

# New Medicaid Rule for Establishing PRUCOL

## FEATURED ATTORNEYS

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Medicaid applicants who are not legally in the United States have been able to secure non-emergency medical assistance under what is commonly known as the PRUCOL rules.

PRUCOL stands for **Permanently Residing Under Color Of Law**. In order to qualify for Medicaid under PRUCOL, the illegal immigrant applying for medical assistance must be living openly in the United States with the “knowledge and acquiescence” of the federal immigration agency. Applicants must prove, in other words, that they are known to the federal immigration agency and that those authorities do not contemplate enforcing their departure from this country.

Prior to the enactment of the new rule, establishing PRUCOL was a protracted and uncertain process. Notice of the immigrant’s presence in the country had to be provided to the United States Citizenship and Immigration Services (“USCIS”) along with a request that the immigrant be permitted to remain in the United State, and the immigrant’s Medicaid eligibility hinged on how the immigration agency handled that correspondence.

Now, at least for some non-citizen applicants, the process of qualifying for Medicaid under PRUCOL could be fast and predictable. Effective immediately, if the non-citizen making the request does not receive a response from the federal immigration agency 15 business days after the initial request was

sent, the non-citizen is considered PRUCOL at the end of the 15 business day period.

The rule is still new, and we do not know if USCIS will change its procedures in light of the new rule, but it is always important to remember that systems are in place for securing reimbursement even on the accounts of residents who do not meet the citizenship requirements of the Medicaid program.

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For more information on long term Medicaid issues, or to schedule an initial consultation, please reach out to Nancy Levitin, Esq. or Greg Choi, Esq. in our nursing home department at [516-328-2300](tel:516-328-2300) or visit [www.abramslaw.com](http://www.abramslaw.com).

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**NANCY LEVITIN** is a Partner and the Director of the Health Care Reimbursement and Recovery Practice at Abrams Fensterman, LLP. A Super Lawyer since 2010, she counsels the firm's clients on all matters pertaining to Medicaid, guardianships, third party reimbursement, private collections, Medicare, HMOs, and estate recoveries.

**GREGORY S. CHOI** is an Associate at the firm and focuses his practice on the area of Medicaid. Mr. Choi was recognized as a "Rising Star" by Super Lawyers in Health Care Law in 2022. Each year, no more than 2.5% of the lawyers in the state are selected by the research team at Super Lawyers to receive this honor.