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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1888

01/24/2012 Authored by Clark, Mariani, Greiling, Slocum and Hornstein  
The bill was read for the first time and referred to the Committee on Health and Human Services Reform  
03/13/2012 By motion, recalled and re-referred to the Committee on Health and Human Services Finance

1.1 A bill for an act  
1.2 relating to human services; modifying eligibility provisions; amending  
1.3 Minnesota Statutes 2011 Supplement, sections 256B.06, subdivision 4; 256L.04,  
1.4 subdivision 10.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2011 Supplement, section 256B.06, subdivision 4, is  
1.7 amended to read:

1.8 Subd. 4. **Citizenship requirements.** (a) Eligibility for medical assistance is limited  
1.9 to citizens of the United States, qualified noncitizens as defined in this subdivision, and  
1.10 other persons residing lawfully in the United States. Citizens or nationals of the United  
1.11 States must cooperate in obtaining satisfactory documentary evidence of citizenship or  
1.12 nationality according to the requirements of the federal Deficit Reduction Act of 2005,  
1.13 Public Law 109-171.

1.14 (b) "Qualified noncitizen" means a person who meets one of the following  
1.15 immigration criteria:

1.16 (1) admitted for lawful permanent residence according to United States Code, title 8;

1.17 (2) admitted to the United States as a refugee according to United States Code,  
1.18 title 8, section 1157;

1.19 (3) granted asylum according to United States Code, title 8, section 1158;

1.20 (4) granted withholding of deportation according to United States Code, title 8,  
1.21 section 1253(h);

1.22 (5) paroled for a period of at least one year according to United States Code, title 8,  
1.23 section 1182(d)(5);

2.1 (6) granted conditional entrant status according to United States Code, title 8,  
2.2 section 1153(a)(7);

2.3 (7) determined to be a battered noncitizen by the United States Attorney General  
2.4 according to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996,  
2.5 title V of the Omnibus Consolidated Appropriations Bill, Public Law 104-200;

2.6 (8) is a child of a noncitizen determined to be a battered noncitizen by the United  
2.7 States Attorney General according to the Illegal Immigration Reform and Immigrant  
2.8 Responsibility Act of 1996, title V, of the Omnibus Consolidated Appropriations Bill,  
2.9 Public Law 104-200; or

2.10 (9) determined to be a Cuban or Haitian entrant as defined in section 501(e) of Public  
2.11 Law 96-422, the Refugee Education Assistance Act of 1980.

2.12 (c) All qualified noncitizens who were residing in the United States before August  
2.13 22, 1996, who otherwise meet the eligibility requirements of this chapter, are eligible for  
2.14 medical assistance with federal financial participation.

2.15 (d) All qualified noncitizens who entered the United States on or after August 22,  
2.16 1996, and who otherwise meet the eligibility requirements of this chapter, are eligible for  
2.17 medical assistance with federal financial participation through November 30, 1996.

2.18 Beginning December 1, 1996, qualified noncitizens who entered the United States  
2.19 on or after August 22, 1996, and who otherwise meet the eligibility requirements of this  
2.20 chapter are eligible for medical assistance with federal participation for five years if they  
2.21 meet one of the following criteria:

2.22 (1) refugees admitted to the United States according to United States Code, title 8,  
2.23 section 1157;

2.24 (2) persons granted asylum according to United States Code, title 8, section 1158;

2.25 (3) persons granted withholding of deportation according to United States Code,  
2.26 title 8, section 1253(h);

2.27 (4) veterans of the United States armed forces with an honorable discharge for  
2.28 a reason other than noncitizen status, their spouses and unmarried minor dependent  
2.29 children; or

2.30 (5) persons on active duty in the United States armed forces, other than for training,  
2.31 their spouses and unmarried minor dependent children.

2.32 Beginning December 1, 1996, qualified noncitizens who do not meet one of the  
2.33 criteria in items (1) to (5) are eligible for medical assistance without federal financial  
2.34 participation as described in paragraph (j).

2.35 Notwithstanding paragraph (j), beginning July 1, 2010, children and pregnant  
2.36 women who are noncitizens described in paragraph (b) or ~~who are lawfully present in~~

3.1 ~~the United States as defined in Code of Federal Regulations, title 8, section 103.12, and~~  
 3.2 ~~who otherwise meet eligibility requirements of this chapter (e),~~ are eligible for medical  
 3.3 assistance with federal financial participation as provided by the federal Children's Health  
 3.4 Insurance Program Reauthorization Act of 2009, Public Law 111-3.

3.5 (e) Noncitizens who are not qualified noncitizens as defined in paragraph (b), who  
 3.6 are lawfully present in the United States, as defined in Code of Federal Regulations, title  
 3.7 8, section 103.12, and who otherwise meet the eligibility requirements of this chapter, are  
 3.8 eligible for medical assistance under clauses (1) to (3). These individuals must cooperate  
 3.9 with the United States Citizenship and Immigration Services to pursue any applicable  
 3.10 immigration status, including citizenship, that would qualify them for medical assistance  
 3.11 with federal financial participation.

3.12 (1) Persons who were medical assistance recipients on August 22, 1996, are eligible  
 3.13 for medical assistance with federal financial participation through December 31, 1996.

3.14 (2) Beginning January 1, 1997, persons described in clause (1) are eligible for  
 3.15 medical assistance without federal financial participation as described in paragraph (j).

3.16 (3) Beginning December 1, 1996, persons residing in the United States prior to  
 3.17 August 22, 1996, who were not receiving medical assistance and persons who arrived on  
 3.18 or after August 22, 1996, are eligible for medical assistance without federal financial  
 3.19 participation as described in paragraph (j).

3.20 ~~(e)~~ (f) Nonimmigrants who otherwise meet the eligibility requirements of this  
 3.21 chapter are eligible for the benefits as provided in paragraphs ~~(f)~~ (g) to ~~(h)~~ (i). For purposes  
 3.22 of this subdivision, a "nonimmigrant" is a person in one of the classes listed in United  
 3.23 States Code, title 8, section 1101(a)(15).

3.24 ~~(f)~~ (g) Payment shall also be made for care and services that are furnished to  
 3.25 noncitizens, regardless of immigration status, who otherwise meet the eligibility  
 3.26 requirements of this chapter, if such care and services are necessary for the treatment of an  
 3.27 emergency medical condition, except for organ transplants and related care and services  
 3.28 and routine prenatal care.

3.29 ~~(g)~~ (h) For purposes of this subdivision, the term "emergency medical condition"  
 3.30 means a medical condition that meets the requirements of United States Code, title 42,  
 3.31 section 1396b(v).

3.32 ~~(h)(1) Notwithstanding paragraph (g), services that are necessary for the treatment~~  
 3.33 ~~of an emergency medical condition are limited to the following:~~

3.34 ~~(i) services delivered in an emergency room or by an ambulance service licensed~~  
 3.35 ~~under chapter 144E that are directly related to the treatment of an emergency medical~~  
 3.36 ~~condition;~~

4.1 ~~(ii) services delivered in an inpatient hospital setting following admission from an~~  
 4.2 ~~emergency room or clinic for an acute emergency condition; and~~

4.3 ~~(iii) follow-up services that are directly related to the original service provided~~  
 4.4 ~~to treat the emergency medical condition and are covered by the global payment made~~  
 4.5 ~~to the provider.~~

4.6 (2) ~~Services for the treatment of emergency medical conditions do not include:~~

4.7 ~~(i) services delivered in an emergency room or inpatient setting to treat a~~  
 4.8 ~~nonemergency condition;~~

4.9 ~~(ii) organ transplants, stem cell transplants, and related care;~~

4.10 ~~(iii) services for routine prenatal care;~~

4.11 ~~(iv) continuing care, including long-term care, nursing facility services, home health~~  
 4.12 ~~care, adult day care, day training, or supportive living services;~~

4.13 ~~(v) elective surgery;~~

4.14 ~~(vi) outpatient prescription drugs, unless the drugs are administered or dispensed as~~  
 4.15 ~~part of an emergency room visit;~~

4.16 ~~(vii) preventative health care and family planning services;~~

4.17 ~~(viii) dialysis;~~

4.18 ~~(ix) chemotherapy or therapeutic radiation services;~~

4.19 ~~(x) rehabilitation services;~~

4.20 ~~(xi) physical, occupational, or speech therapy;~~

4.21 ~~(xii) transportation services;~~

4.22 ~~(xiii) case management;~~

4.23 ~~(xiv) prosthetics, orthotics, durable medical equipment, or medical supplies;~~

4.24 ~~(xv) dental services;~~

4.25 ~~(xvi) hospice care;~~

4.26 ~~(xvii) audiology services and hearing aids;~~

4.27 ~~(xviii) podiatry services;~~

4.28 ~~(xix) chiropractic services;~~

4.29 ~~(xx) immunizations;~~

4.30 ~~(xxi) vision services and eyeglasses;~~

4.31 ~~(xxii) waiver services;~~

4.32 ~~(xxiii) individualized education programs; or~~

4.33 ~~(xxiv) chemical dependency treatment.~~

4.34 (i) Beginning July 1, 2009, pregnant noncitizens who are undocumented,  
 4.35 nonimmigrants, or lawfully present in the United States as defined in Code of Federal  
 4.36 Regulations, title 8, section 103.12, as designated in paragraph (e) and who are not

5.1 covered by a group health plan or health insurance coverage according to Code of  
 5.2 Federal Regulations, title 42, section 457.310, and who otherwise meet the eligibility  
 5.3 requirements of this chapter, are eligible for medical assistance through the period of  
 5.4 pregnancy, including labor and delivery, and 60 days postpartum, to the extent federal  
 5.5 funds are available under title XXI of the Social Security Act, and the state children's  
 5.6 health insurance program.

5.7 (j) Qualified noncitizens as described in paragraph (d), and all other noncitizens  
 5.8 lawfully residing in the United States as described in paragraph (e), who are ineligible  
 5.9 for medical assistance with federal financial participation and who otherwise meet the  
 5.10 eligibility requirements of chapter 256B and of this paragraph, are eligible for medical  
 5.11 assistance without federal financial participation. Qualified noncitizens as described  
 5.12 in paragraph (d) are only eligible for medical assistance without federal financial  
 5.13 participation for five years from their date of entry into the United States.

5.14 ~~(j)~~ (k) Beginning October 1, 2003, persons who are receiving care and rehabilitation  
 5.15 services from a nonprofit center established to serve victims of torture and are otherwise  
 5.16 ineligible for medical assistance under this chapter are eligible for medical assistance  
 5.17 without federal financial participation. These individuals are eligible only for the period  
 5.18 during which they are receiving services from the center. Individuals eligible under this  
 5.19 paragraph shall not be required to participate in prepaid medical assistance.

5.20 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2012.

5.21 Sec. 2. Minnesota Statutes 2011 Supplement, section 256L.04, subdivision 10, is  
 5.22 amended to read:

5.23 Subd. 10. **Citizenship requirements.** Eligibility for MinnesotaCare is limited  
 5.24 to citizens or nationals of the United States, qualified noncitizens, and other persons  
 5.25 residing lawfully in the United States as ~~defined in Code of Federal Regulations, title 8,~~  
 5.26 ~~section 103.12~~ described in section 256B.06, subdivision 4, paragraphs (a) to (e) and (j).  
 5.27 Undocumented noncitizens and nonimmigrants are ineligible for MinnesotaCare. For  
 5.28 purposes of this subdivision, a nonimmigrant is an individual in one or more of the classes  
 5.29 listed in United States Code, title 8, section 1101(a)(15), and an undocumented noncitizen  
 5.30 is an individual who resides in the United States without the approval or acquiescence  
 5.31 of the United States Citizenship and Immigration Services. Families with children who  
 5.32 are citizens or nationals of the United States must cooperate in obtaining satisfactory  
 5.33 documentary evidence of citizenship or nationality according to the requirements of the  
 5.34 federal Deficit Reduction Act of 2005, Public Law 109-171.

6.1 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2012.