



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
600 Washington Street
Boston, MA 02111
www.mass.gov/masshealth



MassHealth
Eligibility Letter 129
December 1, 2004

TO: MassHealth Staff

FROM: Beth Waldman, Medicaid Director *BW*

RE: **MassHealth Essential: Extension of Funding and Sponsor Requirement for Aliens with Special Status**

An additional limited amount of funding is available for fiscal year 2005 to provide benefits to certain aliens with special status.

As a condition of eligibility, aliens with special status (AWSS) will need to show if they have or have had a sponsor, as defined in federal law, and that the sponsor is deceased or unable to provide financial support as determined by MassHealth. The sponsor will be determined to be unable to provide financial support if the sponsor's family income, where the size of the sponsor's family includes the applicant, is less than or equal to 200 percent of the federal poverty level. If they never had a sponsor, they may receive MassHealth Essential, if otherwise eligible.

These emergency regulations are effective January 1, 2005.

MANUAL UPKEEP

<u>Insert</u>	<u>Remove</u>	<u>Trans. By</u>
504.002 (1 of 3)	504.002 (1 of 3)	E.L. 123
505.007 (4 of 4)	505.004 (4 of 4)	E.L. 123
519.013	519.013	E.L. 123

Trans. by E.L. 129

	MASSHEALTH		
	CITIZENSHIP AND IMMIGRATION	Chapter	504
Rev. 01/01/05	(1 of 3)	Page	504.002

- (8) Aliens or their unmarried dependent children, as defined in federal law, who have been subjected to battery or extreme cruelty by their spouse, parent, sponsor, or a member of their family group, and who no longer live in the same family group as the batterer.
- (9) Persons who entered as Cuban/Haitian entrants under section 501(e) of the Refugee Education Assistance Act of 1980.
- (10) Native Americans with at least 50 percent American Indian blood who were born in Canada pursuant to section 289 of the INA or other tribal members born in territories outside of the U.S. pursuant to 25 U.S.C. 450b(e).
- (11) Amerasians admitted pursuant to section 584 of Public Law 100-202.
- (12) Victims of severe forms of trafficking.

(C) Protected Alien. Aliens who are not qualified aliens, but who are aliens with special status or nonqualified aliens, as described at 130 CMR 504.002(D) and (E), and who were receiving medical assistance or CommonHealth on June 30, 1997, are considered protected aliens and may continue to receive MassHealth regardless of immigration status, if they are otherwise eligible. This status continues until a determination of ineligibility due to failure to meet categorical or financial eligibility requirements has been made.

(D) Alien with Special Status. Certain aliens who are not qualified aliens are afforded eligibility for MassHealth based on provisions of state law as described in 130 CMR 504.002(D). Aliens with special status, who qualify for MassHealth under 130 CMR 504.002(F)(2)(a), (b), or (c), must be under age 19. Certain long-term unemployed, disabled aliens with special status aged 19 through 64 are afforded eligibility for MassHealth under 130 CMR 505.007(E).

(1) Persons permanently living in the United States under color of law (PRUCOLs) are described in 42 CFR 435.408(b)(3) through (7), (b)(10) through (14), and (b)(16), and include the following.

- (a) Aliens living in the United States in accordance with an indefinite stay of deportation.
- (b) Aliens living in the United States in accordance with an indefinite voluntary departure.
- (c) Aliens and their families who are covered by an approved immediate relative petition, who are entitled to voluntary departure, and whose departure the United States Department of Homeland Security (DHS) does not contemplate enforcing.
- (d) Aliens who have filed applications for adjustment of status that the DHS has accepted as "properly filed," and whose departure the DHS does not contemplate enforcing.
- (e) Aliens granted stays of deportation by court order, statute, or regulation, by individual determination of the DHS, or relevant DHS instructions, and whose departure the DHS does not contemplate enforcing.

Trans. by E.L. 129

**MASSHEALTH
COVERAGE TYPES**

Rev. 01/01/05

**Chapter 505
Page 505.007**

(D) Funding. State legislation does not provide funding for MassHealth Essential after September 30, 2005. MassHealth Essential benefits will not be provided after September 30, 2005, unless a legislative extension is authorized. MassHealth Essential members who are receiving MassHealth Essential on September 30, 2005, will be provided only MassHealth Limited coverage as of October 1, 2005, if otherwise eligible for MassHealth Limited under 130 CMR 505.008.

(E) MassHealth Essential for Aliens with Special Status.

(1) Eligibility Requirements. MassHealth Essential for aliens with special status is available to adults aged 19 through 64 who meet the eligibility requirements of 130 CMR 505.007, except that they must be aliens with special status, as described in 130 CMR 504.002(D), and in addition to being long-term unemployed:

(a) they must be disabled, as described in 130 CMR 505.002(F)(2)(a); and

(b) if they have or have had a sponsor, as defined in federal law, the sponsor must be deceased or unable to provide financial support as determined by MassHealth. The sponsor will be determined to be unable to provide financial support if the sponsor's family income, where the size of the sponsor's family includes the applicant, is less than or equal to 200 percent of the federal poverty level.

(2) Availability of Benefits. MassHealth Essential for aliens with special status is available either through the purchase of medical benefits or through premium assistance payments. Benefits may begin no earlier than June 1, 2004, except as described in 130 CMR 505.007(E)(2).

(3) Funding and Enrollment Restrictions. MassHealth Essential members who are aliens with special status are subject to enrollment restrictions described in 130 CMR 501.003(C). Upon advance notice, MassHealth Essential benefits may be terminated if MassHealth determines that there is insufficient funding.

(4) Eligibility for MassHealth Limited. MassHealth Essential members who meet the requirements of 130 CMR 505.007(E) are automatically eligible for MassHealth Limited coverage. Medical services are provided pursuant to 130 CMR 450.105(G). MassHealth members meeting the requirements of 130 CMR 505.007(E) are eligible for MassHealth Limited benefits as follows.

(a) For MassHealth Essential members with purchase of medical benefits, medical coverage begins in accordance with 130 CMR 505.008(B).

(b) For MassHealth Essential members with premium assistance, medical coverage begins in accordance with 130 CMR 505.008(B) and is provided on a fee-for-service basis covering only MassHealth-covered services that are not covered by the member's private health insurance.

Trans. by E.L. 129**MASSHEALTH
COVERAGE TYPES****Chapter 519
Page 519.013****Rev. 01/01/05**

519.013: MassHealth Essential

(A) Eligibility Requirements. MassHealth Essential is available to community residents aged 65 and older who are aliens with special status as described in 130 CMR 518.002(D), and who meet the following requirements:

- (1) the countable-income amount, as defined in 130 CMR 520.009, of the individual or married couple living together is less than or equal to 100 percent of the federal poverty level;
- (2) the countable assets of an individual are \$2,000 or less, and those of a married couple living together are \$3,000 or less; and
- (3) if the alien has or has had a sponsor, as defined in federal law, the sponsor is deceased or unable to provide the alien with financial support as determined by MassHealth. The sponsor will be determined to be unable to provide financial support if the sponsor's family income, where the size of the sponsor's family includes the applicant, is less than or equal to 200 percent of the federal poverty level.

(B) Financial Standards Not Met. Individuals whose income, assets, or both exceed the standards set forth in 130 CMR 519.013(A) may establish eligibility for MassHealth Essential by reducing their assets in accordance with 130 CMR 520.004, meeting a deductible as described at 130 CMR 520.028 et seq., or both.

(C) Benefits. Individuals eligible for MassHealth Essential are eligible for medical benefits on a fee-for-service basis as defined in 130 CMR 515.001. These medical benefits are described in MassHealth's regulations at 130 CMR 450.105(I).

(D) Coverage Date. The begin date of medical coverage is established in accordance with 130 CMR 516.005, but no earlier than June 1, 2004. MassHealth Essential members are eligible for medical coverage under MassHealth Limited prior to June 1, 2004, if otherwise eligible for MassHealth Limited as described in 130 CMR 519.009.

(E) Funding and Enrollment Restrictions. MassHealth Essential members who are aliens with special status are subject to enrollment restrictions described in 130 CMR 501.003(C). Upon advance notice, MassHealth Essential benefits may be terminated if MassHealth determines that there is insufficient funding.