Basic Benefit Training: Immigrants’ eligibility for health benefits

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Health Benefits

- Benefits for US citizens & eligible immigrants
  - MassHealth Standard, CarePlus, CommonHealth & Family Assistance
  - ConnectorCare

- Safety net benefits with no citizenship/immigration requirements
  - Health Safety Net Program (HSN)
  - Children’s Medical Security Program (CMSP)
  - MassHealth Limited
  - MassHealth Standard for Pregnant People
Safety Net Benefits

- MassHealth Limited:
  - Emergency services only
  - i.e. ambulance, ER, labor & delivery, dialysis, COVID-19

- Children’s Medical Security Plan (CMSP):
  - Primary and preventative care only
  - Health Safety Net program (HSN)

- Health Safety Net (HSN):
  - Only acute hospitals and community health centers
  - No defined benefits; debt relief
  - 0-150% FPL full HSN; 150-300% FPL partial HSN with a deductible

- **Exception**: MassHealth Standard for Pregnant people – during pregnancy and 60 days post-partum**
Is it safe for undocumented people to apply?

- Same application for MassHealth, Health Connector, Health Safety Net & CMSP
- From page 10 of Member Booklet (Mar 2022):
  What non U.S. citizens need to know about applying for MassHealth Limited, MassHealth coverage for pregnant women, CMSP, and the Health Safety Net
  Applications and the information on them will be kept confidential. This means that:
    Names and addresses will not be sent to immigration enforcement officials
### Comparing Connector to MassHealth Immigrant Eligibility Terminology

<table>
<thead>
<tr>
<th>Connector ACA (Federal law)</th>
<th>MassHealth Federal Medicaid &amp; State Law</th>
<th>Eligible Immigration Status?</th>
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<tbody>
<tr>
<td>Lawfully Present</td>
<td>Qualified (not barred)</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Qualified Barred</td>
<td></td>
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<td></td>
<td>Not-Qualified but Lawfully Present</td>
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<tr>
<td>Not Lawfully Present</td>
<td>Not Lawfully Present but PRUCOL</td>
<td>No</td>
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<tr>
<td></td>
<td>Undocumented</td>
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Comprehensive Coverage

• MassHealth
  • MassHealth Standard
  • CarePlus
  • CommonHealth
  • Family Assistance

• Health Connector
  • ConnectorCare
  • Private coverage with premium discount
Pregnant people

Eligible for MassHealth Standard regardless of immigration status during pregnancy & 60 days post-partum*

* Will be 12 mo post-partum soon!
Children under age 19

- Children from birth through age 18
- Eligible for MassHealth Standard if Lawfully Present
- Eligible for Family Assistance or CommonHealth if Lawfully Present or PRUCOL
Young adults 19 & 20 with income ≤150% FPL

- Eligible for MassHealth Standard if Lawfully Present
- Eligible for Family Assistance or CommonHealth if PRUCOL
Elderly or disabled adults

Eligible for -

- MassHealth Standard*, CommonHealth or Medicare Savings Programs if Qualified
- Family Assistance if not Qualified but Lawfully Present or PRUCOL
- ConnectorCare if Lawfully Present
*Nov 1, 2021 changes*

- Elderly & disabled Lawfully Present or PRUCOL adults who need long term care or PCA are eligible for state-funded MassHealth Standard if:
  - Meet Nursing Home level of care, or
  - Need help with at least 2 ADLs from Personal Care Attendant in home (PCA)

- State-funded MassHealth Standard covers not just Nursing Homes & PCA but other LTSS too e.g. Adult Day Health

- This is new & not yet well known to providers!
Other adults

- Eligible for MassHealth Standard or CarePlus if Qualified
- Eligible for ConnectorCare if Lawfully Present*
- Eligible for Family Assistance if uninsured & PRUCOL
In your materials...
Qualified (never barred)

- Refugee, granted asylum, deportation withheld
- Cuban-Haitian entrant
- Trafficking victim
- Veteran/Active duty, spouse & dependents
- Iraqi/Afghan Special Immigrant
- American Indian (born in Canada or Mexico)
- Amerasian (born in Vietnam during war)
Newly arriving Afghan Evacuees

- New categories of Afghan arrivals who are Qualified & eligible for all benefits
  - Oct 2021 Eligibility Operations Memo with more detail
  - MassHealth application now lists Afghan Special Immigrants and Evacuees
- Most Afghan evacuees will be eligible for added refugee benefits & will be working with refugee resettlement agencies
- Mar 16, 2022 DHS designation of Afghanistan for TPS
  - Check for prior status that is Qualified
Newly arriving Haitians

- Cuban-Haitian Entrants (CHE)
  - Existing eligibility category **Qualified**
- Updated & improved guidance to better identify newly arriving Haitians
  - Feb 22 Eligibility Operations Memo with more detail on CHE including:
    - Paroled into US after 1980 (even if no longer paroled)
    - In removal but no final non-appealable order of removal
    - Applicant for asylum (even if no work permit yet)
    - Proof of parent’s Haitian nationality is proof of Haitian nationality for child born outside Haiti
Qualified OR Qualified Barred

- Lawful Permanent Resident (LPR)
- Paroled into US for 1 year or more
- Battered immigrant with pending petition (including child of battered parent or parent of battered child if not living with abuser)
Qualified Barred: 5-year bar

- 5 year bar applies to LPR, Paroled, Battered **unless**-
  - In status above for 5 or more years
  - Was in never-barred status before becoming LPR (e.g. refugee, asylee, etc.)
  - Is LPR with never-barred status (e.g. Veterans, some Cuban-Haitian entrants, Iraqi/Afghan SI; Amerasians; some American Indians)
  - Arrived in US prior to 8/22/96 & continuously present until getting status above
Lawful Permanent Resident Card

Does code show status not subject to 5 yr bar?

If country is Cuba, Haiti, Iraq, Afghanistan, Vietnam, Canada – does exception apply?

Is date 5 or more years ago?
Exercise #1

- Mrs. Gutierrez is age 32 & came from El Salvador 6 years ago with a green card.
  - Is she Qualified?

- What if she has lived in US for 6 years but only got her green card 3 years ago?
  - Is she Qualified?

- What if you learn she does not have green card but has had a work permit with TPS for 6 years?
  - Is she Qualified?
Who is lawfully present? 

- All Qualified & Qualified Barred are also Lawfully Present
  - Lawful Permanent residents, granted parole & battered immigrants (NO 5 yr bar for lawfully present)
  - Asylees & refugees, etc.
- AND people with many more statuses including:
  - Temporary Protected Status (TPS)
  - U-visa status
  - Other non-immigrants like specialty workers (H-visa), Religious workers (R-visa) & foreign students/scholars (F, J, or M-visas)
Who is lawfully present?

- Certain applicants for a status
  - Sometimes only with a work permit e.g. asylum applicants (or no work permit but under 14 & application pending more than 180 days)
  - Sometimes no work permit required e.g. applicant for Special Immigrant Juvenile status
- Most people with employment authorization with an EAD code beginning with C but not all
  - DACA (EAD Code C33) excluded from definition of LP
Exercise #2

- Joao is 15 years-old and he entered the United States without inspection 8 years ago.
  - Is he Lawfully Present?

- Joao applies for Special Immigrant Juvenile Status and his case is pending.
  - Is he Lawfully Present?
Who is lawfully present? p. 3 of 3

For complete list of who is lawfully present & cites to regulations, see Apx. 3 in online materials:

- Understanding Non-citizens’ eligibility for health coverage from MassHealth & the Health Connector (Feb. 2022)

Appendix 3
Lawfully Present Non-Citizens

130 CMR 504.003 (A)(1)(2) and (3); 504.006(A) and (B) (under 65), 130 CMR 518.003(A)(1)(2) and (3); 518.006 (A) and (B) 65 & older.
45 CFR §§155.20 and 152.2; proposed § 155.20 and 42 CFR § 435.4 at 78 Fed. Reg. 4594 (Jan. 22, 2013) (definition of lawful presence); 45 CFR §155.305 (Exchange)
956 CMR § 12.05 (ConnectorCares)

All Qualified and Qualified Barred Non-Citizens are also Lawfully Present. All Lawfully Present non-citizens are eligible for the Connector in the same way as US citizens are. All Lawfully Present children under 19 are eligible for MassHealth in the same way as US citizens and Qualified non-citizens are.

A. Lawfully Present and Qualified or Qualified Barred (as shown in Apx. 1 and 2)

- Lawful permanent resident (LPR/Green Card holder)
- Asylee
- Refugee
- Cuban/Haitian entrant
- Person paroled into the U.S. for at least one year
Lawfully present & Connector

- Only Lawfully Present non-citizens are eligible to obtain insurance through Connector
- Connector does not use terms Qualified or PRUCOL
- Connector does not have 5-year bar
- LP with income under 133% FPL will be eligible for both ConnectorCare AND MassHealth Limited
  - Separate notices from each program
ConnectorCare Tips

- You must file taxes for any year in which you get ConnectorCare even if your income is very low & you never filed before.
- You must say on the application that you agree to file a tax return if you get ConnectorCare.
- You must take action to enroll in a ConnectorCare plan by a deadline or you won’t have coverage & will also lose HSN.
- If you were confused & didn’t enroll because you got a MassHealth card (for Limited), added steps to enroll*.
Exercise #3

- Ms. O’Neil is 29 & was battered by her LPR Spouse. She and her 7 year-old son left the abuser last year. Ms. O’Neil has a pending VAWA petition. They are Lawfully Present but not Qualified.
  - Can 7 year old get MH Standard?
  - Can Ms. O get MH Standard?
  - Can Ms. O get ConnectorCare?
PRUCOL

- State-funded, open-ended category for people in U.S. “under color of law” (not Lawfully Present) including:
  - Deferred Action Childhood Arrivals (DACA) aka Dreamers
  - Applicants for asylum who don’t have work permits yet
  - Others not on Lawfully Present list but known to USCIS & not contemplated for removal

  - Feb 2022 Eligibility Ops Memo with improved info to identify & verify PRUCOL
Exercise #4

- Susan is 26, lives with her family, goes to school & has no income.
- She applied for asylum 8 months ago.
  - What is her eligibility status?
- Susan gets her work permit
  - Does this change her eligibility status?
- Susan is granted asylum
  - Does this change her eligibility status?
Signs of trouble

- If one of these people has MassHealth Limited, you know there is a mistake
  - Qualified immigrant
  - Lawfully present child under 19
  - Lawfully present young adult (19-20) income 150% FPL or less
  - Pregnant people
Trouble shooting tips

- Get copy of client’s immigration documents
- Use tools in materials to figure out eligible benefits status: using MassHealth terms
- Ask MassHealth/Connector what computer shows is client’s immigration eligibility status
- Find out what information was submitted to MassHealth/Connector & how it was verified
- Get info corrected informally or appeal
Public Charge Updates

- Trump administrations Public Charge Rule vacated nationwide in 2021.
- “Old” Public Charge Rule applies again.
  1. Cash Assistance (TAFDC, EAEDC, SSI)
  2. Long-term institutional care paid for by MassHealth/Medicaid or other government program.
- No other public benefits are considered.
- COVID-19 testing, treatment, and vaccine are NOT considered under current or proposed rule.
Public Charge Updates

**February 2022 Proposed Rule:**

- “An individual is likely at any time to become a public charge if the individual is **likely to become primarily dependent on the government for subsistence**, as demonstrated by either:
  1. Receipt of public cash assistance for income maintenance; or
  2. Long-term institutionalization at government expense.

- No other public benefits are considered

- Encourage immigrant patients/clients to apply for health benefits!
COVID-19 Policies during the public health emergency

- Almost no one enrolled in MassHealth on March 18 or later will lose coverage during the COVID emergency
  - 700,000 currently “protected” from loss of coverage
  - After emergency ends, will have to return renewal forms to remain eligible
    - Report address changes to MassHealth!
    - If no stable housing: add mailing address, PSI or ARD*
- MassHealth is accepting statement of member over the phone to verify income & assets (“self-attestation”)
- See list of more changes on masslegalservices.org
COVID 19 Testing & Treatment

- Free testing and treatment of COVID-19 are covered-
  - by all types of MassHealth including MH Limited
  - by all Health Connector plans
  - by Health Safety Net or federal fund for uninsured patients
  - Free PCR testing at Stop the Spread sites & from some local health depts.

- Find local resources, free home test kits. Fee masks. Federal website: https://www.covid.gov/
- Find testing sites: https://www.mass.gov/covid-19-testing
COVID 19 Vaccines

- COVID 19 Vaccines are FREE
- Providers can bill insurance but can’t deny vaccine to uninsured or charge copays
- MassHealth can arrange rides to vaccine appointments
- In-home vaccination, call (833) 983-0485
- Currently available to all people age 5 or older*
  - Vaccine locations https://www.mass.gov/info-details/covid-19-vaccination-locations
  - 211 Call Center
  - Mobile pop-up clinics
May undocumented immigrants receive the vaccine for free?
Yes. The vaccine itself is free for all Massachusetts residents. Health insurance (including Medicare and Medicaid) will cover the cost of administering the vaccine. For patients without health insurance, health care providers may request reimbursement from the federal government for the cost of administering vaccine to undocumented immigrants.

Can I still get the vaccine if I don't have an ID card?
Yes. You can get a vaccine even if you do not have insurance, a driver's license or a Social Security number. For more information, visit How to prepare for your COVID-19 vaccine appointment.

Will getting the vaccine negatively impact a person’s immigration status?
No. The federal government has confirmed that it will not consider COVID-19 treatment (including a vaccine) as part of a determination of whether someone is a “public charge” or as it relates to the public benefit condition for certain individuals seeking an extension of stay or change of status, even if the vaccine is paid for by Medicaid or other federal funds.

Is a patient’s vaccination record protected from disclosure?
The Department of Public Health will maintain an electronic record of each patient in Massachusetts who receives the COVID-19 vaccine. The vaccine database is kept confidential like a patient’s medical record with their doctor.