



A Resource for Health Care Providers and Coverage Enrollment Assistants Serving Immigrants and their Families

As a result of policy changes and anti-immigrant rhetoric coming from the Trump administration, Coloradans who immigrated to the United States and their families are experiencing heightened levels of fear and anxiety. Many fear that they or a family or community member will be detained by federal immigration enforcement officers and deported. Coloradans who are undocumented or who live with someone who is undocumented are less likely to seek essential public services, health insurance and needed health care services. Informed communication efforts that help immigrant individuals and their families know their rights and feel safe applying for coverage and seeking care are critical. This fact sheet provides information that health care providers and coverage assistants should know to help immigrants and their families understand their rights and options when seeking coverage and care.

- ❖ **Strong privacy laws protect individuals and families applying for health insurance, including families whose members have different immigration statuses.**

The Affordable Care Act and the Social Security Act explicitly state that information provided for the purpose of applying for health coverage programs may *only* be used for the purposes of determining the applicants' eligibility. The information cannot be used for immigration enforcement purposes. Government workers, application assistants, and people who help with insurance applications are required by law to keep information private and secure.

- ❖ **HIPAA protections apply regardless of immigration status.**

Health care providers are required by law to keep patient information private and secure. The protections apply regardless of immigration status. An early Executive Order from the Trump Administration declares that the Privacy Act, a federal law that safeguards individuals' information in government databases, applies only to U.S. citizens and lawful permanent residents. But that is not a change in federal law. The Privacy Act by its own terms has always been limited to those two groups, although some agencies have applied it more broadly. Importantly, *the Executive Order did not change the independent federal and state laws, including HIPAA, that continue to protect the confidentiality of health and benefit recipients and their family members regardless of immigration status.*

- ❖ **Health care providers cannot require individuals to provide a driver's license as a condition for providing care.**

Hospitals or doctors may ask for photo identification, but not for purposes of immigration enforcement. Photo ID may be needed to show that the person getting care is the person whose name is on the medical record or prescription. No one can be refused treatment because they do not have a driver's

license. *If a provider needs to verify identity, they can ask for any form of identification the patient has available.*

- ❖ **Health care providers cannot require a SSN or information about immigration status as a condition for providing care.**

Neither citizenship, lawful immigration status, nor a Social Security number are required to receive health care services under federal law. Doctors, hospitals, clinics, health centers, or other medical providers may ask for this information to find out if an individual may be eligible for public health insurance, like Medicaid, and how the individual is going to pay for services. But they should not deny medical treatment based solely on an individual's immigration status—or based on assumptions about his or her immigration status. In addition, federal law requires emergency rooms to screen and treat people who need emergency medical services regardless of whether they have insurance, how much money they have, or their immigration status.

Even though health care workers have no duty to report immigration status to law enforcement or federal immigration officials, undocumented immigrants should not provide information about their immigration status to workers at a hospital, health center, or doctor's office. *If the individual does not have health insurance, he or she may say, "I am not eligible for health insurance and do not want to apply."*

- ❖ **Everyone has the right to an interpreter at no cost when applying for health coverage and receiving health care services**

Individuals, regardless of their immigration status, have the right to an interpreter, at no cost, when they are receiving health care services and when they are applying for Medicaid, CHP+, or coverage through Connect for Health Colorado. Children should not be asked to translate for their parents.

- ❖ **Eligibility for Medicaid or CHP+ or for coverage through Connect for Health Colorado is not affected by the immigration status of an applicant's parent(s), children or other household members; only the applicant's status matters.**

An applicant for coverage who is a citizen or who has a qualifying immigration status may be eligible for coverage even if other members of his or her household are ineligible due to their immigration status. For example, if a mother is applying for coverage for only her child, only the immigration status of the child matters. The child may qualify even if the mother and other members of the household are undocumented.

- ❖ **Members of a household who are not applying for health coverage are not required to provide information about their immigration status.**

By law, applications for Medicaid, CHP+ and coverage through Connect for Health Colorado may not ask for the citizenship or immigration status of people in the household who are not applying for coverage. In the example above, the mother would not have to provide information about her immigration status because she is applying for her child, not herself. The mother would only have to provide information about her immigration status if she were applying for coverage for herself as well.

- ❖ **Applicants for health coverage are not required to provide a Social Security Number (SSN) if they do not have one.**

Only individuals who have a SSN can be required to provide one when applying for coverage. *Applicants should not be asked to provide SSNs for members of the household that are not applying for coverage.*

❖ **Colorado residents who immigrated to the United States from another country may qualify for Medicaid or CHP+ or for reduced priced health insurance from Connect for Health Colorado.**

Generally, immigrants may qualify for Medicaid/CHP+ if they are in one of the following statuses –

- Lawful permanent resident status (“green card” holder)
- Refugee status
- Asylum status
- Other statuses listed in Colorado regulation at 10 C.C.R. 2505-10, sec. 8.100.3.G.1.g.iv.

Children (under 19 years old) and pregnant women may qualify for Medicaid or CHP+ if they are “lawfully present.” An individual is lawfully present if they are in one of the statuses listed above or if they have a temporary resident or protection status, if they were granted certain types of employment authorization, if they have a valid nonimmigrant visa, or if they fall into any other category listed at 10 C.C.R. 2505-10, sec. 8.100.3.G.1.g.vi.

The eligibility criteria for reduced priced health insurance from Connect for Health Colorado also include other lawfully present immigrants.

❖ **Generally, lawful permanent residents are not eligible for Medicaid or CHP+ for the first five years after they enter the United States but may apply for subsidized assistance through Connect for Health Colorado.**

The so called “five year bar” generally prohibits lawful permanent residents from becoming eligible for Medicaid and CHP+ until they have been in the U.S. for five years. Children and pregnant women with lawful permanent resident status are not subject to the five-year bar and may qualify for Medicaid and CHP+ at any time. In addition, lawful permanent residents who were granted refugee status, asylum status, immigrants whose deportation is being withheld and certain other Cuban and Haitian and Amerasian immigrants are not subject to the five-year bar.

Lawful permanent residents who are not eligible for Medicaid due to the five-year bar may qualify for reduced-priced health insurance through Connect for Health Colorado even if their income is below 100 percent of the FPL. Lawful permanent residents ineligible for Medicaid due to the five-year bar may also qualify for reduced cost care through the Colorado Indigent Care Program (CICP). Find a list of entities that participate in (CICP) here:

<https://www.colorado.gov/pacific/sites/default/files/2016%20June%20Provider%20Directory.pdf>.

❖ **Colorado residents with Deferred Action for Childhood Arrivals (DACA) status or who cannot demonstrate lawful presence in the United States have health care options.**

Individuals with DACA status or who cannot demonstrate lawful presence are not eligible for Medicaid, CHP+, CICP or for coverage through Connect for Health Colorado. These individuals have access to –

- Community health centers, migrant health centers and free clinics
 - Find community health centers here: <http://cchn.org/map/>

- Find free clinics here: <http://www.nafcclinics.org/find-clinic>
- Denver Health
- Hospital charity care programs
- Colorado's Hospital Financial Assistance program codified at C.R.S., § 25-3-112.
- Emergency room care
- Public health services (immunizations, mental health crisis services, screening and treatment for communicable diseases)
- Medicaid coverage for emergency medical conditions and birthing services (for those that meet the income requirements); and
- DACA and undocumented immigrants can also purchase full-price individual health insurance sold outside of Connect for Health Colorado

For more information, contact:

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