pennsylvania
DEPARTMENT OF HUMAN SERVICES

MEDICAL ASSISTANCE BULLETIN

ISSUE DATE	EFFECTIVE DATE	NUMBER
September 30, 2026	September 30, 2026	01-26-68

SUBJECT

Updates to Citizenship and Immigration Status Criteria for Hospital Presumptive Eligibility Determinations

BY

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IMPORTANT REMINDER: All providers must revalidate the Medical Assistance (MA) enrollment of each service location every 5 years. Providers should log into PROMISe to check the revalidation dates of each service location and submit revalidation applications at least 60 days prior to the revalidation dates. Enrollment (revalidation) applications may be found at: https://www.dhs.pa.gov/providers/Providers/Pages/PROMISe-Enrollment.aspx.

PURPOSE:

The purpose of this bulletin is to advise providers that the citizenship and immigration status criteria utilized to make Medical Assistance (MA) hospital presumptive eligibility (PE) determinations have been updated to align with changes at the federal level, effective with dates of services on and after October 1, 2026.

SCOPE:

This bulletin applies to acute care hospitals (provider type (PT) 01 (Inpatient Facility)/ Specialty (Spec) 010) and private psychiatric hospitals (PT 01/Spec 011) enrolled in the MA Program that qualify or wish to make PE determinations.

BACKGROUND:

Since 1988, the MA Program has included a PE process whereby certain MA providers may make PE determinations for pregnant women. Federal law has also permitted states to provide coverage during a PE period for children and for certain individuals with breast or cervical cancer. The Affordable Care Act (ACA) (Pub. L. 111-148) expanded the population of individuals who may be determined MA eligible through the PE process to include parent/caretakers and former foster care children under the age of 26 and allowed qualified inpatient acute care hospitals to make PE determinations for those individuals.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

Fee-for-Service Provider Service Center: 1-800-537-8862

Visit the Office of Medical Assistance Programs website at:
https://www.pa.gov/agencies/dhs/departments-offices/omap-info

In 2013, hospitals wishing to provide MA PE determinations were informed that the Department of Human Services (Department) established a hospital qualification process, policies and procedures to be followed by qualified hospitals, and the standards qualified hospitals must meet to continue to make PE determinations.

In 2015, the Department expanded the population of individuals for whom qualified hospital PE providers could make PE determinations to include individuals aged 19-64. The Department also revised how qualified PE providers determined MA eligibility and informed qualified hospital PE providers of the benefit plans available to individuals found presumptively eligible by hospitals. Additionally, in 2020, the Department expanded the scope of hospitals able to provide MA PE determinations to include inpatient private psychiatric hospitals.

DISCUSSION:

Section 1903(v)(5) of the Social Security Act (the Act), as added and amended by section 71109 of the Working Families Tax Cut (WFTC) legislation (Public Law (P.L.) 119-21), narrows the definition of who is an eligible noncitizen for federally funded Medicaid. The policy impacted by Section 71109 of the WFTC legislation is incorporated into this bulletin and underlined below. All other provisions in MA Bulletin 01-20-04, titled "Updates to the Procedure for Presumptive Eligibility as Determined by Hospitals," issued and effective June 18, 2020, remain in effect.

Under Section 71109 of the WFTC legislation, full federally funded Medicaid eligibility is restricted to lawful permanent residents (after 5-year waiting period), Cuban/Haitian entrants, and Compact of Free Association (COFA) migrants. Lawfully present individuals who are under age 21 or pregnant continue to be eligible for full federally funded Medicaid coverage under the Children's Health Insurance Program Reauthorization Act of 2009.

Section 71109 of the WFTC legislation removes federally funded Medicaid eligibility from other previously covered lawfully present groups who do not have lawful permanent resident status, such as refugees, asylees, humanitarian parolees, victims of domestic violence or trafficking, and individuals who have their deportation withheld.

The changes from Section 71109 of the WFTC legislation to the criteria used for hospital PE determination are underlined below:

1. Categorical eligibility (must be one of the defined PE individuals)
2. Citizenship/Immigration status – U.S. Citizen, Lawful Permanent Resident/Other Qualified Non-Citizen, COFA Migrant, Cuban/Haitian Entrant, Lawfully Present and Under Age 21 or Pregnant
3. State residency
4. Identity
5. Income based on tax household size

PROCEDURE:

Effective October 1, 2026, in accordance with Section 71109 of the WFTC legislation, the hospital PE determination criteria related to citizenship and immigration status have been updated. The chart below identifies what citizenship statuses would be eligible for hospital PE determination.

PRESUMPTIVE ELIGIBILITY (PE) STATUS	
PE Citizenship Status	**PE Eligibility Determination Result**
US Citizen	Eligible for PE
Lawful Permanent Resident/ Other Qualified Noncitizen	Eligible for PE if meeting the 5-year bar. If an applicant does not meet the 5-year bar, then the following conditions must be met: • The applicant is under 21 years old OR is pregnant
COFA Migrants	Eligible for PE
Cuban Haitian Entrants	Eligible for PE
Temporary Resident	Ineligible for PE unless any of the following conditions are met: • The applicant is under 21 years old OR is pregnant • The applicant indicated Yes to the “Cuban Haitian Entrant/COFA Migrant” question
Refugee/Asylee/Parolee	Ineligible for PE effective 10/01/2026 unless any of the following conditions are met: • The applicant is under 21 years old OR is pregnant • The applicant indicated Yes to the “Cuban Haitian Entrant/COFA Migrant” question
Refugee Unaccompanied Minor	Ineligible for PE effective 10/01/2026 unless any of the following conditions are met: • The applicant is under 21 years old OR is pregnant • The applicant indicated Yes to the “Cuban Haitian Entrant/COFA Migrant” question
Other Non-Citizens	Ineligible for PE

RESOURCES:

Medicaid Changes Communications Toolkit:
https://www.pa.gov/agencies/dhs/resources/medicaid/medicaid-toolkit.

MA Bulletin 01-20-04, titled “Updates to the Procedures for Presumptive Eligibility as Determined by Hospitals” - https://www.pa.gov/content/dam/copapwp-pagov/en/dhs/documents/docs/publications/documents/forms-and-pubs-omap/MAB2020061701.pdf

SUPERSEDED BULLETINS:

This MA Bulletin supersedes, in part, MA Bulletin 01-20-04, to the extent it addresses how qualified MA Program providers determine PE, specifically updating the citizenship and immigration status criteria for PE determinations.