

DOCUMENTATION OF CITIZENSHIP FOR MEDICAID

Toolkit for State & Local Government Officials

- ★ Overview of Medicaid Citizenship Documentation Outreach Program
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For more information visit:

www.cms.hhs.gov/MedicaidEligibility/05_ProofofCitizenship.asp

INTRODUCTION

Federal law requires that as of July 1, 2006, Medicaid applicants and recipients must provide documentation to show that they are a U.S. citizen or a national of the U.S. The Centers for Medicare & Medicaid Services (CMS) is working to implement this important new change. You, our partners in State and local government, will play an important role in helping reach many people with or applying for Medicaid who need information about the new citizenship documentation requirement. We developed this toolkit to give you the information you need to help your constituents understand the documents that are needed to show they are U.S. citizens for purposes of gaining or maintaining enrollment in Medicaid.

Thank you for your valuable contribution in this important effort. We look forward to working with you in the coming months as we spread the message about Medicaid's new citizenship documentation requirements.

We encourage you to copy and distribute this information. We will provide more information to you as it becomes available.

July 2007

Medicaid Citizenship Documentation Outreach Program

Effective July 1, 2006, persons applying for Medicaid and claiming to be United States citizens must document their citizenship and identity. This requirement is outlined in section 6036 of the Deficit Reduction Act of 2005 (DRA) and is intended to ensure that Medicaid recipients who claim to be citizens of the United States are actually citizens. The Department of Health and Human Services (DHHS) published regulations to help States implement this new requirement in a manner that does not impose an undue burden on Medicaid applicants and recipients or the States.

The DRA also required the DHHS Secretary to establish an outreach program to ensure all parties affected by the Medicaid citizenship requirement are aware of and understand the requirement. To this end, DHHS has developed and is implementing a “Medicaid Citizenship Documentation Outreach Program” that provides strategic direction and coordination for an integrated education and outreach program to inform States, Medicaid applicants and recipients, and key information intermediaries of the new documentation requirements. The program, as developed by the Centers for Medicare & Medicaid Services (CMS) within DHHS, promotes active and informed involvement by States and Medicaid recipients. The outreach program also promotes understanding of the documents which satisfy the requirements; assists States with streamlining implementation of the requirements; and seeks to ensure continued uninterrupted access to Medicaid for citizens.

An Outreach Program plan was developed with the objective of assuring widespread understanding of the new citizenship documentation requirements by States, Medicaid applicants and recipients, and key information intermediaries including Federal agencies, State and local governments, advocacy groups, community organizations, partners, the media, health care providers, and other health care and social service stakeholders. The Outreach Program engages CMS and its partners to provide accurate and reliable information and outreach materials and to provide technical assistance to help document citizenship for Medicaid enrollment.

Some of the Federal communications strategies contained in the Outreach Program include the following:

- Distribution of Medicaid citizenship messages/materials that are accurate, reliable, and understandable to target audiences;
- Promoting awareness of the Medicaid citizenship documentation requirements to States and Medicaid recipients through an integrated national education approach;
- Training key information intermediaries, including States, partners, State Health Insurance Assistance Programs (SHIPs), CMS Regional Offices (ROs), and other social service and health care industry stakeholders to permit them to educate other stakeholders and Medicaid recipients;
- Mobilizing Federal/State/local government agencies, tribal and community-based organizations and associations to build awareness and support;
- Leveraging new approaches to communicate key messages, including use of the internet; and
- Translating materials into Spanish to ensure that messages reach limited-English speaking communities.

Providing Documentation of Citizenship for Medicaid

In the past, if you had Medicaid or applied for Medicaid, you had to declare that you were a U.S. citizen or national, or that you were a “Qualified Alien.” All States required that you be able to document Qualified Alien status, and some States required you to document citizenship status.

What has changed?

Congress passed a new law that requires individuals to document their citizenship in order to get Medicaid. Beginning on July 1, 2006, unless you are exempt, all people getting or applying for Medicaid who declare they are citizens must be able to document that they are a U.S. citizen or national and document their identity.

What groups are exempt from the new law?

- Qualified Aliens;
- Individuals who receive SSI benefits;
- Children who receive Federal foster care or adoption assistance benefits;
- Children in foster care who receive child welfare services;
- Individuals on Social Security disability, including a disabled child, widow, or widower receiving disability benefits on the account of a worker, or
- Individuals with any part of Medicare.

What kind of documentation do you need?

The best way to document your citizenship and identity is with one of these:

- A U.S. Passport, or
- A Certificate of Naturalization (DHS Forms N-550 or N-570), or
- A Certificate of U.S. Citizenship (DHS Forms N-560 or N-561).

(If you do not have any of these items, you will need two documents, one document to show you are a citizen and one document to show who you are.)



FACT SHEET

Document you are a citizen with:

- Your birth certificate, or
- A Report or Certification of Birth Abroad of a U.S. Citizen (Form FS-240 or FS-545), or
- U.S. Citizen I.D. card (DHS Form I-197), or
- Adoption Papers, or
- Military Record if it shows where you were born.

Show who you are with:

- Your current State driver's license or State identity card, or
- School identification card, or
- A Federal, State or Local government identification card, or
- A U.S. Military identification card.

What should you do if you don't have any of these things?

- Check with Medicaid about other ways to document you are a citizen and to show who you are.
- Tell Medicaid why you can't get documents, and
- Give Medicaid any documents you have.

(Each document you provide must be an original or a copy certified by the Agency that has the original. You cannot use a photocopy or a notarized copy of your document.)

How much time do you have to show this documentation to Medicaid?

Medicaid must give you a reasonable amount of time to get your documents. Check with Medicaid to see exactly how much time you have to get your documents.

What if you still have questions?

If you still have questions, contact Medicaid, or call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048. Information is also available on the cms.hhs.gov web site.

New Citizenship Documentation Requirements for Medicaid

As of July 1, 2006, a new rule took effect for individuals, who declare they are U.S. citizens, and who have, or apply for, Medicaid. The rule requires that a citizen or national of the U.S. must give the Medicaid agency satisfactory documentary evidence to prove citizenship and identity. Satisfactory documentary evidence shows that the individual is a U.S. citizen and that they are the person they claim to be. An example of satisfactory evidence is a birth certificate and a document such as a driver's license or state identification card or for naturalized citizens, a certificate of naturalization. The new rule does not apply to elderly and disabled people who receive Medicare, Supplemental Security Income, or Social Security Disability Benefits. The rule also does not apply to children in foster care who receive child welfare services or children who receive foster care or adoption assistance payments. Additionally, people who are not citizens do not have to meet these rules because they have to meet other documentation requirements.

Medicaid is using a 4-tier process to verify citizenship. The first tier provides the most reliable documents to prove citizenship and identity and includes items such as a U.S. passport or certificate of U.S. citizenship. Tiers 2–4 provide additional evidence which may be used to document citizenship. However, people using documents from these tiers must also provide a separate document to show their identity. Medicaid agencies are to use the tiers to make sure that the most reliable document available is used to show citizenship. Only original and certified copies are permissible.

Individuals who do not have the required documents at the time they apply for Medicaid or when they are redetermined eligible for the first time after July 1, 2006, should inform the Medicaid agency immediately to get help. The Medicaid agency can suggest alternative documents that may be used to meet the requirements. Affidavits may be used to document an individual's citizenship, but only as a last resort.

For more information about this new requirement, including documents permissible for children, frequently asked questions, posters and training materials, access the CMS website at http://www.cms.hhs.gov/MedicaidEligibility/05_ProofofCitizenship.asp#TopOfPage .



FREQUENTLY ASKED QUESTIONS

Documentation of Citizenship for Medicaid Recipients and Applicants that Declare They are U.S. Citizens

Beginning July 1, 2006, when initially applying for Medicaid or upon a recipient's first Medicaid eligibility redetermination, most individuals who declare they are U.S. citizens must provide satisfactory documentary evidence of citizenship or nationality. Below are answers to some frequently asked questions and examples of acceptable documentary evidence of citizenship.

Why must I declare that I am a citizen or a national of the United States?

Before July 1, 2006, in order to qualify for Medicaid, the applicant declared under penalty of perjury that he or she was a citizen or national of the United States or had satisfactory immigration status. Under federal law, individuals who declared they were citizens did not have to do anything else to support that claim, although some States did require documentary evidence of such a claim. Individuals who declared they were in a satisfactory immigration status were required in every State to provide documentary evidence of that claim. This continues to be required. But, Federal law now requires that the States obtain satisfactory documentation of citizenship. Simply declaring your identity and that you are a U.S. citizen is no longer an acceptable practice.

What do we mean by "Declare to be a citizen or national of the United States"?

This means that you affirmatively state that you were born in the United States or in the Commonwealth of the Northern Marianas, Puerto Rico, U.S. Virgin Islands, or American Samoa and Swain's Island. If you were not born in the United States, you must affirmatively state that you have become a naturalized citizen of the United States.

What do we mean by satisfactory documentary evidence of citizenship?

This means you must present to your Medicaid agency documents that show you are a citizen of the United States and that you are the person you claim to be. To establish U.S. citizenship, the document must show that you were born in the U.S. or that you are a naturalized U.S. citizen. To establish your identity, the document must provide identifying information that relates to the person named on the document.

What if I don't have a birth certificate or driver's license?

A State Medicaid agency can accept a number of alternative documents that will establish your citizenship or identity. If you don't have and cannot get documentary evidence of citizenship, you should explain your situation to your Medicaid office as soon as you apply or when you are asked at the time your eligibility is redetermined. The Medicaid agency will then explain what alternatives you may use and what assistance can be provided.

FREQUENTLY ASKED QUESTIONS

What if I had my citizenship documented when I applied for Medicaid, will I have to document my citizenship again?

Generally, no. You will not have to repeat documentation if the Medicaid Agency documented your citizenship using the standards contained in the regulations. Otherwise, you will need to document citizenship and identity.

What if I am already receiving Medicaid benefits? When do I have to provide documentation of citizenship?

If you are already a Medicaid recipient, you will be asked to provide these documents at your next redetermination on or after July 1, 2006. You will be given a reasonable amount of time to present evidence of citizenship and you will not lose Medicaid benefits as long as you are making a good faith effort to present the documents requested.

May I bring copies of documents that prove I am a citizen?

States are not permitted to accept copies of satisfactory documentary evidence that you are a citizen. All documents must be either originals or copies certified by the issuing agency.

What if I don't bring documents to show I am a citizen when I go to apply for Medicaid?

States will give you a reasonable opportunity to present satisfactory documentary evidence that shows you are a citizen. If you do not provide the requested documents after you have been given a reasonable opportunity to get the evidence or your State determines that you have not made a good faith effort to present satisfactory documentary evidence, your eligibility will be denied or terminated.

What if I apply for Medicaid by mail, phone or computer?

You will be given the same opportunity to provide evidence of citizenship as you are given to provide documentation of any other eligibility factor (such as pay stubs).

How will the Centers for Medicare & Medicaid Services (CMS) inform people about this new requirement?

CMS has established and is currently implementing an Outreach Plan to educate Medicaid applicants and recipients about the new citizenship documentation requirement and how the requirements may be satisfied. CMS has developed a strategy that includes identifying and establishing relationships with key organizations that represent State and local government health officials so that they can help educate applicants and recipients about the requirements.

FREQUENTLY ASKED QUESTIONS

What appeal rights do I have if during my redetermination for Medicaid eligibility, or in applying for Medicaid, my application is rejected?

States are not obligated to make or keep eligible any individual who fails to cooperate with the requirement to present documentary evidence of citizenship and identity. Failure to provide this information is no different than the failure to provide any other information that is material to the eligibility determination. An applicant or recipient who fails to cooperate with the State in presenting documentary evidence of citizenship may be denied or terminated. Failure to cooperate consists of failure by an applicant/recipient or that individual's representative, after being notified, to take a required action. Notice and appeal rights and adequate and timely notice must be given to beneficiaries if the State denies or terminates an individual for failure to cooperate with the requirement to provide documentary evidence of citizenship. In the case of individuals already receiving Medicaid, the notice must be in advance.

If I am a qualified alien in this country as a legal immigrant, must I also provide documentary evidence?

Yes, qualified aliens are still required to provide documentary evidence of their satisfactory immigration status. The new law did not make any changes with respect to requirements for non-citizens who are qualified aliens.

If I am caring for a foster child who receives Medicaid, does the foster child also have to have documentary evidence of citizenship?

No. The new law does not apply to (1) children receiving Federal foster care or adoption assistance benefits or (2) children in foster care receiving child welfare services.

Can I still receive Medicaid benefits while I am trying to get the necessary documents?

States will give you a reasonable opportunity to present satisfactory documentary evidence that shows you are a citizen. If you continue to make a good faith effort to present satisfactory documentary evidence of citizenship, you can continue to receive Medicaid benefits.

Will States have to help people get the necessary documents? Who will pay the fee for getting a birth certificate or passport?

States must assist applicants or recipients who are homeless, are an amnesia victim, are mentally impaired, or are physically incapacitated and lack someone who can act on their behalf. Individuals are responsible for paying for the necessary documents to prove citizenship and identity unless the state determines otherwise.

What if I am enrolled in Medicare or receive Supplemental Security Income (SSI), do I still have to provide proof of citizenship and identity?

If you are enrolled in Medicare or receive SSI, or Social Security Disability Insurance (SSDI) you will not need to document your citizenship.

FREQUENTLY ASKED QUESTIONS

What are the acceptable documents that may be accepted as proof of citizenship and identity?

We have adopted a hierarchy of reliable and acceptable evidence of citizenship. Under this hierarchical approach, documentary evidence of citizenship and identity is sought first from a list of primary documents. If an applicant or recipient presents evidence from the listing of primary documentation, no other information is required. When such evidence is unavailable, evidence to establish citizenship in the list describing secondary, third level, and fourth level documents should be used. In rare cases, an affidavit from another person may be used (see detailed discussion below). The law also requires that identity must be established. If documentation is used from other than the primary evidence listing establishing both citizenship and identity, individuals must establish citizenship from one of the successive secondary, third level, or fourth level lists and must establish identity from the proof of identity list (List 5). You should ask your Medicaid Agency if there are additional requirements before they can accept one of the following documents.

Acceptable primary documentation for identification and citizenship (List 1):

- A U.S. Passport as long as it was originally issued without limitation.
- A Certificate of Naturalization (DHS Forms N-550 or N-570).
- A Certificate of U.S. Citizenship (DHS Forms N-560 or N-561).
- A driver's license if the State requires proof of citizenship before issuing.

Acceptable secondary documentation to verify proof of citizenship (List 2):

- A U.S. birth certificate.
- A Certification of Birth issued by the Department of State (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).
- An American Indian Card 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.)
- A Northern Mariana Identification Card. (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.)
- A final adoption decree showing the child's name and U.S. place of birth.
- Evidence of civil service employment by the U.S. government.
- A military record showing a U.S. place of birth (DD-214).
- A data verification with the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) program.
- Evidence that the individual meets the criteria for citizenship established in the Child Citizenship Act of 2000.

FREQUENTLY ASKED QUESTIONS

Acceptable third level documentation to verify proof of citizenship (List 3):

- Extract of a U.S. hospital record created at least 5 years prior to the application for Medicaid which shows a United States place of birth.
- Life or health or other insurance record showing a U.S. place of birth created at least 5 years before the application for Medicaid.
- Religious records recorded in the U.S. within 3 months of birth.
- Early school records showing a U.S. place of birth.

Acceptable fourth level documentation to verify proof of citizenship (List 4):

- Federal or State census record showing U.S. citizenship or a U.S. place of birth.
- Other document such as Seneca Indian tribal census record, Bureau of Indian Affairs tribal census record of the Navajo Indians, Bureau of Indian Affairs Roll of Alaska Natives, U.S. State Vital Statistics official notification of birth registration, U.S. public birth record recorded 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 if the document was created at least 5 years before the application for Medicaid.
- Institutional admission papers from a nursing home, skilled nursing care facility or other institution that indicates a U.S. place of birth.
- Medical (clinic, doctor, or hospital) record created at least 5 years before the initial application for Medicaid that indicates a U.S. place of birth.
- Written affidavit.

Affidavits should ONLY be used in rare circumstances. A joint affidavit or two separate affidavits must be signed by at least two individuals of whom one is not related to the applicant/recipient and who have personal knowledge of the event(s) establishing the applicant's or recipient's claim of citizenship. The person(s) making the affidavit must be able to provide proof of his/her own citizenship and identity for the affidavit to be accepted. If the affiant has information which explains why documentary evidence establishing the applicant's claim of citizenship does not exist or cannot be readily obtained, the affidavit should contain this information as well. It must also be signed under penalty of perjury by the person making the affidavit. Another affidavit from the applicant/recipient or other knowledgeable individual explaining why documentary evidence does not exist or cannot be readily obtained must also be requested.

Acceptable documentation to verify proof of identity (List 5):

- A current State driver's license or non-driver identification card bearing the individual's picture or other personal identifying information such as name, age, sex, race, height, weight, or eye color.
- School identification card.
- Certificate of Degree of Indian Blood, or other U.S. American Indian/Alaska Native tribal document.
- State cross matches with Federal, State, or local governmental, public assistance, law enforcement or correction agency's data systems to establish identity if the agency establishes and certifies true identity of individuals.

FREQUENTLY ASKED QUESTIONS

- U.S. military card or draft record.
- Federal, state or local government ID card.
- Military dependent's ID card.
- U.S Coast Guard Merchant Mariner card.
- Three or more corroborating documents such as a marriage license, divorce decrees, high school diplomas and employer ID cards to verify the identity of an individual.
- Affidavits for individuals living in the residential care facilities when no other identity document is available.

What identity documents will be accepted from children?

Children under age 16 may present the following documents as evidence of identity, in addition to the list of identity documents above.

- School record (including daycare and nursery school records).
- Clinic, doctor or hospital record.
- Affidavit signed under penalty of perjury by a parent or guardian stating the date and place of the child's birth. (This may be used for children up to age 18 in limited circumstances.)

What is CMS policy regarding documentation for newborns?

States must recognize all newborn children of women who have applied for, have been determined eligible and who are receiving Medicaid on the date of the child's birth as deemed newborns so long as the mother remains eligible and the child remains a member of the mother's household. Documentation of the child's citizenship and identity will be required at the first period of redetermination (up to one year). This will include children whose births are covered by emergency Medicaid. A woman may qualify for emergency Medicaid only if she submits a full application and is determined to meet all other Medicaid requirements.

PROVIDING DOCUMENTATION OF CITIZENSHIP FOR MEDICAID

A new Federal law is in place to get Medicaid. You must show that you are a U.S. citizen or national and who you are. If you already have Medicaid or are applying for Medicaid, you will be asked to document your U.S. citizenship and identity.

The best way to show that you are a citizen and who you are is with one of these:

- ★ A U.S. Passport, or
- ★ A Certificate of Naturalization (DHS Forms N-550 or N-570), or
- ★ A Certificate of U.S. Citizenship (DHS Forms N-560 or N-561)

or, you can

Document you are a citizen with:

- ★ Your birth certificate, or
- ★ A Report or Certification of Birth Abroad of a U.S. Citizen (form FS-240 or FS-545), or
- ★ U.S. Citizen I.D. Card (DHS form I-197), or
- ★ Adoption Papers, or
- ★ Military Record if it shows where you were born.

and

Show who you are with:

- ★ Your current State driver's license or State identity card, or
- ★ School identification card, or
- ★ A Federal, State or local government identification card, or
- ★ A U.S. Military identification card.

If you belong to one of the following groups, these Medicare documentation requirements do not apply:

- Qualified Aliens;
- Individuals receiving SSI benefits;
- Children receiving Federal foster care or adoption assistance benefits;
- Children in foster care receiving child welfare services;
- Individuals on Social Security disability, including a disabled child, widow, or widower receiving disability benefits on the account of a worker, or
- Individuals with any part of Medicare

* Even if you don't have any of the documents listed, there are other ways to show Medicaid who you are and that you are a U.S. citizen. Be sure to tell Medicaid why you need to use another kind of document when you apply for Medicaid.



For help, get in touch with your State Medicaid office or call 1-800-633-4227.

CENTERS FOR MEDICARE & MEDICAID SERVICES

Regional Map and Contact Information



Centers for Medicare & Medicaid Services

REGIONAL OFFICES

PHONE NUMBERS

REGION I – BOSTON	617-565-1188
REGION II – NEW YORK	212-616-2205
REGION III – PHILADELPHIA	215-861-4140
REGION IV – ATLANTA	404-562-7150
REGION V – CHICAGO	312-886-6432
REGION VI – DALLAS	214-767-6401
REGION VII – KANSAS CITY	816-426-5233
REGION VIII – DENVER	303-844-2111
REGION IX – SAN FRANCISCO	415-744-3501
REGION X – SEATTLE	206-615-2306

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