

MaineCare Coverage for Immigrants

A Fact Sheet for Providers

Immigrant Eligibility for MaineCare

Under Maine law certain legal immigrants are eligible for full MaineCare benefits while others are not.

- Undocumented immigrants do not qualify for full MaineCare benefits.
- Legal immigrants who are pregnant qualify for full benefits in the MaineCare program and will continue to qualify for up to 60 days following delivery.
- Legal immigrants under the age of 21 also qualify for full MaineCare benefits.
- Certain other legal immigrants qualify for full MaineCare benefits based on their immigrant status. **List A** below provides a list of legal immigrants who qualify for full MaineCare benefits. **List B** below provides a list of legal immigrants who do not qualify for full benefits, unless they are pregnant or under age 21.

List A: Legal immigrants in one of the following groups may qualify for full MaineCare benefits:

1. Refugees;
2. Asylees;
3. Amerasian immigrants;
4. Cuban/Haitian entrants;
5. People granted withholding of deportation;
6. Victims of trafficking;
7. Derivative beneficiaries of trafficking victims;
8. Veterans;
9. Lawful Permanent Residents, parolees, or battered aliens who are also armed services members or veterans;
10. Spouses, surviving spouses, or children of veterans or active duty military personnel; and
11. Special immigrants from Iraq or Afghanistan.

Depending on the date of entry into the U.S., the following groups may get full MaineCare benefits:

12. Lawful Permanent Residents (LPRs) who have had LPR status for at least 5 years;
13. Abused spouses, children, the parents of battered children and the children of battered spouses;
14. Conditional entrants;
15. Parolees granted for at least 1 year (or indefinitely); and
16. Those who entered the United States before August 22, 1996, if they: (a) obtained a qualified status before that date; or (b) obtained a qualified status after August 22, 1996 but were continuously present in the United States from August 22, 1996 until becoming qualified.

List B: Legal immigrants (who are not pregnant or under age 21) in the following groups CANNOT get full MaineCare benefits:

1. Lawful Permanent Residents (LPRs) who have had LPR status for less than 5 years and do not have one of the legal statuses in **List A** above;
2. People who have filed applications for permanent status and are still awaiting a decision. (For example, this applies to those who have filed an application for lawful permanent residency as the immediate relative of a U.S. citizen, or an application for asylum that is currently pending);
3. People granted deferred action or Family Unity status;
4. Non-citizens who have resided in the United States since before January 1, 1972;
5. People whom the Department of Homeland Security, including the Citizenship and Immigration Services or the Immigration and Customs Enforcement departments, or any successor agencies knows are here without status but nevertheless are allowed to remain for humanitarian or other reasons;
6. People who are under "orders of supervision" because they have removal orders but their countries are not taking them back; and
7. People in various other immigration statuses that were considered as Permanently Residing Under the Color of Law (PRUCOL), including those with certain applications pending with Federal immigration authorities.

Immigrants in **List B** who do not qualify for full MaineCare benefits do qualify for Emergency MaineCare for what are called "emergency medical conditions."

Emergency Medical Conditions

Non-citizens who do not qualify for full MaineCare benefits either because of their immigration status or because they are undocumented, do qualify for Emergency MaineCare for certain medical conditions. MaineCare covers the cost of care when an immigrant receives care based on an "Emergency Medical Condition."

An "Emergency Medical Condition" (EMC) is a medical condition characterized by sudden onset with acute symptoms of such severity, including severe pain, that without immediate medical attention,

- The person's health is in serious jeopardy; **or**
- The person faces serious impairment to bodily function; **or**
- The person faces serious dysfunction of any body organ or part.

This legal definition may cover conditions that differ from an acute medical emergency requiring immediate medical attention to prevent death. Emergency MaineCare can cover the cost of care provided outside of an Emergency Room if it meets the above definition. Emergency MaineCare does expressly cover costs associated with child labor and delivery.

NOT COVERED as an Emergency Medical Condition (EMC): Even though what qualifies as an EMC is a decision that must be made on a case-by-case basis by a healthcare provider qualified to make such determinations, there are several medical services that are expressly not covered by Emergency MaineCare.

Examples of services that are currently not considered as emergency medical conditions include, but are not limited to: dialysis, organ transplants, school-based services, personal care services, waiver services, nursing facility services and hospice services.

To ensure MaineCare coverage for Emergency Medical Conditions, health care providers can take the following steps:

- Identify the Emergency Medical Condition (EMC);
- Specify the need for immediate medical treatment resulting from the Emergency Medical Condition;
- Provide an end date for the EMC using real calendar dates. When predicting the end date is difficult, providers should use their most educated estimation;
- Specify the kinds of treatments which will be needed; for example doctor’s visits, hospitalization, pharmaceuticals, or surgery;
- State the specific treatments, including duration/frequency of treatments, necessary diagnostic testing, and names of medications that are or may be required. If possible, explain the consequences if no treatment is administered (paralysis, death, future expensive emergency treatment); and
- Document that the need for treatment is “immediate”.

If you have individual questions or need assistance:

For questions about immigrant status:
Immigrant Legal Advocacy Project (ILAP)
207-780-1593 or 1-800-497-8505
www.ilapmaine.org

For questions about MaineCare:
Maine Equal Justice Partners (MEJP)
207-626-7058 or 1-866-626-7059
www.mejp.org