

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

DCF

Department for Children and Families

BULLETIN NO.: 05-02F

FROM: Betsy Forrest, Deputy Commissioner
Economic Services Division

DATE: 11/16/05

SUBJECT: Refugee Medical Assistance

CHANGES ADOPTED EFFECTIVE 12/1/05

INSTRUCTIONS

- Maintain Manual – See instructions below.**
- Proposed Regulation – Retain bulletin and attachments until you receive Manual Maintenance Bulletin:**
- Information or Instructions – Retain until _____**

MANUAL REFERENCE(S):

2502 2511
2510

This bulletin updates the eligibility rules for Refugee Medical Assistance administered by the Economic Services Division of the Department for Children and Families (DCF) to bring them into compliance with federal regulations (45 CFR §400.90).

Summary of Public Hearing and Written Comments

A public hearing was held on July 5, 2005, at 1:00 p.m., in the Blue Room in the Planning, Policy and Regulation Unit, DCF, State Office Complex, Waterbury, Vermont. No one attended.

The Health Care Ombudsman submitted written comments. The department’s responses to those comments follow.

Specific Comments and Responses

Comment: The cover sheet should refer to 45 CFR §400.90 rather than 45 CFR §435.90 as the section of federal regulations the Refugee Medical Assistance rules must comply with.

Response: The citation has been changed.

Section 2511

Comment: The regulations should require the department to determine eligibility for VHAP if the refugee is not eligible for Medicaid at the end of the RMA period.

Response: When an applicant is found not eligible for any health care program, the department’s practice is to see if an applicant is eligible for the next best health care program. The department’s automated system, ACCESS, automatically determines eligibility for VHAP when someone is not eligible for Medicaid, and for the pharmacy programs when someone is not eligible for VHAP. For clarity, the department has added VHAP to this section.

Section 2511.2

Comment: Language in the current Refugee Cash Assistance rules stating that resources in the country of origin are not to be counted in determining eligibility for medical assistance should be retained in the new rules.

Response: The proposed rule clarifies that particular element of eligibility. That language actually appears only in the Refugee Cash Assistance section of the CFR, at 45 CFR §400.59 (b), but not in the Refugee Medical Assistance section. Accordingly, the department’s proposed rule does not provide for that resource exclusion.

Section 2512

Comment: Please send me a copy of the AHS Limited English Proficiency Policy mentioned in this section of the rule.

Response: A copy of this policy was mailed to the commenter in June.

Vertical lines in the left margin indicate significant changes. Dotted lines at the left indicate changes to clarify, rearrange, correct references, etc., without changing content.

Manual Maintenance

Refugee-VHAP Rules

<u>Remove</u>		<u>Insert</u>	
TOC (2500)	(88-21)	TOC (2500)	(05-02)
PP&D 2502.2	(2/15/96)	Nothing	
2502.1	(91-51)	2502.1	(05-02)
Nothing		2510	(05-02)
Nothing		2511	(05-02)
Nothing		2511.2	(05-02)

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2502.1

2502 Eligibility for Assistance (Continued)2502.1 Relationship to SSI/AABD

All refugee recipients who are 65 years of age or older or who are blind or disabled will be referred immediately to the Social Security District Office to apply for SSI/AABD benefits.

Such a refugee will be included in the Reach Up grant until SSI/AABD benefits become effective. SSA should be notified as to what amount of the Reach Up grant should be considered as income in the SSI/AABD grant, as outlined in Procedures (P-2220 I).

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2510

2510 Refugee Medical Assistance

The purpose of Refugee Medical Assistance is to help in the effective resettlement of refugees, and to assist them in achieving economic self-sufficiency as quickly as possible. Refugee Medical Assistance (RMA) is authorized by the Refugee Act of 1980 and the accompanying regulations in 45 CFR Part 400, and Title IV, Chapter 2 of the Immigration and Nationality Act (8 U.S.C. §1522(e)).

2510.1 General Eligibility Requirements

Any refugee or asylee may apply for medical assistance through the state or its designated agency at any time, and eligibility must be determined no more than 30 days from the date of application.

"Refugee" means an individual who meets the definitions of a refugee under section 101(a) (42) of the Immigration and Nationality Act.

"Asylee" means an individual who has been granted asylum under section 208 of the Immigration and Nationality Act. It does not include "applicant for asylum," which is someone who has applied for but not been granted asylee status.

Asylees are eligible for all refugee assistance and services beginning on the date they are granted asylum.

For purposes of this rule, the term "refugee" will include "asylee" as defined above unless specifically designated otherwise.

A refugee or asylee must provide documentation of refugee or asylee status as defined in federal rules before the department may grant assistance. If the refugee is not referred by the local resettlement agency, it is the responsibility of the Economic Services Division (ESD) to document proof of status of the refugee or asylee and keep a copy of supporting documentation on file.

Any refugee who has not been referred by the resettlement agency should be counseled to contact the local resettlement agency to benefit from other kinds of assistance. In this case, the department must promptly notify the agency providing initial resettlement when a refugee applies for medical assistance.

2510.2 Medical Screening Examination

A medical screening examination, coordinated by the Vermont Department of Health, is a covered service under RMA when the examination is within the first 90 days of the refugee's initial date of entry, even if the refugee is not eligible for either Medicaid or RMA.

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2511

2511 Determining Eligibility for Refugee Medical Assistance

The ESD determines eligibility for medical assistance and administers Medicaid and Refugee Medical Assistance (RMA) benefits. Refugees who are not eligible for Medicaid may be eligible for RMA if they meet the financial and non-financial requirements of RMA.

When a refugee applies for medical assistance, the department must first determine eligibility for each individual member of the refugee assistance group under Medicaid, using regulations, including those for the medically needy, governing all other Medicaid applicants, and if an individual is eligible, grant Medicaid to that individual.

A refugee who loses Medicaid eligibility because of earnings from employment must be transferred to RMA without any further eligibility determination if there is time remaining in the RMA eligibility period. The RMA eligibility period is determined by the director of the federal Office of Refugee Resettlement and begins on the first day of the month of a refugee's initial date of entry. For asylees, the eligibility period begins on the first day of the month in which they were granted asylum. The current RMA eligibility period is eight months.

If the department determines that a refugee is not eligible for Medicaid, it must then determine if the individual is eligible for RMA. Eligibility for RMA services begins on the first day of the month of application.

Individuals eligible for RMA receive the same services and coverage as recipients of Medicaid. Changes in eligibility for benefits require 11 days advance notice to the recipient.

A refugee shall continue to receive RMA until the end of his or her RMA eligibility period. After a refugee's eligibility for RMA ends, the department must determine eligibility for Medicaid using Medicaid rules, and if eligible, provide Medicaid to that individual.

When the department notifies an applicant that medical assistance has been granted, denied or terminated, the notice must specify which program it applies to, clearly distinguishing between Medicaid and RMA.

2511.1 Non-Financial Eligibility

Applicants for RMA must meet each of the following criteria:

- be ineligible for Medicaid under the state Medicaid plan;
- have been residing in the U.S. for fewer months than the RMA eligibility period defined above;
- provide the name of the resettlement agency that resettled them;
- meet the RMA financial eligibility standards, below;
- meet immigration or asylee status and identification requirements specified at 45 CFR, section 400, Subpart D, or be dependent children of and part of the same assistance group as applicants meeting these requirements; and

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2511 Determining Eligibility for Refugee Medical Assistance (Continued)

2511.1 Non-Financial Eligibility (Continued)

not be full-time students in institutions of higher learning unless approved by the state as part of an employability plan or part of a plan for an unaccompanied minor.

All recipients of refugee cash assistance are eligible for RMA, but there is no requirement for a refugee to apply for or receive refugee cash assistance in order to be eligible for RMA.

2511.2 Financial Eligibility

The department calculates financial eligibility for RMA according to the same standards and procedures for determining financial eligibility for Medicaid (including those for the medically needy) subject to the additional criteria in this subsection.

In determining financial eligibility, only the income and resources the applicant has on the date of application may be considered. The following are disregarded for all applicants as income and resources:

- any cash assistance payments;
- any in-kind services and shelter provided by a sponsor or local resettlement agency.

An applicant with income or resources greater than allowed by the financial eligibility standards must be permitted to spend down the excess in accordance with Medicaid rules.

Any increase in earnings from employment while a refugee is receiving RMA does not affect the refugee's continued medical assistance eligibility.

When a refugee is covered by employer-sponsored health insurance, any payment of RMA for that individual must be reduced by the amount of the third party payment.

2512 Services for People with Limited English Proficiency

Services to applicants and recipients with limited English proficiency will be provided in the most linguistically appropriate manner as is reasonably possible following the Agency of Human Services' Limited English Proficiency Policy. Contact the State Refugee Coordinator at AHS for a copy of this policy. Vital documents such as notices of assistance granted, denied, or terminated, and decisions and appeal process will be communicated in writing, and, as much as possible, in the language most common among the refugee group being resettled.