

Stories from the Heart: COFA Migrants in Hawaii A Brief History

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Outline

1. Define COFA Migrants
2. Transition from MedQuest to HHC for COFA migrants
3. COFA Community Outreach Activities

Definitions

- ✦ Micronesians vs COFA Migrants
- ✦ Freely Associated States (FAS) citizens
- ✦ Compact of Free Association (COFA) citizens
 - ✦ Federated States of Micronesia (FSM)
 - ✦ Chuuk
 - ✦ Kosrae
 - ✦ Pohnpei
 - ✦ Yap
 - ✦ Republic of Palau (ROP)
 - ✦ Republic of the Marshall Islands (RMI)

Brief History to COFA

- ✦ Under colonial rule for 400 yrs (Spain, Germany)
- ✦ Japanese rule since 1914
- ✦ US rule in 1944-5 after in some of the fiercest battles of World War II
- ✦ US set up a military base in Marshall Islands and began US Nuclear Weapons Testing Program (1946-58)
- ✦ Became TTPI (Trust Territory of the Pacific Islands) as "Strategic Trust of US" under UN Security Council 1947

Compact of Free Association

- ✦ 1977 offered political self-determination to Northern Marianas, Marshalls, Palau, Chuuk, Kosrae, Pohnpei, Yap
- ✦ Net effect:
 1. Commonwealth of the Northern Marianas (CNMI) 1978
 2. Freely Associated States/COFA 1979-1986:
 - ✦ Republic of the Marshall Islands (RMI)
 - ✦ Republic of Palau (ROP)
 - ✦ Federated States of Micronesia (FSM)

Compact of Free Association

- ✦ US Perpetual strategic denial
 - ✦ *US strategic denial over water, land, airspace*
 - ✦ *US may operate armed forces in Compact nations, may negotiate for land to operate bases, may exclude the militaries of other nations from the region*
- ✦ Affords COFA citizens broad migration rights
 - ✦ *right to reside and work in US*
 - ✦ *no visa or labor certification*
 - ✦ *no limitations of stay*

Compact of Free Association

- ✦ Initially classified as “qualified aliens”
 - ✦ Permanent Residence Under Color of Law (PRUCOL)
 - ✦ considered legal residents in the US under administrative discretion
- ✦ Changed to “non qualified aliens”
 - ✦ **1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)**
 - ✦ COFA migrants ineligible for fed public assistance
- ✦ Hawaii continued to provide Medicaid-like benefits to COFA residents using only State funds

Basic Health Hawaii - 2010

- ✦ State’s plan to save \$15 million
- ✦ Approach:
 - ✦ Limited benefits
 - ✦ Stop dialysis / chemotherapy coverage
 - ✦ No new FAS enrollees
 - ✦ Cap: 7500
- ✦ Became effective July 1, 2010

COFA Migrants/LEJ Response

- On August 23, 2010, filed case in Federal court alleging claims for violations of the Equal Protection Clause and the ADA
- On September 13, 2010, filed a Motion for Preliminary Injunction
- On December 13, 2010, Motion for Preliminary Injunction went into effect by Fed Judge Seabright
- State of Hawaii appealed the decision of Judge Seabright in the 9th Circuit Court 2012

9th U.S. Circuit Court of Appeals Decision (April 2014)

- ✦ Hawaii has no constitutional obligation to fill a gap left in 1996 when Congress cut health care funding for migrants under the Compact of Free Association
- ✦ A three-member panel of the 9th U.S. Circuit Court of Appeals — with one judge dissenting — ruled in favor of the state, vacating a District Court injunction that had prevented the state from reducing health coverage

US Supreme Court

- ✦ Plaintiffs appealed to the U.S. Supreme Court
- ✦ On November 3, 2014, the Supreme Court declined to hear the case ending the plaintiffs’ appeal of the Ninth Circuit decision.
- ✦ The Ninth Circuit subsequently vacated the injunction, which had the practical effect of requiring the State to immediately comply with the BHH rules.

Affordable Care Act

- ✦ In 2010, Congress passed the Affordable Care Act
- ✦ Under ACA, COFA residents and other lawfully present noncitizens are eligible to purchase health insurance through the State’s health insurance exchange, called the Hawaii Health Connector (the Connector).

Hawaii Health Connector

Dates:

- Notification to terminate BHH : November 15, 2014
- Enrollment Deadline: February 15, 2015
- BHH Coverage Ends: March 1, 2015

Process:

- Enrollees to be informed
- Translation provided
- Informed about the termination and the next steps / process

Policy decision to discontinue Basic Health Hawaii (BHH)

Officially informing BHH participants about service termination

Hawaii Health Connector

Documents needed:

- I-94
- Valid passport
- Denial letter from State
- Income verification statements

Trained Kokua translators

- Assist in understanding the decision and navigate process
- Choose plan (PAP) / cannot advise
- Minimum of **2 hours** / person / discussion

➤ Verify documentation

➤ Verify eligibility / registered in BHH

➤ Determining tax household

○ Determines plan (PAP) eligibility

➤ Currently known COFA migrants who needs to go through the process:

7500

➤ COFA migrants who went through Connector as of January 15, 2015:

700

Less, than 10%

Document requirements

Hawaii Health Connector

SUCCESS

•Enrolled and has access to some form of insurance

Community Organization

- ✦ Meeting with DHS Director & HHC
- ✦ Weekly Conference calls with DHS, HHC, Providers, Community
- ✦ Several COFA KOKUA with Hawaii Health Connector
- ✦ Letter to Governor Ige
- ✦ Legislative Approaches
 - ✦ HB1239
 - ✦ SB1327
 - ✦ HR854 -- Compact-Impact Aid Act of 2015 (Rep Takai)

Community Information Sessions

- ✦ Organized & run by COFA community leaders/organizations/friends who volunteered
- ✦ Story gathering, informational, guidance, updates, connection
- ✦ 4 events
 - ✦ Waipahu Intermediate School (3/19/15)
 - ✦ Towers of Kuhio Park (3/20/15)
 - ✦ Palolo Housing (4/2/15)
 - ✦ St. Elizabeth Episcopal Church (4/11/15)