

get incoming
cover note to Bruce
Elena—
anyone @ NSC or
State
our guidance
is to enforce
current law

Ms. Margaret Murray
Director
Division of Medical Assistance and Health Services
Department of Human services
CN-712, 7 Quakerbridge Plaza
Trenton, NJ 08625

Dear Ms. Murray:

I am writing you to follow-up on our earlier conversations about the Kosovar refugees who have arrived in the United States and whose status is being processed by the Immigration and Naturalization Service (INS) at Ft. Dix. We understand that a relatively small number of these individuals require medical services from private hospitals in New Jersey.

We believe many of the Kosovars at Ft. Dix can meet the State's residency requirements for Medicaid. As promised, the Health Care Financing Administration (HCFA) has given further consideration to the residency issue. Based on our current experience, we do not know how long these individuals will reside in New Jersey. Under HCFA regulations at 42 CFR 435.403, a Kosovar at Ft. Dix who says he/she will be living at Ft. Dix until given permission to leave the State would fulfill the requirements of the Medicaid State residence regulation based on the fact that the stay is for an indefinite period.

We further understand that the Kosovars are currently arriving in the United States in deferred inspection status for INS processing at Ft. Dix. Individuals who are in this category would be considered non-qualified aliens under law. Nonetheless, provided an individual otherwise meets all remaining Medicaid eligibility criteria, that individual would be eligible under Medicaid for treatment of emergency medical conditions only. Our policy on this issue is set out at section 3211.11 of the State Medicaid Manual. The individual would no longer be eligible for Medicaid in New Jersey once the State has made an eligibility decision that the emergency medical condition has ended or the individual is no longer a resident of New Jersey.

When processing by INS is complete, it seems likely that most Kosovars will be placed in refugee status. Individuals who are in this category are eligible for all Medicaid benefits if they otherwise meet the applicable Medicaid eligibility requirements. Again, Kosovar refugees who are residing in New Jersey for an indefinite period would be considered residents of the State until they are no longer residing in the State.

In both of the above cases, the State will receive Federal matching at the standard matching rate for payments to providers for treatment of Medicaid eligible Kosovars. In the event that a Kosovar is not Medicaid eligible while in deferred inspection status, HCFA has been advised by the Office of Refugee Resettlement (ORR) that emergency services will be paid by the ORR through a contract with the Department of Health and Human Services' Office of Emergency Preparedness (OEP). In the event that a Kosovar is not Medicaid eligible while in refugee status, ORR would provide payment for care under refugee medical assistance. However, before ORR funds can be used to make payment for any services on behalf of an individual, there will have to be a determination made by the State that the individual is not eligible for Medicaid.

We appreciate your time and attention to this important matter. If you have any questions regarding this letter, please contact Rick Fenton at 410-786-5647. If you have questions about the operations and policies of ORR, please contact Pamela Green-Smith of the Administration for Children and Families at 202-401-4531.

Sincerely,

Sally K. Richardson
Director
Center for Medicaid and State Operations