

# CHAPTER 2: ELIGIBILITY FOR QUALIFIED HEALTH PLANS

## TABLE OF CONTENTS

<b>A. Overview of Qualified Health Plans</b> .....	<b>1</b>
<b>B. Eligibility for a Qualified Health Plan</b> .....	<b>1</b>
<b>1) Overview of QHP Eligibility</b> .....	<b>1</b>
<b>2) Residency</b> .....	<b>2</b>
<b>a) Overview of Residency Requirements</b> .....	<b>2</b>
<b>b) Rules for Tax Households with Members in Multiple Exchange Areas</b> .....	<b>3</b>
<b>c) Treatment of Temporary Absences</b> .....	<b>3</b>
<b>3) Citizenship and Immigration Status</b> .....	<b>3</b>
<b>a) U.S. Citizen, Derived Citizen and U.S. National</b> .....	<b>4</b>
<b>b) Lawfully Present</b> .....	<b>4</b>
<b>4) Incarceration</b> .....	<b>5</b>
<b>5) Non Discrimination</b> .....	<b>5</b>

## CHAPTER 2: ELIGIBILITY FOR QUALIFIED HEALTH PLANS

### A. Overview of Qualified Health Plans

Individuals may enroll in a health insurance plan through HealthSource RI. All health insurance plans offered through HealthSource RI are certified, provide a comprehensive set of health benefits, follow established limits on cost sharing, and meet other requirements set by state and federal law. The health insurance plans offered through HealthSource RI are referred to as Qualified Health Plans (QHPs). To be certified, QHPs must include a set of comprehensive health care services referred to as essential health benefits (EHBs) in 10 categories:

- Ambulatory patient services
- Emergency services
- Hospitalization
- Maternity and newborn care
- Mental health and substance use disorder services, including behavioral health treatment
- Prescription drugs
- Rehabilitative and habilitative services and devices
- Laboratory services
- Preventive and wellness services and chronic disease management
- Pediatric services, including oral and vision care.

QHP coverage may include benefits in addition to the above essential health benefits. Individuals are also able to buy dental-only coverage. Coverage through a QHP is available to all individuals who meet the eligibility standards, regardless of their health status and any pre-existing medical conditions.

All individuals who meet the QHP eligibility standards described below are eligible for coverage regardless of their income. However, applicants that anticipate having annual household income of 100% to 400% of the Federal Poverty Level (FPL) may be eligible to receive financial help from the Federal government if they lack other affordable coverage options. Applicants that anticipate having annual household income of 100% to 250% of the FPL may also be eligible for cost sharing reductions that reduce the out-of-pocket costs applicants pay for health coverage, such as deductibles, co-payments, and coinsurance for covered services. Applicants who project an annual household income above 400% of the FPL are not eligible for financial assistance but still may purchase a QHP plan at full price. For more information about financial assistance to help purchase a QHP, see Chapter 4.

### B. Eligibility for a Qualified Health Plan

#### 1) Overview of QHP Eligibility

Individuals are eligible to enroll in a QHP if they are:

- A Rhode Island resident<sup>1</sup>
- A U.S. citizen, a national, or lawfully present,<sup>2</sup> **and**
- Not incarcerated<sup>3</sup>

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<sup>1</sup> R23-1-1-ACA § 3.2(c)

<sup>2</sup> R23-1-1-ACA § 3.2(a)

<sup>3</sup> R23-1-1-ACA § 3.2(b)

## 2) Residency

### a) Overview of Residency Requirements

Only Rhode Island residents and their family members may enroll in a QHP through HealthSource RI.<sup>4</sup> There are certain requirements that individuals must meet to be considered a Rhode Island resident and these requirements vary slightly for children (aged 0-20) versus adults (21 and older).

#### i) Adults Age 21 and Over

Individuals ages 21 and over who are not living in an institution,<sup>5</sup> are capable of indicating intent, and are not receiving an optional state supplementary payment,<sup>6</sup> may enroll in a QHP through HealthSource RI if they:

- Currently live in Rhode Island, and either
- Intend to reside in Rhode Island, even if they do not presently have a fixed address; or
- Entered Rhode Island with a job commitment or seeking employment (whether or not they are currently employed).<sup>7</sup>

For individuals who live in an institution, who are not capable of indicating intent, or who receive an optional State supplementary payment, Medicaid residency rules apply.<sup>8</sup>

**Example:** A young woman who recently graduated from college is living with various friends in Providence while looking for a job. Even though she does not have a fixed address, she is in the state presently, and is seeking employment. She therefore qualifies as a Rhode Island resident and is eligible to purchase a QHP through HealthSource RI.

#### ii) Children Under Age 21

Individuals under the age of 21 who are not living in an institution,<sup>9</sup> who are not eligible for Medicaid based on receipt of assistance under title IV-E of the Social Security Act,<sup>10</sup> are not emancipated, and not receiving an optional State supplementary payment,<sup>11</sup> may enroll in a QHP through HealthSource RI if they:

- Reside in Rhode Island, including without a fixed address; or
- Reside with a parent or caretaker relative who lives in Rhode Island.<sup>12</sup>

For individuals who live in an institution<sup>13</sup>, who are not eligible for Medicaid based on receipt of assistance under Title IV-E of the Social Security Act, are not emancipated, and are not receiving an optional State supplementary payment, Medicaid residency rules apply.<sup>14</sup>

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<sup>4</sup> 45 CFR 155.305(a)(3)

<sup>5</sup> as defined in 42 CFR 435.403(b)

<sup>6</sup> as addressed in 42 CFR 435.403(f)

<sup>7</sup> 45 CFR 155.305(a)(3)(i)

<sup>8</sup> 45 CFR 435.403

<sup>9</sup> as defined in 42 CFR 435.403(b)

<sup>10</sup> as addressed in 42 CFR 435.403(g)

<sup>11</sup> as addressed in 42 CFR 435.403(f)

<sup>12</sup> 45 CFR 155.305(a)(3)(ii)

<sup>13</sup> 42 CFR 435.403(b)

<sup>14</sup> 45 CFR 435.403

## **b) Rules for Tax Households with Members in Multiple Exchange Areas**

In general, if a tax filer is a Rhode Island resident, all members of their tax household may enroll in a QHP through HealthSource RI. In certain situations, individuals who are part of the same tax household may live in different states.

In cases where all of the members of a tax household are not within the same state, any member of the household may enroll in a QHP through an Exchange in any of the states for which one of the tax filers meets the residency standard.<sup>15</sup> However, if both spouses in a tax household enroll in a QHP through the same Exchange, their tax dependent(s) may **only** enroll in a QHP through the same Exchange **or** through the Exchange that services the area in which the tax dependent resides.

**Example:** Consider a married couple with a daughter who goes to college in New York. The husband lives in Rhode Island and the wife in Washington, D.C. The married couple enrolls in a QHP through the HealthSource RI. Their daughter has two options: 1) She can enroll in a QHP through HealthSource RI; or 2) She can enroll in a QHP through the New York Exchange. However, she cannot enroll in the D.C. Exchange even though her mother is a resident of D.C.

## **c) Treatment of Temporary Absences**

For individuals otherwise meeting the residency requirements to be eligible to purchase a plan through HealthSource RI, a temporary absence from Rhode Island does not affect their eligibility so long as they intend to return to Rhode Island when the purpose of the absence has been accomplished.<sup>16</sup>

Acceptable instances of temporary absences from Rhode Island include:

- Vacation
- Employment or job search
- Natural disaster or catastrophic event
- Personal or family emergency
- Visits with non-custodial parents
- Visits with children in the custody of another parent.
- Military service
- Hospitalization

**Example:** An early retiree (under age 65) lives in Rhode Island but spends his winters in Florida. He may enroll in a QHP offered through the HealthSource RI even though he will be temporarily out of the state during the year.

## **3) Citizenship and Immigration Status**

To be eligible for a QHP, an individual must be a U.S. citizen, a derived citizen, a U.S. national, or lawfully present.<sup>17</sup>

<sup>15</sup> 45 CFR 155.305(a)(3)(iv)

<sup>16</sup> 45 CFR 155.305(a)(3)(iii); 42 CFR 435.403(j)(3)

<sup>17</sup> 45 CFR 155.305(a)(1)

### **a) U.S. Citizen, Derived Citizen and U.S. National**

A U.S. citizen is an individual who has U.S. citizenship, either by birth or by naturalization.<sup>18</sup> U.S. citizenship information is verified electronically with the Social Security Administration.

A derived citizen is an individual who obtains citizenship through a parent. For example, a child born outside of the U.S. to a U.S. citizen is a derived citizen.

A small number of individuals are U.S. Nationals but are not U.S. citizens.<sup>19</sup> Individuals who are U.S. nationals have naturalization certificates.

### **b) Lawfully Present**

An individual is lawfully present as defined by the Affordable Care Act if they are a “qualified” immigrant or are not a citizen but have permission to live and/or work in the U.S.<sup>20</sup> Individuals who are lawfully present include, but are not limited to:

- Lawful Permanent Resident (LPR/Green Card holder)
- Asylee
- Refugee
- Cuban/Haitian Entrant
- Paroled into the U.S.
- Conditional Entrant Granted before 1980
- Battered Spouse, Child and Parent
- Victim of Trafficking and his/her Spouse, Child, Sibling or Parent
- Granted Withholding of Deportation or Withholding of Removal, under the immigration laws or under the Convention against Torture (CAT)
- Individual with Non-immigrant Status (includes worker visas, student visas, and citizens of Micronesia, the Marshall Islands, and Palau)
- Temporary Protected Status (TPS)
- Deferred Enforced Departure (DED)
- Deferred Action Status (Deferred Action for Childhood Arrivals (DACA) is not an eligible immigration status for applying for health insurance)
- Lawful Temporary Resident
- Administrative order staying removal issued by the Department of Homeland Security
- Member of a federally-recognized Indian tribe or American Indian born in Canada
- Resident of American Samoa<sup>21</sup>

There are a number of documents that serve as acceptable proof of an individual’s lawful presence. A non-exhaustive list of these documents is included in table 1 below.<sup>22</sup>

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<sup>18</sup> 8 U.S.C. 1401

<sup>19</sup> 8 USC 1452(b)(2)

<sup>20</sup> For a more complete listing of terms and concepts referenced in this Chapter, including the legal requirements for who qualifies as “lawfully present” and the definition of “qualified immigrants”, please refer to 45 CFR 152.2 and 8 USC 1641.

<sup>21</sup> See <https://www.healthcare.gov/immigrants/lawfully-present-immigrants/>

<sup>22</sup> Visit <https://www.healthcare.gov/help/immigration-document-types/> for a comprehensive listing of documents that can be used to show immigration status

**Table 1. Example Documents Serving as Proof that an Individual is Lawfully Present**

<b>Documents</b>
Permanent Resident Card (Green Card I-551)
Temporary I-551 Stamp (on passport or I-94, I-94A)
Machine Readable Immigrant Visa (with temporary I-551 language)
Employment Authorization Card (EAD, I-766)
Arrival/Departure Record (I-94, I-94A)
Arrival/Departure Record in foreign passport (I-94)
Foreign Passport
Reentry Permit (I-327)
Refugee Travel Document (I-571)
Certificate of Eligibility for Nonimmigrant (F-1) Student Status (I-20)
Certificate of Eligibility for Exchange Visitor (J-1) Status (DS2019)
Notice of Action (I-797)
Other documents or status types

#### **4) Incarceration**

In order to enroll in a QHP, individuals cannot be incarcerated, other than incarceration pending the disposition of charges.<sup>23</sup>

Individuals subject to home confinement may be eligible to enroll in a QHP on the Exchange if they are not otherwise able to access health services through a correctional institution.

#### **C. Non Discrimination**

Carriers may not, with respect to any QHP, discriminate on the basis of race, color, religion, national origin, disability, gender identity, sex, sexual orientation, or age.<sup>24</sup> Carriers may not, with respect to any QHP, discriminate on the basis of source of income, marital status, political affiliation, personal appearance, or health status. Carriers are not prevented from varying premium quotations by the age of an applicant in accordance with Federal and State law, or from managing medical utilization of enrollees to the extent that clinically appropriate standards of care may call for different treatment of individuals based on certain permissible characteristics.

Carriers may not treat persons enrolled in its QHPs differently than persons enrolled in the same or similar Health Benefit Plans they offer in the marketplace outside HealthSource RI, except as specifically permitted by applicable laws and regulations.

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<sup>23</sup> 45 CFR 155.305(a)(2)

<sup>24</sup> 45 CFR 156.200(e)