



Medicaid Eligibility for Compact of Free Association (COFA) Migrants

*Extension of Medicaid for COFA
Migrants: State Implementation,
Short-term Workarounds and
Outreach Strategies*

May 4, 2021

Overview

This presentation will cover:

- Overview of Section 208 of the Consolidated Appropriations Act, 2021 -- COFA migrant Medicaid extension
- Summary of verification options for COFA migrants available to states using information returned through the Federal Data Services Hub (Hub), Department of Homeland Security (DHS) Systematic Alien Verification for Entitlements (SAVE)/ Graphical User Interface (GUI)
- Interim strategies states may implement to identify, verify and enroll COFA migrants prior to Hub, Federally-facilitated Exchange (FFE) and state system changes
- Planned updates to the Hub and FFE to reflect new eligibility status of COFA migrants

Background

- Effective December 27, 2020, section 208 of the Consolidated Appropriations Act, 2021 requires states and the District of Columbia (DC) to provide Medicaid coverage for individuals who are considered Compact of Free Association (COFA) migrants (also referred to as compact citizens)
- States and DC must cover COFA migrants in Medicaid as “qualified non-citizens” without a 5-year waiting period, if otherwise eligible under the Medicaid state plan or section 1115 demonstration
- The legislation provides an option for territories to elect to cover COFA migrants in Medicaid. The expenditures for COFA migrants are not considered part of the territories’ Medicaid expenditure allotments.

COFA is an agreement between the United States and the three Pacific Island sovereign states of Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau—known as Freely Associated States.

Background (cont'd)

- Prior to the enactment of the recent legislation, Medicaid and CHIP coverage for COFA migrants was limited to:
 - Services necessary to treat an emergency medical condition; or
 - Full coverage for children under 21 and/or pregnant women, if the state elected to cover lawfully residing individuals under the “CHIPRA 214 option” in Medicaid or CHIP (section 214 of the Children’s Health Insurance Reauthorization Act of 2009)
- The COFA Medicaid extension due to this legislation does not extend to separate CHIP programs
 - States that have elected the CHIPRA 214 option to cover lawfully residing pregnant women and children in CHIP may continue to cover eligible COFA migrants under that provision

Usual Immigrant Eligibility Verification & Enrollment Process

- **COLLECT INFORMATION ON APPLICATION:** States request information regarding eligible immigration status and associated information on the application.

This may include:

- Attestation that an applicant has an eligible immigration status *and*:
- Information from Immigration Documents (e.g. I-94#, passport #, country of origin code or class of admission (COA) code)

OR

- Applicant's attested immigration status

- **VERIFY APPLICATION INFORMATION AND DETERMINE ELIGIBILITY:** States must verify immigration status of applicants through the DHS SAVE program. (1137(d) of the Social Security Act; 42 CFR 435.406)

NOTE: If state is not able to promptly verify citizenship or immigration status, it must provide benefits during a 90-day reasonable opportunity period (ROP) to applicants who:

- Attest to citizenship or having an eligible immigration status;
- Meet all other eligibility requirements for Medicaid (42 CFR 435.956(b))

- **ENROLL ELIGIBLE INDIVIDUALS:** Once an eligible immigration status has been verified or if an individual is in the ROP, states must enroll eligible individuals into full Medicaid coverage, if otherwise eligible under the state plan.

Current Verification Processes

- States currently access SAVE to verify immigration status through the following pathways:
 - The Federal Data Services Hub (Hub)
 - A separate state connection to SAVE
 - GUI -- web-based interface with SAVE
 - Combination of the three pathways mentioned above
- States that currently rely on the Hub indicators to verify immigration status may not be able to accurately verify immigration status for COFA migrants until updates are made by the Hub/FFE in early summer 2021.
- Those states can verify immigration status through another pathway as a temporary workaround.

Does the state's current process work for COFA Migrants?

COLLECT INFORMATION ON THE APPLICATION:

Likely, yes. The information individuals currently provide on the application is sufficient to make correct determinations for COFA migrants.

- States that request an immigration status of non-citizens may need to add COFA status in the list of qualified non-citizen (QNC) statuses that an applicant can select or modify application instructions listing eligible immigration statuses.

VERIFY APPLICATION INFORMATION AND DETERMINE ELIGIBILITY:

Not necessarily. States' eligibility systems may not correctly interpret Hub indicators or immigration codes from SAVE to determine eligibility accurately.

- As a result, COFA migrants may be denied Medicaid based on immigration status or incorrectly enrolled in a separate CHIP in a state that has not elected the CHIPRA 214 option.

ENROLL ELIGIBLE INDIVIDUAL:

Not necessarily. State systems (E & E and/or MMIS) may not be configured to accept COFA migrant codes as an eligible immigration status for enrollment for full benefit Medicaid coverage.

Workarounds & Temporary Strategies for COFA Migrants

- If the state's system does not correctly determine eligibility for COFA migrants currently, states may need workarounds for one or more of these areas.

Identifying
Potential
COFA
Migrants

Verifying COFA
Status and
Completing
Eligibility
Determination

Enrollment

Identify COFA Migrants during the Application Process and Route to Alternative Verification

- Many states may be able to identify COFA migrants from the application or during the eligibility determination process, even if the state has not yet made necessary system changes. By identifying these individuals upfront, the state can reroute COFA migrants to an alternative verification, determination and enrollment process to avoid an inappropriate denial of Medicaid eligibility based on immigration status (see slide 11).
 - **Applicant attestations of immigration status:** States that ask applicants to list or identify their specific immigration status likely can identify COFA migrants from the application (e.g., if the state already includes a list of immigration statuses that includes COFA migrants or requests country of origin).* (See Example A on slides 19-20)
 - **Special Messaging to COFA Applicants:** By directing COFA applicants to apply for coverage using a specific unit or call center, states can identify COFA migrants and process their application manually. (See Example A on slides 19-20)

*COFA migrants are individuals from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

Workarounds & Temporary Strategies: Identify COFA Migrants After Denial and Redetermine Eligibility

- If a state cannot identify COFA migrants and route them to an alternative verification process upfront, states may be able to identify COFA migrants after they have been denied and notice has been sent based on immigration status. States would then conduct an alternative verification process to redetermine the individuals' eligibility.
 - **Conduct regular data runs to identify recent Medicaid application denials** due to unsatisfactory immigration status (e.g., using application information, underlying immigration information from SAVE that shows COFA immigration status, or denial reason codes). (see Appendix, slide 30 for SAVE codes, Example B on slides 21-22)
 - Preserve the original application date to determine the effective date of coverage.

Workarounds & Temporary Strategies:

Identify COFA Migrants After Denial and Redetermine Eligibility (Cont.)

Once the state identifies COFA migrants who are otherwise eligible but denied Medicaid based on immigration status, the state can:

- 1. Manually re-verify immigration status** without requiring a new application or contact from the applicant (states will need to use the GUI or a separate SAVE connection) (See Example B on slides 21-22); or
- 2. Contact identified COFA individuals** and direct them to the Medicaid agency so the state can redetermine eligibility without requiring a new application.
 - States may consider having dedicated staff to manually reprocess determinations, or use an alternative verification process, for COFA migrants who respond.
 - States may instruct COFA migrants to contact the call center (e.g. via notice) and route those applications to dedicated caseworkers.

Note: These strategies may require training of specialized workers.

Current Functionality: Verifying Immigration Status through the Hub

- States that use the Hub receive the following indicators to verify eligible immigration status:
 - Lawful Presence Verified (LPV)
 - Qualified Non-Citizen (QNC)
 - 5 Year Bar Applies (Five-Year Bar Apply)
- Currently, the Hub indicators identify COFA migrants as Lawfully Present, but not a Qualified Non-Citizen:
 - Lawful Presence Verified (LPV = Y) and
 - Qualified Non-Citizen (QNC = N)
- The Hub also transmits underlying information from SAVE that indicates immigration status.

Hub System Changes to Implement COFA Eligibility

- Modifications to the Hub are being made to correctly verify COFA migrants as qualified non-citizens not subject to the five-year waiting period (“Five Year Bar Apply”).
- These changes are targeted for completion for early this summer. When complete, the following indicators will be returned for COFA migrants:

Lawful Presence Verified	Qualified Non-Citizen	Five-Year Bar Apply	Five-Year Bar Met	U.S. Citizen Code
Y	Y	N	X	X

- Once these changes are made, states using the Hub will be able to rely on the Hub Indicators to correctly verify COFA migrants’ eligible immigration status.

Workarounds & Temp. Strategies -- Alternative Verification Process #1: Verifying Immigration Status Using Underlying Hub Codes

- **Remember:** In addition to the Hub Indicators, the Hub also provides the Class of Admission (COA) and other underlying immigration codes from SAVE that indicate COFA migrant immigration status (see Appendix for specific codes) (See Example A on slides 19-20)
- States that have the ability to receive and interpret SAVE immigration codes can use this information to correctly verify COFA migrant status now.

NOTE: Setting eligibility logic based on verification of immigration codes from SAVE may be a permanent solution for some states.

Current Functionality: Verifying Immigration Status through a Direct SAVE Interface or the GUI

- States using a direct connection to SAVE or the GUI currently receive immigration codes that states can use to verify COFA migrant immigration status (see appendix).
- The information returned through a direct connection to SAVE or the GUI will remain the same.
- All states have access to the GUI.
- Some states may already have logic built into their eligibility and enrollment system to interpret information returned through those codes to verify COFA migrant status.

Workarounds & Temp. Strategies -- Alternative Verification Process #2: Using the GUI or Direct SAVE Connection

- States can manually query SAVE to verify COFA immigration status using a state's direct connection to SAVE or the GUI.
- This can be used both by states that
 - use the Hub Indicators (until the Hub update is completed)
 - have a direct interface to SAVE but are unable to determine eligibility accurately using the underlying immigration codes

(See Examples A and B on slides 19 -22)

Workarounds & Temporary Strategies: Enrolling COFA Migrants

- If a state's system cannot enroll an individual into Medicaid for full benefits based on their verified immigration status as a COFA migrant, the state may need to implement a workaround to override the system logic and enroll the individual.
- Enrollment workarounds may be needed for a state's E&E and/or MMIS systems. (See Example A on slides 19-20)
- States may need to track these cases to adjust the beneficiary's designation in the system, once the eligibility and enrollment systems can verify and determine eligibility for COFA migrants appropriately.

Workarounds & Temporary Strategies: Using Appeals Process for COFA Migrants Improperly Denied

As a final backstop for states that are unable to identify and determine eligibility for COFA migrants eligible for Medicaid prior to denials, states can utilize their appeals process.

- COFA migrants denied eligibility have the right to request a fair hearing.
- States can include messaging in denial notices or separate outreach explaining that COFA migrants are encouraged to appeal a denial. For appeals denied based on not having satisfactory immigration status, states are encouraged to:
 - Create an expedited appeals process for COFA migrants
 - Utilize an informal resolution process to resolve the denial prior to conducting the hearing
 - Provide special training for hearing officers

Example State A -- State Can Identify COFA Migrants during Application Process

Example State A:

- **Application Information Collection:** State collects specific COFA immigration status attestation or country of origin on application.
- **Verification and Eligibility Determination:** State generally uses the Hub for verification of immigration status and relies on the Hub indicators to verify immigration status. State also has access to the GUI. State can consume and store underlying immigration codes from SAVE in an applicant's case record.
- **Enrollment:** State's E & E system does not recognize COFA migrants as a valid immigration status for enrollment for full benefits.

Example State A -- State Can Identify COFA Migrants during Application Process (Cont.)

Solutions:

- **Workaround to identify COFA Migrants:** State has process established to review applications for individual information attesting to COFA status and route to specialized workers.
- **Alternative Verification Process:** Since the Hub Indicators will show that COFA migrant is not eligible, specialized workers conduct alternative verification process. Specialized worker verifies COFA immigration status using the GUI. (Workers have been trained).
- **Workaround to enroll individual:** While E & E system is not yet programmed to correctly determine eligibility for COFA migrants based on immigration codes provided through SAVE, state manually determines eligibility using verified COFA immigration status information obtained through the GUI, avoiding potential incorrect denial.

Example State B – State Unable to Prevent Automatic Denials for COFA Migrant Applicants due to Immigration Status

Example State B:

- **Application Information Collection:** State does not collect specific COFA immigration status information on the application.
- **Verification and Eligibility Determination Process:** State uses the Hub and GUI for immigration status verification. State relies on Hub indicators for eligibility determination and cannot read the individual's underlying immigration codes sent from the Hub. State E & E system is not programmed to correctly determine eligibility for COFA migrants based on current Hub indicators or codes provided through SAVE. State is unable to prevent denials for COFA migrant applications for Medicaid because the state's E & E system determines the individual's eligibility in real-time.
- **Enrollment:** State's E&E system has not been modified, but it has process for manual enrollment.

Example State B – State Unable to Prevent Automatic Denials for COFA Migrant Applicants due to Immigration Status (Cont.)

Solutions:

- **Workaround to Identify COFA Migrants:** State conducts data run post-denial identifying applicants denied due to unsatisfactory immigration status, without the individual returning to the state.
- **Alternative Verification Process:**
 - State routes identified cases to specialized unit that can utilize the GUI to re-verify immigration status.
 - If verified that individual has a COFA immigration status and otherwise eligible, state issues an approval, modifying the initial denial of eligibility.
 - NOTE: Once the Hub indicators are modified to reflect COFA eligibility, state B will be able to use the Hub indicator for verification of immigration status for Medicaid.
- **Workaround for Enrollment:** COFA migrant can be enrolled in Medicaid, after state verifies immigration status and determines individual otherwise eligible.
 - State sends individual a notice that determined eligible.
 - State may need workaround to enroll and enter the individual's verified immigration information, if system does not yet recognize COFA as an eligible immigration status.

Applications Submitted to the Federally-facilitated Exchange (FFE)

- The FFE also uses Hub indicators to verify immigration status.
- Currently, the FFE is not programmed to determine or assess Medicaid eligibility for COFA migrants, with the exception of coverage under CHIPRA 214.
- Modifications are being made so that the FFE correctly determines or assesses Medicaid and CHIP eligibility for COFA migrants.
- These changes also are targeted for implementation by early summer 2021.

FFE Temporary Mitigation Strategy: Referring COFA Migrants to the State to Apply

- Until Hub and FFE changes are implemented, CMS recommends that affected consumers apply directly with their state Medicaid agencies.
- The Marketplace Call Center will advise consumers who may be impacted by this policy change to apply for Medicaid at the state.
- Content encouraging impacted consumers to contact their State Medicaid Agency, instead of submitting a Marketplace application, has been posted on HealthCare.gov [here](#).

Planned FFE Outreach to Marketplace Consumers

- CMS plans to send outreach letters to household contacts of COFA migrants known to the FFE who applied for 2021 coverage with financial assistance and may now be eligible for Medicaid. CMS anticipates sending these notices after the Hub and FFE changes are implemented in early summer 2021.
- The notice to COFA migrants who receive health coverage with financial help will encourage affected consumers to return to the Marketplace, update their account, and find out if they're now eligible for Medicaid.

Streamlining Enrollment through Targeted Outreach: Transitioning Coverage for Other Health Program Beneficiaries

Individuals in other health programs for which immigration status has been verified through SAVE may be enrolled into Medicaid. For example:

- Beneficiaries in state or locally-funded programs
- Individuals enrolled in a Qualified Health Plan through a state-based exchange instead of Medicaid due to immigration status
- COFA migrants previously eligible only for treatment of an emergency medical condition.

To enroll these individuals into Medicaid, states may:

- Use immigration information known to the state to identify COFA migrants
 - If the verification of immigration status is needed, verify through SAVE (using an alternative verification strategy if necessary)
- Request any additional information to determine if other eligibility requirements are met (if needed)
- Obtain a signature consenting to enrollment in Medicaid (if needed).

NOTE: If currently enrolled in Medicaid (e.g., for coverage of emergency medical condition), keep the individual's original renewal date, unless the state completes a full redetermination.

Streamlining Enrollment through Targeted Outreach: Conducting Targeted Outreach To Enroll Likely-Eligible COFA Migrants

States can reach out to unenrolled household members of existing Medicaid beneficiaries who are known or likely to be COFA migrants. For example:

- Parents of COFA migrants enrolled in Medicaid under the CHIPRA 214 option
- Household members of individual enrolled only for treatment for an emergency medical condition

To enroll these individuals into Medicaid, states may:

- Send a notice to the household with information that other family members may be eligible, or facilitate enrollment of COFA household members during the renewal of the enrolled beneficiary.
- Collect additional information to complete a Medicaid determination, including signature consenting to enrollment in Medicaid.
- Determine eligibility and enroll if individual is eligible.

Leveraging Partnerships to Reach Potential COFA applicants

- Create and Use Existing Partnerships
 - Outreach to advocacy groups and community organizations.
 - Outreach/application assistance at providers (hospitals and qualified entities making Presumptive Eligibility determinations).
 - Outreach to embassies/consulates.
 - Outreach to certain provider types (e.g. uninsured individuals receiving benefits from community or local health centers).
- Provide Information to Public
 - Update public facing websites, other public outreach methods.
 - Translate applications and other outreach material into Marshallese, and other non-English prevalent languages in the COFA community (See June 2020 GAO-20-491 report for list of languages).
- Create Streamlined Agency Access Point for COFA Migrants
 - Special unit/hotline at the state agency to assist in the application process for those that attest to COFA migrant status.

Resources

- June 2020 GAO Report: Compacts of Free Association- Populations in U.S. Areas Have Grown, with Varying Reported Effects
<https://www.gao.gov/assets/gao-20-491.pdf>
- Healthcare.gov: More information for immigrant families
<https://www.healthcare.gov/immigrants/immigrant-families/>
- SAVE Fact Sheet on COFA Migrant Verification
https://save.uscis.gov/web/media/resourcesContents/CFA_MIS.pdf
- SAVE Verification Resources
<https://www.uscis.gov/save/save-resources>

Appendix: Hub and SAVE Codes

Summary of Changes for Hub and SAVE Codes for COFA Migrants:

VLP Step	COA Codes	ESC Code/ Major code	EAD Category code	LPV	QNC	5Yr Bar	Agency Action
H92 - Step 1	N/A	10	A08	Y	Y	N	Invoke CloseCase Web method to close the case.
H92 - Step 1	MIS, FSM, or PAL	10	No EAD	Y	Y	N	Invoke CloseCase Web method to close the case.
H92 - Step 1	No COA	10	No EAD	P	P	P	Invoke InitiateAdditionalVerif or InitiateThirdVerif Web method.
H92 - Step 1	MIS, FSM, or PAL	13	N/A	Y	Y	N	Invoke CloseCase Web method to close the case.
H92 - Step 1	MIS, FSM, or PAL	128	N/A	Y	Y	N	Invoke CloseCase Web method to close the case.
H92 - Step 1	PI	128, 10, 13	No EAD	Y	P	P	The Requester must ask for additional documentation from the individual.
H100 – Retrieve Step 2	MIS, FSM, or PAL	10a	N/A	Y	Y	N	Invoke CloseCase Web method to close the case.
H100 – Retrieve Step 2	PI	10a	N/A	Y	P	P	The Requester must ask for additional documentation from the individual.
H101 – Retrieve Step 3	MIS, FSM, or PAL	10a	N/A	Y	Y	N	Invoke CloseCase Web method to close the case.
H101 – Retrieve Step 3	PI	10a	N/A	Y	P	P	The Requester must ask for additional documentation from the individual.

Questions

