



THE JI COMPANIES

Immigration: A Closer Look

According to the Department of Labor, undocumented immigrants CAN be covered under an Employer's group health plan. However, there are NO requirements of a plan to cover such individuals if they leave the country.

It would not be unusual for a facility in a foreign country to charge excessively if they know that a United States health plan would be footing the bill! That means the plan would have to pay its usual percentages for in-network physicians and facilities because an in-network physician and hospital were not available in the area that person received medical care. If they charged \$500,000 for a procedure that would only cost the plan \$3,000 in the US, the plan would have to pay the percentage (80 or 90% or whatever the in-network percentage is) on that \$500,000. Yikes!

Here's what you can do to safeguard your organization and its members from paying these exorbitant costs.

1. Amend your plan (retroactive is okay) to exclude medical expenses outside of the United States except while traveling on business or pleasure (such as a vacation). You could stipulate that a vacation is typically 2 weeks and is at the discretion of the Plan Sponsor to make the determination if it was longer than the stated period.
2. Amend your plan (again retroactive is okay) to exclude medical expenses outside of the United States when it is apparent that someone is taking up residence outside of the United States (even if it is temporary). Think of this as a situation where an Employee - here legally - has family in Nigeria (for example) and he goes back to Nigeria on a leave of absence to take care of a sick parent for 1 month. Do you want to pay medical expenses for the employee while the employee is in Nigeria if he happens to get sick?

If the member is a student studying abroad, it is up to the plan to determine whether his medical expenses are covered. If an employee is on an extended work assignment abroad, his medical expenses would have to be covered due to the business travel exclusion.

3. Leave it as it is and pay for medical care received wherever it is given.

Keep in mind that there are no in-network fees or usual and customary fees that would be able to be used on a claim that a doctor and hospital in a foreign country decided to charge excessively.