

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Eligibility Factors–Citizenship (LAC 50:III.2523)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:III.2523 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health proposes to amend Medicaid eligibility provisions to align with federal requirements related to citizenship and satisfactory immigration status. In accordance with the 2025 Budget Reconciliation Act (House Resolution 1 of the 119th Congress), beginning October 1, 2026, Medicaid and the Children's Health Insurance Program eligibility will be limited to individuals whose citizenship or immigration status qualifies them for federal financial participation.

The rule text below has been drafted utilizing plain language principles to ensure clarity and accessibility for all users. It has also been reviewed and tested for compliance with web accessibility standards.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 3. Eligibility Groups and Factors

Chapter 25. Eligibility Factors

§2523. Citizenship

A. Citizenship or Satisfactory Immigration Status

1. The department hereby adopts criteria for the coverage of qualified non-citizens pursuant to the provisions of §401 of the Personal and Work Opportunity Act of 1996 (P.L. 104-193) as amended by the Balanced Budget Act of 1997 (P.L. 105-33). For purposes of this Part, the term *qualified non-citizens* shall have the same meaning as the term *qualified alien* as set forth in 8 USC §1641(b).

2. Effective October 1, 2026, Sections 1903 (v)(5) and 2107(e)(1)(R) of the Social Security Act, as amended by Section 71109 of the Budget Reconciliation Act of 2025 (P.L. 119-21), limits federal financial participation (FFP) for full-benefit Medicaid coverage. Medicaid eligibility is limited to individuals who meet all other eligibility requirements and who are among the classes eligible for FFP pursuant to 42 USC §1396b(v)(5).

3. The department provides Medicaid coverage to qualified non-citizens who were present in the United States

before August 22, 1996, if federal law authorizes FFP and the individual meets all eligibility criteria.

4. Qualified non-citizens entering the United States on or after August 22, 1996, are not eligible for Medicaid coverage until five years after entry into the United States.

a. Such qualified non-citizens are eligible for emergency services only.

b. Upon expiration of the five-year period, coverage for regular Medicaid services shall be considered if federal law authorizes FFP and the qualified non-citizen meets all eligibility criteria of a Medicaid eligibility group.

5. This Section does not restrict coverage for emergency medical services, lawfully residing children, pregnant women under the CHIRPA 214 option, or any other coverage category for which federal law authorizes FFP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 45:44 (January 2019), amended LR 52:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services

(CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is

anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tangela Womack, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Womack is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is June 19, 2026.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on June 9, 2026. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on June 25, 2026, in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after June 9, 2026. If a public hearing is to be held,

all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Bruce D. Greenstein

Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Citizenship

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in decreased costs to the state of \$1,030,881 for FY 26-27 (includes \$320 for the administrative expense of promulgation of the proposed rule and final rule), \$1,843,185 for FY 27-28, \$1,898,481 for FY 28-29.

This proposed rule amends Medicaid eligibility provisions to align with federal regulations related to citizenship or satisfactory immigration status. In accordance with the 2025 Budget Reconciliation Act (House Resolution 1 of the 119th Congress), beginning October 1, 2026, Medicaid and Children's Health Insurance Program eligibility will be limited to individuals whose citizenship or immigration status qualifies them for federal financial participation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in decreased federal revenue collection of \$8,291,892 for FY 26-27 (includes \$319 for the administrative expense of promulgation of the proposed rule and final rule), \$14,782,311 for FY 27-28, and \$15,225,780 for FY 28-29.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

This proposed rule amends Medicaid eligibility provisions to align with federal regulations related to citizenship or satisfactory immigration status. In accordance with the 2025 Budget Reconciliation Act (House Resolution 1 of the 119th Congress), beginning October 1, 2026, Medicaid and Children's Health Insurance Program eligibility will be limited to individuals whose citizenship or immigration status qualifies them for federal financial participation. This proposed rule is expected to have no impact on small businesses or providers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.