


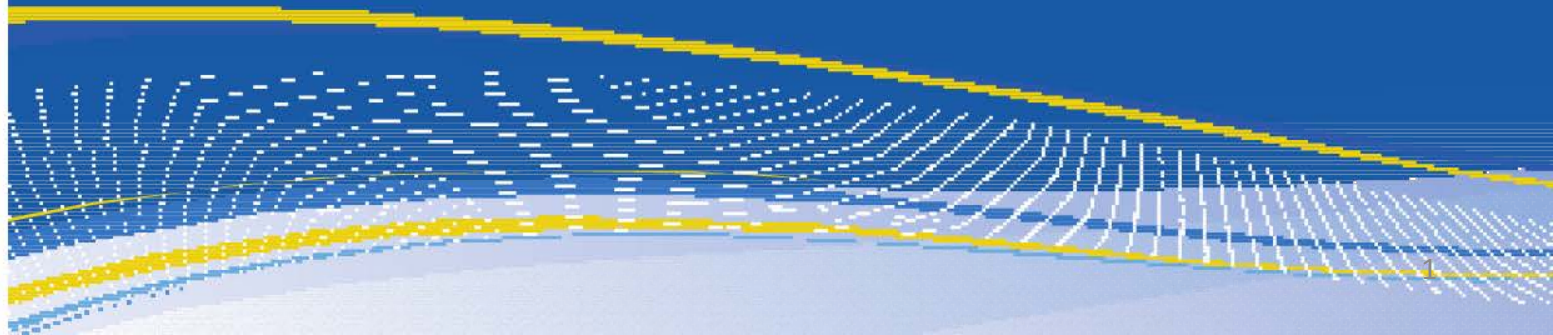
# Eligibility for Non-Citizens in Medicaid, CHIP and the Exchanges



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# Overview

- ❖ Eligibility in Medicaid, CHIP, and Exchanges
- ❖ Eligibility Prior to CHIPRA
- ❖ Lawfully Residing option for Medicaid/CHIP
- ❖ Language services enhanced federal funds
- ❖ Next steps for States

# Eligibility for Non-Citizens in 2014

Program	Summary of Eligibility Rules
Medicaid	Qualified non-citizens Must apply the 5-year waiting period to certain non-citizens State option to cover lawfully residing children and/or pregnant women (removes the 5-year waiting period)
CHIP	Qualified non-citizens Must apply the 5-year waiting period to certain non-citizens State option to cover lawfully residing children and/or pregnant women (removes the 5-year waiting period)
Exchanges	Must be <u>lawfully present</u> to purchase insurance in a Qualified Health Plan, or to be eligible for an Advance Payment for Premium Tax Credit or Cost-Sharing Reduction

# Eligibility for Non-Citizens in Medicaid and CHIP under PRWORA

- ❖ Federal funding is available for:
  - ❖ Qualified non-citizens who entered before 8/96
  - ❖ Qualified Immigrants who reach end of 5 year waiting period (i.e LPRs/greencard holders)
  - ❖ Qualified Immigrants exempt from 5-year waiting period (e.g., Refugees, Asylees, Cuban/Haitian entrants, Trafficking Victims, Veteran families)
- ❖ No federal funding to cover undocumented immigrants

# Who is a “Qualified Non-Citizen”?

## ❖ Specific list includes:

- ❖ Lawful Permanent Residents (LPRs or green card holders)
  - ❖ Asylees and Refugees
  - ❖ Cuban/Haitian entrants
  - ❖ Battered non-citizens, spouses and children
  - ❖ Victims of trafficking
  - ❖ Veterans and military families
- ❖ Many of these groups are exempt from the 5 year waiting period

# What Have States Done?

- ❖ Approximately one-third of States cover other non-citizens that do not meet federal definitions with State-only funds
- ❖ Almost half the States have elected the option to cover lawfully residing children and/or pregnant women
  - 23 Approved Medicaid SPAs
  - 3 Pending Medicaid SPAs
  - 13 Approved CHIP SPAs
  - 4 Pending CHIP SPAs

# Lawfully Residing Option for Children and Pregnant Women

- ❖ Federal funding can be available for individuals:
  - ❖ Regardless of date of entry into the U.S.
  - ❖ Without a 5-year waiting period
  - ❖ Eliminates sponsor deeming for those covered under this option

# Who is “lawfully residing?”

A child or pregnant woman is lawfully residing if:

1. Lawfully present (immigration status)

AND

2. A State resident (Medicaid State residency rules)



# “Lawfully Present” includes:

- ❖ Qualified non-citizen, regardless of a waiting period
- ❖ Humanitarian statuses or circumstances (Temporary Protected Status, Special Juvenile Status, asylum applicants, Convention Against Torture)
- ❖ Valid non-immigrant visa holder
- ❖ Legal status conferred by other laws (temporary resident status, LIFE Act, Family Unity individuals)
- ❖ Lawfully present in American Samoa and the Northern Mariana Islands

# State Residency

- ❖ Intent to remain under State residency definition
- ❖ Each individual should have the opportunity to establish State residency

# Federal Financial Participation

- ❖ Children under 19 in Medicaid or CHIP -- Medicaid or CHIP rates
- ❖ Children in Medicaid who meet the 5-year waiting period -- must be claimed at the regular match rate after the 5 year period
- ❖ Children between 19 -21 and pregnant women -- Medicaid match rate, unless the CHIP program covers pregnant women

# Federal Funds for Language Services

- ❖ Federal funds are available for expenditures for oral interpretation and written translation provided to Medicaid and CHIP applicants or beneficiaries
  - ❖ Responsibility to provide these services and not to discriminate based on national origin (for persons who are limited English Proficiency (LEP) for federal fund recipients (i.e. health and human services orgs and providers) under Title VI, Civil Rights Act of 1964
  - ❖ And based on disability under section 504 of the Rehabilitation Act of 1973

# Enhanced federal funds available under CHIPRA

- ❖ For the “enrollment of, retention of, and use of services” under Medicaid and CHIP
- ❖ For Medicaid – 75% administrative match (instead of 50%)
- ❖ For CHIP – 75% or the State’s CHIP match plus 5%, whichever is higher
- ❖ States can also claim as a direct service and get the match the State has for direct services (separate from the CHIPRA provision)
- ❖ In FY 2011, 17 States report claiming federal funds under “translation and interpretation services.”

# Who may the provision of Enhanced federal funding of language services support?

- ❖ For Medicaid – for children who are applicants or beneficiaries and their family members
  - ❖ Regular match of 50% is still available for other Medicaid applicants and beneficiaries.
- ❖ For CHIP – for the assistance of a CHIP applicant or beneficiary, even if the individual is an adult

# Next Steps

## ❖ For Lawfully residing option:

- ❖ States must submit a State plan amendment for Medicaid and/or CHIP
- ❖ A CHIP program electing this option, must also elect to cover the same population under Medicaid

## ❖ For Language Services Enhanced Match

- ❖ No State Plan Amendment is necessary for enhanced match

# Additional Resources

- ❖ Lawfully residing option:
  - ❖ CHIPRA sect. 214 (1903(v)(4) for Medicaid and 2701(e)(1)(E) for CHIP)
  - ❖ State Health Official letter issued on July 1, 2010 at <http://www.cms.gov/smdl/downloads/SHO10006.pdf>
  
- ❖ Language Services Enhanced Match
  - ❖ CHIPRA sect. 201(b) (1903(a)(2)(E) for Medicaid and 2105(a)(1) for CHIP)
  - ❖ State Health Official letter issued on July 1, 2010 at <http://www.cms.gov/smdl/downloads/SHO10007.pdf>
  - ❖ Informational Bulletin issued on April 26, 2011 at <http://www.cms.gov/CMCSBulletins/downloads/Info-Bulletin-4-26-11.pdf>



# Discussion

## ❖ Questions?

### Immigrant Eligibility

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### Language Services Enhanced Match

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