



POLICY MEMO

Title: Discontinuance of Agreement Not to Sponsor Affidavit for Medical Assistance	Topic: Eligibility Policy
Audience: County Departments of Human/Social Services, Eligibility Sites, EAP Sites, Stakeholders, Members	Sub-Topic: Administrative Policy
Supersedes Number: N/A	Division: Eligibility Policy
Effective Date: Aug. 7, 2023	Office: Medicaid Operations Office
Expiration Date: Aug. 7, 2026	Program Area: Eligibility Policy
Key Words: Agreement Not to Sponsor, Immigration, Citizenship, Affidavit of Support, Non-Citizen, Legal Immigrant	
Legal Authority: Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2018); C.R.S 25.5-3-105, 25.5-5-101(5), and 26-2-111.8(5.5)	
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Issue Date: Dec. 20, 2023	
Approved By: Ralph Choate	

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Purpose and Audience:

The purpose of this Policy Memo is to provide all Eligibility Sites (County Departments of Human/Social Services, Medical Assistance (MA) Sites, and Eligibility Application Partners (EAP), herein referenced as “Eligibility Sites”) with information regarding the removal of the rule 10 CCR 2505-10 section 8.100.3.D.6 requiring legal immigrants to execute an affidavit of support when enrolling or receiving Medical Assistance. This guidance is intended for all Eligibility Workers and Supervisors. Please share this memo with anyone who works with Health First Colorado/CHP+ applicants and members.

Information:

Colorado House Bill 23-1117 eliminated the rule requirement for legal immigrants to execute an affidavit of support when applying for or receiving Medical Assistance.

This change removed the obligation for legal immigrants seeking or obtaining medical assistance to sign an agreement not to sponsor as a condition for eligibility. As a result of this change, legal immigrants should no longer be denied or terminated for Medical Assistance benefits for failure to sign an agreement not to sponsor affidavit. This aligns with Colorado Revised Statutes 25.5-1-301 through 25.5-1-303, C.R.S (2018); C.R.S. 25.5-3-105, 25.5-5-101(5), and 26-2-111.8(5), effective August 7, 2023.

Effective August 1, 2023, eligibility workers are no longer required to request, pend, verify, or determine eligibility based on previous policy to request a signed agreement not to sponsor affidavit. Members or cases denied or terminated for this reason as of August 2023 will be systematically reinstated and have eligibility re-determined in the December 2023 Colorado Benefits Management System (CBMS) system updates. A systematic case comment will automatically be added to the cases that are re-opened from August 2023 through the December 2023 system updates. Applications dated before August 2023 but were denied or terminated due to a verification request for the agreement not to sponsor in the month of August 2023 will also be systematically reopened. Any August 2023 application retroactive denials and terminations do not need a signed agreement not to sponsor affidavit.

Members Awaiting an Eligibility Determination:

Any outstanding medical verification requests and eligibility site manual verification requests are no longer necessary. Prior to the systematic updates, any members or cases awaiting an eligibility determination through a medical or manual verification checklist should be updated to clear or remove the verification checklist requesting the signed agreement not to sponsor affidavit. Any applications processed prior to August 2023 and had a verification due date in the month of August 2023 should be updated by the eligibility worker to determine medical assistance eligibility as of the policy changes effective August 1, 2023. Eligibility sites using their manual verifications should update their information accordingly.

What is Not Changing:

Legal immigrant members must still meet all other medical assistance eligibility criteria and processes. The current sponsor deeming policies and processes remain intact. Eligibility workers should continue to retrieve and review all citizenship related interfaces.

CBMS:

Colorado Benefits Management System (CBMS) has been updated to remove the logic to no longer deny or terminate medical assistance eligibility for failure to sign the Agreement Not to Sponsor.

In the non-citizen screen, the options to populate the agreement not to sponsor radial button and data enter an agreement to sponsor date have been removed. In the Non-Compliance screen, the reason of failed to sign agreement not to sponsor is no longer user selectable as of December 2023.

Attachment(s):

None

HCPF Contact:

Please contact the Medicaid Inbox with the email listed below if you have any questions. hcpf_medicaid.eligibility@state.co.us