

S.F. No. 2496, as introduced - 87th Legislative Session (2011-2012) [12-5855]

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

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

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

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

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

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

2.29 Beginning July 1, 2010, children and pregnant women who are noncitizens
2.30 described in paragraph (b) or who are lawfully present in the United States as defined
2.31 in Code of Federal Regulations, title 8, section 103.12, and who otherwise meet
2.32 eligibility requirements of this chapter, are eligible for medical assistance with federal
2.33 financial participation as provided by the federal Children's Health Insurance Program
2.34 Reauthorization Act of 2009, Public Law 111-3.

2.35 (e) Nonimmigrants who otherwise meet the eligibility requirements of this chapter
2.36 are eligible for the benefits as provided in paragraphs (f) to (h). For purposes of this

3.1 subdivision, a "nonimmigrant" is a person in one of the classes listed in United States
3.2 Code, title 8, section 1101(a)(15).

3.3 (f) Payment shall also be made for care and services that are furnished to noncitizens,
3.4 regardless of immigration status, who otherwise meet the eligibility requirements of
3.5 this chapter, if such care and services are necessary for the treatment of an emergency
3.6 medical condition.

3.7 (g) For purposes of this subdivision, the term "emergency medical condition" means
3.8 a medical condition that meets the requirements of United States Code, title 42, section
3.9 1396b(v).

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

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

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

3.17 (iii) follow-up services that are directly related to the original service provided to
3.18 treat the emergency medical condition and are covered by the global payment made to
3.19 the provider; and

3.20 (iv) dialysis, if necessary to prevent placing the individual's health in serious
3.21 jeopardy, serious impairment of bodily functions, or serious dysfunction of any bodily
3.22 organ or part.

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

3.24 (i) services delivered in an emergency room or inpatient setting to treat a
3.25 nonemergency condition;

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

3.27 (iii) services for routine prenatal care;

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

3.30 (v) elective surgery;

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

3.33 (vii) preventative health care and family planning services;

3.34 (viii) ~~dialysis~~;

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

3.36 ~~(x)~~ (ix) rehabilitation services;

- 4.1 ~~(xi)~~ (x) physical, occupational, or speech therapy;
- 4.2 ~~(xii)~~ (xi) transportation services;
- 4.3 ~~(xiii)~~ (xii) case management;
- 4.4 ~~(xiv)~~ (xiii) prosthetics, orthotics, durable medical equipment, or medical supplies;
- 4.5 ~~(xv)~~ (xiv) dental services;
- 4.6 ~~(xvi)~~ (xv) hospice care;
- 4.7 ~~(xvii)~~ (xvi) audiology services and hearing aids;
- 4.8 ~~(xviii)~~ (xvii) podiatry services;
- 4.9 ~~(xix)~~ (xviii) chiropractic services;
- 4.10 ~~(xx)~~ (xix) immunizations;
- 4.11 ~~(xxi)~~ (xx) vision services and eyeglasses;
- 4.12 ~~(xxii)~~ (xxi) waiver services;
- 4.13 ~~(xxiii)~~ (xxii) individualized education programs; or
- 4.14 ~~(xxiv)~~ (xxiii) chemical dependency treatment.

4.15 (i) Beginning July 1, 2009, pregnant noncitizens who are undocumented,
4.16 nonimmigrants, or lawfully present in the United States as defined in Code of Federal
4.17 Regulations, title 8, section 103.12, are not covered by a group health plan or health
4.18 insurance coverage according to Code of Federal Regulations, title 42, section 457.310,
4.19 and who otherwise meet the eligibility requirements of this chapter, are eligible for
4.20 medical assistance through the period of pregnancy, including labor and delivery, and 60
4.21 days postpartum, to the extent federal funds are available under title XXI of the Social
4.22 Security Act, and the state children's health insurance program.

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