

Basic HealthSourceRI Eligibility (to buy a QHP at full cost)

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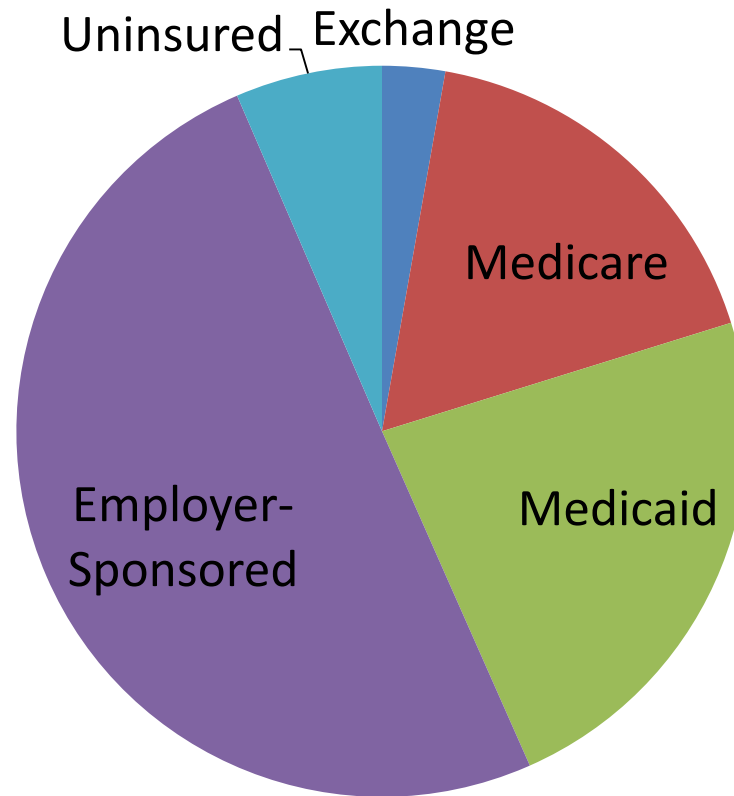
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Where does HealthSourceRI fit into the Rhode Island coverage landscape?

INTRODUCTION

Where Rhode Islanders Get Coverage

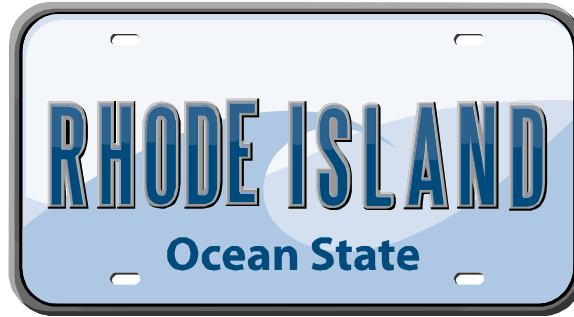


Note – Highly unscientific!

To be eligible to buy a QHP, even at full price, the applicant must be:

- (1) A Rhode Island resident;
- (2) Not incarcerated; and
- (3) A citizen or lawfully present in the U.S.

BASIC HEALTHSOURCE ELIGIBILITY



To be eligible, applicant must be:

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BASIC HEALTSOURCE ELIGIBILITY

State Residency Requirement

Age 21 and Over:

Must be living in the RI and:

- intend to reside in RI (including without a fixed address); or
- Entered RI with a job commitment or seeking employment.

Focus is on applicant's **intent**

(Some exceptions for people living in an institution, not capable of forming intent, or people receiving state supplemental payments connected to SSI.)

State Residency Requirement

Under Age 21 (almost the same):

- Resides in RI (including without a fixed address);
or
- Resides with a parent or caretaker who is a RI resident under the rules for those aged 21 and over.



(Again, some exceptions - people living in an institution, emancipated, not capable of forming intent, eligible for foster care Medicaid, or receiving state supplemental payments connected to SSI.)

What does “reside” mean?

It’s sometimes said that you “reside” in the place where, when you leave, you always intend to return.

It can be a slippery concept, and the person’s intent plays a role.



Where is my home?

State Residency: Example 1

Kerry normally lives in Cranston, RI, but for the past four months she has been staying in Kansas taking care of her ailing father. She does not know how long she will be in Kansas. She does know, though, that when her father is better (or after he passes away), she will come back to RI.

Does Kerry count as a RI resident for HSRI?



State Residency: Example 1

Answer – YES.

Kerry’s stay in Kansas is a “temporary absence” because she intends to return to RI when the purposes of her absence has been fulfilled. That means she is still a RI resident.

State Residency: Example 2

Melissa is a 21-year-old senior at URI. She is from New Jersey and her family still lives there.

Is Melissa a RI resident?



State Residency: Example 2

Answer - Simply attending URI, standing alone, does not make Melissa a RI resident.

But if there are other indications that she intends to reside in RI, then maybe she could qualify as a resident. For example, maybe Melissa has decided to live in RI permanently, is applying for a professional license in RI, and is applying for post-graduate jobs in RI alone. Then she probably would be a RI resident.

The key here is that you may need to ask more questions, and the answer depends on her intent, as evidenced by her conduct.

“Multi-State” Families



- Any member of a “multi-state” household may enroll through any Exchange where any member of the tax household meets residency requirements (except as below).
- But if both spouses in a tax household enroll through one Exchange, a dependent may only enroll through (1) that Exchange, or (2) the Exchange where the dependent meets residency requirements described in prior slides.

State Residency – Example 3

Mark and Jessica are married, file taxes jointly, and claim their 21-year-old daughter Maggie as a dependent. Mark lives in Rhode Island, Jessica lives in California, and Maggie lives in Texas.

On which State's Exchange should this family buy coverage? Who can buy on HealthSourceRI?



State Residency – Example 3

Answer – This family has lots of choices. Any member of the family can buy on the Exchange of either RI, CA, or TX. So any of them can buy through HSRI.

BUT – IF both Mark and Jessica (the spouses) buy through a single Exchange, then Maggie (the daughter) can only buy through (i) that Exchange, or (ii) the Exchange in Texas (where she lives).



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BASIC HEALTSOURCE ELIGIBILITY

Incarceration

To be eligible, the applicant must not be incarcerated, other than incarceration pending disposition of charges.



- Pre-trial detainees (arrested but waiting for trial) are still eligible for coverage; and
- Those on home confinement, parole, or probation are not considered “incarcerated”

Incarceration - Example

John was recently picked up for violating the terms of his parole, and he is now at ACI. Is John considered “incarcerated” for the purposes of HSRI eligibility?

Incarceration - Example

Answer – I don't know! The answer is not clear from this presentation, or from the Policy Manual, or even from the implementing regulations. (And the answer, in my opinion, may even depend on whether any parole revocation has yet been held.)

In cases like this, the question must be forwarded to HSRI for follow-up.



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BASIC HEALTSOURCE ELIGIBILITY

Citizenship / Lawful Presence

An eligible applicant must be either:

- A citizen; or
- “Lawfully present” in the U.S., e.g.:
 - Lawful permanent residents (“green card” holders);
 - Refugees and asylees;
 - Individuals with temporary protected status;
 - Individuals for whom deportation is being withheld;
 - A nonimmigrant visa holder (e.g. business visa) who has not violated terms of admission;
 - Etc. (Complete list in appendix)

Citizenship / Lawful Presence

Couple notes:

- Some families will be “split,” with some members with qualifying and others not
 - the qualifying family members are eligible for HSRI
- **NO FIVE-YEAR WAITING PERIOD!**
 - The five-year waiting period relates to Medicaid. We will discuss it later with respect to PTCs.
- Applicant only eligible for months during which he is “reasonably expected” to have qualifying status.

Lawful Presence – Example

David is a Haitian national residing in Rhode Island with temporary protected status. Haiti's place on the list of countries whose nationals may maintain TPS status expires on Jan. 22, 2016.

David's wife, Michelle, resides and works in Rhode Island. She has an H-1B visa that expires Dec. 31, 2016. H-1B visas allow foreigners with special skills to work in the U.S., often for 3 to 6 years.

Can David and Michelle use HSRI for 2015?

Lawful Presence – Example

Answer – Both are eligible. David is “legally present” by virtue of his temporary protected status.

Michelle is eligible as a nonimmigrant visa holder, assuming she has not violated the terms of her status.

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BASIC HEALTSOURCE ELIGIBILITY RECAP

Basic HSRI Eligibility – Example

Mark and his daughter Jen are applying for coverage for 2015. Mark lives in Bristol, RI and Jen is a college student at UConn. Jen doesn't know what she'll do after college. Mark had an H-1B visa but it expires on Dec. 31, 2014. He wants to stay in the U.S. and has a meeting with his immigration lawyer next week. Jen is a U.S. citizen. She has been convicted of several DWIs and just served a week in jail. She is now on probation.

Basic HSRI Eligibility – Example

Answer – Mark is probably a RI resident (b/c he intends to stay), but immigration status is the issue. His current status expires 12/31/14. Is he “reasonably expected” to be lawfully present after that date? Probably not. A meeting with a lawyer doesn’t mean much.

Jen is likely eligible. She is a RI resident, even though she goes to UConn. And being on probation does not count as being “incarcerated.”

Questions?

Appendix – 45 CFR 152.2

Lawfully present means

- (1) A qualified alien as defined in section 431 of the Personal Responsibility and Work Opportunity Act (PRWORA) (8 U.S.C. 1641);
- (2) An alien in nonimmigrant status who has not violated the terms of the status under which he or she was admitted or to which he or she has changed after admission;
- (3) An alien who has been paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(d)(5)) for less than 1 year, except for an alien paroled for prosecution, for deferred inspection or pending removal proceedings;
- (4) An alien who belongs to one of the following classes:
 - (i) Aliens currently in temporary resident status pursuant to section 210 or 245A of the INA (8 U.S.C. 1160 or 1255a, respectively);
 - (ii) Aliens currently under Temporary Protected Status (TPS) pursuant to section 244 of the INA (8 U.S.C. 1254a), and pending applicants for TPS who have been granted employment authorization;
 - (iii) Aliens who have been granted employment authorization under 8 CFR 274a.12(c)(9), (10), (16), (18), (20), (22), or (24);
 - (iv) Family Unity beneficiaries pursuant to section 301 of Public Law 101-649 as amended;
 - (v) Aliens currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President;
 - (vi) Aliens currently in deferred action status;
 - (vii) Aliens whose visa petitions have been approved and who have a pending application for adjustment of status;
- (5) A pending applicant for asylum under section 208(a) of the INA (8 U.S.C. 1158) or for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. 1231) or under the Convention Against Torture who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days;
- (6) An alien who has been granted withholding of removal under the Convention Against Torture; or
- (7) A child who has a pending application for Special Immigrant Juvenile status as described in section 101(a)(27)(J) of the INA (8 U.S.C. 1101(a)(27)(J)).