



POLICY MEMO

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| TITLE: | EMERGENCY MEDICAID |
| SUPERSEDES NUMBER: | HCPF OM 21-056 |
| EFFECTIVE DATE: | JULY 1, 2022 |
| DIVISION AND OFFICE: | MEDICAID OPERATIONS OFFICE |
| PROGRAM AREA: | ELIGIBILITY POLICY |
| KEY WORDS: | EMERGENCY MEDICAID, MEDICAL EMERGENCY, IMMIGRATION OR CITIZENSHIP REQUIREMENTS, QUALIFYING LIFE- OR LIMB- THREATENING MEDICAL EMERGENCY |
| POLICY MEMO NUMBER: HCPF PM 22-006 | |
| ISSUE DATE: JUNE 6, 2022 | |
| APPROVED BY: RALPH CHOATE | |

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Purpose and Audience:

The purpose of this memo is to provide county departments of social/human services, Medical Assistance (MA) sites, and Eligibility Application Partner (EAP) sites with general information about Emergency Medicaid provided through Health First Colorado. Additionally, this memo outlines the eligibility criteria for Emergency Medicaid, how people can submit their applications, as well as a brief explanation of covered emergency services. This guidance is intended for all teams who are working in-person, online or over the phone. Please share this memo with anyone who works with Health First Colorado applicants and members.

Information:

Federal requirements described at 42 CFR § 435.139 and § 435.350 requires state medical assistance programs to provide medical coverage for care and services that are necessary to treat a medical emergency for individuals who do not meet the immigration or citizenship requirements for Medicaid through Health First Colorado (Colorado's Medicaid program). To qualify for Emergency Medicaid, these individuals must meet the other eligibility requirements for Medicaid.

To qualify for Emergency Medicaid through Health First Colorado, an applicant must:

- Live in Colorado;
- Be determined financially eligible for Health First Colorado; and
- Have a medical emergency that is considered to be life- or limb- threatening, such that the absence of immediate medical attention could put the individual in serious jeopardy, seriously impair bodily functions or cause serious dysfunction to an organ or body part.

Emergency Medicaid only covers the treatment of emergency medical conditions that a physician determines (confirms) to be life- or limb-threatening and is coded as an emergency.

Note: Information that applicants share on their application for Medicaid is confidential and cannot be shared with any Federal agency, including U.S. Citizenship and Immigration Services.

Who is eligible for Emergency Medicaid?

To be eligible for Emergency Medicaid, applicants must meet the same eligibility requirements as all other Health First Colorado applicants, except immigration or citizenship requirements. Applicants also must have a qualifying life- or limb-threatening medical emergency to be eligible for Emergency Medicaid. Emergency Medicaid benefits are limited to the treatment of medical emergencies only.

While all applicants for Health First Colorado or Child Health Plan Plus (CHP+) will be asked to provide a social security number, a social security number is not required to receive emergency services under Emergency Medicaid.

People who may qualify for Emergency Medicaid include, but are not limited to:

- Deferred Action for Childhood Arrivals (DACA) recipients
- Undocumented people (people without legal immigration status)
- Non-immigrant visa holders such as tourists and students
- Individuals granted Temporary Protected Status
- Adult legal permanent residents ('Green Card' holders) who have not been in the U.S. lawfully for at least five years.
 - This limitation does not apply to children and pregnant people who may qualify for Medicaid with full benefits

All uninsured people should be encouraged to apply for Health First Colorado to see if they qualify, even if they are unsure of their immigration status.

Applicants are determined eligible for a medical assistance category (MAGI, Non-MAGI, etc.). If their immigration or citizenship status does not qualify them for full benefits, their benefits will be limited to emergency medical services only.

What does Emergency Medicaid cover?

Emergency Medicaid covers medical emergencies that:

- Place the patient's health in serious jeopardy;
- Impair the patient's bodily functions; or
- Cause serious dysfunction of any bodily organ or part.

Additional examples include:

- Severe symptoms from COVID-19
- Labor and delivery (Emergency Medicaid does not cover prenatal or postnatal care)
- Dialysis for End-Stage Renal Disease at an inpatient or freestanding dialysis center
- Life-threatening symptoms, like chest pains
- Life-threatening illnesses, like heart attacks
- Life- or limb-threatening accidents

Emergency Medicaid does not cover:

- Follow-up care after the medical emergency
- Routine physician appointments
- Prenatal or postnatal care
- Care that is not certified by the physician as emergency care

Services must be considered emergency treatment by a physician to be covered. Coverage is limited to care and services that are necessary to treat immediate emergency medical conditions.

Applying for Emergency Medicaid

All applicants can apply for Medicaid by mail, in-person, online via PEAK, or via telephone. A new question has been added to the Health First Colorado and Child Health Plan Plus (CHP+) paper application, the joint program Single Purpose Application, and the Renewal Packet to give individuals the option to apply and be considered for these services. While all applicants for Health First Colorado or Child Health Plan Plus (CHP+) will be asked to provide a social security number, individuals

do not need a social security number to receive emergency services under Emergency Medicaid.

Effective as of August 8, 2021, applicants will no longer need to obtain and submit a written physician statement certifying the presence of an emergency medical condition in order for their application to be complete and processed. Physicians are required to confirm on the claim forms upon billing to Medicaid if services rendered were due to the presence of a medical emergency. This will suffice as the physician statement for an emergency medical condition when services were provided.

Previously, many Emergency Medicaid applications were identified by the presence of this physician statement. Due to the removal of this requirement, applicants are being encouraged to write "Emergency Medicaid" on the top of the application or by answering the new question within the application(s) that will ask "Does this person want to apply for Emergency Medicaid and Reproductive Benefits?". Eligibility workers should take notice of these notes and application changes. CBMS has been updated to no longer require a physician statement from applicants.

Information provided on an application is saved in CBMS, so if an individual re-applies via PEAK or by phone, they will need to verify the information on file or make appropriate changes when they reapply. If the applicant is applying online via PEAK and they have received a benefit in the last 15 months or have a household member who is actively receiving benefits, the applicant must apply for Emergency Medicaid through PEAK's Report My Changes section. Each application for emergency medical services is limited to coverage for the life- or limb- threatening medical emergency.

People can apply for Emergency Medicaid at the hospital at the time of the emergency care or after being discharged. Pregnant people seeking coverage for future labor and delivery services may apply ahead of time for coverage.

Effective as of July 1, 2022, Emergency Medicaid recipients will no longer need to submit a new application for each instance of emergency care. Members who submit an initial application and are determined eligible for Emergency Medicaid Services will receive these services for up to a 12-month period or until the case is redetermined at the end of their renewal period. A 12-month period does not guarantee paid services: all services must be considered emergency treatment by a physician to be covered. The member's recertification process will align with the renewal policy under 10 CCR 2505-10 8.100.3.P and additional renewal guidance for Medical Assistance programs can be found under HCPF Operational Memo 22-003.

Applicants are encouraged to follow-up with counties and Medical Assistance (MA) sites if they believe their eligibility determination is incorrect or to go through the appeals process.

Resources:

The Staff Development Center has created a process manual that provides step-by-step instructions on data entering Emergency Medicaid in CBMS. To access this document, navigate to TrainColorado.com, hover over the Documents and Resources tab and select Document Library. (You may also [click here](#) to be automatically directed to the Document Library.) Open the Process Manuals folder and select the document titled Entering a Life or Limb Threatening Emergency for Emergency Medicaid. If you have any questions about this document, please reach out to SOC_StaffDevelopment@state.co.us.

Attachment(s):

None

Department Contact:

HCPF_MEDICAID.ELIGIBILITY@STATE.CO.US