



Medicaid Citizenship Verification Requirement

- *What has changed?*
 - In the Deficit Reduction Act of 2005, a new requirement was established with respect to citizenship verification of current and new Medicaid applicants. Citizen applicants were previously able to self-attest their citizenship and identity under penalty of perjury to qualify for Medicaid. Actual documentary evidence is now required to prove U.S. citizenship in order to initially qualify for Medicaid eligibility, as well as for Medicaid eligibility redeterminations.
- *When is this effective?*
 - Beginning July 1, 2006, all new applicants must meet these rules. Those currently enrolled must meet the new rules at their next eligibility redetermination.
- *What is the basis for these rules?*
 - These new procedures are based on Section 6036 of the Deficit Reduction Act of 2005. The specific rules discussed below originate from the June 9, 2006 guidance letter issued by the Centers for Medicare and Medicaid Services (CMS). That letter states that CMS will issue interim final regulations in the near future on this topic. It is possible that the rules specified under those regulations will differ somewhat from the June 9th guidance and will supercede policies set in the aforementioned guidance. APHSA will revise this fact sheet based on the outcome of the rulemaking process.
- *What materials need to be shown in order to be eligible for Medicaid?*
 - In order to qualify for Medicaid, applicants must show acceptable evidence of **citizenship** and **identity**. There are four tiers of documentary evidence. According to the June 9th guidance letter, states must first ask for documents from the primary list, which contains the most reliable and conclusive documents in determining citizenship, before looking to the lower brackets (third or fourth tier).

PRIMARY DOCUMENTATION

(*If an applicant presents a document from this list, no other materials are required.)

- The following forms of documentation qualify for both proof of **identification** and **citizenship**:
 - ✓ A U.S. Passport
 - ✓ A Certificate of Naturalization (DHS Forms N-550 or N-570)
 - ✓ A Certificate of U.S. Citizenship (DHS Forms N-560 or N-561)

SECONDARY DOCUMENTATION

- The following forms of documentation qualify for proof of **citizenship** ONLY: (This should be used when primary evidence of citizenship is not available. A second document establishing identity must also be presented.)
 - ✓ A U.S. Birth Certificate
 - ✓ A certification of birth issued by the Department of State (Form DS-1350)
 - ✓ A Report of Birth Abroad of a U.S. Citizen (Form FS-240)
 - ✓ A Certification of Birth Abroad (FS-545)
 - ✓ A U.S. Citizen I.D. Card (DHS Form I-197 or prior version I-179)
 - ✓ An American Indian Card, I-872 issued by the Department of Homeland Security with the classification code “KIC” (Issued by DHS to identify U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border)
 - ✓ Final adoption decree
 - ✓ Evidence of civil service employment by the U.S. government before June 1976.
 - ✓ An official military record of service showing a U.S. place of birth.
 - ✓ A Northern Mariana Identification Card, I-873 (Issued by the INS to a collectively naturalized citizen of the United States who was born in the Northern Mariana Islands before November 4, 1986)

THIRD LEVEL DOCUMENTATION

(This must only be used when primary evidence cannot be obtained within the State’s reasonable opportunity period, secondary evidence does not exist or cannot be obtained. A second document proving identity must also be presented.)

- The following forms of documentation qualify for proof of **citizenship** ONLY:
 - ✓ Extract of a hospital record on hospital letterhead established at the time of the person’s birth and was created at least 5 years before the initial application date and that indicates a U.S. place of birth. (For children under 16 the document must have been created at or near the time of birth or 5 years before the date of application)
 - ✓ Life or health or other insurance record showing a U.S. place of birth and was created at least 5 years before the initial application day.

FOURTH LEVEL DOCUMENTATION

(This must only be used when primary evidence cannot be obtained within the State’s reasonable opportunity period, secondary and third level evidence do not exist or cannot be obtained within the State’s reasonable opportunity period. A second document proving identity must also be presented.)

- The following forms of documentation qualify for proof of **citizenship** ONLY:
 - ✓ Federal or state census record showing U.S. citizenship or a U.S. place of birth.

- ✓ Institutional admission papers from a nursing home, skilled nursing care facility or other institution and was created at least 5 years before the initial application date and indicates a U.S. place of birth.
- ✓ Medical (clinic, doctor, or hospital) record created at least 5 years before the initial application date that indicates a U.S. place of birth. (For children under 16 the document must have been created near the time of birth or 5 years before the date of application). Note: An immunization record is not considered a medical record for purposes of establishing U.S. citizenship.
- ✓ Other documents that were created at least 5 years before the application for Medicaid. These documents include: Seneca Indian tribal census report, Bureau of Indian Affairs tribal census records of the Navajo Indians, U.S. State Vital Statistics Official nomination of birth registration, an amended U.S. public birth record that is amended more than 5 years after the person's birth or a statement signed by the physician or midwife who was in attendance at the time of birth.
- ✓ Written affidavit – which may be used only in rare circumstances when the state cannot prove evidence of citizenship in any other way. Affidavits must be given by at least two individuals – one must be of no relation to the applicant. Each person must attest to having personal knowledge of the events establishing the applicant is a citizen, and must also prove their own citizenship and identity. If the person knows why documentary evidence establishing the applicant's claim of citizenship is not available, the affidavit should contain that information as well. The State must obtain a separate affidavit from the applicant/recipient or other knowledgeable individual explaining why the evidence does not exist or cannot be obtained. It must be signed under penalty of perjury by the person making the affidavit.
- The following forms of documentation qualify for proof of **identification** and must accompany a document establishing citizenship from the groups of documentary evidence of citizenship:
 - ✓ A Current State or Territory driver's license bearing the individual's picture or other identifying information such as name, age, sex, race, height, weight, or eye color.
 - ✓ Certificate of Indian Blood, or other U.S. American Indian/Alaska Native tribal document.
 - ✓ Any identity document described in section 274A(b)(1)(D) of the Immigration and Nationality Act.
 - ✓ School identification card with a photograph of the individual.
 - ✓ U.S. military card or draft record.
 - ✓ Identification card issued by the Federal, State, or local government with the same information included on the driver's license.
 - ✓ Military dependent's identification card.
 - ✓ Native American Tribal document
 - ✓ U.S. Coast Guard Merchant Mariner card.

- ✓ At State option, a State may use a cross match with a Federal or State governmental, public assistance, law enforcement or corrections agency's data system to establish identity if the agency establishes and certifies true identity of individuals. Such agencies may include: food stamps, child support, corrections, including juvenile detention, motor vehicle, or child protective services. The State Medicaid Agency is still responsible for assuring the accuracy of the identity determination.
 - As outlined in the June 9, 2006 Medicaid Fact Sheet, children who are 16 or younger may prove their identity by the following documents if they possess none of the above:
 - ✓ School identification card with a photograph.
 - ✓ Military dependent's identification card if it contains a photograph.
 - ✓ School record that shows date and place of birth and parent(s) name.
 - ✓ Clinic, doctor or hospital record showing date of birth.
 - ✓ Daycare or nursery school record showing date and place of birth.
 - ✓ Affidavit signed under penalty of perjury by a parent or guardian attesting to the child's date and place of birth and this can't be used if an affidavit for citizenship was provided.
- *How much time does the applicant have to provide these documents to the state?*
 - At the time of application or redetermination, the state must give an applicant a "reasonable opportunity" to present documents establishing U.S. citizenship and identity.
 - An individual who has already enrolled in Medicaid will remain eligible if that person continues to show effort to present evidence of citizenship and identity.
 - Applicants for Medicaid cannot be made eligible until they have presented the required materials.
 - If an applicant tries in good faith to present acceptable documentation, but is unable to because the documents are not available, the state should assist that individual in securing the necessary documents.
 - If an applicant cannot find the necessary documents and needs assistance (for reasons such as homelessness, mental impairment, or a physical incapacity), and has no one to help them, then the state should assist the applicant to document U.S. citizenship and identity.
- *Where can more information be found on these new requirements?*
 - The Centers for Medicare & Medicaid Services (CMS), the agency that oversees the Medicaid program, is required to launch an outreach program to educate states and interested groups about the new requirement.
- *Who is affected by this new requirement?*
 - All current Medicaid recipients, as well as new applicants to the program, are required to provide documentation of citizenship and identity. This group includes but is not limited to children in the foster care system, children in SCHIP programs created under Medicaid expansion programs and all individuals served under section 1115 demonstrations and family planning demonstrations. **It is important to note that foster care children, who are categorically eligible for Medicaid, are considered to be recipients.**

- *What is the job of the state when presented with applicants in need of assistance?*
 - If the applicant is homeless, mentally impaired, physically handicapped, a victim of amnesia and has no one to help them, then the state must assist the applicant in finding the necessary documents to prove U.S. citizenship and identity.
- *What rules does the state have to follow in order to adhere to the new requirement?*
 - All documents must be originals or copies certified by the issuing agency. Copies or notarized copies are not accepted.
 - States must keep documents in the case record or database so they can be available for compliance audits.
 - States may allow applicants to submit documentary evidence without being present at a Medicaid office.
 - If it is found that the documents do not match up with previous information, are counterfeit, or are changed in some way, states should investigate for potential fraud, including a possible referral to state and federal law enforcement agencies or the agency that issued that document.
 - Once a person's citizenship is documented in a state database, changes in eligibility should not require repeating the documentation of citizenship unless that person's citizenship becomes questionable.
 - States which have previously required documented proof of citizenship and have published guidelines for documenting U.S. citizenship should modify their process to conform with the DRA.
- *How does an applicant become terminated from the Medicaid program?*
 - An applicant or recipient who fails to cooperate with the state in presenting documentary evidence of citizenship may be denied or terminated. Notices, appeal rights and sufficient and timely notice must be granted to beneficiaries if the state terminates an individual for failure to provide proof of citizenship.