



# The Affordable Care Act and Farmworkers: Access to Healthcare



The Patient Protection and Affordable Care Act (ACA) aims to ensure health insurance coverage for millions of currently uninsured people in the US. Full implementation of the ACA begins January 1, 2014. The law will provide some farmworkers with expanded opportunities to obtain health insurance, either through Medicaid, their employer or the health insurance marketplaces. Federal and state agencies will be increasing their outreach and enrollment efforts in the coming months in order to raise awareness of these opportunities and to assist eligible individuals in applying for insurance. The following discussion addresses some common questions about how the law may help farmworkers and their families apply for and obtain affordable healthcare.

## How will the ACA change access to healthcare for farmworkers?

**Medicaid.** Each state operates a Medicaid program that provides health coverage for lower-income individuals, families and children, individuals with serious disabilities and the elderly. The eligibility rules for Medicaid are different for each state, but beginning in 2014, states have the option to expand Medicaid eligibility for their residents who are adults under age 65 with individual incomes up to about \$15,000 per year (133% of the Federal Poverty Level). In the states that expand Medicaid, some farmworkers, including those who are single and childless, will become newly eligible for coverage. Eligibility for Medicaid and the Children's Health Insurance Program (CHIP) is limited to those who are US citizens or who have been lawful permanent residents for 5 or more years.

**Health Insurance Marketplaces.** Beginning in October 2013, health insurance marketplaces will provide a forum for individuals to compare and purchase private health insurance plans. These plans must include a basic benefit package and may not deny coverage on the basis of a preexisting medical condition. All lawfully present farmworkers, including H-2A workers, will be eligible to purchase health insurance from the marketplaces. Farmworkers and other low-income individuals may be eligible for tax credits and other discounts to help offset the costs of insurance premiums. The tax credits are available to individuals who earn between 100% and 400% of the Federal Poverty Level (FPL) and to legal immigrants who are not eligible for Medicaid and earn between 0% and 100% FPL. Individuals may apply for insurance coverage on behalf of their eligible family members, such as US citizen children, regardless of their own eligibility for coverage.

## How can farmworkers apply for health insurance?

**Application Forms.** A single application form available online and on paper will make it easier for farmworkers and their families to apply for various forms of health insurance simultaneously, including Medicaid, CHIP and private insurance via the marketplaces. Language assistance will be available for limited English proficient individuals.

**Navigators.** Individuals known as “navigators” will help consumers understand new coverage options, help them prepare electronic and paper applications, and refer them to further assistance when necessary. Some of these navigators will be housed at community-based organizations and at community health centers.

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## Will agricultural employers have to provide health insurance for farmworkers?

**Large Employers.** Some farmworkers may be offered health insurance through their employer. Under the ACA, large employers – employers with more than 50 full-time employees – will be required to offer affordable health coverage to their employees who work at least 30 hours a week. “Affordable” means that the employee pays no more than 9.5% of his/her household income for individual health insurance coverage. However, some large employers of seasonal farmworkers may be exempt from this requirement if their workforce is largely seasonal.

**Small Businesses.** Small growers may be encouraged to provide health insurance to their employees through the Small Business Health Options Program (SHOP). The SHOP provides tax credits to small employers who offer health insurance to their employees. Small employers are those with fewer than 25 full-time employees whose average annual wage is less than \$50,000. In 2014, small employers may qualify for tax credits to help offset their health insurance premiums by up to 50%.

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## Will farmworkers have to pay a fine if they do not have health insurance?

The ACA includes a provision (the so-called individual mandate) which requires most people living in the US to have health insurance beginning in January 2014 or be subject to a tax penalty. However, individuals may qualify for one of several exemptions to this requirement. Farmworkers would likely apply and qualify for one of the following exemptions: individuals who cannot afford health insurance (if coverage will cost them more than 8% of their income); individuals who can show they are experiencing a hardship that interferes with their ability to obtain insurance; taxpayers with incomes below the filing threshold (\$9,750 for a single person in 2012); individuals experiencing short coverage gaps of 3 months or less; and individuals who are not lawfully present in the US.

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## What are other ways that farmworkers can access healthcare?

The ACA set aside \$11 billion in dedicated funding for the community health center program (also known as Federally Qualified Health Centers). Community health center programs that serve migrant and seasonal farmworkers and their families in rural areas are important providers of culturally competent, affordable healthcare to US farmworkers. In 2014 and beyond, community health center programs will continue to be an important source of primary and preventative healthcare for many farmworkers and their families.

For more information about the ACA, you can visit [www.healthcare.gov](http://www.healthcare.gov) (English) or [www.cuidadodesalud.gov](http://www.cuidadodesalud.gov) (Spanish). You can also contact Alexis Guild at [aguild@farmworkerjustice.org](mailto:aguild@farmworkerjustice.org).