



Policy Memo	
KDHE-DHCF POLICY NO: 2021-04-01	From: Erin Kelley, Senior Manager
Date: April 1, 2021	Medical-KEESM/KFMAM Reference: M-KEESM 2141.1 (11) & KFMAM 2043.12
RE: COFA Migrants and Tax Filer Clarification	Program(s): All Medical Programs

This memo sets forth instructions for implementation of the policy change and clarification outlined below, effective with the release of this memo. The KFMAM and Medical KEESM manuals will be updated with the next scheduled revision.

Applicable to all Medical Programs:

- Eligibility for citizens of freely associated states (a.k.a. COFA migrants)

Applicable to Family Medical Programs only:

- Clarification of “tax-filer” definition

This memo supersedes existing policy where indicated.

I. CHANGES IMPACTING ALL MEDICAL PROGRAMS

A. ELIGIBILITY FOR CITIZENS OF FREELY ASSOCIATED STATES

Previously, citizens of Freely Associated States, also referred to as Compact of Free Association (COFA) migrants were excluded from Medicaid coverage as ineligible non-citizens. The COFA is an international agreement between the United States and the three Pacific Island sovereign states of the Federated States of Micronesia, Republic of the Marshall Islands, and Republic of Palau. With the recent passing of the Consolidation of Appropriations Act of 2021, language was included to reverse previous legislation and

classify these members as qualifying non-citizens, exempt from meeting the 5-year requirement for Legal Permanent Residents, similar to refugees and asylees.

Note: At this time, this policy only pertains to Medicaid (TXIX) or M-CHIP eligible individuals and does not relate to CHIP coverage. (On a case where there were both CHIP and Medicaid/M-CHIP eligible children, the policy should only be applied to the latter.)

1. PROCESSING IN KEES

Current VLP system logic will cause these members to be denied due to an ineligible non-citizen status, or failure to meet eligibility requirements. For this reason, a workaround has been developed by KEES and can be found in the KEES User Manual under “COFA Migrant Eligibility.”

Staff will need to identify these members based on their country of origin. The three Pacific Island sovereign states and their Class of Admissions (COA) codes consist of the following:

- Federated States of Micronesia (FSM)
- Republic of the Marshall Islands (MIS)
- Republic of Palau (PAL)

When we receive this information through VLP results, or the applicant indicates it on the application, through documentation, or by phone call that they are citizens of one of the Pacific Islands above and EDBC initially results in denial, it will be necessary to apply the workaround in order to determine them correctly. This practice will need to continue until system updates and changes to the Hub can be made to determine these members accordingly. The following note should be copied and pasted verbatim into the journal when applying the workaround:

Per federal Consolidation Appropriation Act 2021, effective December 27, 2020. COFA Migrants are eligible for Medicaid and are no longer subject to the 5 year bar. WA593 has been applied.

Note: In the absence of an Alien Number at initial application, Reasonable Opportunity should be granted in the same way it would for any other qualifying non-citizen exempt from meeting the 5-year requirement.

2. PRIOR MEDICAL/RETRO ASSIGNMENT FOR DECEMBER 2020

Per CMS, full scope Medicaid for this population with a residency of less than five years may only be retroactively authorized to December 27, 2020 as that is the enactment date of the law. Bills from prior to the enactment date could potentially be determined for SOBRA eligibility for an approved emergency medical condition, but not full Medicaid. For this reason, when processing any application received for this group that includes a prior medical request for December 2020, staff will need to take the following action:

- a. Clarify with the consumer whether they have medical bills between the dates of December 27, 2020 and December 31, 2020 (12/27/20-12/31/20). A call should be attempted first. For MAGI determinations, if unable to obtain the information at initial processing, a partial approval may be completed while pending for the prior medical clarification.
- b. If clarification is received that there were no medical bills from the specified timeframe, Medicaid may be denied for that month due to failure to meet eligibility requirements (the workaround should not be applied). Any medical bills from prior to the December 27 enactment date would be handled using previously existing policy.
- c. If clarification is received that there were medical bills incurred from the specified timeframe, send the case information to the Policy Mailbox at MedicaidEligibility_Policy kdhe.medicaideligibilitypolicy@ks.gov for further instruction.

II. CHANGES IMPACTING FAMILY MEDICAL PROGRAMS ONLY

A. CLARIFICATION OF TAX-FILER DEFINITION

Per [PM2017-08-02](#), a tax record should be completed for all individuals who are tax-filers, and a non-filing record must be created for those 18 and older who are not filing taxes. A tax filer is defined in KFMAM 3110 as anyone who plans to file taxes or is expected to be claimed as a tax dependent. This would seem to indicate that a tax record should be completed for all tax dependent children in addition to tax-filing adults.

Tax filing records for adults (19 years and older) are always needed regardless of filing status. With this memo, it is clarified that a tax record in KEES is not required for children 18 and younger with the following exceptions:

- Cases including a child who is filing taxes and is living with a parent who is also filing taxes
- Cases including a child who is filing taxes and living with an adult who is not their parent
- Cases in which the child is the case head

In the absence of a tax record, KEES rules will automatically determine the individual using non-filer logic thus resulting in a correct determination when the child is not filing taxes.

III. QUESTIONS

For questions or concerns related to this document, please contact one of the KDHE Medical Policy Staff listed below.

Erin Kelley, Senior Manager – Erin.Kelley@ks.gov

Jessica Pearson, Elderly & Disabled Program Manager – Jessica.Pearson@ks.gov

Sara Reese, Elderly & Disabled Program Manager – Sara.Reese@ks.gov

Jerri Camargo, Family Medical Program Manager – Jerri.M.Camargo@ks.gov

Amanda Corneliusen, Family Medical Program Manager – Amanda.Corneliusen@ks.gov

Questions regarding any KEES issues are directed to the KEES Help Desk at KEES.HelpDesk@ks.gov