



A Division of the New York Legal Assistance Group

LegalHealth
Professional Partnership to Promote Well Being[®]

This is general information, not legal advice. Patients should consult an attorney for specific guidance.

PRUCOL

Under New York State's generous Medicaid eligibility criteria, individuals who are permanently residing under of color of law ("PRUCOL") are eligible for full Medicaid.

What is PRUCOL?

- PRUCOL is not an immigration status—PRUCOL is an eligibility category for Medicaid and Safety Net in NYS. NY considers someone PRUCOL if:
 1. Immigration agency knows the patient is in the U.S.; and
 2. Immigration agency is not trying to deport that patient; and
 3. Patient is residing permanently in the United States

How can my patient become PRUCOL?

- There is no "PRUCOL application" filed with immigration. If a patient qualifies for an immigration remedy (i.e., family petition, TPS, U visa, deferred action, etc.), an attorney may file the corresponding application with Immigration. Once filed, the patient will be considered PRUCOL. Alternatively, prior immigration filings may establish that someone is already PRUCOL.
- Prior negative immigration history however may negate a PRUCOL finding so it is always important for an attorney to review each individual on a case-by-case basis.

What does PRUCOL Medicaid cover?

- PRUCOL is an eligibility criterion; once Medicaid eligible, coverage is the same as anyone else on full Medicaid, including home care, nursing home, medical equipment and devices, and bone marrow, stem cell and organ transplants.

Can nursing homes refuse to accept a patient because they are PRUCOL?

- No, Medicaid obtained for PRUCOL individuals covers nursing home care (see page 2 for the HRA Medicaid Alert). It is not necessary to inform the nursing home that an individual obtained Medicaid as a PRUCOL individual. [Nor is having a social security number required to obtain Medicaid.](#)

If I am receiving Medicaid as a PRUCOL individual, will it make me a public charge?

- Currently the receipt of Medicaid is not considered in the public charge analysis at adjustment. *HOWEVER*, these rules may change for individuals in the U.S. seeking adjustment through a family-based petition and have already changed for individuals seeking entry into the United States on a temporary visa or on a family-based petition. It is important that individuals be referred to an attorney to understand the ramifications of using Medicaid.

More questions? Refer patients for an appointment with a LegalHealth attorney

www.legalhealth.org

NYLAG
NEW YORK LEGAL ASSISTANCE GROUP



*Medical Insurance and Community Services
Administration (MICSA)*

MEDICAID ALERT

October 21, 2016

Clarification on Institutional Medicaid for PRUCOL Individuals

An individual's status as "PRUCOL" should not be used as a factor in determining the need for nursing home services nor in nursing home admittance. The term "Permanently Residing Under the Color of Law" (PRUCOL) is a public benefit eligibility status.

HRA determines an individual's PRUCOL eligibility as part of the Medicaid eligibility process. An individual, otherwise eligible and determined to be PRUCOL, is eligible for Medicaid regardless of level of service or the category of assistance. MAGI and non-MAGI individuals determined to be PRUCOL are eligible for the same Medicaid coverage as citizens.

Eligible PRUCOL individuals will receive Medicaid coverage for all care and services including long term nursing home care. In addition, lack of a green card or social security number is not a basis to deny admittance to a nursing home or long term care services. Admittance to a nursing home or long term care services must be based on need and Medicaid eligibility, not immigration status.

NYC Medicaid Alerts are a Periodic Service of the NYC Human Resources Administration
Medical Assistance Program • Office of Eligibility Information Services • 785 Atlantic Avenue, Brooklyn, NY 11238
Steven Banks, Commissioner • Karen Lane, Executive Deputy Commissioner • Maria Ortiz-Quezada, Director of EIS

Copyright 2016 The City of New York, Department of Social Services.
For permission to reproduce all or part of this material contact the New York City Human Resources Administration.