

5101:1-42-90 Refugee medical assistance (RMA).

(A) RMA is a time-limited medical assistance program, funded through the office of refugee resettlement (ORR), that provides a medical screening through contracted refugee health screening providers, and other medical services to an individual who is not a United States (U.S.) citizen, is not eligible for medicaid and who meets the other eligibility requirements of this rule.

(B) Definitions.

(1) "Administrative agency" means the county department of job and family services (CDJFS), Ohio department of job and family services (ODJFS), or other entity determining eligibility for a medical assistance program.

(2) "Countable family income" means the family's earned and unearned income after allowable deductions, exemptions, and exclusions as defined in rules 5101:1-40-20.1 to 5101:1-40-22 of the Administrative Code. Countable income does not include any cash assistance payments, in-kind services or shelter provided by a sponsor or local resettlement agency.

(3) "Derivative T visa" means either a T-2, T-3, T-4, or T-5 visa issued to certain family members of victims of a severe form of trafficking who may be eligible for RMA benefits if the visa holder meets refugee program eligibility requirements.

(4) "Family", for the purpose of this rule, means an individual, the individual's spouse, and dependent children.

(5) "Individual", for the purpose of this rule, means an applicant for or a recipient of RMA or refugee cash assistance (RCA) who is not a U.S. citizen and who meets one of the following definitions of immigration status under the Immigration and Nationality Act (INA) (as of May 1, 2009), as verified by documentation issued by the U.S. department of state, U.S. department of homeland security, or U.S. department of justice:

(a) Paroled as a refugee or asylee under section 212(d)(5) of the INA (as of May 1, 2009).

(b) Admitted to the U.S. as a refugee under section 207 of the INA (as of May 1, 2009).

(c) Granted asylum under section 208 of the INA (as of May 1, 2009).

(d) Cuban and Haitian entrants in accordance with requirements in 45 C.F.R. part 401 (as of May 1, 2009).

(e) Certain Amerasians from Vietnam who are admitted to the U.S. as immigrants pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 (as contained in section 101(e) of Public Law 100-202, and amended by the 9th proviso under migration and refugee assistance in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, Public Law 100-461, as amended).

(f) Victims of a severe form of trafficking as identified in 22 U.S.C. 7105(b)(1) (as of May 1, 2009) and certain family members, as identified in the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA) (Pub. L. No. 108-193). Victims of a severe form of trafficking are awarded a certification letter from ORR and are potentially eligible for RMA as described in 28 C.F.R. 1100.33 (as of May 1, 2009). Certain family members are awarded "Derivative T" visas and are potentially eligible for RMA.

(g) Admitted as an Afghan or Iraqi special immigrant under section 101(a)(27) of the INA (as of May 1, 2009).

(6) "Resources" means cash, personal property, and real property an individual has an ownership interest in and the legal ability to access in order to convert to cash.

(7) "RMA need standard" means one hundred per cent of the federal poverty level (FPL) based on family size.

(8) "Spendedown" is a process described in rule 5101:1-39-10 of the Administrative Code.

(C) Eligibility criteria.

(1) The individual shall be neither:

(a) Eligible for medicaid; nor

(b) A full-time student in an institution of higher education, except where such enrollment is approved by the state, or its designee, as part of an individual employability plan as described in rules 5101:1-2-40 to 5101:1-2-40.5 of the Administrative Code.

(2) The individual meets the income requirements for RMA when:

(a) The individual's countable family income is no more than the RMA need standard, or

(b) The individual whose family income is more than the RMA need standard spends down countable family income to the RMA need standard.

(3) Initial and ongoing eligibility for RMA is based on the applicant's income on the date of application.

(4) Resources are exempt for RMA.

(D) Eligibility period. An individual who meets the eligibility requirements of this rule may receive RMA for a time-limited period not to exceed eight months from the individual's date of entry or from the date status is granted, as listed on the individual's U.S. citizenship and immigration services' (USCIS) documentation.

(E) Individual responsibilities. The individual shall:

(1) Provide:

(a) USCIS documentation of alien status;

(b) The name of the resettlement agency, if any, that resettled the individual; and

(c) The information necessary to establish eligibility, cooperate in the verification process, and report changes in accordance with rule 5101:1-38-02 of the Administrative Code.

(2) Spend down to the RMA need standard if the individual's income exceeds the RMA need standard; and

(3) Cooperate in providing verification of any third-party liability or coverage of medical expenses as defined in Chapter 5101:1-38 of the Administrative Code.

(F) Administrative agency responsibilities. The administrative agency shall:

- (1) Accept an application, or electronic equivalent, for "cash assistance, food assistance, and medical assistance" as an application for RMA;
- (2) Not require an individual to apply for or receive RCA;
- (3) Not require a face-to-face interview;
- (4) Use actual countable family income for the month of application. Do not average income prospectively in determining income eligibility for RMA;
- (5) Determine medicaid eligibility, as described in Chapters 5101:1-37 to 5101:1-42 of the Administrative Code, prior to determining eligibility for RMA;
- (6) Call the trafficking verification line to confirm the validity of the certification letter or letter for children and to notify ORR of the benefits for which the individual has applied;
- (7) Make eligible an individual who receives RCA and who meets the eligibility requirements of this rule;
- (8) Obtain third-party liability information from an individual who has other health insurance;
- (9) Explore retroactive eligibility for RMA, as defined in Chapter 5101:1-38 of the Administrative Code. Retroactive eligibility cannot begin prior to the individual's date of entry or from the date status is granted;
- (10) Transfer the individual to RMA if medicaid eligibility is terminated due to an increase in income. A new eligibility determination is not required through the remainder of the RMA eligibility period; and
- (11) Issue proper notice and hearing rights as outlined in division 5101:6 of the Administrative Code.

Replaces: 5101:1-2-40.1

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