



AUGUST MEETING NOTES

Department of Health Care Policy and Financing Updates

Rebecca Ornelas, Colorado Department of Health Care Policy and Financing (HCPF) provided updates on the upcoming changes to Medical Assistance (MA) sites. HCPF will begin piloting the use of PEAKPro with two MA sites and three counties soon. Due to the Colorado Benefits Management System (CBMS) transformation and upcoming PEAKPro pilot, changes to MA sites will not go effect in August as originally planned. MA sites will continue functioning as is, including under the same name, until after the pilot when trainings on PEAKPro are finalized.

Q: Will there be a follow up meeting with MA site managers when there is more information?

A: Yes, MA sites will be notified in fall or winter of 2019.

Q: Have any MA sites chosen to not renew based on changes?

A: Not yet, there are some concerns, but all are moving forward. For now, the process of bringing on new MA sites is on hold.

Public Charge Final Rule Summary and Questions

Allison Neswood, Colorado Center on Law and Policy, provided updates on a final public charge rule published on August 14, 2019. The rule goes into effect on October 15, 2019, and cannot be applied retroactively, meaning the benefits included in the new public charge test will not be considered on any applications before October 15, 2019. The rule implements changes to the public charge test and the totality of circumstances test, both used when an individual applies for a visa to enter the U.S. temporarily or permanently, when an individual who is in the U.S. applies for an adjustment of status to Lawful Permanent Resident (LPR i.e. Green Card holder), and when a LPR reenters the U.S. after being abroad for more than 6 consecutive months. Certain categories of immigrants are exempt from the public charge test, such as asylees, refugees, and current LPRs.

Public Charge test: The public charge test is a forward-looking test and asks whether someone is more likely than not to use 12 months of public benefits within a 36-month period in the future. If an individual uses two benefits in one month, that would be counted as two months use of benefits; therefore, an individual could meet the threshold in four months if they use three benefits per month. Any use of the benefit, not the amount received, is what is considered in the test.

Currently, the public charge test considers use of income assistance programs (e.g. TANF, SSI) and if the individual has been receiving governmentally subsidized long-term medical care. The final rule will include the following benefits in a public charge decision:

- Federally funded Medicaid programs (except emergency Medicaid, school-based programs, and benefits used by children, pregnant women, and active service members and their families)
- Federally funded housing programs
- Federal food assistance programs (i.e. SNAP)
- Federal and state income maintenance programs

Children's Health Insurance Program (CHIP or CHP+ in Colorado), the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and subsidized marketplace insurance are NOT counted in a public charge test. Additionally, immigrants who do not have a Green Card are generally not eligible for the benefits included in the new public charge test; however, due to confusion and fear around the rule, there is a chilling effect which caused many immigrants to disenroll from all benefits.

Totality of Circumstances test: The final rule changed the general factors immigration officials look for in a Green Card applicant. This test is not applied in a citizenship application or when extending a Green Card but is applied if an individual with a Green Card leaves the county for over 180 days and returns. The Totality of Circumstances factors include: income, age, health, family status, education/skills, and the affidavit of support.

Important changes include:

- Negative weight: households under 125% of the Federal Poverty Level (FPL), individuals under the age of 18 or over 61, individuals with significant health conditions who cannot demonstrate an ability to pay for health insurance, individuals with bad credit histories, and more.
- Positive weight: households above 250% FPL, individuals with private unsubsidized health insurance, and more.

Individuals intending to apply for a Green Card in the near future should consult an immigration attorney for advice.

Q. How likely is it that the implementation of the final rule will be delayed?

A. There is a decent chance it could be delayed due to lawsuits or other concerns (such as high administrative burden for states and public benefits agencies to implement the changes). However, it is unknown how a delay would affect the content of the rule.

Q. Will Medicaid Buy-In programs be counted?

A. Yes, because it is a Medicaid program, but to qualify an individual must have a Green Card so the public charge test does not apply. The Buy-In program for children with disabilities is not counted.

Q. If an immigrant uses benefits until October 14, will those benefits be considered for applications Green Card applications after October 15?

A. For applications filed before October 15, the previous guidance applies, and the new benefits included in the final rule will not be considered.

Q. If a family member of an applicant is enrolled in Medicaid, does that effect the person applying?

A. No, if a citizen child qualifies and receives benefits, the child's use of benefits doesn't affect their family member's application.

CKF Updates

Shoshi Preuss shared CKF's [2019 Q2 Health First Colorado and CHP+ Enrollment Analysis](#)

CCHN is hiring a Communications Assistant to assist both CCHN and CKF. For more information, see the job description [here](#).

Next meeting: September 20, 2019