

State of California—Health and Human Services Agency
Department of Health Services



California
Department of
Health Services

DIANA M. BONTÁ, R.N., Dr. P.H.
Director



GRAY DAVIS
Governor

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MEDI-CAL ELIGIBILITY PROCEDURES MANUAL LETTER NO.: 285

TO: ALL HOLDERS OF THE MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

SUBJECT: ARTICLE 24, REFUGEE MEDICAL ASSISTANCE (RMA) REVISIONS

Enclosed are revisions to Article 24, Refugee Medical Assistance (RMA), of the Medi-Cal Eligibility Procedures Manual.

Procedure Revision

Description

Article 24

Revisions were made to the Procedures for RMA because of clarifications in policy regarding referral of refugee children to the Healthy Families Program, who will conduct RMA Case Monitoring, and to clarify that Refugees are not subject to the Sponsored Alien Regulations.

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If you have any questions, please contact Ms. Elena Lara at (916) 552-9513.

Original signed by

Beth Fife, Chief
Medi-Cal Eligibility Branch

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24A – INTRODUCTION

1. INTRODUCTION

It has been the policy of the United States (U.S) to provide asylum and humanitarian assistance to persons subject to persecution in their homelands. This humanitarian resettlement assistance is provided through the states but is funded through the federal government. The purpose of this refugee assistance is to allow refugees to more quickly adapt to their new country, become economically self-sufficient, and ultimately participate in and contribute to their new communities.

2. BACKGROUND

Congress created the Cuban Refugee Program in 1962. This Act provided 100 percent federal refugee funding for cash assistance, medical assistance, and social services programs for needy Cuban refugees. Congress passed similar legislation for Indochinese refugees in 1975. In 1977, legislation was passed which required the transfer of refugees into the standard Aid to Families with Dependent Children (AFDC) and Medicaid programs if the refugees fit those programs, and provided for the phasedown of both special refugee programs over a period of from four to six years.

The federal Refugee Act of 1980 (Public Law 96-212), enacted March 17, 1980, repealed the Indochina Migration and Refugee Assistance Act of 1975 completely, but left in place the Cuban Program Phasedown (formerly the Cuban Refugee Program) for all Cubans who entered the U.S. prior to October 1, 1978. Public Law 96-212 removes national origin as eligibility factor for refugee assistance and provides for uniform treatment for all persons who are admitted to the U.S. as refugees. Cuban refugees who entered the U.S. on or after October 1, 1978 are included under this Act. The Act originally provided for special refugee funding (100 percent FFP) for a period of not more than 36 months beginning with the refugee's entry into the United States. The present time eligibility period is eight months.

Refugee Education Assistance Act of 1980 (Public Law 96-422), enacted October 10, 1980, was amended (Fascell/Stone Amendment) to provide Cuban and Haitian Entrants benefits similar to those provided to refugees. (Most Cuban and Haitian Entrants are not eligible under the Refugee Act since they are not considered refugees.) Entrants and refugees are given the same time eligibility period depending on current budget allotments.

Under Section 584, Foreign Operations Appropriations Act, incorporated as part of Fiscal Year 1988 Continuing Resolution, Public Law 100-202, certain Amerasians in Vietnam and their close family members are to be admitted through the Orderly Departure Program beginning March 20, 1988, under immigrant status. This legislation grants this group status as refugees and makes them potentially eligible to Office of Refugee Resettlement (ORR) funded cash assistance, medical assistance and social services.

3. FEDERAL REGULATIONS

Title 45, Code of Federal Regulations (CFR), Part 400, (Federal Register, Vol. 54, No. 22, 2/3/89 and Vol. 60, No. 124, 6/28/95), provides federal refugee funding, subject to availability, to states for cash and medical assistance for eligible refugees. As of July 1, 1989, and October 1, 1995, these regulations set forth the requirements for receipt of Refugee Cash Assistance (RCA), employment services, Refugee Medical Assistance (RMA), and refugee social services.

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The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) took effect on August 22, 1996. Refugees as identified in 24D-2 are Qualified Aliens under this legislation and are eligible for full-scope Medi-Cal if they meet all eligibility requirements. For specific eligibility information, please refer to the chart on page 24D-2.

Under recent revisions to Title 45, CFR, Part 400 effective June 20, 2000, Refugees will continue to receive RMA/EMA benefits without redetermination or change in benefits if they are discontinued from cash assistance for any reason. If they are receiving RMA or Entrant Medical Assistance (EMA) only, and the Refugee receives increased earnings from employment, the Refugee will continue to receive RMA/EMA until the end of the eight-month eligibility period without redetermination or a change in benefits. Every eligible Refugee is guaranteed eight months of medical assistance. Other changes will be reflected in Section 24B of this Article.

Under the Trafficking Victims Protection Act of 2000, adults and children who are certified as being victims of a severe form of trafficking are to receive the same benefits and services as Refugees.

4. PROGRAM ORGANIZATION

Under the Refugee Act, the Federal Office of Refugee Resettlement (ORR) administers the program nationally in order to provide financial assistance, medical assistance, and social services to all refugees in the United States regardless of national origin.

Under a refugee resettlement state plan submitted to ORR, the Department of Social Services (DSS) is designated to administer the Refugee Resettlement Program for the State of California, and the Director of DSS is the State Refugee Coordinator.

The Department of Health Services (DHS) is designated to administer the Refugee Medical Assistance (RMA) program for the State of California. DHS receives a grant directly from ORR for purposes of administering the RMA program. The Medi-Cal Eligibility Branch oversees the RMA program.

The Refugee Health Section in the Office of County Health Services oversees the public health component of the RMA Program. This includes oversight of the Refugee Health Assessment Program that reimburses local jurisdictions for the provision of comprehensive health assessments to newly arriving refugees, asylees, and victims of trafficking. In addition, the RHS administers funds received under the Refugee Preventive Health Discretionary Grant Program. Review of fiscal reports related to both of these programs will be performed by the RHS prior to submission to ORR.

Every Refugee is to be determined ineligible for CalWORKs, Healthy Families, SSI, TANF, or the Medi-Cal programs by the county welfare department before he or she may be determined eligible for the RMA/EMA program for a period of eight months. However, a refugee who is RMA/EMA eligible receives the same benefits as a Medi-Cal beneficiary.

Refugee information is reported to the Medi-Cal Eligibility Data System (MEDS) by the county welfare departments. This information is used by CDHS to claim 100 percent federal financial participation (FFP) for medical assistance rendered to time-eligible Refugees. CDSS uses this information to claim 100 percent FFP for Refugee Cash Assistance and for allocation of Refugee Employment Services and Targeted Assistance funding.

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5. CASE MONITORING

The DHS Program Review Section will be monitoring RMA/EMA refugee cases. The protocol for RMA monitoring in California will be issued to the Office of Refugee Resettlement. The Program Review Section will begin its annual review and monitoring of RMA cases during 2003-04.

6. SPONSORED ALIENS

Individuals who are identified as a Refugee, an Asylee, a Victim of a Severe Form of Trafficking, or a Cuban/Haitian Entrant are exempt from sponsored alien regulations per the CDSS Manual of Policy and Procedures Section 43-229.123.



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2. RMA/EMA ELIGIBILITY REQUIREMENTS

Refugees and Entrants must be determined ineligible for California Opportunity and Responsibility to Kids (CaWORKs), Healthy Families, Supplemental Security Income/State Supplementary Payment (SSI/SSP) - based Medi-Cal or Medi-Cal Only before they can be placed in RMA/EMA.

a. Specific Requirements under RMA/EMA

- (1) **Each individual member of the family unit must be considered ineligible (on their own) for the public assistance programs listed above before RMA/EMA benefits can be granted.** If any individual in a family unit is eligible for medical assistance under Medi-Cal, then medical assistance under Medi-Cal must be granted and not RMA/EMA. If there is a claim of disability and a DED referral must be made, if the Refugee is eligible for Medi-Cal with zero share of cost, place that individual in a disability aid code until disability has been determined. If there is a share of cost, place the Refugee in RMA until disability has been verified. If the Refugee is determined disabled, but has a share of cost, leave the Refugee on RMA until the eight-month eligibility period is over, and then place the Refugee on Medi-Cal. If the Refugee is determined not disabled, and there is no other linkage for Medi-Cal eligibility, place the individual in RMA retroactive to application. If a Refugee is ineligible for Medi-Cal because there is no linkage, then place the Refugee in RMA/EMA because linkage is not a requirement for RMA/EMA. For example, under sections 1902(a)(10) and 1902(l) of the Social Security Act, certain children under age 19 may be eligible for Medi-Cal even though their parents are eligible for RMA/EMA. Medical assistance may not be provided to such children under RMA/EMA if they are eligible under Medi-Cal.
- (2) Refugee Children must be considered ineligible for zero share of cost Medi-Cal or Healthy Families medical assistance before being placed on RMA/EMA. But because the Healthy Families and Medi-Cal programs are administered by different departments, it is not possible for a Medi-Cal county staff person to place a refugee child on Healthy Families. However, if the parent(s) gives his/her or their permission, and the child may be eligible for Healthy Families, the child's application and supporting documentation should be forwarded to the Healthy Families Program for evaluation. Until it is determined that the child will receive Healthy Families coverage, the child may receive RMA/EMA with no share of cost. For example, if a mother and child arrive in the United States one year or more after the father, and the father is employed, the child might either be eligible for Medi-Cal or Healthy Families, but the mother may not be eligible for zero share of cost Medi-Cal because of the father's income. Place the child in Medi-Cal or refer the child to Healthy Families, if eligible, and place the mother on RMA/EMA if she is ineligible for Medi-Cal with no share of cost.
- (3) Refugees must meet the financial eligibility requirements of the Medi-Cal program, or in those cases where a Refugee does not meet the income maintenance need level for zero-share-of-cost (SOC) Medi-Cal, the individual may be placed on RMA/EMA if he or she is at or below 200 percent of the federal poverty level (FPL). These Refugees are eligible for RMA with a zero SOC for the eight-month time eligibility period. If they are above the 200 percent of FPL, then they may receive RMA/EMA with a SOC for the eight-month time eligibility period.

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- (4) Eligibility for RMA/EMA must be determined as of the date of application. This means whatever income/property the Refugee has on the date he/she applies and signs the application for benefits; **NOT** the date of the interview, the date of processing the application, nor any date other than date of initial application. If the Refugee gains employment during the month of application, **after** the application date, the earnings **cannot** be counted as income.
- (5) In meeting the financial eligibility requirements for RMA/EMA, **do not consider the following as income:**
 - (a) Any property remaining in the Refugee's country of origin,
 - (b) A sponsor's income and property,
 - (c) In-kind services and/or shelter provided to Refugees by a sponsor or resettlement agency,
 - (d) Income earned after the date of application.
 - (e) Refugee Cash Assistance from a voluntary agency, the county welfare department, or from the federal Department of State or Department of Justice Reception and Placement programs.
- (6) County welfare departments must allow Refugee applicants who do not meet the financial eligibility standards for RMA/EMA to spend down as is done for Medi-Cal.
- (7) Refugees in receipt of RCA are automatically eligible for RMA/EMA until the end of the eight-month eligibility period. RCA can be cash assistance from the county welfare department, from a voluntary settlement agency, or can be a cash grant from the federal Department of State or Department of Justice Reception and Placement programs.
- (8) Receipt of RCA is not necessary for Refugees to be eligible for RMA/EMA. Refugees may apply for RMA/EMA benefits without receiving RCA.
- (9) Loss of RCA does not mean loss of RMA/EMA. If a Refugee loses or is terminated from RCA for any reason, RMA/EMA must be continued without redetermination or change in benefits until the end of the eight-month time eligibility period.
- (10) If a Refugee on Medi-Cal receives increased earnings from employment and loses Medi-Cal coverage, counties must transfer the Refugee to zero SOC RMA/EMA until the end of the eight-month time eligibility period. If the Refugee is eligible for TMC and the six-month TMC period is longer than the time remaining on RMA/EMA, then place the Refugee on TMC; i.e., whichever time period is longer.

b. Refugees ineligible for RMA/EMA:

Refugees who are full-time students in an institution of higher education (MPP Section 69-206.51) unless it is part of an employability plan developed by a county welfare department or its designee (MPP Sections 69-206.52, 69-206.53, or 69-206.54), or is part of a plan for an unaccompanied minor (69-213.23 or 69-213.62).

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3. REFUGEES UNDER THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT (PRWORA) AND THE BALANCED BUDGET ACT (BBA)

Refugees as identified on the chart on page 24D-1 of these procedures, who are otherwise eligible, are eligible for benefits under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the Balanced Budget Act. These refugees are also eligible for Temporary Assistance for Needy Families/CalWORKs, Targeted Assistance, and Refugee Employment Services. Please refer to the proper social and employment services agency in your county.

4. RESETTLEMENT AGENCY IDENTIFICATION

a. Voluntary resettlement agencies have Reception and Placement (R&P) contracts with the United States Department of State. They are supposed to:

- (1) Ensure that newly-arriving refugees are provided appropriate and adequate sponsorship.
- (2) Assist these newly-arriving refugees for at least 90 days after their arrival in the United States.
- (3) Assist them to become self-sufficient as soon as possible.
- (4) Services to be provided are:
 - o Reception Services: Meeting refugees at the airport and providing decent housing, essential furnishings, food, and clothing.
 - o Counseling and Referral Services: Orientation to life in America, and referral for health screening and employment services.

b. Under federal RMA regulations, refugees who are applying for medical assistance must provide the name of the resettlement agency to the county welfare department.

- (1) The county may then contact the resettlement agency and ask what assistance is being provided.
- (2) The county may then enter the name and address of the agency in the case file.
- (3) The county should record the amount of the resettlement cash grant, if any, in the case file.
- (4) Do not consider in-kind services and shelter provided to a refugee by a resettlement agency as income.

