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Health coverage extended for noncitizens

Advocates for many Micronesians say they will face higher out-of-pocket costs

By [Leila Fujimori](#)

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Temporary emergency rules that went into effect Wednesday will continue state-funded medical assistance benefits for noncitizens, including some 13,700 Micronesian migrants, Hawaii officials said.

But advocates for noncitizens say the rules will mean more out-of-pocket costs for migrants.

"After a very quick preliminary review of the temporary emergency rules, I am concerned that there are going to be some people who will have a very difficult time affording necessary medical care under the proposed plan," said Deputy Director Gavin Thornton of the Hawaii Appleseed Center for Law and Economic Justice, a nonprofit law firm created to advocate on behalf of low-income individuals and families in Hawaii.

"Our main concern is that COFA (Compact of Free Association) residents be treated equally like everybody else," he said, referring to migrants from Palau, the Federated States of Micronesia and the Marshall Islands.

Under the emergency rules, noncitizens will have to cover any cost-sharing expenses, including deductibles, co-payments or coinsurance, and that will likely pre-sent a hardship for most families and individuals, he said.

"These are people on very limited incomes," pay nothing or nominal amounts under Quest and could now face out-of-pocket costs ranging from \$2,000 for individuals to \$4,500 for families, Thornton said.

The Department of Human Services announced Thursday that Gov. Neil Abercrombie had approved and signed the emergency rules, which can be in effect for up to 120 days.

A U.S. Supreme Court decision Monday prompted the state to put the emergency rules in place. The Human Services Department has drafted proposed permanent administrative rules, and will hold a public hearing to collect comment.

A federal court injunction prohibiting the state from denying the Compact of Free Association residents full Medicaid benefits was, in effect, lifted after the U.S. Supreme Court decision.

The high court rejected an appeal by plaintiffs who are COFA residents in the case of *Korab v. Mc-Mana-man*. The decision upheld the 9th U.S. Circuit Court of Appeals' ruling that allows the state to

reduce its health care coverage of noncitizens, including COFA residents.

Human Services Director Patricia Mc-Mana-man stressed that noncitizen children and pregnant women who receive Medicaid benefits were never the subject of the Korab lawsuit and never at risk of losing those benefits.

Also, "noncitizen aged, blind or disabled individuals currently receiving state-funded medical assistance will continue to receive these benefits without interruption," she said in a news release.

Other noncitizens will be required to select a health plan through the Hawaii Health Connector by Feb. 15. The department will transfer eligibility information to the Connector, it said.

Some low-income noncitizens, who are enrolled in a health plan through the Connector, may receive premium assistance from the state.

In 1996, Congress cut health care funding for migrants, including COFA residents, who live and work in this country in exchange for U.S. control of land and water in the Pacific. After World War II the United States conducted nuclear testing in the Marshall Islands. As a result, many have sought treatment for cancer, and diabetes is the predominant illness among these islanders.

When Gov. Linda Lingle's administration tried to cut their medical benefits in 2009 and 2010, chemotherapy and dialysis treatment were among the benefits cut under the Basic Health Hawaii plan.

The state lost much of the federal funding needed to pay for their medical benefits, although it still receives \$11 million for COFA migrants, and continued to pay for these benefits.

Thornton said, "I'm assuming the temporary emergency rules will be very similar to what they're proposing as a more permanent solution."

"My intent has always been to ensure that all of Hawaii's needy residents receive health care benefits," Mc-Mana-man said in a written statement.

She anticipates a substantial annual savings after the administrative rules are adopted.

Department officials declined to answer questions Thursday, saying the department will hold a news conference Friday morning with its director and Med-QUEST administrator.

ON THE NET:

» *The temporary emergency rules are available at humanservices.hawaii.gov/admin-rules-2.*

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