

Public Benefits: Immigrant Survivors' Access to Healthcare under the Affordable Care Act

August 7, 2014
Workshop IV, Session A
New Orleans, LA

***THIS PROJECT WAS SUPPORTED BY
GRANT NO. 2013-TA-AX-K009 AWARDED BY
THE OFFICE ON VIOLENCE AGAINST WOMEN,
U.S. DEPARTMENT OF JUSTICE. THE OPINIONS,
FINDINGS, CONCLUSIONS AND
RECOMMENDATIONS EXPRESSED IN THIS
PUBLICATION/PROGRAM/EXHIBITION ARE
THOSE OF THE AUTHOR(S) AND DO NOT
NECESSARILY REFLECT THE VIEWS OF THE
DEPARTMENT OF JUSTICE, OFFICE ON
VIOLENCE AGAINST WOMEN.***

Introductions

- Leslye Orloff
 - Director, National Immigrant Women's Advocacy Project
- Benish Anver
 - Policy Staff Attorney, National Immigrant Women's Advocacy Project

Learning Objectives

By the end of this training you should be better able to:

- Help immigrant survivors who qualify access healthcare through the Federal Exchange
- Identify which groups of immigrant survivors can access federal and state funded health care subsidies through the federal or state funded Medicaid or CHIP
- Look up what health care benefits survivors may qualify for by state
- Help undocumented survivors access health care they are eligible to receive

Why is Immigration Status Important for Public Benefits and Health Care Purposes?

Health Care and Immigrant Crime Victims

- Large group discussion
 - Importance of health care access for immigrant crime victims
 - What kinds of health care do
 - Survivors need?
 - Their children need?

Access to Benefits and Services Grows As Survivors Pursue Immigration Relief

- Filing immigration case leads to
 - PRUCOL
 - Lawful presence
 - Continued presence/HHS certification or eligibility letter
 - State benefits access to some programs in some states
- Prima facie in VAWA , T visa bona fide; and approval of SIJS case leads to Qualified Immigrant Status
 - Federal public benefits
 - Federal Means tested public benefits (5 year bar)
 - State funded benefits

Why is early screening important?

- Survivors who are lawfully present or have certain forms of legal immigration status may be able to purchase healthcare
 - Through the Federal Exchange/Marketplace or
 - Through state exchanges.
- Immigration status may also help survivors access state funded healthcare subsidies



Immigrant Benefits Classifications

- Citizens
- “Qualified Immigrants”
 - Entering U.S. before Aug. 22, 1996
 - Entering U.S. on or after Aug. 22, 1996 subject to 5 year bar on federal means tested public benefits (e.g. TANF, Medicaid, Child Care, SSI, Food Stamps)
 - Can access federal public benefits that are not means tested (e.g. public and assisted housing, FAFSA student grants/loans)
- Lawfully Present
 - Health care access is provided and states can opt to offer certain federal or state funded benefits to lawfully residing immigrants (most often prenatal and child health care)
- PRUCOL (Permanently Residing Under Color of Law)
- Undocumented Immigrants

Application for VAWA, T, U, SIJS improves immigrant access to public benefits

- Screen for eligibility
- Lawful Presence
 - Screening + Filing
 - Prima facie determination VAWA
 - Case pending SIJS
 - Screening + Filing +
 - Bona Fide (T)
 - Conditional Approval (U)
- During processing some victims become qualified immigrants with access to federal public benefits
 - VAWA battered prima facie determination
 - T visa bona fide
 - SIJS approval

Immigration Options and Benefits Available

VAWA self-petition

- PRUCOL upon filing
- Prima facie = Qualified Immigrant
- Self-petitioner and children

Battered spouse waiver

- Qualified Immigrant
- Can avoid deeming

T visa

- PRUCOL upon filing
- Benefits access like refugees (7 years) need HHS certification
- Qualified Immigrant with bona fide determination

Continued Presence

- Benefits access like refugees
- Need HHS certification

U visa

- PRUCOL upon filing
- Lawfully present upon conditional approval

Family Based Visa Petition Approved + Battering or Extreme Cruelty

- Qualified Immigrant
- Not required to file for VAWA

Special Immigrant Juvenile

- Lawfully Present upon filing
- Qualified Immigrant upon approval and receipt of lawful permanent residency

Deferred Action for Childhood Arrivals (DACA)

- PRUCOL upon filing
- No access to exchanges or subsidies



The Affordable Care Act and the Federal and State Exchanges

Qualified Immigrants May Access Health Care Exchanges and May Have Limited Access To Subsidies

Qualified Immigrant Access to Federal Public Benefits

- All qualified immigrants can access some federal public benefits
 - Which benefits they can access depends on:
 - Immigration status
 - When they entered the United States
 - Whether they meet heightened program requirements for some programs
 - What benefits are offered by the state



Who are “Qualified Immigrants” under PRWORA?

- Lawful permanent residents
- Refugees and asylees
- Cuban/Haitian entrants
- Veterans
- Amerasians
- Trafficking victims filing for or with T-visas
- Persons granted conditional entry
- Persons paroled into U.S. one year or more
- Persons granted withholding of deportation or cancellation of removal
- Persons who (or whose child) has been battered or subject to extreme cruelty by a U.S. citizen or lawful permanent resident spouse or parent



How does an immigrant victim prove that he or she is a “qualified immigrant”?

- Family-based immigration cases
 - Prima facie determination in VAWA self-petition or cancellation
 - Approved VAWA self-petition or VAWA suspension/cancellation
 - Approved visa petition filed by an abusive spouse or parent
- Trafficking victims
 - Prima facie determination in a T-visa case
 - Approved T-visa
 - Continued Presence

Additional requirements for a battered immigrant spouse or child to be a “qualified alien”:

- The child’s immigrant parent must not have actively participated in the battery or cruelty
- There must be a “substantial connection” between the battery or extreme cruelty and the need for the public benefit sought
- The battered immigrant or child no longer resides in the same household as the abuser

“Substantial Connection”

- To ensure the safety of the survivor, the survivor’s child or the survivor’s parent
- The survivor had to leave her job for safety reasons
- The survivor loses a dwelling or a source of income following separation
- The survivor needs medical attention or mental health counseling or has become disabled
- The survivor’s fear of the abuser jeopardizes the survivor’s ability to take care of her children

“Substantial Connection” (continued)

- To alleviate nutritional risk or need resulting from the abuse or following separation
- The survivor lost her job or earns less because of the battery or cruelty or because of involvement in legal proceedings
- To provide medical care during a pregnancy resulting from the relationship with the abuser
- To replace medical coverage or health care services lost following separation.

The Five Year Bar

- Does not apply to pre 8/22/96 qualified immigrants
- All qualified immigrants who first entered the U.S. after 8/22/96, including battered immigrants are ineligible for “federal means-tested public benefits” for the first five years after they are granted qualified status.
- Immigrants exempted from 5 year Bar
 - Refugees,
 - Asylees
 - Trafficking victims with HHS certification
 - Amerasian immigrants
 - Cuban/Haitian entrants
 - Withholding of removal/deportation
 - Veterans, active military +
 - spouses & unmarried children under 21 years old

Healthcare Programs Exempt from the 5 Year Bar

- Emergency Medicaid and other emergency medical services
- Immunizations, testing, and treatment for symptoms of communicable diseases
- HHS funded community and migrant health clinics open to all (No Bar)

Qualified Immigrant Access to Health Care Subsidies

- Depends on the state
- Whether state adopted the state option
- What health care needed
 - Prenatal care and child health care most available
- Type of immigration status/application
- Other state specific factors



Federal Exchange

- The Federal Exchange is used by residents of states that do not have their own exchanges to purchase private health insurance
- Applicant has to create an online account at www.healthcare.gov

ACA: Two Separate Benefits

- Ability to purchase health care on the exchanges + tax credits + individual mandate
- Health care subsidies
 - Federally funded Medicaid
 - Federally funded CHIP
 - (Child Health Insurance Program)
 - State funded health care

Lawful Presence = Immigrants Who Are

- Qualified immigrants
 - VAWA upon prima facie or approval
 - T upon bona fide or approval
- Persons granted nonimmigrant status
 - Approved U and T visas
 - Work visas
 - Student visas
- Children who have applied for special immigrant juvenile status
- Deferred action
 - Includes U visa conditional approvals on wait list
 - DOES NOT include DACA
- Humanitarian parole
- Temporary Protected Status (TPS)
- Persons with approved visa petitions
 - E.g. student visas, work visas



State Option for Federally Funded Medicaid &/or CHIP “lawfully residing” children and pregnant women

- Lawfully present + Medicaid state residency rules
- Lawfully present =
 - Lawful permanent residency
 - Qualified Immigrants (prima facie or approved VAWAs)
 - Approved visa petition + application for lawful permanent residency filed
 - Persons fleeing persecution (e.g. refugees, asylees, withholding, conditional entrants, severe forms of human trafficking)
 - Humanitarian immigrants (e.g. Cuban Haitian Entrants, TPS, DED, Deferred Action Status, U visa conditional approvals)
 - Parolees (lawfully present) if parole for 1yr +

Lawfully Present Immigrants and Health Care

- Subject to individual mandate
- May enroll in a qualified health plan through state/federal exchanges
- Eligible for premium tax credits and lower copayments
- No waiting time insurance or tax credits
- Eligible for pre-existing condition insurance plan

Immigrant Victim Eligibility Under the ACA

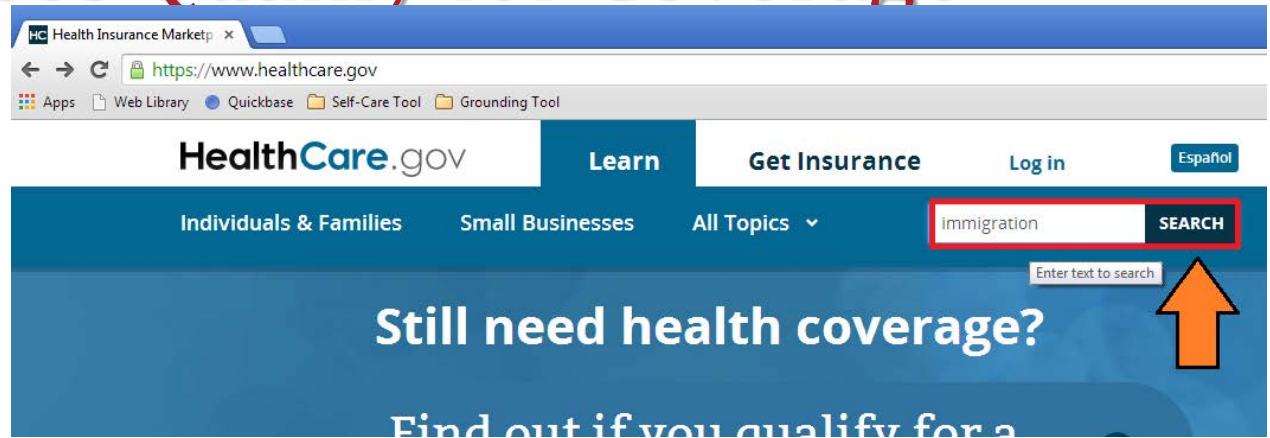
	Refugees, Asylees, Trafficking Victims with T Bonafide or Continued Presence	Lawfully Permanent Residents (Green Card Holders), VAWA prima facie, and other qualified immigrants			VAWA prima facie, U (Conditionally Approved & Approved), SJIS pending & Other Lawfully Present Immigrants	Undocumented Immigrants & DACA
		Adults 19 & Over	Children under Age 19	Pregnant Women		
Federal Medicaid	✓	No. Subject to 5 Year Bar	State Option Subject to 5 Year Bar.	State Option Subject to 5 Year Bar.	State Option If Under 21 or Pregnant	No. (Except Emergency Services)
Federal CHIP	✓	N/A	State Option Subject to 5 Year Bar.	State Option Subject to 5 Year Bar.	State Option If Under 21 or Pregnant	No. (Except state option for prenatal care services only)
State Funded Medicaid		State Option. Varies by Immigration status and/or by form of health care offered			State Option. Varies by Immigration status and/or by form of health care offered	
Full Price Qualified Health Plan	✓	✓	✓	✓	✓	No.
Premium Tax Credits	✓	✓	✓	✓	✓	No.
Individual Mandate	✓	✓	✓	✓	✓	No.

This chart was adapted from the Center on Budget and Policy Priorities, available at:

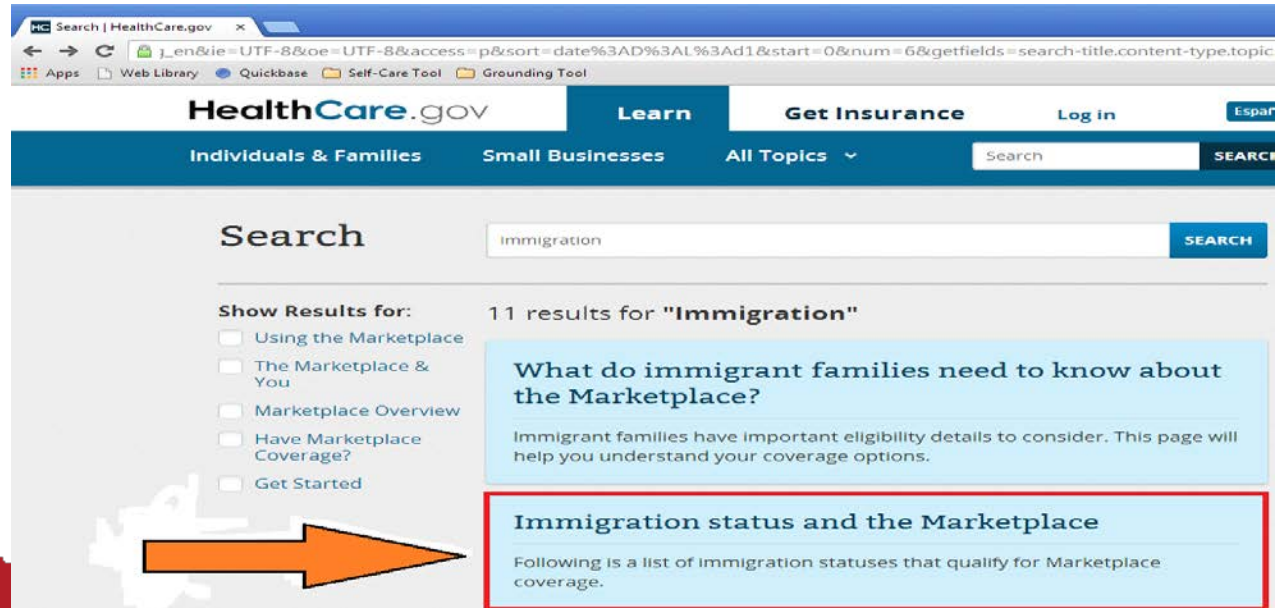
<http://www.healthreformbeyondthebasics.org/wp-content/uploads/2014/02/Webinar-2.5.14-Application-Process-for-Families-that-Include-Immigrants.pdf>

How to Determine Which Immigrant Statuses Qualify for Coverage

Step 1: Search for “immigration” on healthcare.gov



Step 2: Select the search result entitled “Immigration Status and the Marketplace”



Immigration Statuses that Qualify for Marketplace Coverage

- Lawful Permanent Resident
- Asylee
- Refugee
- Cuban/Haitian Entrant
- Paroled into the U.S.
- Conditional Entrant Granted before 1980
- Battered Spouse, Child and Parent
- Victim of Trafficking and his/her Spouse, Child, Sibling or Parent
- Granted Withholding of Deportation or Withholding of Removal, under the immigration laws or under the Convention against Torture (CAT)
- Individual with Non-immigrant Status (includes worker visas, student visas, and citizens of Micronesia, the Marshall Islands, and Palau)
- Temporary Protected Status (TPS)
- Deferred Enforced Departure (DED)
- Deferred Action Status
 - (Deferred Action for Childhood Arrivals (DACA) is not an eligible immigration status for applying for health insurance)
- Lawful Temporary Resident
- Administrative order staying removal issued by the Department of Homeland Security

Source: <https://www.healthcare.gov/immigration-status-and-the-marketplace>

Immigration Statuses that Qualify for Marketplace Coverage Cont.

- Member of a federally-recognized Indian tribe or American Indian Born in Canada
- Resident of American Samoa

Applicant for any of these statuses:

- Temporary Protected Status with Employment Authorization
- Special Immigrant Juvenile Status
- Victim of Trafficking Visa
- Adjustment to lawful permanent residency
- Asylum*
- Withholding of Deportation or Removal, under the immigration laws or under the Convention against Torture (CAT)*

- *Only those who have been granted employment authorization or are under the age of 14 and have had an application pending for at least 180 days are eligible

With Employment Authorization:

- Registry Applicants
- Order of Supervision
- Applicant for Cancellation of Removal or Suspension of Deportation including VAWA
- Applicant for Legalization under IRCA
- Legalization under the LIFE Act

Mixed Families and Healthcare

- 1 in 5 children (20%) in the U.S. is the native- or foreign-born child of an immigrant.
- An immigrant may apply for benefits for children even when the immigrant does not themselves qualify for the benefits. When child is
 - U.S. citizen
 - Lawful permanent resident
 - Qualified immigrant
 - Lawfully present
- Immigrants applying for benefits only for their eligible children are not required to answer questions regarding their own immigration status or social security number.

Immigrant Families and the Marketplace

Link: <https://www.healthcare.gov/what-do-immigrant-families-need-to-know>

What do immigrant families need to know about the Marketplace?

[Tweet](#) [Like](#) [Email](#)

[PRINT](#)

Immigrant families have important Marketplace eligibility details to consider. This page will help you understand your coverage options.

Lawfully present immigrants and private insurance

In order to buy private health insurance through the Marketplace, you must be a U.S. citizen or be lawfully present in the United States. The term "lawfully present" includes immigrants who have:

- "Qualified non-citizen" immigration status without a waiting period (see the definition below)
- Humanitarian statuses or circumstances (including Temporary Protected Status, Special Juvenile Status, asylum applicants, Convention Against Torture, victims of trafficking)

TAKE ACTION

- [Report income or life changes](#)
- [Use your new coverage](#)
- [See if you can get 2014 coverage](#)
- [Learn about fees and exemptions](#)

RELATED CONTENT

- [How do I apply for Marketplace coverage?](#)
- [Are my children eligible for CHIP?](#)
- [Am I eligible for coverage in the Marketplace?](#)

This page explains how immigration status will affect families applying for healthcare, including important information on immigration status disclosure rules, as well as available benefits and how to access them.



Application Process

- Create an Account at www.healthcare.gov
- Determine who is applying for coverage:
 - Families can identify certain family members as non-applicants for healthcare
 - These family members are not required to disclose
 - Disclose their citizenship/immigration status
 - Provide SSN if they do not have one
 - Only provide information that is relevant to determining financial eligibility (i.e., income & tax filings)

This slide was adapted from The Center on Budget and Policy Priorities:

<http://www.healthreformbeyondthebasics.org/wp-content/uploads/2014/02/Webinar-2.5.14-Application-Process-for-Families-that-Include-Immigrants.pdf>

How are Social Security Numbers Used in the Health Care Application

- Verify citizenship
- Verify income for subsidy eligibility
- For lawfully present immigrants
 - VAWA self-petitioners and cancellation applicants with prima facie determinations
 - SIJS applicants
 - Non-work approved visa holders
- Without SSNs – leave field blank
 - Even if applicant has an ITIN

This slide was adapted from The Center on Budget and Policy Priorities

Social Security Numbers and Federal Exchange Applications - Applicants

- Applicant is the person who will use health insurance
- Applicants for health insurance coverage only have to provide an SSN if they have one
- Both applicants and non-applicants will be asked for their SSN for
 - Income verification purposes

This slide was adapted from The Center on Budget and Policy Priorities

Prima Facie, Approved VAWAs and SIJS Applicants

- Lawfully present applicants without SSN
- Can apply for insurance through exchanges
- If eligible for subsidy because 5+ years as qualified immigrant or pregnant or child and state option or state funding
 - *must* file a tax return
 - Can do so by obtaining an Individual Taxpayer Identification Number (ITIN)
 - ITIN not needed for health care application

This slide was adapted from The Center on Budget and Policy Priorities

Social Security Numbers and Federal Exchange Applications: Non-Applicants

- Non-applicants are not required to provide an SSN unless:
 - They or their tax dependents are applying for premium tax credits;
 - They have an SSN; **and**
 - They are a taxpayer
- Non-applicants are not required to provide immigration status information
 - Should state
 - “I am not applying for myself”
 - “I am only applying for my child(ren)”

This slide was adapted from The Center on Budget and Policy Priorities

Identification Verification

- Identification verification is required when setting up an account on the Federal Exchange
- This includes:
 - Name and address verification
 - Credit check

This slide was adapted from The Center on Budget and Policy Priorities

When Identification Cannot be Verified Online

- The applicant will be given a reference ID number and will be directed to the Help Desk
 - Language assistance is available through the Federal Exchange call center
- If identification cannot be verified over the phone, the applicant will be required to mail or upload documents that verify identification

This slide was adapted from The Center on Budget and Policy Priorities

Documents that Verify Identification

- Driver's License
- School ID Card
- Voter Registration card
- U.S. Military Card
- U.S. Military Draft Record
- ID Card issued by federal, state, or local government (can include immigration documentation from DHS)
- Military Dependent ID card
- Tribal Card
- Authentic Document from a Tribe
- U.S. Coast Guard Merchant Mariner Card

This slide was adapted from The Center on Budget and Policy Priorities

Documents that Verify Identity

- Any 2 of the following can be mailed or uploaded:
 - U.S. public birth record
 - Social security card
 - Marriage certificate
 - Divorce decree
 - Employer identification card
 - High school or College diploma
 - Property deed or title

This slide was adapted from The Center on Budget and Policy Priorities

Who will be Affected by Verification?

- Applicants with little or no credit history
- Undocumented parents that are applying through the exchange on behalf of their citizen children
- If verification cannot be completed
 - Applicant should fill out a paper form or apply over the phone

This slide was adapted from The Center on Budget and Policy Priorities

How Immigration Status is Verified

- Applicant will have to select his or her immigration status when filling out an application by indicating which document type he or she has (i.e., green card, student visa, etc.)
- Applicant will be asked to provide “A” number
- Immigration status is verified through the DHS SAVE system
- If the online system does not work, the applicant will have to mail or upload supporting documents

Income Verification

- If applicant does not provide a SSN, he or she will have to mail or upload other documentation of income
- Applicants without an SSN should not apply for an Individual Tax Identification Numbers (ITIN) because this number will not be used to verify income with the IRS the way an SSN is used.

Health Care Application Will Not Trigger Immigration Enforcement

- By law, information can only be used for health care eligibility and enrollment
- Information about applicants and household members
 - Will not be used by DHS for immigration enforcement



Undocumented Immigrants and the Federal Exchange

- Ineligible to purchase qualified health plans
- Exempt from the individual mandate
- Immigrant crime victims with pending immigration applications who are not able to
 - Purchase health care on the exchanges
 - Receive a subsidy
 - Are also exempt from the individual mandate
- Examples
 - VAWAs before prima facie
 - U visas pending conditional approval
 - T visas pending bona fide
 - without continued presence

Activity: Familiarize Yourself with Healthcare.gov

Go to healthcare.gov and try finding:

1. A list of eligible immigration statuses
2. Who to contact for help with the website
3. A list of documents needed to apply
4. How to report a change in immigration status
5. How to find out whether your client qualifies for a special enrollment period

Health Care and Public Charge

- Applying for Medicaid, CHIP or health care subsidies paid by states will not make an immigrant a public charge
- Immigrant survivors exempt from public charge
 - VAWAs
 - T Visas
 - U Visas

States that are on the Federal Exchange

- The following states do not have their own health insurance exchanges and residents in these states must use the Federal Exchange:
 - AL, AK, AZ, FL, GA, IN, KS, LA, ME, MS, MO, MT, NE, NJ, NC, ND, OH, OK, PA, SC, SD, TN, TX, UT, VA, WI, WY
- The following states are in a partnership market with the Federal Exchange:
 - AR, DE, IL, IA, MI, NH, WV

States on the Federal Exchange that Offer Subsidies

- The following states use the Federal Exchange and provide at least some state-funded Medicaid or Medicaid-like coverage for certain qualified immigrants:
 - AK, FL, NJ, OH, PA, VA
- IL is the only state in a partnership market with the Federal Exchange to provide at least some state-funded Medicare coverage for certain qualified immigrants

States on the Federal Exchange without State Medicaid Funding

- The following states use the Federal Exchange and have exercised the state option for coverage for certain qualified immigrants:
 - ME, NE, NC, OK, TN, WI
- The following states have partnerships with the Federal Exchange and have exercised the state option for coverage for certain qualified immigrants:
 - AR, DE, IA

States That Run Own Exchanges

- The following states are responsible for running their individual state exchange/marketplaces:
 - CA, CO, CT, HI, ID, KY, MA, MD, MN, NM, NV, NY, OR, RI, VT, WA

*For specific state information, please see handout

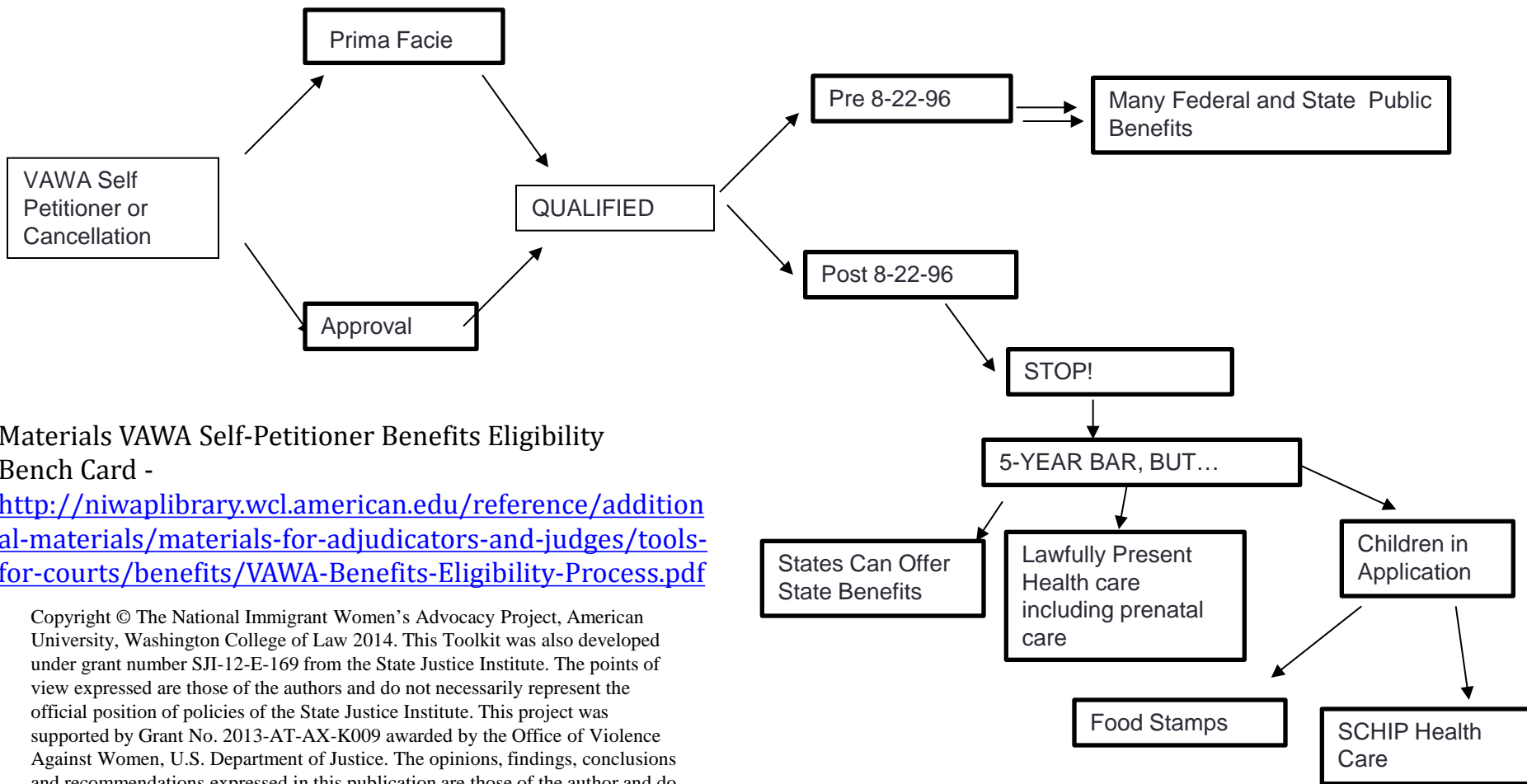
Activity: How to Find Health Care Benefits For Immigrant Survivors in Your State

- NIWAP's Interactive Map
- Work as a group and look up what health care and other benefits are available in each of your states

Access to Federal and State Public Benefits for Battered Immigrant Spouses and Children of U.S. Citizens or Lawful Permanent Residents

Abused Family Members Who Have/Will Not Or Do Not Qualify to File Self-Petitions and Parents Abused By 21+ Year Old Sons or Daughters

Services necessary to protect life and safety, shelter, transitional housing, soup kitchens, victim services, police assistance, justice system access, emergency Medicare, Public Health Clinics

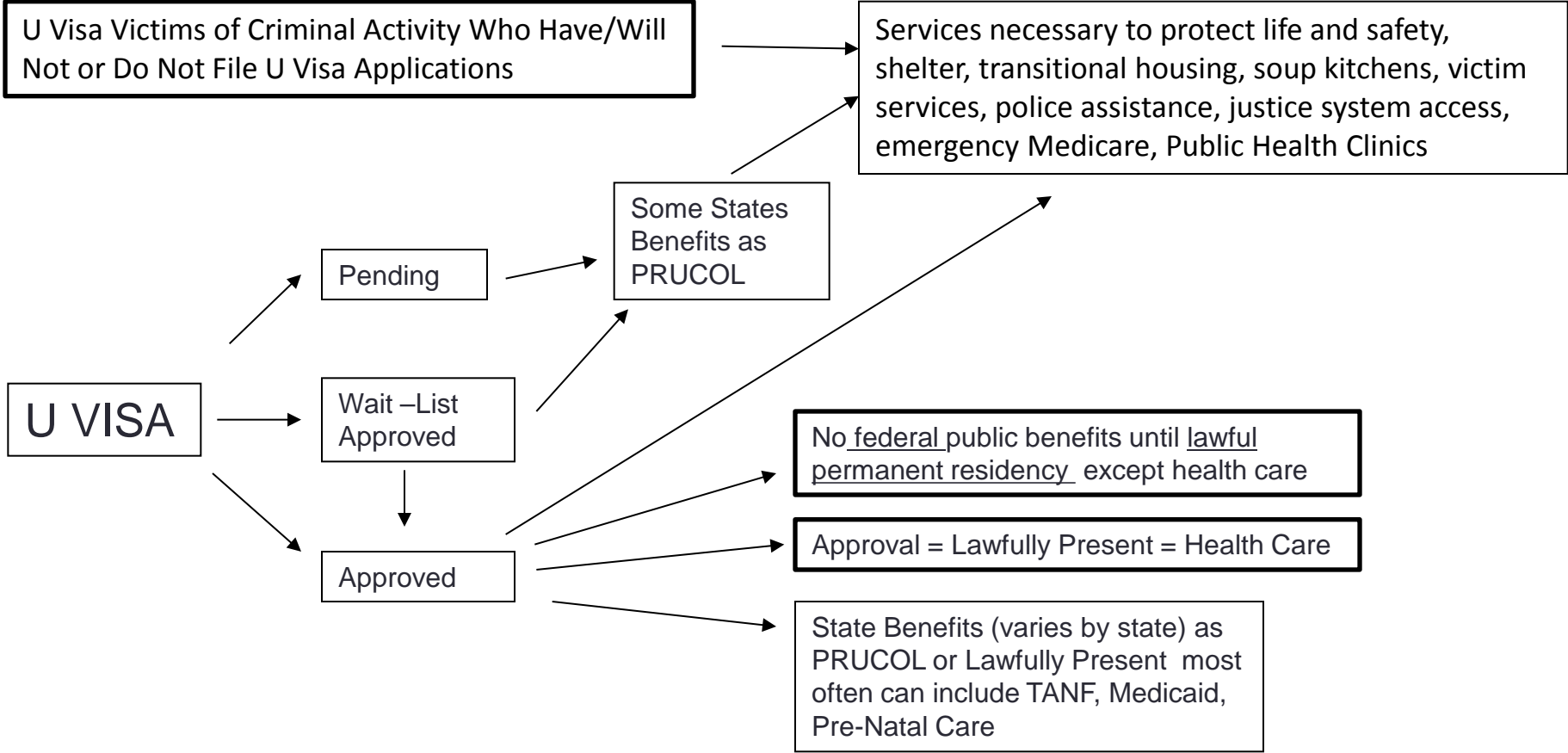


Materials VAWA Self-Petitioner Benefits Eligibility Bench Card -

<http://niwaplibrary.wcl.american.edu/reference/additional-materials/materials-for-adjudicators-and-judges/tools-for-courts/benefits/VAWA-Benefits-Eligibility-Process.pdf>

Copyright © The National Immigrant Women’s Advocacy Project, American University, Washington College of Law 2014. This Toolkit was also developed under grant number SJI-12-E-169 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position of policies of the State Justice Institute. This project was supported by Grant No. 2013-AT-AX-K009 awarded by the Office of Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed in this publication are those of the author and do not necessarily reflect the view of the Department of Justice, Office of Violence Against Women.

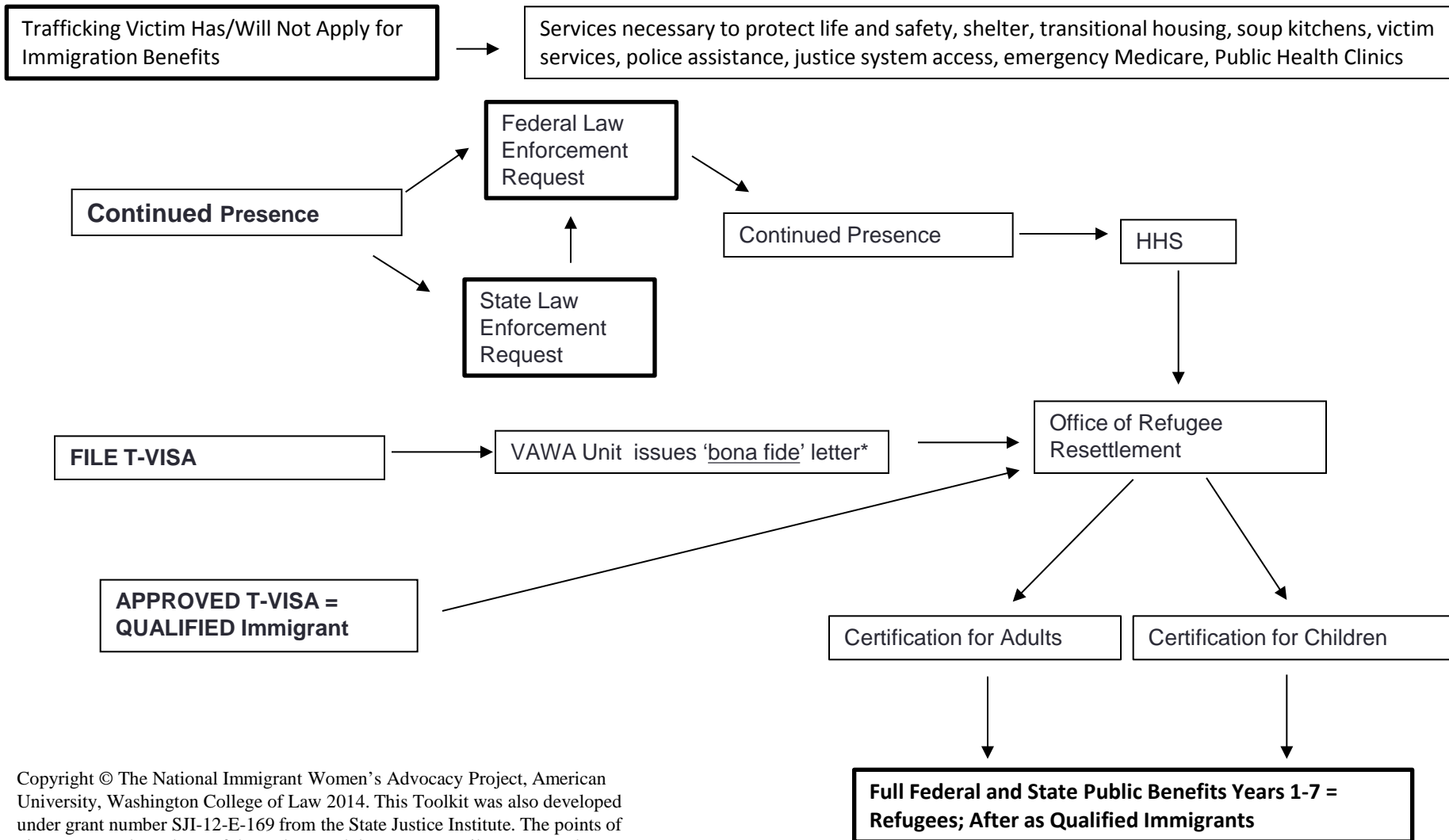
Access to Federal and State Public Benefits for U Visa Victims



Materials U Visa Benefits Eligibility Bench Card - <http://niwaplibrary.wcl.american.edu/public-benefits/memos-and-tools-for-advocates/U-Visa-Victim-Benefits-Eligibility-Process.pdf>

Copyright © The National Immigrant Women’s Advocacy Project, American University, Washington College of Law 2014. This Toolkit was also developed under grant number SJI-12-E-169 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position of policies of the State Justice Institute. This project was supported by Grant No. 2013-AT-AX-K009 awarded by the Office of Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed in this publication are those of the author and do not necessarily reflect the view of the Department of Justice, Office of Violence Against Women.

Access to Federal and State Public Benefits for Victims of Human Trafficking

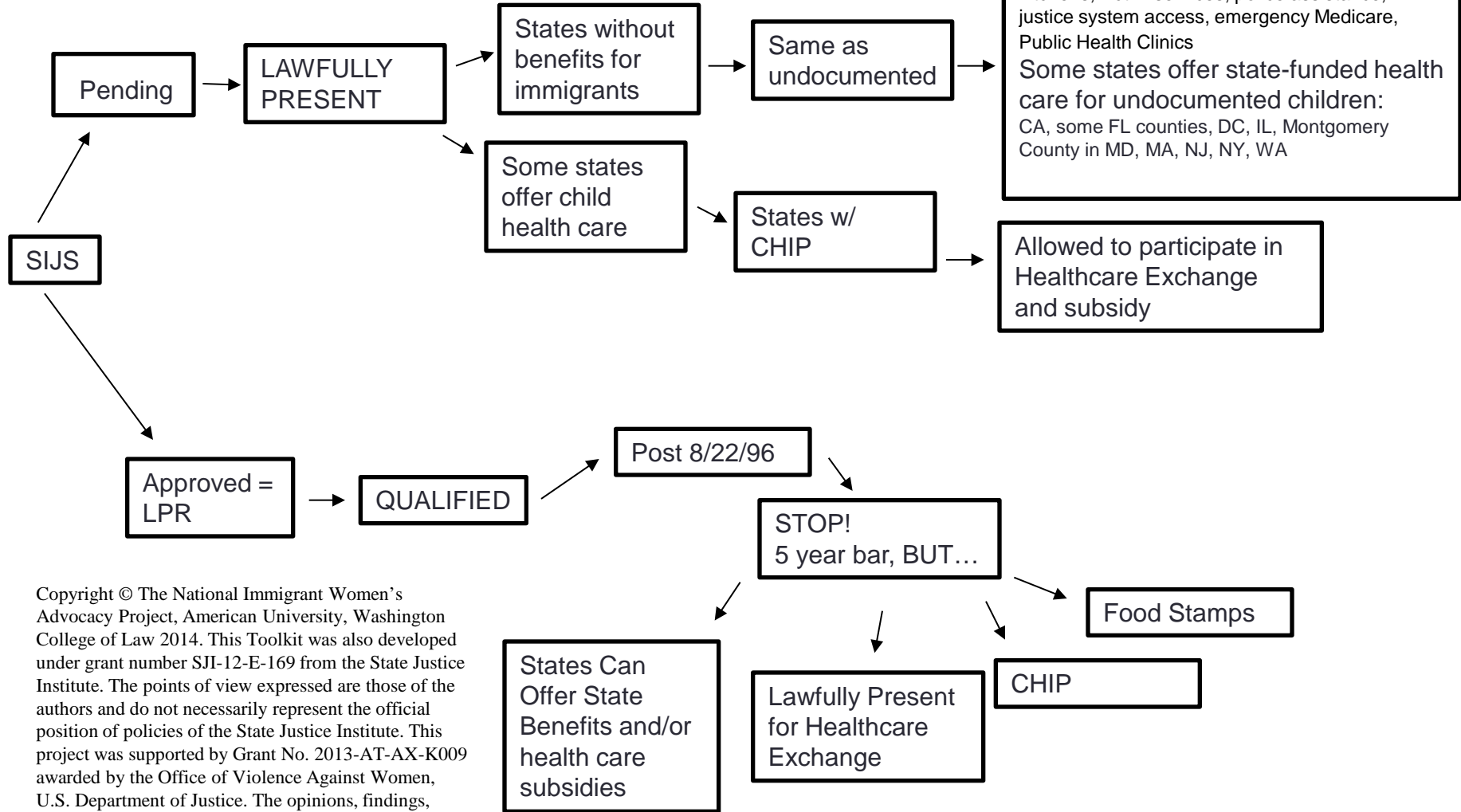


Copyright © The National Immigrant Women’s Advocacy Project, American University, Washington College of Law 2014. This Toolkit was also developed under grant number SJI-12-E-169 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position of policies of the State Justice Institute. This project was supported by Grant No. 2013-AT-AX-K009 awarded by the Office of Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed in this publication are those of the author and do not necessarily reflect the view of the Department of Justice, Office of Violence Against Women.

Materials T Visa Benefits Eligibility Bench Card - <http://niwaplibrary.wcl.american.edu/reference/additional-materials/materials-for-adjudicators-and-judges/tools-for-courts/benefits/Trafficking-Victims-Benefits-Eligibility-Process.pdf>

Access to Federal & State Public Benefits for Special Juvenile Immigrant Status (SIJS) Victims

SIJS Victims Who Have/Will Not or Do Not File SJIS Applications



Copyright © The National Immigrant Women's Advocacy Project, American University, Washington College of Law 2014. This Toolkit was also developed under grant number SJI-12-E-169 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position of policies of the State Justice Institute. This project was supported by Grant No. 2013-AT-AX-K009 awarded by the Office of Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed in this publication are those of the author and do not necessarily reflect the view of the Department of Justice, Office of Violence Against Women.

Mental Health Care and the Federal Exchange

Large Group Discussion

- Have you worked with immigrant survivors who have received mental health care?
- From whom?
- Free, insurance, how paid for?
- How did you help your client access these services?

Mental Health Parity and Addiction Equity Act of 2008

- Goal: “increased parity between mental health and substance use disorder benefits and medical/surgical benefits” (Centers for Medicare & Medicaid Services)
- Requires that when a health insurance plan offers mental health coverage the following cannot be more restrictive than medical/surgical benefits
 - Financial requirements (i.e., coinsurance) &
 - Treatment limitations (i.e., visit limits)

Source: http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs17.html

ACA and Mental Health Parity

- Applies to insurance companies offering individual and group healthcare coverage
 - Through the Federal and State Exchanges and
 - Outside the Exchanges
 - Individual policies beginning on or after January 1, 2014.
 - Group policies beginning on or after July 1, 2014

Medicaid and Mental Health Parity

- ACA extended the application of mental health parity to Medicaid to all coverage of mental health and substance use disability services offered in Medicaid Alternative Benefit Packages (ABPs)
- Also applies to CHIP and State Medicaid plan services offered through managed care organizations

Source: <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Benefits/Mental-Health-Services-.html>

Medicaid Funded Mental Health Services

- Available for Medicaid eligible survivors
 - After 5 year bar
 - If state funded Medicaid available
 - To HHS certified human trafficking victims
- All State Medicaid programs offer some mental health services
- Children must receive medically necessary services including mental health services

Examples: Mental Health Services Offered

- Counseling
- Therapy
- Medication Management
- Licensed social worker services
- Substance abuse treatment
- Peer support

Federally Qualified Health Centers Offer

- Mental health care
- Substance abuse services
- Open to all persons without regard to immigration status
- Offer free and sliding scale payments for services

Health Care Open to All Immigrants Without Regard to Immigration Status

Self-Test: True or False

1. Receiving public benefits or health care can harm an immigrant victim's ability to obtain legal immigration status
2. Undocumented immigrant parents can apply for health care for immigrant children
3. Immigrants applying for health care for their children can refuse to provide immigration or social security information about themselves
4. Federally funded health care is not available for undocumented immigrants

What types of services and assistance are open to all persons without regard to immigration status?



Attorney General's List of Required Services

- In-kind services
- Provided at the community level
- Not based on the individuals income or resources
- Necessary to protect life & safety
- Programs covered by this AG order are open to all persons
- State and local governments **CANNOT** impose immigrant access restrictions

Healthcare Programs that are “Necessary to Protect Life and Safety”

- Mental illness or substance abuse treatment
- Medical & public health & disability services necessary to protect life and safety



Health Care For Undocumented Immigrants

- Services necessary to protect life and safety
- Community and migrant health clinics
- State funded programs
- Post assault health care paid by VOCA funds
- Emergency Medicaid
- HHS Funded community and migrant health clinics
 - www.nachc.com
 - www.hrsa.gov

How to find free health clinics in your area



Step 1: In IE, go to www.hrsa.gov

Step 2: Select “Get Health Care”

Step 3: Select “Find a Health Center”

Step 4: Search by location

OR

Step 3: Select “Find out more about Hill-Burton...”

Step 4: Select “Hill-Burton Obligated Facilities”



OR

Community and Migrant Health Clinics: HRSA Funded



Find a Health Center

HRSA health centers care for you, even if you have no health insurance. You pay what you can afford, based on your income. Health centers provide

- checkups when you're well
- treatment when you're sick
- complete care when you're pregnant
- immunizations and checkups for your children
- dental care and prescription drugs for your family
- mental health and substance abuse care if you need it

Health centers are in most cities and many rural areas. Type in your address and click the 'Find Health Centers' button to find health centers near you.



Search by Address Search by State or County

Near Address or Place:

Display results with Text Only
 Display results with Text & Map

Find Health Centers

*NOTE: The data used for this tool is current as of 6/13/2014 in the HRSA Data Warehouse.
 HELP: CallCenter@hrsa.gov or (877) 464-4772, Monday through Friday (except Federal holidays), 9 am to 5:30 pm ET*

Health Center Locator

Enter your zip code to see a list or map of health centers nearby.



Sample Search Results



U. S. Department of Health and Human Services
Health Resources and Services Administration

Enter Keywords
 HRSA Data Warehouse HRSA.gov

Powered by the HRSA Data Warehouse

Find a Health Center

[Download Health Centers and Look-Alikes Report by State \(PDF\)](#)

[Download Health Centers and Look-Alikes Raw Data \(Text File\)](#)



[Text Only](#)

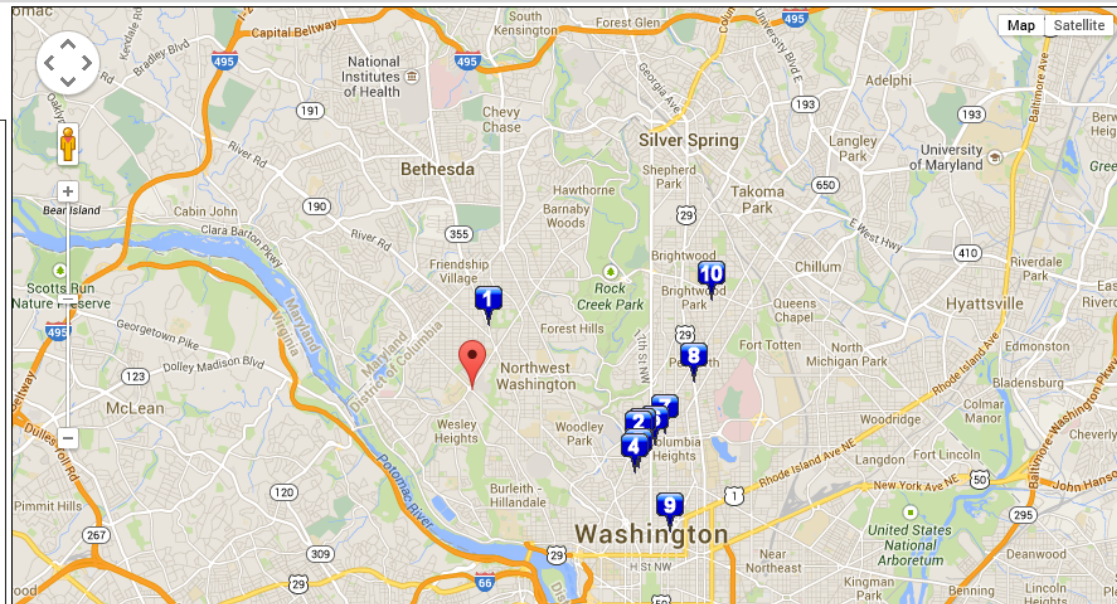
[Text & Map](#)

[Start a New Search](#)

[Map all these results](#)

Health Centers
near Washington, DC 20016
Results 1 - 10 of total 20. Page 1 of 2

	FRIENDSHIP PLACE HEALTH CENTER (~ 0.98 miles away) 4713 Wisconsin Ave Nw, WASHINGTON, DC 20016-4609 202-364-1419 http://WWW.UNITYHEALTHCARE.ORG Get directions to this site from this site Map this result
	CHRIST HOUSE 5TH HEALTH CENTER (~ 2.61 miles away) 1717 Columbia Rd Nw, WASHINGTON, DC 20009-2803 202-588-8101 http://WWW.UNITYHEALTHCARE.ORG Get directions to this site from this site Map this result
	Columbia Road Health Center (~ 2.64 miles away) 1660 Columbia Rd Nw WASHINGTON DC 20009-



Federally Qualified Health Centers Offer

- Primary care
- Diagnostic, laboratory and radiological services
- Prenatal care
- Post-assault health care
- Cancer and other disease screening
- Child wellness services
- Emergency medical and dental services
- Immunizations
- Blood test screening
- Eye, ear and dental screenings for children
- Family planning services
- Preventative dental services
- Pharmaceutical services
- Mental health treatment
- Substance abuse services

Hill Burton Funded Health Care

Hill-Burton

Please note: Not all states and regions have Hill-Burton obligated facilities.

Select “list of Hill-Burton obligated facilities” to see the nationwide list.

Hill-Burton Program

Hill-Burton Free and Reduced-Cost Health Care

In 1946, Congress passed a law that gave hospitals, nursing homes and other health facilities grants and loans for construction and modernization. In return, they agreed to provide a reasonable volume of services to persons unable to pay and to make their services available to all persons residing in the facility's area. The program stopped providing funds in 1997, but about 170 health care facilities nationwide are still obligated to provide free or reduced-cost care.

Since 1980, more than \$6 billion in uncompensated services have been provided to eligible patients through Hill-Burton.

Steps to Apply for Hill-Burton Free or Reduced-Cost Care

1. Find the Hill-Burton obligated facility nearest you from the **list of Hill-Burton obligated facilities**.
2. Go to the facility's admissions or business office and ask for a copy of the Hill-Burton Individual Notice. The Individual Notice will tell you what income level makes you eligible for free or reduced-cost care, what services might be covered, and exactly where in the facility to apply.
3. Go to the office listed in the Individual Notice and say you want to apply for Hill-Burton free or reduced-cost care. You may need to fill out a form.
4. Gather any other required documents (such as a pay stub to prove income eligibility) and take or send them to the obligated facility.

Hill-Burton Program

Hill-Burton Obligated Facilities

Hill-Burton Facilities Obligated to Provide Free or Reduced-Cost Health Care

Total Obligated Facilities: 160 (05/05/2014)
No Obligated Facilities: Alaska, Indiana, Maryland, Minnesota, Nebraska, Nevada, North Dakota, Rhode Island, South Dakota, Utah, Vermont, Wyoming and all the territories except Puerto Rico.

ST	Facility Name & Address	Facility Type	ID	REGULATION ¹
AL	AUTAUGAVILLE FAM HLTH C 203 NORTH TAYLOR ST, BOX 339 AUTAUGAVILLE 36003 334-365-4524	Outpatient Facility	010213	515
AL	WILCOX GO HEALTH CTR 107 UNION STREET, PO BOX 547 CAMDEN 36726 334-682-4515	Public Health Center	010210	PFCA
AL	CHILDRENS & WOMENS HOSP 1700 CENTER STREET MOBILE 36604 251-415-1000	General Hospital	010214	Standard
AL	COLBERT CO HEALTH CTR 1000 SOUTH JACKSON HIGHWAY SHEFFIELD 35660 256-383-1231	Public Health Center	010211	PFCA
AR	SEBASTIAN CO HLTH DEPT 3112 SOUTH 70TH ST FORT SMITH 72901 479-452-9600	Public Health Center	050112	PFCA
AR	PHILLIPS CO HEALTH CTR PO BOX 2627	Public Health Center	050111	PFCA

Emergency Medicaid



Emergency Medicaid

- Available only in cases where the person needs treatment for medical conditions with acute symptoms that could:
 - place the patient's health in serious jeopardy;
 - result in serious impairment of bodily functions; or
 - cause dysfunction of any bodily organ or part

What are the Primary Forms of Emergency Medicaid Immigrant Survivors Use?

What Various States Offer Under Federal Emergency Medicaid

- Labor and Delivery (emergency and most states normal)
- Severe and acute symptoms
- Urgent pharmacy needs
- Mental health
- Inpatient substance abuse
- 72-hour release of drugs without prior approval

List the types of injuries your clients
have had that would qualify for
Emergency Medicaid



Injuries Examples Exercise

- Place the patient's health in serious jeopardy
- Result in serious impairment of bodily functions
- Cause dysfunction of any bodily organ or part

Range of Coverage

- Inpatient
- Outpatient
- Emergency care
- Not covered:
 - Continuation of services
 - Limited to current medical condition
 - Some states mental health care or chronic conditions explicitly excluded

Forensic Examinations

Forensic Examinations

- Most states pay for forensic exams
 - VAWA Incentives
- If the victim reports crime within a specified time frame
 - Significant barrier
- Immigration status of the victim is not relevant
- Knowledge of manner of reimbursement in your state is key to helping victims

Payment for Forensic Exam

- Majority states have procedures in statute designating agency for payment
- Sexual assault survivor not billed (some states)
- Few states bill survivor and required to provide reimbursement instructions
- Worst policies bill survivors directly for any services not directly related to the criminal investigation

Scope of Medical Exam Paid for by the State Varies

- Initial forensic exam covered
- Varying policies
 - Follow-up exams
 - Psychological treatment
 - Prescribed medicines
- Apply directly to Survivor's Comp for this and more in many states
- Some states must charge insurance first
 - Safety concerns

VAWA Authorized Payment Procedures

- Provide exam free of charge
- Arrange for victims to receive exam free of charge
- Reimburse victims for the full costs of the exam
 - Must be full cost no deductible
 - Up to one year to file for reimbursement
 - Pay reimbursement within 90 days
 - Information provided at time of exam
 - LEP accessible
- www.ojp.usdoj.gov/vawo/faqforensic.htm

Victims of Crime Act (VOCA) Funded Health Care

Victims of Crime Act (VOCA)

- Provides grants to state for eligible crime victim compensation programs
- Operated by states
- Medical expenses (some)
- Lost wages
- Funeral expenses

VOCA- Who is Covered?

- Nonresident of state
 - If survivor in state and otherwise qualify
- Includes federal crimes that occur in state
- Survivor can be a family member of the perpetrator

Where is VOCA?

- Virtually all states
- Without regard to immigration status generally
- Generally need report w/in 72 hours
- Generally victim must cooperate with law enforcement
- Funding limited state by state

Post-Assault Healthcare

- Includes crime victim compensation
 - Medicaid funded health care
 - Describes eligibility criteria
 - Amount of Compensation
 - Scope
 - Amount
 - Crimes
 - Application Process
 - Appeals Process



State-by-State Charts Addressing Immigrant Victim Access to the Following:

- Health care access by immigration status by state
 - Emergency Medicaid
 - Forensic Examinations
 - Post-Assault Health Care
 - Pre-Natal Care
- Available at: <http://niwaplibrary.wcl.american.edu>

Technical Assistance and Materials

- Power Point presentations and materials for this conference at www.niwap.org/go/NOLA
- **NIWAP Technical Assistance:**
 - Call (202) 274-4457
 - E-mail niwap@wcl.american.edu
- Web Library: www.niwaplibrary.wcl.american.edu

Questions



Evaluations





Thank you!