

IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE

Division of Welfare

16.03.06 – Refugee Medical Assistance

Who does this rule apply to?

For those seeking assistance under the Refugee Medical Assistance Program in the state of Idaho.

What is the purpose of this rule?

This chapter of rules governs the administration and eligibility criteria of the Refugee Medical Assistance Program in the state of Idaho.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

Public Assistance and Welfare -

Public Assistance Law:

- [Section 56-202, Idaho Code](#) – Duties of Director of State Department of Health and Welfare
- [Section 56-203, Idaho Code](#) – Powers of State Department

Where can I find information on Administrative Appeals?

Administrative appeals and contested cases are governed by the provisions of IDAPA 16.05.03, “Contested Case Proceedings and Declaratory Rulings.”

How do I request public records?

Unless exempted, all public records are subject to disclosure by the Department that will comply with Title 74, Chapter 1, Idaho Code, upon requests. Confidential information may be restricted by state or federal law, federal regulation, and IDAPA 16.05.01, “Use and Disclosure of Department Records.”

Who do I contact for more information on this rule?

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16.03.06 – REFUGEE MEDICAL ASSISTANCE

000. LEGAL AUTHORITY.

This program is authorized by 45 CFR Parts 400 and 401, by Section 412E, Title IV, Pub. L. 96-212 also known as the Refugee Act of 1980, 94 Stat. 114 (8 USC 1521) and Action Transmittal ORR-AT-80-6, and by provisions of Sections 56-202 and 56-203, Idaho Code, which authorize the Department of Health and Welfare to assist needy people of the State with medical assistance and to enter into contracts with the federal government to provide assistance. (4-2-08)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 16.03.06, “Refugee Medical Assistance.” (4-2-08)

02. Scope. This chapter of rules governs the administration of the Refugee Medical Assistance Program in the state of Idaho. (4-2-08)

002. -- 009. (RESERVED)

010. DEFINITION OF TERMS AND ABBREVIATIONS.

For the purposes of these rules, the following terms and abbreviations apply: (3-20-14)

01. Department. The Idaho Department of Health and Welfare or a person authorized to act on behalf of the Department. (4-2-08)

02. Federal Poverty Guidelines (FPG). The federal poverty guidelines issued annually by the Department of Health and Human Services (HHS). (4-2-08)

03. INA. Immigration and Nationality Act, 8 USC Sections 1101-1537. (4-2-08)

04. I-94. A white three by five (3x5) inch alien identification card issued to refugees prior to their release to a sponsor. This card gives the refugee’s name, United States address, and other identifying data. The refugee status will be printed in the lower right hand corner. If a refugee does not have this card, they should be referred to USCIS to obtain one. The dependent of a repatriated United States citizen may also have an I-94 card. (4-2-08)

05. Medical Assistance Program. Services funded by Titles XIX or XXI of the federal Social Security Act, as amended. (4-2-08)

06. Children's Health Insurance Program (CHIP). CHIP is Title XXI of the Social Security Act. It is a federal and state partnership similar to Medicaid, that expands health insurance to targeted, low- income children. (3-20-14)

07. USCIS. United States Citizenship and Immigration Services. (3-20-14)

011. -- 099. (RESERVED)

100. IDENTIFICATION OF REFUGEES.

A person has refugee status for purposes of assistance under the Refugee Medical Assistance Program if they are one (1) of the following: (3-20-20)

01. Form I-94 Indication. A person from any country who has Form I-94 indicating that the person has been: (3-20-20)

a. Paroled under Section 212(d)(5) of the INA as a refugee or asylee; or (4-2-08)

b. Admitted as a conditional entrant under Section 203(a)(7) of the INA; or (4-2-08)

c. Admitted as a refugee under Section 207 of INA; or (4-2-08)

d. Granted asylum under Section 208 of INA; or (4-2-08)

02. Afghan Special Immigrants. An Afghan special immigrant, as defined in Public Law 110-161, who has special immigration status after December 26, 2007. (3-20-20)

03. Iraqi Special Immigrants. An Iraqi special immigrant, as defined in Public Law 110-181, who has special immigration status after January 28, 2008. (3-20-20)

04. Other Factors in Determining Eligibility for the Refugee Medical Assistance Program. (4-2-08)

a. An applicant who has applied for, but has not been granted asylum, is not eligible. (4-2-08)

b. A person who entered the United States as a resident alien is not eligible. (4-2-08)

c. A Form I-94 which shows a person has been paroled into the United States under Section 212(d)(5) of the INA must clearly indicate that the person has been paroled as a "Refugee" or "Asylee" if such form was issued: (4-2-08)

i. To a person from Cambodia, Laos, or Vietnam before October 1, 1997, in accordance with P.L. 106-429, Section 101(a), as amended by P.L. 108-447; or (4-2-08)

ii. To a person from Cuba; or (4-2-08)

iii. To a person from any other country at any time. (4-2-08)

d. A person whose status is Cuban/Haitian Entrant must have his eligibility for benefits under the Refugee Medical Assistance Program determined under Sections 125 and 200 of these rules. (4-2-08)

e. An Amerasian or close family member admitted as an immigrant but eligible for Refugee Medical Assistance as though he were a refugee must have either of the following documents verifying his status: (4-2-08)

i. A temporary identification document, Form I-94 stamped "Processed for I-551. Temporary evidence of lawful admission for permanent residence. Valid until (expiration date). Employment authorized." The back of Form I-94 contains the stamped word "Admitted" and is coded AM1, AM2, or AM3; or (4-2-08)

ii. A permanent identification document, Form I-551 coded AM6, AM7, or AM8. (4-2-08)

101. -- 124. (RESERVED)

125. IDENTIFICATION OF ENTRANTS.

Identification of Cuban, Haitian, or other entrants, and determination of their eligibility for Refugee Medical Assistance must be conducted in accordance with 45 CFR 401. (4-2-08)

126. -- 134. (RESERVED)

135. PRECEDENCE OF CATEGORICAL ASSISTANCE PROGRAMS.

An applicant for medical assistance must first have their eligibility determined for Medicaid or CHIP. To be eligible for Medicaid or CHIP, the refugee must meet all the eligibility criteria for the applicable category of assistance. If the applicant is determined ineligible for Medicaid or CHIP, then the Department will determine their eligibility for the Refugee Medical Assistance Program. (3-20-14)

136. -- 149. (RESERVED)

150. REFUGEE MEDICAL ASSISTANCE PROGRAM.

01. Time Limitation. Medical assistance under the Refugee Medical Assistance Program will be limited to eight (8) consecutive months beginning with the month the refugee enters the United States. (3-20-20)

02. Medical Only. A refugee is not required to apply for or receive Cash Assistance as a condition of eligibility for Refugee Medical Assistance. Denial or closure of Refugee Cash Assistance is not a reason to deny or

close Refugee Medical Assistance. (4-2-08)

03. Refugee Cash Assistance Excluded. Refugee Cash Assistance is excluded from income when determining eligibility for Refugee Medical Assistance. (3-20-14)

04. Automatic Eligibility. Refugees whose countable income does not exceed one hundred fifty percent (150%) of the Federal Poverty Guidelines are automatically eligible for Refugee Medical Assistance. (4-2-08)

05. Refugee Medical Assistance with “Spend Down.” An applicant for Refugee Medical Assistance whose countable income exceeds one hundred fifty percent (150%) FPG for their family size may become eligible for Refugee Medical Assistance under certain conditions. A special provision, for refugees only, will allow those refugees whose income exceeds one hundred fifty percent (150%) FPG for their family size to subtract their medical costs from their income and thus “spend down” to the FPG limit for their family size. (3-20-20)

06. Counting Income for Refugee Medical Assistance. (3-20-20)

a. Income is counted or excluded in accordance with IDAPA 16.03.01, “Eligibility for Health Care Assistance for Families and Children.” The sole exception is that Refugee Cash Assistance is excluded from income when determining eligibility for Refugee Medical Assistance. (3-20-14)

b. The income of sponsors, and the in-kind services and shelter provided to refugees by their sponsors, will not be considered in determining eligibility for Refugee Medical Assistance. (3-20-20)

151. -- 699. (RESERVED)

700. OVERPAYMENTS AND RESTORATION OF BENEFITS.

Policy governing recovery of overpayments and restoration of benefits of Refugee Medical Assistance is contained in IDAPA 16.03.01, “Eligibility for Health Care Assistance for Families and Children.” (4-2-08)

701. -- 994. (RESERVED)

995. PROVISIONS CONTINGENT UPON FEDERAL FUNDING.

The provisions in these rules, are contingent upon availability and receipt of funds appropriated through federal legislation. When federal funds are not available to the State of Idaho, these provisions, or any part therein, will not be in force and operation of the Refugee Medical Assistance Program in Idaho will be suspended. Advance notice of termination or reduction of benefits is not required. (4-2-08)

996. -- 999. (RESERVED)

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