

- Establish a claim against the party most likely to repay first.

However, if a claim is established against the sponsor first and the sponsor fails to respond to the repayment letter within 30 days of receipt, a claim must then be established against the alien's AG.

5. Collecting Claims Against Sponsors

Collection action will be initiated against the alien's sponsor with a demand letter from the Supervisor. The letter must specify:

- The amount owed;
- The reason for the claim;
- How the sponsor may repay the claim, lump sum payment, or regular installments. The standard repayment agreement, ES-FS-8, is to be used as the repayment agreement;
- That the sponsor will not be held responsible for repayment of the claim if he can demonstrate that he had good cause or was without fault for the incorrect information.

The collection action against a sponsor may be terminated by the Supervisor any time it can be documented that the sponsor cannot be located or when the cost of pursuing the collection is likely to exceed the amount that can be recovered.

If good cause does not exist, the sponsor does not respond to the repayment letter or responds but indicated he will not repay and meets the criteria for a referral to Investigations and Fraud Management (IFM), the referral is made.

NOTE: Sponsors are entitled to the same rights to a Fair Hearing as any other person when a claim is established.

6. Collecting Claims Against The Alien's AG

Before initiating collection against the alien's AG, it must be determined whether an Intentional Program Violation or Unintentional Program Violation claim is appropriate. This determination must be made on the basis of whether the alien, not the sponsor, intentionally misrepresented the sponsor's situation. Once this determination is made, collection of the overissuance will proceed as for any other case in which a similar determination has been made.

18.9 EMERGENCY MEDICAID FOR ILLEGAL/INELIGIBLE ALIENS

A. INTRODUCTION

Any alien who is not a Qualified Alien is not eligible for Medicaid except in emergency situations.

B. ELIGIBILITY OF NON-QUALIFIED ALIENS

Illegal/Ineligible aliens who meet the residence and other Medicaid policy eligibility criteria are eligible for Medicaid only for treatment of medical conditions meeting the following requirements. See Section 10.6.

1. Eligibility Requirement For Emergency Services

To be eligible for emergency services, an alien must meet all eligibility requirements. **See Section 16.6,H.** Pregnant alien women facing imminent delivery or other related problems are evaluated using Medicaid guidelines **for all programs**. The unborn child is considered as a child in the home.

NOTE: Aliens must provide their SSN(s), if one is available, but must not be required to apply for an SSN.

2. Care And Services For Emergency Services

Care and services are necessary for the treatment of an emergency medical condition of the alien provided such care and services are not related to either an organ transplant procedure or routine prenatal or post partum care.

The alien must have, after sudden onset, a medical condition (including emergency labor and delivery) showing acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in

- Placing the patient's health in serious jeopardy;
- Serious impairment to bodily functions; or
- Serious dysfunction of any bodily organ or part.

NOTE: If an alien is in need of ongoing emergency medical this must be approved by DFA prior to the continuation of medical benefits.