

Title of Proposed Rule:	Expansion of Refugee Medical Assistance (RMA) eligibility period	
CDHS Tracking #:	22-12-07-01	
Office, Division, & Program:	Rule Author: Bidur Dahal	Phone: 303-489-5084
Office of Economic Security, Division of Economic and Workforce Support Colorado Refugee Services Program		E-Mail: bidur.dahal@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

a. Board Executive Director

b. Regular Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

<input type="checkbox"/> AG Initial Review	<input type="checkbox"/> Initial Board Reading	<input type="checkbox"/> AG 2 nd Review	<input checked="" type="checkbox"/> Second Board Reading / Adoption
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This package contains the following types of rules: *(check all that apply)*

Number	
<input checked="" type="checkbox"/>	Amended Rules
<input type="checkbox"/>	New Rules
<input type="checkbox"/>	Repealed Rules
<input type="checkbox"/>	Reviewed Rules

What month is being requested for this rule to first go before the State Board?	January
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What date is being requested for this rule to be effective?	01/06/2023
Is this date legislatively required?	No

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director’s Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ **Date:** _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates:	1st Board 01/06/23	2nd Board 02/03/23	Effective Date 01/06/23 (Emer) 3/30/23 (Perm)
	_____	_____	

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STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

Colorado Refugee Services Program’s (CRSP) FFY23 Colorado state plan was approved by the Office of Refugee Resettlement (ORR) on September 27th, 2022, that incorporated the expansion of Refugee Medical Assistance (RMA) eligibility period. The Director of ORR expanded Refugee Medical Assistance eligibility from eight months to twelve months, on March 28, 2022, as stated on the ORR DCL 22-12 and Federal Register (87 FR 17312). Thus, the rule change will align with the new federal regulation.

The ORR letter accentuated ORR Director’s authorization to determine RMA eligibility period pursuant to 45 C.F.R. § 400.211. The expanded eligibility will therefore bring positive impact to refugees, by allowing additional time to address medical needs and to become self-sufficient, thereby leading to more effective resettlement of refugees in Colorado.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

- to comply with state/federal law and/or
- to preserve public health, safety and welfare

Justification for emergency:

Current rules for Refugee Medical Assistance do not allow eligibility beyond 8 months for ORR eligible-population and are out of alignment with the new federal regulation. Thus, ensuring the inclusion of the expanded RMA eligibility to 12 months will bring uniform knowledge of this change to all the parties involved.

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State Board Authority for Rule:

Code	Description
26-1-107(5)(a)(I), (b), C.R.S. (2022)	State Board to promulgate rules that govern program scope and content for all programs administered and services provided by the state department under Titles 26 and 27 of the C.R.S. CRSP is administered by the state department under section 26-2-138, C.R.S. (2022). The program must provide the following, in accordance with the federal act and the state plan: (b) Refugee medical assistance 26-2-138 (3) (b) C.R. S
26-1-111(2)(a), C.R.S. (2022)	State department must administer or supervise all forms of public assistance and welfare that are vested in the state department pursuant to law. CRSP is a public assistance and welfare program administered by the state department under section 26-2-138, C.R.S.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
26-2-137(1)(b), C.R.S. (2022)	The state department shall promulgate rules for the delivery of emergency services to legal immigrants and non-citizens
26-2-138(3)-(5), C.R.S. (2022)	The state department must adopt rules to provide benefits and services to refugees that are consistent with the Immigration and Nationality Act and Colorado's state plan.
8 U.S.C. §1522(a)(2), (6)	Authorizing programs for domestic resettlement and assistance to refugees. The ORR must regularly consult state and local governments and in order for states to receive ORR funding, states must submit a state plan that includes benefits and services offered to refugees, meet standards, and report to ORR the use of funds that the state is responsible for administering

Does the rule incorporate material by reference?	x	Yes			No
Does this rule repeat language found in statute?		Yes		x	No
If yes, please explain.	The rule is incorporating the HCPF medical assistance manual by reference.				

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REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Colorado Department of Human Services and individual county human services departments will benefit from this rule change because this change will clarify the expanded eligibility of the Refugee Medical Assistance (RMA) program.

Colorado refugee resettlement agencies and other CRSP contractors will benefit by having state rules that match federal program rules regarding expanded RMA program eligibility for all ORR eligible population group.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

This rule change will bring clarity to the CRSP rules that are essential for the efficient and effective provision of benefits and services, to ORR eligible populations in Colorado. This rule would be of benefit to any county worker, supervisor, or director who works with these populations and who are responsible for processing these new case types for RMA, in the respective counties.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because...."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

The increased eligibility period by four months may result in additional costs as more individuals may be eligible. This is a federally funded program, any additional costs incurred will be reimbursed through federal funding. HCPF is working on a CBMS build to reflect the changes, and is at rudimentary stages, thus the change costs cannot be predicated at this time.

County Fiscal Impact

Counties may experience a slight workload increase if clients have questions about the new eligibility period. This is a federally funded program, any additional costs incurred will be reimbursed through federal funding.

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Federal Fiscal Impact

Federal Fiscal impact cannot be predicted as cost incurred is proportional to the number of cases that will be eligible for RMA. Additional costs incurred will be reimbursed through federal funding.

Other Fiscal Impact (such as providers, local governments, etc.)

There are no other fiscal impacts.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

There are no studies or data needed for these new rules.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just “no alternative” answer should include “no alternative because...”

There were no alternatives considered for the revised rule because these rules are required to comply with new federal regulations, that will lead to more effective resettlement of refugees in Colorado.

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OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
3.310	Section clarity	The Colorado Department of Human Services, through the Colorado Refugee Services Program (CRSP), is the single State agency with responsibility for the overall supervision and coordination of this program in Colorado, and for the development and supervision of the annual state plan for Colorado. CRSP operates under the Refugee Act of 1980 and Title IV of the Immigration and Naturalization Act (INA), as amended. Copies of the Immigration and Naturalization Act are available for public inspection by contacting the Colorado State Refugee Coordinator during regular business hours at the Colorado	THE COLORADO DEPARTMENT OF HUMAN SERVICES, THROUGH THE COLORADO REFUGEE SERVICES PROGRAM (CRSP), IS THE SINGLE STATE AGENCY WITH RESPONSIBILITY FOR THE OVERALL SUPERVISION AND COORDINATION OF THIS PROGRAM IN COLORADO, AND FOR THE DEVELOPMENT AND SUPERVISION OF THE ANNUAL STATE PLAN FOR COLORADO. CRSP OPERATES UNDER THE REFUGEE ACT OF 1980 AND TITLE IV OF THE IMMIGRATION AND NATIONALITY ACT (INA), AS AMENDED.	Removing reference by incorporation because it is not required for a federal law.	No

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	<p>Department of Human Services, Colorado Refugee Services Program, 1120 Lincoln Street, Suite 1007, Denver, Colorado 80203; or at a state publications depository library. No later editions or amendments are incorporated.</p>			
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3. 341	Clarity on expanded RMA eligibility	Each individual member of a household that applies for medical assistance must first be screened for eligibility under the State Medicaid Program. If the individual is determined ineligible for Medicaid, then a determination of eligibility under the Refugee Medical Assistance (RMA) Program must be made. A "household" is defined as a single adult with no children, a married couple, a single parent with minor	EACH INDIVIDUAL MEMBER OF A HOUSEHOLD THAT APPLIES FOR MEDICAL ASSISTANCE MUST FIRST BE SCREENED FOR ELIGIBILITY UNDER THE STATE MEDICAID/HEALTH FIRST COLORADO PROGRAM. IF THE INDIVIDUAL IS DETERMINED INELIGIBLE FOR MEDICAID/HEALTH FIRST COLORADO, THEN A DETERMINATION OF ELIGIBILITY UNDER THE REFUGEE MEDICAL ASSISTANCE (RMA) PROGRAM MUST BE MADE. A "HOUSEHOLD" IS DEFINED AS A SINGLE ADULT WITH NO CHILDREN, A MARRIED COUPLE, A SINGLE PARENT WITH MINOR	To ensure the expanded RMA eligibility is clearly reflected in the state rules and to reflect Colorado Medicaid's new name "Health First Colorado".	No

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	<p>children, or a married couple with their minor children.</p> <p>Any individual of a household who is not eligible for Medicaid shall be considered for Refugee Medical Assistance (RMA). RMA is limited to the time period of eight months after receiving a status that is eligible for CRSP services and benefits (refer to section 3.330 for verification of status for program eligibility).</p> <p>Persons applying for Refugee Medical Assistance will use the State prescribed application for Medicaid. Applicants will first be screened for State Medicaid programs in accordance with the Colorado Department of Health Care Policy and Financing's Medical Assistance Manual (10 CCR 2505-10).</p> <p>In accordance with federal law, in providing Refugee Medical Assistance to refugees, Colorado will provide at least the same services in the same manner and</p>	<p>CHILDREN, OR A MARRIED COUPLE WITH MINOR CHILDREN.</p> <p>ANY INDIVIDUAL OF A HOUSEHOLD WHO IS NOT ELIGIBLE FOR MEDICAID/HEALTH FIRST COLORADO SHALL BE CONSIDERED FOR REFUGEE MEDICAL ASSISTANCE (RMA). RMA IS LIMITED TO THE TIME PERIOD OF TWELVE MONTHS AFTER RECEIVING A STATUS THAT IS ELIGIBLE FOR CRSP SERVICES AND BENEFITS (REFER TO SECTION 3.330 FOR VERIFICATION OF STATUS FOR PROGRAM ELIGIBILITY).</p> <p>PERSONS APPLYING FOR REFUGEE MEDICAL ASSISTANCE WILL USE THE STATE PRESCRIBED APPLICATION FOR MEDICAID/HEALTH FIRST COLORADO. APPLICANTS WILL FIRST BE SCREENED FOR STATE MEDICAID/HEALTH FIRST COLORADO PROGRAMS IN ACCORDANCE WITH THE COLORADO DEPARTMENT OF HEALTH CARE POLICY AND FINANCING'S MEDICAL ASSISTANCE MANUAL (10 CCR 2505-10). COPIES OF COLORADO DEPARTMENT OF HEALTH CARE POLICY AND FINANCING'S MEDICAL ASSISTANCE MANUAL ARE AVAILABLE FOR PUBLIC INSPECTION BY CONTACTING THE COLORADO STATE REFUGEE</p>	<p>Incorporated the HCPF medical assistance manual.</p>	
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3.342		<p>to the same extent as under the state's Medicaid program.</p> <p>Refugees residing in the U.S. fewer than eight months after arrival into the United States, as well as asylees, Cuban/Haitian Entrants/parolees, certain Amerasians, victims of severe forms of trafficking, and Iraqi and Afghani special immigrant visa holders who are within eight months of being granted status who lose their eligibility for Medicaid because of earnings from employment, will be transferred to RMA without an eligibility determination and the two hundred percent (200%) of poverty rule shall not be applied. The increased earnings from employment shall not affect the refugee's continued medical assistance (RMA) eligibility while within the person's eight months of the RMA eligibility period.</p>	<p>COORDINATOR DURING REGULAR BUSINESS HOURS AT THE COLORADO DEPARTMENT OF HUMAN SERVICES, COLORADO REFUGEE SERVICES PROGRAM, 1575 SHERMAN STREET, DENVER, COLORADO 80203; OR AT A STATE PUBLICATIONS DEPOSITORY LIBRARY. NO LATER EDITIONS OR AMENDMENTS ARE INCORPORATED.</p> <p>IN ACCORDANCE WITH FEDERAL LAW, IN PROVIDING REFUGEE MEDICAL ASSISTANCE TO REFUGEES, COLORADO WILL PROVIDE AT LEAST THE SAME SERVICES IN THE SAME MANNER AND TO THE SAME EXTENT AS UNDER THE STATE'S MEDICAID/HEALTH FIRST COLORADO PROGRAM.</p> <p>REFUGEES RESIDING IN THE U.S. FEWER THAN TWELVE MONTHS AFTER ARRIVAL INTO THE UNITED STATES, AS WELL AS ASYLEES, CUBAN/HAITIAN ENTRANTS/PAROLEES, CERTAIN AMERASIANS, VICTIMS OF SEVERE FORMS OF TRAFFICKING, IRAQI AND AFGHAN SPECIAL IMMIGRANT VISA HOLDERS , AND CERTAIN HUMANATARIAN PAROLEES WHO ARE WITHIN TWELVE MONTHS OF BEING GRANTED STATUS WHO LOSE THEIR</p>	<p>To add "certain humanitarian parolees" to 3.342,</p>	
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	<p>A. RMA shall continue until the individual eligible for refugee services reaches the end of his or her eight (8) month eligibility period. B. Initial RMA eligibility determination (where the applicant was not previously eligible for Medicaid) is based on two hundred percent (200%) of the federal poverty level.</p> <p>1. In determining eligibility for and receipt of RMA, the following are not considered: in-kind services and shelter provided to an applicant by a sponsor or local resettlement agency. Payments, such as refugee cash assistance, matching grant, or reception and placement, received from the refugee resettlement agency are exempt from RMA income determinations.</p> <p>2. Determination of RMA eligibility will be based on an applicant's income on the date of application.</p> <p>3. Denial or termination of Refugee Cash Assistance does not cause denial or termination of RMA benefits.</p>	<p>ELIGIBILITY FOR MEDICAID/HEALTH FIRST COLORADO BECAUSE OF EARNINGS FROM EMPLOYMENT, WILL BE TRANSFERRED TO RMA WITHOUT AN ELIGIBILITY DETERMINATION AND THE TWO HUNDRED PERCENT (200%) OF POVERTY RULE SHALL NOT BE APPLIED. THE INCREASED EARNINGS FROM EMPLOYMENT SHALL NOT AFFECT THE REFUGEE'S CONTINUED MEDICAL ASSISTANCE (RMA) ELIGIBILITY WHILE WITHIN THE PERSON'S TWELVE MONTHS OF THE RMA ELIGIBILITY PERIOD.</p> <p>A. RMA SHALL CONTINUE UNTIL THE INDIVIDUAL ELIGIBLE FOR REFUGEE SERVICES REACHES THE END OF TWELVE (12) MONTH ELIGIBILITY PERIOD.</p> <p>B. INITIAL RMA ELIGIBILITY DETERMINATION (WHERE THE APPLICANT WAS NOT PREVIOUSLY ELIGIBLE FOR MEDICAID/HEALTH FIRST COLORADO) IS BASED ON TWO HUNDRED PERCENT (200%) OF THE FEDERAL POVERTY LEVEL.</p> <p>1. IN DETERMINING ELIGIBILITY FOR AND RECEIPT OF RMA, THE FOLLOWING ARE NOT CONSIDERED: IN-KIND SERVICES AND SHELTER PROVIDED TO AN APPLICANT BY A SPONSOR OR LOCAL RESETTLEMENT AGENCY. PAYMENTS, SUCH AS REFUGEE CASH ASSISTANCE, MATCHING GRANT, OR</p>		
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			<p>RECEPTION AND PLACEMENT, RECEIVED FROM THE REFUGEE RESETTLEMENT AGENCY ARE EXEMPT FROM RMA INCOME DETERMINATIONS.</p> <p>2. DETERMINATION OF RMA ELIGIBILITY WILL BE BASED ON AN APPLICANT'S INCOME ON THE DATE OF APPLICATION.</p> <p>3. DENIAL OR TERMINATION OF REFUGEE CASH ASSISTANCE DOES NOT CAUSE DENIAL OR TERMINATION OF RMA BENEFITS.</p>		
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STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

CDHS Division of Economic and Workforce Support

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

CDHS Division of Economic and Workforce Support; Food and Energy Assistance Division; Colorado Department of Local Affairs; Colorado Department of Labor and Employment; Colorado Department of Public Health and Environment; Colorado Department of Health Care Policy and Financing; Refugee Resettlement Agencies (Volags): specifically Lutheran Family Services Rocky Mountains, African Community Center, International Rescue Committee, Jewish Family Services and Project Worthmore; Colorado Alliance for Refugee Empowerment and Success (CARES) contractors; Counties serving CRSP eligible populations.

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes No

If yes, who was contacted and what was their input?

HCPF was contacted and no comments or input were received.

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes No

Name of Sub-PAC	Economic Security		
Date presented	01/05/2023		
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	13	0	4
If not presented, explain why.			

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PAC

Have these rules been approved by PAC?

Yes No

Date presented	01/05/2023		
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous	0	
If not presented, explain why.			

Other Comments

Comments were received from stakeholders on the proposed rules:

Yes No

If “yes” to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

3.310 PROGRAM SUMMARY

The Colorado Department of Human Services, through the Colorado Refugee Services Program (CRSP), is the single State agency with responsibility for the overall supervision and coordination of this program in Colorado, and for the development and supervision of the annual state plan for Colorado. CRSP operates under the Refugee Act of 1980 and Title IV of the Immigration and Naturalization Act (INA), as amended. Copies of the Immigration and Naturalization Act are available for public inspection by contacting the Colorado State Refugee Coordinator during regular business hours at the Colorado Department of Human Services, Colorado Refugee Services Program, 1120 Lincoln Street, Suite 1007, Denver, Colorado 80203; or at a state publications depository library. No later editions or amendments are incorporated.

THE COLORADO DEPARTMENT OF HUMAN SERVICES, THROUGH THE COLORADO REFUGEE SERVICES PROGRAM (CRSP), IS THE SINGLE STATE AGENCY WITH RESPONSIBILITY FOR THE OVERALL SUPERVISION AND COORDINATION OF THIS PROGRAM IN COLORADO, AND FOR THE DEVELOPMENT AND SUPERVISION OF THE ANNUAL STATE PLAN FOR COLORADO. CRSP OPERATES UNDER THE REFUGEE ACT OF 1980 AND TITLE IV OF THE IMMIGRATION AND NATIONALITY ACT (INA), AS AMENDED.

3.340 REFUGEE MEDICAL ASSISTANCE (RMA)

3.341 OVERVIEW

EACH INDIVIDUAL MEMBER OF A HOUSEHOLD THAT APPLIES FOR MEDICAL ASSISTANCE MUST FIRST BE SCREENED FOR ELIGIBILITY UNDER THE STATE MEDICAID/HEALTH FIRST COLORADO PROGRAM. IF THE INDIVIDUAL IS DETERMINED INELIGIBLE FOR MEDICAID/HEALTH FIRST COLORADO, THEN A DETERMINATION OF ELIGIBILITY UNDER THE REFUGEE MEDICAL ASSISTANCE (RMA) PROGRAM MUST BE MADE. A "HOUSEHOLD" IS DEFINED AS A SINGLE ADULT WITH NO CHILDREN, A MARRIED COUPLE, A SINGLE PARENT WITH MINOR CHILDREN, OR A MARRIED COUPLE WITH MINOR CHILDREN.

ANY INDIVIDUAL OF A HOUSEHOLD WHO IS NOT ELIGIBLE FOR MEDICAID/HEALTH FIRST COLORADO SHALL BE CONSIDERED FOR REFUGEE MEDICAL ASSISTANCE (RMA). RMA IS LIMITED TO THE TIME PERIOD OF TWELVE MONTHS AFTER RECEIVING A STATUS THAT IS ELIGIBLE FOR CRSP SERVICES AND BENEFITS (REFER TO SECTION 3.330 FOR VERIFICATION OF STATUS FOR PROGRAM ELIGIBILITY).

PERSONS APPLYING FOR REFUGEE MEDICAL ASSISTANCE WILL USE THE STATE PRESCRIBED APPLICATION FOR MEDICAID/HEALTH FIRST COLORADO. APPLICANTS WILL FIRST BE SCREENED FOR STATE MEDICAID/HEALTH FIRST COLORADO PROGRAMS IN ACCORDANCE WITH THE COLORADO DEPARTMENT OF HEALTH CARE POLICY AND FINANCING'S MEDICAL ASSISTANCE MANUAL (10 CCR 2505-10). COPIES

OF COLORADO DEPARTMENT OF HEALTH CARE POLICY AND FINANCING'S MEDICAL ASSISTANCE MANUAL ARE AVAILABLE FOR PUBLIC INSPECTION BY CONTACTING THE COLORADO STATE REFUGEE COORDINATOR DURING REGULAR BUSINESS HOURS AT THE COLORADO DEPARTMENT OF HUMAN SERVICES, COLORADO REFUGEE SERVICES PROGRAM, 1575 SHERMAN STREET, DENVER, COLORADO 80203; OR AT A STATE PUBLICATIONS DEPOSITORY LIBRARY. NO LATER EDITIONS OR AMENDMENTS ARE INCORPORATED.

IN ACCORDANCE WITH FEDERAL LAW, IN PROVIDING REFUGEE MEDICAL ASSISTANCE TO REFUGEES, COLORADO WILL PROVIDE AT LEAST THE SAME SERVICES IN THE SAME MANNER AND TO THE SAME EXTENT AS UNDER THE STATE'S MEDICAID/HEALTH FIRST COLORADO PROGRAM.

~~Each individual member of a household that applies for medical assistance must first be screened for eligibility under the State Medicaid Program. If the individual is determined ineligible for Medicaid, then a determination of eligibility under the Refugee Medical Assistance (RMA) Program must be made. A "household" is defined as a single adult with no children, a married couple, a single parent with minor children, or a married couple with their minor children.~~

~~Any individual of a household who is not eligible for Medicaid shall be considered for Refugee Medical Assistance (RMA). RMA is limited to the time period of eight months after receiving a status that is eligible for CRSP services and benefits (refer to section 3.330 for verification of status for program eligibility).~~

~~Persons applying for Refugee Medical Assistance will use the State prescribed application for Medicaid. Applicants will first be screened for State Medicaid programs in accordance with the Colorado Department of Health Care Policy and Financing's Medical Assistance Manual (10 GGR 2505-10).~~

~~In accordance with federal law, in providing Refugee Medical Assistance to refugees, Colorado will provide at least the same services in the same manner and to the same extent as under the state's Medicaid program.~~

3.342 Initial Refugee Medical Assistance Determination, Eligibility, and Definitions

REFUGEES RESIDING IN THE U.S. FEWER THAN TWELVE MONTHS AFTER ARRIVAL INTO THE UNITED STATES, AS WELL AS ASYLEES, CUBAN/HAITIAN ENTRANTS/PAROLEES, CERTAIN AMERASIANS, VICTIMS OF SEVERE FORMS OF TRAFFICKING, IRAQI AND AFGHAN SPECIAL IMMIGRANT VISA HOLDERS, AND CERTAIN HUMANITARIAN PAROLEES WHO ARE WITHIN TWELVE MONTHS OF BEING GRANTED STATUS WHO LOSE THEIR ELIGIBILITY FOR MEDICAID/HEALTH FIRST COLORADO BECAUSE OF EARNINGS FROM EMPLOYMENT, WILL BE TRANSFERRED TO RMA WITHOUT AN ELIGIBILITY DETERMINATION AND THE TWO HUNDRED PERCENT (200%) OF POVERTY RULE SHALL NOT BE APPLIED. THE INCREASED EARNINGS FROM EMPLOYMENT SHALL NOT AFFECT THE REFUGEE'S CONTINUED MEDICAL ASSISTANCE (RMA) ELIGIBILITY WHILE WITHIN THE PERSON'S TWELVE MONTHS OF THE RMA ELIGIBILITY PERIOD.

A. RMA SHALL CONTINUE UNTIL THE INDIVIDUAL ELIGIBLE FOR REFUGEE SERVICES REACHES THE END OF TWELVE (12) MONTH ELIGIBILITY PERIOD.

B. INITIAL RMA ELIGIBILITY DETERMINATION (WHERE THE APPLICANT WAS NOT PREVIOUSLY ELIGIBLE FOR MEDICAID/HEALTH FIRST COLORADO) IS BASED ON TWO HUNDRED PERCENT (200%) OF THE FEDERAL POVERTY LEVEL.

1. IN DETERMINING ELIGIBILITY FOR AND RECEIPT OF RMA, THE FOLLOWING ARE NOT CONSIDERED: IN-KIND SERVICES AND SHELTER PROVIDED TO AN APPLICANT BY A SPONSOR OR LOCAL RESETTLEMENT AGENCY. PAYMENTS, SUCH AS REFUGEE CASH ASSISTANCE, MATCHING GRANT, OR RECEPTION AND PLACEMENT, RECEIVED FROM THE REFUGEE RESETTLEMENT AGENCY ARE EXEMPT FROM RMA INCOME DETERMINATIONS.

2. DETERMINATION OF RMA ELIGIBILITY WILL BE BASED ON AN APPLICANT'S INCOME ON THE DATE OF APPLICATION.

3. DENIAL OR TERMINATION OF REFUGEE CASH ASSISTANCE DOES NOT CAUSE DENIAL OR TERMINATION OF RMA BENEFITS.

~~Refugees residing in the U.S. fewer than eight months after arrival into the United States, as well as asylees, Cuban/Haitian Entrants/parolees, certain Amerasians, victims of severe forms of trafficking, and Iraqi and Afghani special immigrant visa holders who are within eight months of being granted status who lose their eligibility for Medicaid because of earnings from employment, will be transferred to RMA without an eligibility determination and the two hundred percent (200%) of poverty rule shall not be applied. The increased earnings from employment shall not affect the refugee's continued medical assistance (RMA) eligibility while within the person's eight months of the RMA eligibility period.~~

~~A. RMA shall continue until the individual eligible for refugee services reaches the end of his or her eight (8) month eligibility period.~~

~~B. Initial RMA eligibility determination (where the applicant was not previously eligible for Medicaid) is based on two hundred percent (200%) of the federal poverty level.~~

~~1. In determining eligibility for and receipt of RMA, the following are not considered: in-kind services and shelter provided to an applicant by a sponsor or local resettlement agency. Payments, such as refugee cash assistance, matching grant, or reception and placement, received from the refugee resettlement agency are exempt from RMA income determinations.~~

~~2. Determination of RMA eligibility will be based on an applicant's income on the date of application.~~

~~3. Denial or termination of Refugee Cash Assistance does not cause denial or termination of RMA benefits.~~

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