

First Friday Forum: Health Access Policy Updates

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The information contained in this presentation is intended for general information only and does not constitute legal advice.
For individual legal advice on a particular situation, contact an attorney.

This information is current as of 1 July 2022.

Rulemaking is in process.

Based on CHARITY CARE FOR IMMIGRANTS, a joint presentation on 3 November 2021 by:

Today's Topics

- Charity Care
 - New rules as of 1 July 2022
 - 3 simple steps
 - Frequently Asked Questions
- Attorney General abortion resource translations

Hospitals are always required
to treat and stabilize
emergency health conditions;
they can **not** delay
emergency treatment
because of insurance status.

What Is Charity Care?

Sometimes called Financial Assistance or Bridge Assistance



Located in hospitals & hospital owned clinics



Medically necessary



Regardless of citizenship

Who is eligible for Charity Care?

July 1, 2022: minimum hospital requirements for **free care** and **discounted care** increased

Income as percentage of Federal Poverty Level						
<u>Tier 1</u> <u>Hospitals</u>	Owned by health system that owns 3+ hospitals and <ul style="list-style-type: none">• Seattle Children’s• Overlake Medical Center,• Evergreen Health Kirkland, and• Legacy Salmon Creek	up to 300% FPL: free care <i>50 hospitals with 79.2% of beds</i>			301-350%: 75% discount	351-400%: 50% discount
<u>Tier 2</u> <u>Hospitals</u>	All hospitals not in Tier 1 55 hospitals: 20.8% of beds	up to 200%: free care	201-250%: 75% discount	251-300%: 50% discount	Discount at hospital discretion	

Hospitals have a **DUTY** to Screen
before collection attempts

If they don't ask, you should still request help.

Charity Care asset rules

Hospitals may not consider assets for patients eligible **for free care**

Hospitals can consider assets for patients qualifying for **discounted care** -- but they don't have to and certain assets must be **excluded**:

- Monetary assets depending on family size, starting at \$5,000 for 1 person
- Primary residence
- 1 automobile (2nd if necessary for employment or medical)
- Retirement plans other than 401(k) plans
- Life insurance policies of \$10,000 or less
- Prepaid burial contracts or plots

(Patient can say, "I don't have documentation of income or assets")

Charity Care: 3 Simple Steps



Step 1: Is the debt for “hospital” care?

- Includes outpatient care
- If bill is on hospital letterhead, likely eligible
- Certain bills for care may not be eligible



Step 2: Is the patient’s income low enough to qualify?



Qualifying income **based on family size** and federal poverty level



Step 3: Apply! *See next slide*

Step 3: How to apply



a) Complete hospital's application *(ask for translations; from hospital staff, on hospital website, or mailed by the hospital if requested)*



b) Attach documentation
if hospital needs more info, respond ASAP.



c) Keep a complete copy of your application.



d) Check mail, email & voicemail **daily**: there may be follow up

Collection proceedings should **stop** while application is pending.

FAQ: What about insurance?

- Charity Care can cover both **uninsured** and **underinsured**

Can help with co-pays, deductibles, amounts outside coverage limits, etc.

- Private insurance, Medicaid, Medicare are billed first
(“Third-party payers”)

If you qualify for Medicaid, or other state provided insurance, the hospital is required to help you apply.

FAQ: Is There a Time Limit to Apply?



NO! You may apply “at any time”

- Hospital must allow patient to apply for Charity Care -- even after bill is sent to collections
- Even if a *lawsuit is filed*, the lawsuit will stop while application is pending

FAQ: How will I know about the hospital's Charity Care program?

Every hospital must provide public notice of their policy

- Posted in the Emergency Room
- Posted in the Admissions area
- Provided at Intake or Discharge
- Provided in every Billing Statement along with
"You may qualify for free care or a discount on your hospital bill, whether or not you have insurance. Please contact our financial assistance office at [website] and [phone number]." in English and 2nd most spoken language
- In languages spoken by at least 10% of people in service area

FAQ: Can the hospital require a SSN for Charity Care?

NO. The Washington State Department of Health manages the Charity Care program and has made this clear in a 2013 letter sent to hospital administrators:

Last summer, it came to our attention that a small number of hospitals in Washington had implemented policies and practices that deny charity care to undocumented patients. The purpose of this letter is to inform you that Washington's charity care law (Chapter 70.170 RCW) and associated regulations (Chapter 246-453 WAC) do not allow hospitals to deny charity care to patients based on immigration status. Hospitals may not adopt policies that exclude undocumented patients from eligibility for charity care, if they are otherwise income-eligible according to the hospital's income eligibility policy and the sliding scale requirements in regulation.

In addition, hospitals may not require a valid Social Security number to establish eligibility for charity care. Hospitals may use the documentation described in regulation (WAC 246-453-030) to establish patient eligibility for charity care. If the patient cannot provide any of the documentation described in regulation, the hospital must use a signed, written statement from the patient to make a final determination of eligibility for charity care.

I encourage you to review your hospital charity care policy and practices to ensure that immigration status or a valid Social Security number are not a requirement to apply for or obtain charity care. If your hospital's charity care policy needs to be revised, please submit your revision to the department no later than 30 days before the date of planned adoption.

* 12/3/2013 Letter sent by DOH to Hospital Administrators



FAQ: How long does a Charity Care decision take?

- After receiving documents, the hospital has **14 days** to determine Charity Care eligibility)
- If hospital denies Charity Care, must explain reason and inform patient of **30-day appeal rights**

currently in rulemaking

RESOURCES

Washington Attorney General -- includes eligibility calculator

- <https://www.atg.wa.gov/charitycare>
- file a complaint: <https://www.atg.wa.gov/file-complaint>

King County Bar Association's Debt & Bankruptcy Clinic

- <https://www.kcba.org/For-the-Public/Free-Legal-Assistance/Neighborhood-Legal-Clinics>

Washington Law Help – includes sample letters

- <https://www.washingtonlawhelp.org/resource/charity-care-medical-coverage-for-hospital-ba>

Department of Health

- <https://doh.wa.gov/data-statistical-reports/healthcare-washington/hospital-and-patient-data/hospital-patient-information-and-charity-care>
- *Rulemaking information:* <https://doh.wa.gov/data-statistical-reports/healthcare-washington/hospital-and-patient-data/hospital-patient-information-and-charity-care/charity-care-rules-progress>

Northwest Health Law Advocates: this presentation with Spanish translations

https://nohla.org/wordpress/wp-content/uploads/2022/08/NoHLA_charity_care_19july22_sp.pdf

Attorney General: Reproductive Rights

The Washington State Attorney General's Office issued a [Know Your Rights](#) guide on Washington laws that cover:

- abortion,
- patient confidentiality,
- commercial insurance,
- Apple Health coverage,
- birth control, and
- emergency contraception.

Now in 18 languages!

English: www.atg.wa.gov > Resources > Publications & Reports >
Health & Public Safety

Other health policy topics?

Please tell what health policy updates
are helpful for you

Email Lee.Che@nohla.org