



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Health

OFFICE OF THE COMMISSIONER

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Tribal Health Leaders
c/o Alaska Native Health Board
Via Email: anhb@anhb.org

September 1st, 2026

Re: Tribal Consultation for Non-Citizen Medicaid Coverage Changes Under Section 71109, Public Law 119-21

Dear Tribal Health Leaders,

On behalf of the Department of Health (the Department), and in keeping with the responsibility to conduct Tribal consultation, I am writing to inform you of a Alaska Medicaid State Plan Amendment (SPA) necessary to implement Section 71109¹ of the Working Families Tax Cut (WFTC) legislation², Public Law 119-21³. This opportunity for consultation is concurrent with the public notice period for the proposed SPA.

Section 71109, titled "Alien Medicaid Eligibility," changes the categories of noncitizens for whom federal financial participation (FFP) is available for full Medicaid benefits. The provision applies beginning October 1, 2026. CMS has instructed states to make the necessary eligibility, systems, notices, and claiming changes to comply with the new requirements.

Purpose and content of the proposed amendment:

The purpose of the proposed SPA is to amend Alaska's Medicaid State Plan to reflect the changes to federal Medicaid eligibility requirements established by Section 71109.

Beginning October 1, 2026, FFP for full Medicaid benefits will be limited to individuals who are U.S. citizens or nationals and for specified categories of noncitizens. Under Section 71109, these noncitizen categories include individuals who are lawful permanent residents, individuals granted Cuban or Haitian entrant status, and individuals lawfully residing in the United States in accordance with a Compact of Free Association.

CMS guidance clarifies that Section 71109 does not change the underlying definition of qualified noncitizen, the five-year waiting period, or existing exceptions to the five-year waiting period under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. However, states must apply the new Section 71109 requirements when determining whether FFP is available for full Medicaid benefits for

¹ <https://www.medicaid.gov/medicaid/downloads/alien-elgblty-section-71109-deck.pdf>

² <https://www.medicaid.gov/resources-for-states/working-families-tax-cut-legislation?utm.com>

³ <https://www.congress.gov/bill/119th-congress/house-bill/1>

certain noncitizens not listed above.

To implement these requirements, Alaska Medicaid will update applicable eligibility provisions and make corresponding operational and system changes. These changes include identifying potentially affected beneficiaries, completing necessary redeterminations, applying revised requirements to new applicants and renewals, providing appropriate notice and communications, and ensuring Medicaid claiming and enrollment reporting accurately reflect Section 71109 requirements.

Anticipated impact on Medicaid-eligible Alaska Native/American Indian (AN/AI) beneficiaries:

The department does not anticipate a specific impact to AN/AI Medicaid-eligible beneficiaries for this change, based on their status as AN/AI. However, AN/AI beneficiaries who are noncitizens and whose immigration status does not fall within one of the categories eligible for FFP under Section 71109 may be affected. The Department anticipates the likelihood of this conflict, and the number of impacted individuals to be small. Noncitizens under Section 71109 may include certain refugees, asylees, individuals granted parole for at least one year, and other qualified noncitizen categories under 8 U.S.C. § 1641.

Emergency Medicaid will continue to be available to individuals who are otherwise ineligible for full Medicaid coverage because of their immigration status, consistent with federal requirements. Section 71109 does not eliminate emergency Medicaid coverage for noncitizens.

The Department is conducting this notice of tribal consultation pursuant to the Tribal Consultation State Plan Amendment⁴ that states tribal consultation should be sought “[if any SPAs]... impact eligibility determinations.”

Anticipated impact on Tribal health programs and the Indian Health Service:

The Department recognizes that changes in Medicaid eligibility may have implications beyond individual beneficiaries and may affect the operational environment in which Tribal health programs and IHS provide care, especially if the beneficiary receiving care is not AN/AI.

The Department is also aware that changes in Medicaid coverage may affect how and when non-AN/AI individuals seek care. For example, in communities where a Tribal health organization (THO) is the primary or only source of health care, THOs may encounter noncitizens who are no longer eligible for full Medicaid coverage under Section 71109. This may affect how services are accessed and reimbursed and may create additional considerations for THOs when determining available sources of coverage.

Emergency Medicaid will remain available for eligible noncitizens who require treatment for an emergency medical condition. As a result, emergency Medicaid may continue to provide a source of coverage for individuals affected by Section 71109 when they seek emergency care.

Mechanism and timeline for comment

Written comments or questions regarding the proposed amendment are due no later than the close of business, October 1st, 2026. If seeking a tribal consultation meeting regarding the proposed changes, please provide a written request within 15 days of the date of this letter.

⁴ <https://health.alaska.gov/media/uecnflkx/msp-section-104.pdf>

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Please direct all written correspondence to Christal Hays, Alaska Department of Health, 3601 C Street, Suite 902, Anchorage, AK 99503, or christal.hays@alaska.gov.

Sincerely,

A handwritten signature in black ink that reads "Christal Hays". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Christal Hays

Medicaid State Plan Coordinator