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## HAWAII ADMINISTRATIVE RULES

### TITLE 17

#### DEPARTMENT OF HUMAN SERVICES

##### SUBTITLE 12

###### MED-QUEST DIVISION

###### CHAPTER 1723.1

###### EMERGENCY MEDICAL ASSISTANCE FOR NON-CITIZENS

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###### SUBCHAPTER 1

###### GENERAL PROVISIONS

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§17-1723.1-1 Purpose. The purpose of this chapter is to establish the requirements for eligibility and participation in emergency medical assistance for a non-citizen who is ineligible for Medicaid. [Eff 09/30/13] (Auth: HRS §§346-14, 346-56; 42 C.F.R. §435.139) (Imp: HRS §§346-14, 346-56; 42 C.F.R. §435.139)

§17-1723.1-2 General requirements. The confidentiality, administrative appeal, fraud, medical assistance recovery, application processing, eligibility review, and adverse action notice provisions described in subtitle 12 shall pertain to an individual who applies or is eligible under this chapter. [Eff 09/30/13] (Auth: HRS §§346-14, 42 C.F.R. §§431.200, 431.206, 431.221, 431.230, 431.300, 435.139, 435.907, 435.916, 455.1) (Imp: HRS §§346-14; 42 C.F.R. §§431.200, 431.206, 431.221, 431.230, 431.300, 435.139, 435.907, 435.916, 455.1)

§§17-1723.1-3 to 17-1723.1-7 (Reserved)

## SUBCHAPTER 2

### ELIGIBILITY REQUIREMENTS

§17-1723.1-8 Purpose. This subchapter describes the eligibility requirements for coverage of emergency medical services for a non-citizen under this chapter. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§435.10, 435.139, 435.406(c), 440.255) (Imp: 42 C.F.R. §§435.139, 435.406(c), 440.255)

§17-1723.1-9 Basic requirements. A non-citizen applying for assistance under this chapter shall meet the following basic requirements, which include but are not limited to non-citizen status, state residency, verification of identity, not residing in a public institution and, when applicable, the provision

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of a social security number. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§435.10, 435.139, 435.400, 435.406(c), 435.910) (Imp: 42 C.F.R. §§435.139, 435.400, 435.910)

### §17-1723.1-10 Categorical requirements. (a)

Coverage of emergency services may be provided to an individual who is ineligible for Medicaid, meets the conditions of subsections (b) and (c), and is:

- (1) Illegally residing in the United States;
- (2) A lawfully present non-citizen, including a citizen of a COFA nation, who is age nineteen or over and not pregnant;
- (3) A non-citizen who was never legally admitted to the U.S. for any period of time, or was admitted for a limited time and did not leave when the time expired; or
- (4) Lawfully admitted for a temporary or a specified time period as a legal non-immigrant such as a:
  - (A) Visitor;
  - (B) Tourist;
  - (C) Diplomat;
  - (D) Student who enters the U.S. temporarily with no intention of abandoning residence in a foreign country.

(b) Has a sudden onset of a medical condition, including emergency labor and delivery, manifesting itself in acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could be expected to result in:

- (1) Placing the individual's health in serious jeopardy;
- (2) Serious impairment to bodily functions; or
- (3) Serious dysfunction of any bodily organ or part.

(c) Meets all other categorical and financial eligibility criteria for Medicaid with the exception of citizenship, lawfully present non-citizen status, and a SSN for an illegal non-citizen. Otherwise, the following conditions shall apply:

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- (1) An individual who is aged, blind, or disabled (ABD) shall meet the categorical requirements for aged, blind, or disabled individuals described in chapter 17-1719;
- (2) A non-ABD individual shall meet the categorical eligibility requirements described in chapters 17-1715, 17-1716, 17-1717, 17-1718 or 17-1730.1 as applicable. [Eff 09/30/13] (Auth: HRS §346-14; 42 U.S.C. §1320b-7(d), 42 C.F.R. §§435.10, 435.139, 435.406(c), 440.255) (Imp: 42 U.S.C. §1320b-7(d), 42 C.F.R. §§435.139, 435.406(c), 440.255)

Historical note: §17-1723.1-10 is based substantially upon repealed §17-1723-5. [Eff 08/01/94; am 05/17/97; am 12/27/97; am 09/17/07; R 09/30/13]

§17-1723.1-11 Income requirements. The following income standards must be met to be eligible for emergency medical assistance for non-citizens:

- (1) For an ABD individual, apply the income requirements described in chapter 17-1719.
- (2) For a non-ABD individual, apply the income requirements described in chapters 17-1715, 17-1716, 17-1717, 17-1718 or 17-1730.1 as appropriate.
- (3) For an individual determined ineligible for Medicaid, the department shall transfer the individual's application information for other insurance affordability programs as appropriate pursuant to 42 C.F.R. §435.1200(e). [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§435.10, 435.139, 435.406(c), 435.1200, 440.255) (Imp: 42 C.F.R. §§435.139, 435.406(c), 435.1200, 440.255)

§17-1723.1-12 Asset requirements. Assets shall be considered as follows:

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- (1) For an ABD individual, apply the asset provisions described in chapter 17-1719.
- (2) For a non-ABD individual, apply the asset provisions described in chapters 17-1715, 17-1716, 17-1717, 17-1718 or 17-1730.1 as appropriate. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§ 435.139, 435.406(c), 440.255) (Imp: 42 C.F.R. §§435.139, 435.406(c), 440.255)

§§17-1723.1-13 to 17-1723.1-17 (Reserved).

## SUBCHAPTER 3

### FREEDOM OF CHOICE, COVERAGE, AND BENEFITS

§17-1723.1-18 Purpose. This subchapter addresses and refers to the provisions of freedom of choice, coverage and benefits for an individual who is eligible for emergency medical services under this chapter. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§431.10, 431.40, 435.406(c), 440.255) (Imp: 42 C.F.R. §§431.10, 431.40, 435.406(c), 440.255)

§17-1723.1-19 Freedom of choice. An individual eligible under this chapter shall choose a department approved provider as described in section 17-1736-3. [Eff 09/30/13] (Auth: HRS §§346-14, 346-56; 42 C.F.R. §§431.51) (Imp: HRS §346-56; 42 C.F.R. §431.51)

§17-1723.1-20 Coverage. Coverage will be provided no earlier than the tenth calendar day immediately prior to the date the application is received by the department. [Eff 09/30/13] (Auth: HRS §§346-14, 346-56; 42 C.F.R. §§431.10,

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431.51, 440.255(c)) (Imp: HRS §346-56; 42 C.F.R. §§431.10, 431.51, 440.255(c))

§17-1723.1-21 Benefits. (a) An individual eligible under this chapter shall be provided benefits on a fee-for-service basis as described in chapter 17-1737.

(b) Benefits shall be limited to coverage of emergency medical services to stabilize the emergency medical condition described in section 17-1723.1-10(b).

(c) Services related to organ transplant procedures are not covered. [Eff 09/30/13] (Auth: HRS §§346-14, 346-56; 42 C.F.R. §§ 431.40, 440.255) (Imp: HRS §346-56, 42 C.F.R. §§431.40, 440.255)

Historical note: §17-1723.1-21 is based substantially upon repealed §17-1723-6. [Eff 08/01/94; am 05/17/97; am 01/31/09; am 06/11/09; R 09/30/13]

§§17-1723.1-22 to 17-1723.1-26 (Reserved).