



Community Legal Services

Immigrant Access to Medical Assistance Programs under HR1

Webinar Q&A – 3/9/2026

Question	Answer
So, pregnant women with green cards will no longer be eligible for MA?	Pregnant women with green cards will remain eligible for MA. Lawfully present pregnant women without greencards will also remain eligible for MA. HR1 makes no changes to MA access for immigrants who are pregnant (including 12 months postpartum) or children under 21.
Does the state MA covers everything?	Yes, it provides similar coverage to federal MA.
Are you just services Phili. ? I belive you just answered my question	CLS represents low-income people who live in Philadelphia. You can check here to find legal aid programs outside of Phila: https://palegalaid.net/find-legal-help
Will the H.R.1 legislation limit state access to federal matching funds for EMA? Will PA fill in that gap?	Yes, HR1 reduces federal matching funds available for EMA in PA (and other expansion states).
What is an LPR?	LPR stands for Lawful Permanent Resident. These folks are also known as "green card holders."
If someone was a Cuban/Haitian entrant who applied for asylum, are they still considered a Cuban/Haitian entrant *after* they are granted asylum?	Very good question. We will need to research it and get back to you.
That will pose financhal strain on ER's	Yes, there are many ways in which HR1 will create financial strain for hospitals, and this is one.

We are advised not to ask for immigration status when immigrants seek services. When is appropriate to ask for their immigration status?	It may not be appropriate to ask about status when someone is seeking specific services. However, anyone who is applying for MA for themselves will need to answer questions about their status, unless they are applying for EMA only. People applying for EMA only or who are only applying for MA for other people in their family should never be asked about their immigration status by the CAO.
How does someone apply for Federal MA? Does that still go thru the CAO?	There is just one MA application process. People do not apply for federal or state MA specifically. Everyone submits the same application and all MA applications are processed by the CAO. The CAO then figures out if the person is eligible for federal MA or state MA.
If a person who has tourist visa and is visiting but gets sick or has an emergency qualify for EMA?	If they meet the financial requirements for EMA and have a qualifying emergency condition, they can and should apply. People with tourist visas are also lawfully present and may be eligible for state MA.
Are there advantages or disadvantages with federal vs. state funded MA? For example, is getting state funded EMA more "protective" and/or "safer" during this climate?	EMA is federally-funded, not state-funded. States must share data about federally-funded MA recipients, including EMA recipients, with the federal government. The federal government has said that they are using the MA data they receive from states to help with immigration enforcement. Data about state-funded MA recipients, on the other hand, are not shared with the federal government.
Do these rules apply to children?	No, HR1's changes to immigrant access to MA do not apply to children under 21.

	Under federal statute, people with refugee and asylum status are exempt from public charge and cannot be denied a green card because of their receipt of MA or any other public benefit. Some people with other statuses may be subject to a public charge test when applying for a green card. Under current public charge regulations, receipt of MA cannot be used to deny someone a green card. Public charge regulations may change soon; CLS is paying close attention to this and will alert folks as soon as we can about any changes. Note that regulations cannot change federal statute, so refugees and asylees will still be exempt from public charge even if public charge regulations change.
If a client is a refugee, asylum seeker or here on a VISA, does it affect their status or future status if they apply MA?	
Do you have to have a greencard to qualify for MNO?	No, you do not. You must be lawfully present, however.
How does the new band affect these services and immigrants? For instance, if they are here legally will they be denied assistance? I guess I am a little confused because I thought immigrant were not allowed to use funded programs anyway am I wrong.	Maripat is going to get into this later in the presentation. Immigrants are eligible for federal MA and state MA if they are otherwise financially eligible and have a status that makes them eligible for benefits.
What does MAGI means?	Modified Adjusted Gross Income.
Is HR 1 work requirements affecting this category at all?	Immigrants receiving MA in the "expansion" category in January 2027 will have to face the HR1 work requirements. Work requirements are currently scheduled to start in January, though a lawsuit filed recently could delay the start date.
Does it require an I-94 to be considered a Cuban/Haitian entrant?	No, not necessarily. This document has a pretty complete list of the documents that might be used to verify Cuban Haitian entrant status: https://acf.gov/sites/default/files/documents/orr/orr_fact_sheet_cuban_haitian_entrant.pdf
Does SSI count towards household income?	SSI does not count toward household income for MAGI categories, but it counts for other categories of MA.
How long post partum? 12 months?	Yes.

Does lawfully present include those under 21 with a SIJS order?	Yes, they are lawfully present. Also because they are under 21 they remain eligible for MA even under the new changes so these changes are irrelevant for them.
Immigrants in the process for UVisas and have a work permit are considered lawfully residents? do they qualify for any medical assistance?	Most people who are in this situation have "deferred action," which is a lawfully present status (as long as it's not DACA). Lawfully present people have access to federal MA if they are children under 21 or pregnant/12 months post-partum. Lawfully present non-pregnant adults have access to state MA. Lawfully present non-pregnant adults who are ineligible for state MA have access to EMA.
Those immigrants who are not eligible for MA also are not eligible for Cash Assistance, right?	HR1 does not change cash assistance eligibility at all. If you have a "qualified" immigration status, you can get cash assistance in PA. There is no five year bar for cash assistance in PA.
All these rules apply to every organization like yours? it is across the board?	These rule changes will apply nationally.
A caseworker at the West District CAO recently shared that they encountered "entry date into the US" as a required field after a new system update. Is this right? How do you recommend handling this?	There is a very small group of people that would benefit from providing this info to the CAO: people with a "qualified" immigration status who entered the US before Aug 22, 1996 and who have been continuously present ever since are exempt from the five year bar. For these folks, telling the CAO about their pre-Aug 22, 1996 entry date is beneficial. There's a larger group of people who would benefit from providing info about the date they gained a "qualified" immigration status in the US: all qualified folks who gained their qualified status more than 5 years ago have satisfied the five year bar. I wonder if the system update is actually asking about when someone got a qualified immigration status in the US, rather than when someone entered the US. I think we'd need some more info about this to know how to handle it moving forward.

U visa applicants are covered by state ma? I see many people refer to u visa as vawa, are they connected?	U Visa and VAWA are not the same. They are both available to some victims of domestic violence, but the processes and benefits of each status are very different. U-Visa applicants are sometimes granted deferred action and can then get work authorization. U-Visa applicants without work authorization are not lawfully present, U-Visa applicants with work authorization are lawfully present. U Visa <i>holders</i> are lawfully present whether they have work authorization or not. Lawfully present people have access to federal MA if they are children under 21 or pregnant/12 months post-partum. Lawfully present non-pregnant adults have access to state MA. Lawfully present non-pregnant adults who are ineligible for state MA have access to EMA.
U visa applicants are covered by state ma? I see many people refer to u visa as vawa, are they connected? So u visa applicants without work permit fall out of state and fed ma. u visa applicants with work permit might fall under state ma? or all u visa applicants with/without work permit not covered by fed and state ma?	U Visa and VAWA are not the same. They are both available to some victims of domestic violence, but the processes and benefits of each status are very different. U-Visa applicants are sometimes granted deferred action and can then get work authorization. U-Visa applicants without work authorization are not lawfully present, U-Visa applicants with work authorization are lawfully present. U Visa holders are lawfully present whether they have work authorization or not. Lawfully present people have access to federal MA if they are children under 21 or pregnant/12 months post-partum. Lawfully present non-pregnant adults have access to state MA. Lawfully present non-pregnant adults who are ineligible for state MA have access to EMA.
So starting October 1st a child with approved asylum or refugee status will still be eligible for MA? Even if their parents are not?	Yes, if they are under 21 they will still be eligible even if their parents are not.
Since the Supreme Court just ended Temporary Protected Status, are Haitians still eligible for MA?	Yes, if they are still considered a Cuban/Haitian entrant based on our definition they can still get MA.

Is refugee status considered "lawfully present"? (I.e. Are refugee children & pregnant people eligible for federal MA?)	Yes, refugee status makes you both lawfully present and qualified for MA benefits. Yes, refugee children under 21 and refugees who are pregnant through 12 months post-partum can get federal MA even with these HR1 changes.
Are there any exceptions for adults with ongoing medical needs?	You have to meet the immigrant status and financial requirements to be eligible for MA. There are no exceptions.
What age defines a “kid”? Under 21?	Yes.
You mentioned some of these could be residents e.g. a refugee. What do you mean? Why wouldn't the CAO know this?	Just because you are refugee does not mean you have a green card or LPR status. Refugees can apply to get LPR status after 1 year in the US with refugee status. Once a refugee gets LPR status, the refugee is BOTH a refugee and LPR. The CAO will only know if a refugee has LPR status if the refugee reports that they have LPR status and provides proof of it, or if the CAO uses the SAVE database to verify with the Department of Homeland Security that the refugee has LPR status. Non-pregnant adult refugees will need to have LPR status and make sure the CAO knows they have LPR status in order to get federal MA starting Oct 1 under the HR1 changes.
Are people who are losing their federally funded MA coverage being contacted to be informed?	Yes, DHS is mailing out a letter informing them of the changes and what they can do to show whether they are still eligible. DHS will move them into a state MA category if they can if they are no longer eligible for federal MA. If they cannot get federal MA or state MA, they will receive an advance notice of MA terminates if they don't remain eligible.
Who determines if patients receive Federal or State MA dollars?	The CAO has a workflow that helps them determine what category a person qualifies for.
Will some kids who have MA now, be moved to CHIP then under the HR1?	Kids are only moved from MA to CHIP if their family income goes above applicable MA income limits. This will not change under HR1; HR1 does not change children's eligibility for MA or CHIP.

How much should we raise state taxes in order to cover these new responsibilities on the state or are they become destitute and uninsured?	We are not aware of any plan by PA to raise taxes to cover increased costs related to MA.
Are there work requirements for State MA?	Work req apply only to those in federal MA expansion group (MAGI).
How long will MA coverage last for a lawfully present pregnant adult who is subject to the 5 year bar under HR1? Will the coverage end upon the birth etc or will it continue post-pregnancy?	1 year post partum.
For people who are still eligible due to being post-partum, would this cover even someone who had a miscarriage?	Yes. The 12 month post partum period begins when the pregnancy ends, regardless of the reason for the pregnancy's end.
I have heard that often folks are only getting approved for EMA for one day, even if the condition continues, what is the recommendation in these instances? For instance, if someone is psychiatrically hospitalized because they were a danger to themselves or others	We have seen people approved for EMA most often for 3-6 months. I would say if they still need care for the emergency condition to apply again and/or appeal the determination of only 1 day.
Could EMA be used for mental health crisis?	Possibly. See definition on slide for what constitutes an emergency medical condition. Acute inpatient psychiatric hospitalization can be automatically approved for EMA at the CAO for 1 month at a time; other mental health crises would be reviewed by DHS' team of doctors, who review medical documents to determine if there is an emergency medical condition.
Will people who lose MA also lose access to home healthcare?	Home healthcare is a MA benefit, meaning that the MA program pays for the home healthcare. People who are receiving home healthcare as a MA benefit will lose access to the home healthcare if they lose MA. There are some home healthcare programs that are not MA benefits. The main non-MA home healthcare program is Act 150, a state-funded HCBS program run by PA DHS. It is available to lawfully present nursing-facility clinically-eligible individuals under age 60. Act 150 is unaffected by HR1.

Who is determining whether something is covered by EMA? An individual doctor/hospital? The program administration?	The EMA applicant must provide proof of the emergency medical condition, which usually begins with the applicant's medical provider filling out the PA 1917 form. If the form is completed in a specific way, the CAO can approve EMA right away. Otherwise, the emergency medical condition verification the EMA applicant provides is sent to a team of DHS doctors in Harrisburg who decide whether there is an emergency medical condition and how long that condition will last. These rules, including the circumstances under which the CAO can approve EMA right away, are outlined in this operations memorandum: http://services.dpw.state.pa.us/oimpolicymanuals/ma/assets/docs/OPS%2022-07-02.pdf. Pages 3-5 have info that is most relevant to this question.
What is the best way and timeframe in which to help a refugee or other individual apply for State MA specifically in anticipation of October? Will we have to wait until they are kicked off Medicaid?	If the CAO has all the info they need to move a refugee without a green card over to state MA, the CAO should do that automatically and notify people when the change is made before October. If the CAO does not have all the info they need to move them over to state MA, it makes good sense for the refugee to provide the missing info to the CAO soon-- August or September-- so that the CAO can move them to state MA before October 1. For example, a 40 year-old parent of a 10 year-old that the CAO knows to have income low enough to meet the state MA income limits should be moved to state MA by the CAO. The CAO knows she's a parent and they know what her income is, so they should move her to state MA without her having to do anything at all. However, a 40 year-old who has income low enough to meet state MA income limits, but who does not have children, will likely need to provide proof that they have a disability, are in drug or alcohol rehab, or are a domestic violence victim before the CAO will know that they are eligible for state MA. Use the PA 1663 form to verify disability, the PA 1747 form to verify domestic violence.

Do people who can be moved over to state MA have to contact the CAO or will they automatically be changed over?	It depends on whether the CAO has all the info it needs to know that someone is eligible for state MA. For example, a 40 year-old parent of a 10 year-old that the CAO knows to have income low enough to meet the state MA income limits should be moved to state MA by the CAO. The CAO knows she's a parent and they know what her income is, so they should move her to state MA without her having to do anything at all. However, a 40 year-old who has income low enough to meet state MA income limits, but who does not have children, will need to provide proof that they have a disability, are in drug or alcohol rehab, or are a domestic violence victim before the CAO will know that they are eligible for state MA. Use the PA 1663 form to verify disability, the PA 1747 form to verify domestic violence.
Are cuban/haitian entrants only eligible if they have asylum/pending asylum?	No
Is the income requirement for EMA the same for both adults and children?	To be eligible for EMA you have to be income eligible for the federal category of MA that applies to you. See slides 16 and 17 for the income limits for the federal MA categories.
Have you seen EMA approved for applicants needing HIV medication or psych meds? Are those "acute" enough to be an EMC?	For HIV meds, consider SPBP: https://www.pa.gov/agencies/health/diseases-conditions/infectious-disease/hiv/special-pharmaceutical-benefits . Psych medications are a possibility with EMA, but it depends on the symptoms of the condition and the expected harm without treatment.
If someone is applying for emergency MA, will they need to provide information about their immigration status, income, household, etc? (If they refuse to provide this information, will the emergency MA be denied?)	If you are applying for EMA all you need to say about your immigration status is "i do not have a status that makes eligible for another category of MA". EMA applicants also do not need to provide a SSN or answer SSN questions. They will need to provide information about their income, household, etc. like any other applicant and they would be denied if they did not provide it.

Will there be other types of outreach done by DHS besides the letter? And will the letters only be in English?	We have asked DHS to send an additional letter before sending termination notices in mid-September. We do not yet know if this will be done. The June 30 letter went out in multiple languages, but we unfortunately do not know which languages.
How does someone move into state MA? Does this happen through the CAO or is there a different process to enroll in state MA?	The CAO staff will move the person over. It is the same enrollment process as that for federal MA.
Does the recent Supreme Court decision on TPS have any impact on the Haitian/Cuban entrant category?	No they are still Cuban/Haitian entrants.
I thought EMA financial eligibility used MAGI income levels, correct?	No, not necessarily. To be eligible for EMA you have to be financially eligible for ANY category of federal MA which includes programs like MAWD that have a significantly higher income limit.
We had been thinking that the CAO would cut off those newly-ineligible-for-Medicaid folks when people apply to renew benefits. Is that still a possibility? Or is it more likely that CAOs will cut it off on Oct. 1st?	Oct 1 is a hard deadline. Anyone ineligible at Oct 1 will be terminated. It will not be a slow roll out at their renewal period as it was for SNAP.
Is sending a copy of the green card going to be acceptable or does DHS require seeing the original card?	A copy should be sufficient.
Once the refugees/asylees/VAWA get the green card, do they have to wait the 5 years to be eligible?	Refugees and asylees do not have to wait 5 years, they are exempt from the 5 year bar. VAWA petitioners are subject to the five year bar, but remember that their 5 year bar clock starts ticking on the date they became a VAWA petitioner, which is typically years before they get their green cards. VAWA petitioners become VAWA petitioners on the day they get their "prima facie determinations," which is usually 2-5 years (maybe more these days, not sure) before they get their green cards. Non-pregnant adult VAWA petitioners who have their green cards and got their prima facie determinations 5+ years ago are eligible for federal MA under HR1.

Will this presentation be recorded in Spanish? Do you have recommendations on organizations that are doing presentations like this for immigrants, in other languages?	It is only recorded in English. We are sharing flyers after the presentation in multiple languages that you can circulate widely.
For folks in BCCPT who will not have a qualifying immigration status or income low enough for GA, would you recommend EMA?	EMA will be the only option for this group. We have had a fair amount of success getting EMA approved for people in active cancer treatment.
Can lawfully present people still receive Pennie without the subsidies?	Yes.
Do we know if a list of people that could be losing federal insurance be sent out to the insurance companies?	MA is turned on and off by the CAO. When the CAO turns someone's federal MA off, the MA MCO they are enrolled in is told about the MA cut off and then the MCO coverage ends at the end of the month in which the MA is cut off.
For EMA, does a Provider need to provide a letter stating the health condition? Is there a specific form for EMA that a Provider would be able to provide	Yes, there is an EMA form - PA1917 form available on the DHS web site.
So folks receive only state-funded MA, they will not be assigned to an MCO? They will just have ACCESS card?	Yes
People who are not eligible for APTC on Pennie are still able to get insurance through Pennie, if they can afford the premium, right?	Yes.
Currently their requesting nataluzation certificate, for LPR that are now citizens.	Thank you for sharing.
In the 2nd example, she has only had her green card for 2 years. Will she still be eligible?	Yes, she will be eligible. Example 2 is Fatima, a refugee who arrived in 2022 and got her green card in 2024. She will remain eligible for federal MA in October because she has her green card and because she is exempt from the five year bar. Refugees have always been exempt from the five year bar and HR1 does not change any of the 5 year bar rules.
How will EMA condition be proven to CAO?	Medical records and PA1917 form completed by a physician/provider. You can find the PA 1917 here: http://services.dpw.state.pa.us/oimpolicymanuals/ma/assets/docs/PA%201917_11-25.pdf

The parent that moves to State MA loses their MCO. Does the child keep their MCO?	Yes, the child will keep her MA and her MCO. HR1 will have no impact on children's coverage (those under age 21).
Should people eligible for EMA apply for EMA now?	If they already have coverage, they should keep their coverage for as long as possible. They can apply for EMA once they receive their advance termination notice if they are not eligible for state MA.