65. Chapter 1723 is repealed.

66. Chapter 1723.1 of Title 17, Hawaii Administrative Rules, entitled "Emergency Medical Assistance for Non-Citizens" is an addition of a new chapter to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 12

MED-QUEST DIVISION

CHAPTER 1723.1

EMERGENCY MEDICAL ASSISTANCE FOR NON-CITIZENS

Subchapter 1 General Provisions

§17-1723.1-1 Purpose
§17-1723.1-2 General requirements
§§17-1723.1-3 to 17-1723.1-7 (Reserved)

Subchapter 2 Eligibility Requirements

§17-1723.1-8 Purpose
§17-1723.1-9 Basic requirements
§17-1723.1-10 Categorical requirements
§17-1723.1-11 Income requirements
§17-1723.1-12 Asset requirements
§§17-1723.1-13 to 17-1723.1-17 (Reserved)

Subchapter 3 Freedom of Choice, Coverage, and Benefits

§17-1723.1-18 Purpose
§17-1723.1-19 Freedom of choice
§17-1723.1-20 Coverage
§17-1723.1-21 Benefits

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

SUBCHAPTER 1

GENERAL PROVISIONS

§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] (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 redetermination, and notices provisions described in subtitle 12 shall pertain to an individual who applies or is eligible under this chapter. [Eff] (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] (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 of a social security number. [Eff] (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:

(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] (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 §17-1723-5. [Eff 08/01/94; am 05/17/97; am 12/27/97; am 09/17/07; R]

§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] (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:

(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] (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 in accordance with this under this chapter. [Eff] (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] (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] (Auth: HRS §§346-14, 346-56; 42 C.F.R. §§431.10, 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] (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 §17-1723-6. [Eff 08/01/94; am 05/17/97; am 01/31/09; am 06/11/09; [R]

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

67. Chapter 1723.2 of Title 17, Hawaii Administrative Rules, entitled "Refugee Medical Assistance" is adopted to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 12

MED-QUEST DIVISION

CHAPTER 1723.2

REFUGEE MEDICAL ASSISTANCE

Subchapter 1 General Provisions

§17-1723.2-1 Purpose
§17-1723.2-2 General requirements
§17-1723.2-3 to §17-1723.2-7 (Reserved)

Subchapter 2 Refugee Medical Assistance (RMA) Program

§17-1723.2-8 Purpose
§17-1723.2-9 Basic requirements
§17-1723.2-10 Categorical requirements
§17-1723.2-11 Income requirements
§17-1723.2-12 Asset requirements
§17-1723.2-13 Redetermination of eligibility
§17-1723.2-14 Records
§§17-1723.2-15 to 17-1723.2-19 (Reserved)

Subchapter 3 Freedom of Choice, Enrollment, Benefits, Disenrollment and Termination of Assistance

§17-1723.2-20 Purpose
§17-1723.2-21 Freedom of choice

§17-1723.2-22 Enrollment into a participating health plan
§17-1723.2-23 Benefits
§17-1723.2-24 Disenrollment from a health plan
§17-1723.2-25 Termination of assistance
§§17-1723.2-26 to 17-1723.2-30 (Reserved)

SUBCHAPTER 1

GENERAL PROVISIONS

§17-1723.2-1 Purpose. The purpose of this chapter is to establish the requirements for eligibility and participation in the Refugee Medical Assistance (RMA) program. [Eff] (Auth: HRS §§346-14, 346-56; 45 C.F.R. §§400.90, 400.91) (Imp: HRS §§346-14, 346-56; 45 C.F.R. §§400.90, 400.91)

§17-1723.2-2 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] (Auth: HRS §§346-14, 346-44; 42 C.F.R. §§431.200, 431.206, 431.221, 431.230, 431.300, 435.907, 435.916, 455.1) (Imp: HRS §§346-14, 346-44; 42 C.F.R. §§431.200, 431.206, 431.221, 431.230, 431.300, 435.907, 435.916, 455.1)

§17-1723.2-3 TO §17-1723.2-7 (Reserved).

SUBCHAPTER 2

REFUGEE MEDICAL ASSISTANCE (RMA) PROGRAM

§17-1723.2-8 Purpose. This subchapter describes the eligibility requirements for Refugee Medical Assistance (RMA). [Eff] Auth: HRS §§346-14, 346-56, 45 C.F.R. §§400.90, 400.91) (Imp: HRS §§346-14, 346-56, 45 C.F.R. §§400.90, 400.91)

§17-1723.2-9 Basic Requirements. An individual applying for assistance under this subchapter 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 the provision of a social security number when applicable. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§435.10, 435.400, 435.910; 45 C.F.R. §§400.90, 400.100) (Imp: 42 C.F.R. §§435.400, 435.910; 45 C.F.R. §§400.90, 400.100)

§17-1723.2-10 Categorical requirements. An individual eligible to participate in the Refugee Medical Assistance program shall:

(1) Be ineligible for medical assistance under the provisions of chapters 17-1715, 17-1716, 17-1717, 17-1718, 17-1719 or 17-1730.1 with the following income not considered:
   (A) In-kind services and shelter provided by a sponsor or local resettlement agency;
   (B) Cash allotments provided by the resettlement agency and financial cash assistance payments provided by the department; and
   (C) Income remaining in the country of origin;

(2) Provide documentation issued by the USCIS that the individual is:
   (A) Paroled as a refugee or asylee under section 212(d)(5) of the INA;
   (B) Admitted as a refugee under section 207 of the INA;
   (C) Granted asylum under section 208 of the INA;

(D) A Cuban or Haitian entrant, in accordance with the requirements in 45 C.F.R Part 401;

(E) An Amerasian from Vietnam who is admitted to the U.S. as an immigrant pursuant to section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988 (Pub. L. 100-202, section 101(e)) and succeeding amendments; or

(F) Admitted for permanent residence, provided the individual previously held one of the statuses identified above.

(3) An individual who meets any of the requirements in section 17-1723.2-10(2) shall be referred to as a "refugee" in this chapter.

(4) Provide the name of the resettlement agency which resettled them in order for the department to notify the agency upon receipt of an application.

(5) Not be a full-time student in higher education, unless part of an employability plan for a refugee under 45 C.F.R. §400.79 or for an unaccompanied minor under 45 C.F.R. §400.112. [Eff] (Auth: HRS §§346-14, 346-56, §101(a)(42) of the INA, 45 C.F.R. §§400.43, 400.90, 400.100, 400.101, 400.102) (Imp: HRS §§346-14, 346-56, §101(a)(42) of the INA, 45 C.F.R. §§400.43, 400.90, 400.100, 400.101, 400.102)

§17-1723.2-11 Income Requirements. (a) Income shall be based on information as of the date of application. The department may not employ prospective averaging of income methodology.

(b) A refugee ineligible under section 17-1723.2-10 due to excess income under chapters 17-1715, 17-1716, 17-1717, 17-1718, 17-1719, or 17-1730.1 is eligible under the provisions of this chapter if able

to spend down to the applicable standard through incurred medical expenses.

(c) A refugee initially determined eligible under chapters 17-1715, 17-1716, 17-1717, 17-1718, 17-1719 or 17-1730.1 who is subsequently terminated due to earnings from employment shall be transferred to the Refugee Medical Assistance program without a determination of eligibility, until the end of the time-limited period for RMA.

(d) Earned income shall not affect continued eligibility for a refugee initially determined eligible for RMA.

(e) A refugee who is sixty-five years or older, or who is blind or disabled, shall be referred to the Social Security Administration to apply for Supplemental Security Income (SSI) and Medicare as appropriate.

(f) For an individual determined ineligible under this chapter, 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] (Auth: HRS §§346-14, 346-56; 42 C.F.R. §§435.10, 435.100, 435.1200, 45 C.F.R. §§400.100, 400.101, 400.102, 400.103, 400.104) (Imp: HRS §346-56, 42 C.F.R. §§435.10, 435.100, 435.1200, 45 C.F.R. §§400.100, 400.101, 400.102, 400.103, 400.104)

§17-1723.2-12 <u>Asset requirements.</u> Assets shall be considered as follows:

(1) 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 applicable.

(2) For an ABD individual, apply the asset provisions described in chapter 17-1719.

[Eff] (Auth: HRS §§346-14, 346-56; 45 C.F.R. §§400.100, 400.101, 400.102, 400.103) (Imp: HRS §346-56, 45 C.F.R. §§400.100, 400.101, 400.102, 400.103)

§17-1723.2-13 Redetermination of eligibility. The provisions of section 17-1712.1-4 relating to redeterminations of eligibility due to a change in household circumstances shall apply to an individual eligible under this chapter. [Eff] (Auth: HRS §§346-14, 346-56; 42 C.F.R. §§431.10, 435.916, 45 C.F.R §§400.93, 400.94) (Imp: HRS §346-56; 42 C.F.R. §§431.10, 435.916, 45 C.F.R §§400.93, 400.94)

Historical note: §17-1723.2-13 is based substantially upon §17-1723-18. [Eff 08/01/94; R]

§17-1723.2-14 Records. The following information shall be entered in the record of each refugee:

(1) The name and address of the sponsor;
(2) The name of the national voluntary resettlement agency which resettled the refugee or the absence of an involved voluntary resettlement agency; and
(3) The passport or alien registration number on the form I-94. [Eff] (Auth: HRS §346-14, §346-56; 45 C.F.R. §§ 400.93, 400.100) (Imp: HRS §346-56; 45 C.F.R. §§ 400.93, 400.100)

Historical note: §17-1723.2-14 is based substantially upon §17-1723-17. [Eff 08/01/94; [R]

§17-1723.2-15 to §17-1723.2-19 (Reserved).

SUBCHAPTER 3

FREEDOM OF CHOICE, ENROLLMENT, BENEFITS, DISENROLLMENT AND TERMINATION OF ASSISTANCE

§17-1723.2-20 Purpose. This subchapter addresses and refers to the provisions of freedom of choice,

enrollment, benefits and disenrollment for a refugee who is eligible for RMA under this chapter. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 431.40, 435.10; 45 C.F.R. §§400.90, 400.105) (Imp: 42 C.F.R §§430.25, 431.10, 431.40, 45 C.F.R. §§400.90, 400.105)

§17-1723.2-21 Freedom of choice. (a) A refugee eligible in accordance with this chapter, with the exception of a refugee identified in section 17-1735.1-2(a), shall be provided a choice of a health plan and a provider as described in chapter 17-1720.1.

(b) A refugee identified in section 17-1735.1-2(a) shall choose a department approved provider as described in 17-1736-3. [Eff] (Auth: HRS §§346-14, 346-56; 42 C.F.R. §§430.25, 431.51, 438.52; 45 C.F.R. §400.105) (Imp: HRS §346-56; 42 C.F.R. §§430.25, 431.51, 438.52; 45 C.F.R. §400.105)

§17-1723.2-22 Enrollment into a participating health plan. (a) A refugee eligible in accordance with this chapter, with the exception of a refugee identified in section 17-1735.1-2(a), shall be enrolled in a health plan as described in chapter 17-1720.1.

(b) A refugee identified in section 17-1735.1-2(a) shall not be enrolled into a health plan and their health care services shall be provided on a fee-for-service basis. [Eff] (Auth: HRS §§346-14, 346-56; 42 C.F.R. §§430.25, 431.10, 431.40, 438.50, 45 C.F.R. §400.105) (Imp: 42 C.F.R. §§430.25, 431.10, 431.40, 438.50, 45 C.F.R. §400.105)

§17-1723.2-23 Benefits. (a) Benefits under this chapter shall be time-limited as determined by the Director of the federal Office of Refugee Resettlement.

(b) A refugee who is enrolled in a health plan shall be provided a standard benefits package by a

participating health plan and other services when appropriate as described in chapter 17-1720.

(c) A refugee identified in section 17-1735.1-2(a) shall be provided coverage under the fee-for-service provisions as described in chapter 17-1737. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.6; 45 C.F.R. §400.105) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.6; 45 C.F.R. §400.105)

§17-1723.2-24 Disenrollment from a health plan. An enrollee shall be disenrolled from a health plan under the provisions as described in chapter 17-1720.1. [Eff] (Auth: HRS §346-14; 42 C.F.R. §430.25, 431.40, 438.56, 45 C.F.R. §400.105) (Imp: HRS §346-14; 42 C.F.R. §430.25, 431.40, 438.56, 45 C.F.R. §400.105)

§17-1723.2-25 Termination of assistance. (a) After a refugee is determined eligible for RMA under this chapter, the department shall review the refugee's circumstances as appropriate for changes to determine eligibility for other medical assistance programs.

(b) Refugee Medical Assistance shall be terminated when the first of the following conditions is met:

(1) The refugee has been determined eligible for Medicaid;

(2) Countable assets exceed the maximum allowable; or

(3) The last day of the final month of the time limited benefit period.

(c) When RMA is terminated, 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] (Auth: HRS §346-14; 42 C.F.R. §§431.200, 431.213, 435.1200; 45 C.F.R. §§400.94, 400.100) (Imp: HRS

§346-14; 42 C.F.R. §§431.200, 431.213, 435.1200; 45 C.F.R. §§400.94, 400.100)

§§17-1723.2-26 to 17-1723.2-30 (Reserved)."

68. Chapter 17-1723.3 of Title 17, Hawaii Administrative Rules, entitled "Medical Assistance for Repatriates", is an addition of a new chapter to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 12

MED-QUEST DIVISION

CHAPTER 1723.3

MEDICAL ASSISTANCE FOR REPATRIATES

Subchapter 1 General Provisions

§17-1723.3-1 Purpose
§§17-1723.3-2 to 17-1723.3-6 (Reserved)

Subchapter 2 Eligibility Requirements

§17-1723.3-7 Purpose
8§17-1723.3-8 Eligibility requirements
§§17-1723.3-9 to 17-1723.3-13 (Reserved)

Subchapter 3 Benefits, Termination and Repayment

§17-1723.3-14 Purpose
§17-1723.3-15 Benefits
§17-1723.3-16 Termination of assistance
§17-1723.3-17 Repayment
§§17-1723.3-18 to 17-1723.3-22 (Reserved)

SUBCHAPTER 1

GENERAL PROVISIONS

§17-1723.3-1 Purpose. This chapter describes the temporary medical assistance provided by the department on behalf of the U.S. Department of Health and Human Services (HHS) to a United States citizen or national, or the dependent of a United States citizen, who has been returned from a foreign country under the provisions of the U.S. Repatriate program, as established by Section 1113 of the Social Security Act, 42 U.S.C. Section 1313, and as administered by HHS through the International Social Service-United States of America Branch (ISS-USA).
[Eff] (Auth: HRS §346-14; 45 C.F.R. §§211,212) (Imp: HRS §346-14; 45 C.F.R. §§211,212)

§§17-1723.3-2 to 17-1723.3-6 (Reserved).

SUBCHAPTER 2

ELIGIBILITY REQUIREMENTS

§17-1723.3-7 Purpose. This subchapter describes the eligibility requirements for temporary medical assistance under the U.S. Repatriate program.
[Eff] (Auth: HRS §346-14; 45 C.F.R §§211,212) (Imp: HRS §346-14, 45 C.F.R §§211,212)

§17-1723.3-8 Eligibility requirements. (a) An individual eligible to receive repatriate medical assistance shall meet the following requirements:

(1) A citizen of the United States or a dependent of a citizen of the United States.
(2) Identified as having returned or returning from a foreign country to the United States through a written statement transmitted to the department by an authorized official of the Department of State (DOS) because of one of the following reasons:

(A) Destitution;
(B) Illness of the individual or dependent;
(C) War;
(D) Threat of war;
(E) Invasion; or
(F) Similar crisis.

(3) Without resources immediately accessible to meet the individual's needs.

(b) A mentally ill individual eligible to receive repatriate medical assistance shall be:

(1) A U.S. citizen or U.S. national status;

(2) Verified with a certificate from an authorized official of DOS or an appropriate authority (as determined by HHS) from the country of origin, that the individual has been legally declared insane in that foreign country or a certificate stating from such appropriate authority that the individual was in a named foreign country and was in need of care and treatment in a mental hospital; and

(3) Identified as having returned or returning from a foreign country to the United States due to certified mental illness through a written statement transmitted to the department by an authorized official of DOS.

(c) Individuals determined eligible for repatriate medical assistance by DOS who are subsequently determined eligible by the department for Medicaid will receive medical assistance under the state Medicaid program and not pursuant to this chapter. [Eff] (Auth: HRS §346-14; 45 C.F.R. §§211,212) (Imp: HRS §346-14; 45 C.F.R. §§211,212)

§§17-1723.3-9 to 17-1723.3-13 (Reserved).

SUBCHAPTER 3

BENEFITS, TERMINATION AND REPAYMENT

§17-1723.3-14 Purpose. This subchapter describes the benefit, termination and repayment provisions regarding temporary medical assistance under the U.S. Repatriate program.
[Eff] (Auth: HRS §346-14; 45 C.F.R §§211,212) (Imp: HRS §346-14, 45 C.F.R §§211,212)

§17-1723.3-15 Benefits. (a) Benefits for an individual eligible under this chapter shall be time-limited for up to ninety (90) days from the date of arrival in the United States unless the provisions of (b) apply.

(b) With prior authorization from the HHS, temporary medical assistance may be extended for up to nine (9) months if the individual is unable to attain self-support or self care due to age, disability or lack of vocational preparation.

(c) Depending upon the circumstances of the individual, and in consultation with the ISS-USA case manager, an individual eligible for repatriate medical assistance will be provided medical assistance either as fee-for-service or enrolled in a health plan.

(d) The level of benefits provided to individuals under the repatriate program shall be the same as that provided under §17-1737 for fee-for-service or §17-1720.1 for participating health plans.
[Eff] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.6, 45 C.F.R. §§211.6, 212.4, 212.5) (Imp: HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.6, 45 C.F.R. §§211.6, 212.4, 212.5)

§17-1723.3-16 Termination of assistance. (a) During the ninety (90) day repatriation period, the department shall review as appropriate changes in an individual's situation to determine whether a different plan of assistance is appropriate or the individual is eligible for another medical assistance program.

(b) Repatriate medical assistance shall be terminated when the first of the following conditions is met:

(1) The individual has been determined eligible for assistance under the state's Medicaid program;

(2) The individual has sufficient resources to meet his or her needs; or

(3) On the ninety-first (91st) day from the date of arrival, unless assistance has been extended by HHS as provided in section 17-1723.3-15(b).

(c) When repatriate medical assistance is terminated the department shall assist the individual in assessing eligibility for medical assistance under other state or federal programs. [Eff] (Auth: HRS §346-14; 42 C.F.R. §§431.200, 431.213, 431.220, 435.912; 45 C.F.R. §§211.4, 211.6, 212.5, 212.6) (Imp: HRS §346-14; 42 C.F.R. §§431.200, 431.213, 431.220, 435.912; 45 C.F.R. §§211.4, 211.6, 212.5, 212.6)

§17-1723.3-17 Repayment. (a) Temporary medical assistance to eligible individuals under the repatriate program is provided on a loan basis from HHS and is not retroactive.

(b) Eligible individuals will be required to sign the Privacy Act Statement and Repayment Agreement, AFC-120, upon arrival in the United States.

(c) Assistance provided without a signed repayment agreement in cases of medical emergency conditions or unaccompanied minors remains on a loan basis.

(d) The department is not responsible for the repayment process of repatriate loans or any collection, compromise or waiver of repayment. [Eff] (Auth: HRS §346-14; 45 C.F.R §§211.13, 212.7) (Imp: HRS §346-14, 45 C.F.R §§211.13, 212.7)

§§17-1723.3-18 to 17-1723.3-22(Reserved)."