beneficiary shall be a California resident, as specified in Section 50320, who is one of the following:

(1) An alien who lacks a document from INS or an order issued by a District Director of INS, the Executive Office of Immigration Review, or a federal court that serves as reasonable evidence of satisfactory immigration status.

(2) A nonimmigrant alien legally admitted to the U. S. for a limited period.

(3) An amnesty alien whose status has been adjusted to lawful temporary resident or lawful permanent resident in accordance with Section 210, 210A, or 245A of the Immigration and Nationality Act (8 USC Section 1160, 1161, or 1255a) who is not eligible for full Medi-Cal benefits under these regulations.

(c) Alien applicants for restricted Medi-Cal benefits who lack documentation of satisfactory immigration status or who are nonimmigrant aliens shall meet all other requirements for program eligibility except for possessing or having applied for an SSN.

(d) Applicants for restricted Medi-Cal benefits who are amnesty aliens must possess or have applied for an SSN.

(e) The Systematic Alien Verification for Entitlements (SAVE) system operated by INS shall not be used to verify the immigration status of persons applying for restricted Medi-Cal benefits unless these persons indicate that they are amnesty aliens.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; and Section 9, Chapter 1441, Statutes of 1988.
Reference: Sections 14007.5 and 14011, Welfare and Institutions Code.

Section 50303:

50303- Alien Status Verification-

(a) An Alien Status Verification, form WR 6, shall be completed by the county department for every alien who:

(1) Applies only for Medi-Cal-

(2) Is a Medi-Cal beneficiary who has not previously completed a form WR 6-

(b) A copy of the form WR 6 shall be placed in the case file-

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; and Section 9, Chapter 1441, Statutes of 1988.
Reference: Section 14007.5, Welfare and Institutions Code; and Sections 1, 2 and 3, Chapter 1441, Statutes of 1988.

Section 50304:

~~50304. Form WR 6 Signed and Forwarded to INS.~~

~~(a) The form WR 6 shall be signed by the applicant or beneficiary and forwarded to INS only if one of the following situations exists:~~

~~(1) The WR 6 procedure is required in accordance with Section 50310.~~

~~(2) The documentation provided in accordance with Section 50305 (a):~~

~~(A) Is of doubtful authenticity.~~

~~(B) Does not appear to constitute evidence of legal alien status.~~

Section 50304:

50304. Written Declaration of Status as a Citizen of the United States, a National of the United States, or an Alien.

(a) Individuals requesting or receiving Medi-Cal benefits shall state in writing, under penalty of perjury, whether they are citizens or nationals of the United States or aliens. In the case of a child under 21 years of age, the child's parent, caretaker relative, or legal guardian shall attest to this fact on the child's behalf unless the child is considered an adult for Medi-Cal purposes in accordance with Sections 50014 and 50030(a).

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; and Section 9, Chapter 1441, Statutes of 1988.
Reference: Sections 14007.5 and 14011, Welfare and Institutions Code.

Section 50305:

50305- Documentation of an Alien's Legal Status-

(a) Each applicant who is not a United States citizen shall be required to present evidence of legal entry into the United States in accordance with the following criteria:-

(1) Aliens lawfully admitted for permanent residence: Alien Registration Receipt Card, INS Form I-151, or earlier forms AR-3 and AR-3a, if specifically endorsed to show legal right to reside permanently:-

(2) Conditional entrants: Arrival-Departure Record, INS Form I-94, endorsed "REFUGEE-CONDITIONAL ENTRY":-

(3) Parolees: Arrival-Departure Record-Parolee Edition, INS Form I-94, endorsed to show bearer has been paroled into the United States for an indefinite period pursuant to Section 212 (d) (5), Immigration and Nationality Act:-

(b) Aliens unable to present documentation of legal entry shall complete the WR 6 procedure in accordance with Section 50310:-

Section 50310:

50310- WR 6 Procedure-

(a) The WR 6 procedure shall be completed by any alien who does not have documentation of legal entry in accordance with Section 50305 (a). Under the WR 6 procedure the alien shall do either of the following:

(1) Provide affidavits from two United States citizens attesting to the alien's continuous residency in the United States for five years or more.

(2) State on form WR 6 that at least one of the following situations is applicable. The alien is:

(A) In the United States legally and entitled to remain indefinitely.

(B) Currently married to a person in the United States who is not under order for deportation.

(C) Not under order for deportation.

(b) The form WR 6 shall be signed by the applicant or beneficiary and forwarded to INS.

Section 50311:

50311. Lawful Presence in the United States:

(a) An alien who provides the required documentation or completes the WR 6 procedure shall be presumed to be lawfully present in the United States until and unless INS informs the county department that:

(1) The alien is not legally present in the United States;

(2) The alien has either:

(A) Failed to comply with a notice to appear at an INS office to discuss the alien status;

(B) Refused to provide information needed by the INS to establish legal or lawful entry into the United States;

(b) If INS informs the county that the alien meets the conditions specified in (a) (1) or (2), the alien shall:

(1) No longer be eligible for Medi-Cal;

(2) Be discontinued from Medi-Cal effective the last day of the month during which notification is received from INS, if the 10 day notice requirement can be met. Otherwise, the discontinuance shall be effective the last day of the following month.

(c) The Medi-Cal eligibility of an alien who has completed the WR 6 procedure shall not be discontinued solely because the INS has been unable to identify or locate any record relating to that alien.

Section 50313:

50313- Legal Entry for a Limited Period-

(a) An alien who declares or presents documentatin attesting to legal entry for a limited period of time shall not be eligible for Medi-Cal-

(b) This provision shall include aliens whose-

(1) Visa, including a visitor's or a student's visa, has not expired-

(2) Parole status has not expired-

(9) Adopt new Section 50740 to read:

50740. Medi-Cal Cards for Restricted Medi-Cal Benefits to Certain Aliens.

An alien who is eligible for restricted Medi-Cal benefits, and who meets all other eligibility requirements, shall receive a Medi-Cal card which entitles him or her to program-covered services to treat an emergency medical or pregnancy-related condition: as defined in Section 14007.5(d) of the Welfare and Institutions Code and Section 440.255 of Title 42 of the Code of Federal Regulations, and pregnancy-related services, as defined in Section 1(g) of Chapter 1441 of the Statutes of 1988, and Section 440.255 of Title 42 of the Code of Federal Regulations.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; and Section 9, Chapter 1441, Statutes of 1988.
Reference: Section 14007.5, Welfare and Institutions Code.