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Refugee Medical Assistance Rules

5100 Refugee Medical Assistance (11/01/2019)

The purpose of Refugee Medical Assistance is to help in the effective resettlement of refugees by providing health coverage to refugees who are not eligible for Medicaid/Dr. Dynasaur. Refugee Medical Assistance (RMA) is authorized by the Refugee Act of 1980 and the accompanying regulations in 45 CFR Part 400, and Title IV, Chapter 2 of the Immigration and Nationality Act (8 U. S. C. §1522(e)).

Refugee Medical Assistance Rules

5110 Eligibility Requirements (11/01/2019)

- (a) Any refugee or asylee may apply for medical assistance through the state or its designated agency at any time, and eligibility must be determined no more than 45 days from the date of application.
- (b) "Refugee" means an individual who meets the definitions of a refugee under section 101(a) (42) of the Immigration and Nationality Act.
- (c) "Asylee" means an individual who has been granted asylum under section 208 of the Immigration and Nationality Act. It does not include "applicant for asylum," which is someone who has applied for but not been granted asylee status.
- (d) Asylees are eligible for all refugee assistance and services beginning on the date they are granted asylum.
- (e) For purposes of this rule, the term "refugee" includes "asylee" as defined above unless specifically designated otherwise and any other eligible category that meets immigration status and identification requirements in 45 CFR, Part 400, Subpart D.
- (f) A refugee must provide documentation of refugee or asylee status as defined in federal rules before the Vermont Agency of Human Services (AHS) may grant assistance. It is the responsibility of AHS to document proof of status of the refugee or asylee and keep a copy of supporting documentation on file.
- (g) AHS will promptly notify the agency (or local affiliate) which provided the initial resettlement of a refugee whenever the refugee applies for medical assistance. Any refugee who has not been referred by the local resettlement agency will be counseled by AHS to contact the local resettlement agency to benefit from other kinds of assistance.

Refugee Medical Assistance Rules

5120 Determining Eligibility (11/01/2019)

- (a) The Vermont Agency of Human Services (AHS) determines eligibility for medical assistance and administers Medicaid and Refugee Medical Assistance (RMA) benefits. Refugees who are not eligible for Medicaid may be eligible for RMA if they meet the financial and non-financial requirements of RMA.
- (b) When a refugee applies for medical assistance, AHS must first determine eligibility for each individual member of the refugee assistance group under Medicaid, using regulations, including those for the medically needy, governing all other Medicaid applicants, and if an individual is eligible, approve Medicaid for that individual. If AHS determines that a refugee is not eligible for Medicaid, it must then determine if the individual is eligible for RMA. Eligibility for RMA services begins on the first day of the month of application.
- (c) The RMA eligibility period is determined annually by the director of the federal Office of Refugee Resettlement in accordance with 45 CFR §400.211 and begins on the first day of the month of a refugee's initial date of entry. For asylees, the eligibility period begins on the first day of the month in which they were granted asylum.
- (d) A refugee who loses Medicaid eligibility because of earnings from employment must be transferred to RMA without any further eligibility determination if there is time remaining in the RMA eligibility period.
- (e) Individuals enrolled in RMA receive the same services and coverage as beneficiaries of Medicaid.
- (f) A refugee will continue to receive RMA until the end of his or her RMA eligibility period. Changes in eligibility for benefits require 11 days' advance notice to the beneficiary. At the end of the eligibility period, AHS must determine if the refugee is eligible for Medicaid or other health benefit programs and, if eligible, provide Medicaid to that individual.
- (g) When AHS notifies an applicant that medical assistance has been granted, denied, or terminated, the notice must specify which program it applies to, clearly distinguishing between Medicaid/Dr. Dynasaur and RMA.

Refugee Medical Assistance Rules

5121 Non-Financial Eligibility (11/01/2019)

- (a) Applicants for RMA must meet each of the following criteria:
- (1) Be ineligible for Medicaid under the State's Medicaid State Plan,
 - (2) Have been eligible for RMA for fewer months than the RMA eligibility period,
 - (3) Provide the name of the resettlement agency that resettled them,
 - (4) Meet the RMA financial eligibility standards delineated below,
 - (5) Meet immigration or asylee status and identification requirements specified at 45 CFR, Part 400, Subpart D, or be dependent children of and part of the same assistance group as applicants meeting these requirements, and
 - (6) Not be full-time students in institutions of higher learning unless approved by the state as part of an employability plan or part of a plan for an unaccompanied minor.
- (b) All beneficiaries of refugee cash assistance, who are not eligible for Medicaid/Dr. Dynasaur, are automatically eligible for RMA, but there is no requirement for a refugee to apply for or receive refugee cash assistance in order to be found eligible for RMA.

Refugee Medical Assistance Rules

5122 Financial Eligibility (11/01/2019)

- (a) The Agency of Human Services (AHS) calculates financial eligibility for RMA according to the same standards and procedures for determining financial eligibility for Medicaid (including those for the medically needy) subject to the additional criteria in this subsection.
- (1) Modified Adjusted Gross Income (MAGI) methodology is used unless the refugee is 65 years of age or older, blind, or disabled.
 - (2) For refugees 65 years of age or older, blind, or disabled, Medicaid for the Aged, Blind, and Disabled (MABD) methodology is used to calculate financial eligibility for RMA.
 - (3) Once the financial calculation has been completed, the financial limit for RMA is 200% of the Federal Poverty Level (FPL).
- (b) In determining financial eligibility, only the income and resources the applicant has on the date of application may be considered. The following are disregarded for all applicants as income and resources:
- (1) Any cash assistance payments, and
 - (2) any in-kind services and shelter provided by a sponsor or local resettlement agency.
- (c) An applicant for RMA with income or resources greater than allowed by the financial eligibility standards must be permitted to spend down medical expenses to 200% FPL in accordance with Medicaid rules.
- (d) Any increase in earnings from employment while a refugee is receiving RMA does not affect the refugee's continued medical assistance eligibility.
- (e) When a refugee is covered by employer-sponsored health insurance, any payment of RMA for that individual must be reduced by the amount of the third-party payment.

Refugee Medical Assistance Rules

5130 Limited English Proficiency (11/01/2019)

The Agency of Human Services (AHS) provides language assistance services, including translated documents and oral interpretation, free of charge and in a timely manner, when such services are necessary to provide meaningful access to individuals with limited English proficiency. Vital documents such as notices of assistance granted, denied, or terminated, and decisions and appeal process will be communicated in writing, and will include taglines indicating the availability of language services in the top 15 languages spoken by individuals with limited English proficiency in Vermont.