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August 7, 2008

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## Memorandum

TO: Directors of International Student Offices

FROM: James D. Studer, Associate Vice Chancellor

SUBJECT: Clarification of Health Insurance Requirement for International Students

As the new Academic Year commences, I would like to take this opportunity to clarify the requirements for health insurance coverage for International Students who are not enrolled at System health institutions.<sup>1</sup>

**Mandatory Health Insurance for Students Holding Non-Immigrant Visas.** All students holding non-immigrant visas (including but not limited to F and J visas) must maintain comprehensive health insurance while enrolled at any UT System institution. In order to ensure that all such students maintain the required coverage, Regents' *Rules* Series 50402 permits an institution to charge such students the fee for enrollment in the System-sponsored student health insurance plan.

**Waiver of Student Health Insurance Fee Upon Evidence of Comparable Coverage.** An institution must waive this fee, however, for any student who provides acceptable evidence of continuing coverage under a comparable plan.

**Put simply, students holding non-immigrant visas must be given the opportunity to demonstrate that they are covered by comprehensive health insurance from a source other than the student health plan sponsored by UT System. If they can establish the existence of coverage comparable to the coverage provided under the System-sponsored student health insurance plan, the fee for enrollment in the System-sponsored plan *must be waived by the institution.*** (See Regents' *Rules* Series 50402, Sec. 2.1.)

In order to help facilitate the waiver process, the UT System has developed a standard waiver form (attached). This form is intended to assist institutions in conforming their practices to the Regents' *Rules*, while at the same time limiting the administrative burden of compliance. Institutions should have a policy/procedures statement on how the waivers are to be handled.

Institutions are not under a continuing obligation to monitor whether each student granted a waiver maintains coverage for the duration of enrollment, nor are they expected to evaluate how various insurance programs compare with one another. However, institutions should: 1) require that all students wishing to waive the fee for the System-sponsored plan complete the standard waiver form; 2) determine what documentation they will require students to show as evidence of comparable coverage and publish this information to students (e.g., a copy of the insurance policy on which the waiver is based); 3) keep copies of all documentation presented as evidence of comparable coverage; and 4) take appropriate action should they become aware, in the ordinary course of business, that a student has cancelled, let lapse, or in any way discontinued a policy based on which waiver was granted (including, if necessary, cancelling a student's document in the Student and Exchange Visitor Information System ("SEVIS")).

**Comparable Health Insurance.** Many of you have inquired about what constitutes comparable coverage. Acceptable comparable health insurance includes **any** of the following:

1. Continuing coverage under the UT System Employee Group Insurance Plan or a comparable mandatory employee plan;
2. Continuing mandatory coverage through a government-sponsored health plan (which covers health care in the United States and complies with the *Civil Rights Restoration Act of 1987*); **OR**
3. Continuing coverage that satisfies the requirement of the U.S. Department of State Regulations with regard to J-1 and J-2 visa holders. The minimum requirements for J-1 and J-2 visa holders are set forth in 22 CFR 62.14(a)(1)-(4), and they include:
4. Medical benefits of at least \$50,000 per accident or illness;
5. Repatriation of remains in the amount of \$7,500;
6. Expenses associated with medical evacuation in the amount to the home country in the amount of \$10,000; **AND**
7. A deductible not to exceed \$500 per accident or illness.

**If a student holding a non-immigrant visa can provide acceptable evidence of coverage in a plan meeting any of these three standards, the institution must waive the fee for the System-sponsored health insurance plan for that student.**

**Non-citizens/Non-resident Aliens Eligible to Pay Texas Resident Tuition.** Section 54.053(a)(3) of the Texas Education Code provides that a student who is not a U.S. citizen or resident alien and does not hold a non-immigrant visa may qualify to pay Texas resident tuition based on graduation from a Texas high school and three years of continuous residence in Texas.

Students in this category are not required to demonstrate evidence of health insurance coverage. Institutions may not impose the fee for enrollment in the System-sponsored health plan on such students, nor may institutions impose international student advising or orientation fees on such students. This was outlined in the memorandum sent in February of 2008 by Dr. David Prior, Executive Vice Chancellor for Academic Affairs.

**Attached is a generalized waiver application that you might want to use as well as a sample of a notice to international students about the insurance requirement. Please make sure your waiver forms and notices conform with your policy and procedures statements on this issue.**

I want to thank Stephen DePaul, Director of Global Initiatives for the UT System, in developing this memorandum.

If you have additional questions or concerns, please do not hesitate to contact me.

cc: Barbara Holthaus  
Phil Dendy  
Paul Pousson  
Stephen DePaul  
Carlos Martinez

<sup>1</sup>The Texas Education Code permits UT System to require *all* students enrolled at a health institution to obtain health insurance coverage. This requirement is addressed in Regents' *Rule* 50403