

UNOFFICIAL

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

UNOFFICIAL

§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 09/30/13] (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 09/30/13] (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 09/30/13] 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)

UNOFFICIAL

§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 09/30/13] (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

UNOFFICIAL

- 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 09/30/13] (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

UNOFFICIAL

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 09/30/13] (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 Asset requirements. 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 09/30/13] (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 09/30/13] (Auth: HRS §§346-14, 346-56; 42 C.F.R. §§431.10,

UNOFFICIAL

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 09/30/13]

§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 09/30/13] (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 09/30/13]

§§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 09/30/13] (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)

UNOFFICIAL

§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 09/30/13] (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 09/30/13] (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 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.6; 45 C.F.R. §400.105) (Imp:

UNOFFICIAL

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 09/30/13] (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 09/30/13] (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).