



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

Family Investment Administration
ACTION TRANSMITTAL

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Issuance Date: August 11, 2006

**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF
HEALTH OFFICERS, LOCAL HEALTH DEPARTMENTS
LOCAL HEALTH DEPARTMENT ELIGIBILITY STAFF**

**FROM: KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR, FIA
CHARLES E. LEHMAN, EXECUTIVE DIRECTOR, DHMH/ OOEP**

Richard E. Turvey for

Charles E. Lehman from

RE: MEDICAID CITIZENSHIP and IDENTITY REQUIREMENTS

**PROGRAMS AFFECTED: MEDICAL ASSISTANCE (MA) MARYLAND CHILDREN'S
HEALTH PROGRAM (MCHP), and TEMPORARY
DISABILITY ASSISTANCE PROGRAM (TDAP)**

ORIGINATING OFFICE: OFFICE OF PROGRAMS

SUMMARY: Effective July 1, 2006, due to federal regulatory changes based on the Deficit Reduction Act of 2005, all persons declaring to be U.S. citizens must provide documentation of their citizenship and identity at the time of initial application or annual redetermination for Medicaid. In Maryland, this federal change applies to Medical Assistance (MA), Maryland Children's Health Program (MCHP), Long-Term Care, Primary Adult Care (PAC), HealthChoice, Women's Breast and Cervical Cancer Health Program, and all waiver programs. It does **not** apply to Medicare beneficiaries, presumptively eligible newborns and SSI recipients. At this time, due to implementation and delinking problems, it also does **not** apply to TCA applicants and recipients. DHR and the LHDs will be notified when the TCA applicants are subject to this regulation. However, customers receiving TCA should not be discouraged from providing the documents when available.

The Department of Health and Mental Hygiene (DHMH) will require individuals to provide documentation of citizenship and identity. Implementation of this process will start with all MAMCHP applications received by Local Departments of Social Services (LDSSs) and/or Local Health Departments (LHDs) on or after September 1, 2006. Recipients with a redetermination end date from September 2006 through August 2007 will be required to meet the new Medicaid requirements. This transmittal issues comprehensive procedures based on the new federal guidelines for processing MAMCHP applications and redeterminations.

DHMH is sending notices to current MA/MCHP recipients of the new citizenship and identity requirements:

Customers not required to provide documentation receive DRA 1.

Customers required to provide documentation of identity receive DRA 2.

Customers required to provide documentation of both citizenship and identity receive DRA 3.

Aliens: The new verification requirement for citizenship and identity *does not* affect the existing process by which aliens verify their qualified legal status, nor does it apply to refugees, others covered in the G-track, and illegal or ineligible aliens requesting emergency medical services (X02).

REMINDER: There is no change in Food Stamp policy regarding verification of citizenship. For Food Stamps, verification of citizenship is not required unless questionable. **Do not** close or deny a Food Stamp AU when denying an associated MA/MCHP AU for failure to verify citizenship and/or identity.

ACTION REQUIRED

Verification of citizenship and identity is a condition of eligibility for:

All MA/MCHP applications received on or after September 1, 2006
and

All MA/MCHP redeterminations with a redetermination end date beginning on or after September 30, 2006.

Applicants

Do not approve a MA/MCHP application until you receive the required verifications. If the required documentation of citizenship and identify is not provided by the due date, the application must be denied. However, MA/MCHP policy allows for extension of time standards if the applicant is actively attempting to establish eligibility.

If the denied applicant submits the required documentation within the 6-month period under consideration, reactivate the application and determine eligibility based on the **original** date of application.

NOTE: Applicants approved for TDAP also receive notification of eligibility for the Primary Adult Care Program (PAC). TDAP customers must provide verification of citizenship in order to qualify for PAC. DHMH will notify TDAP recipients who have not met the citizenship requirement, and will request documentation. The eligibility span for PAC will be opened on MMIS once verification is received.

DHMH is in the process of requesting a revision to the text on the TDAP approval notice. Until the text has been modified, add the following free form text to the TDAP approval notice:

You may be eligible for the Primary Adult Care Program that provides your pharmacy and primary care coverage. DHMH will notify you of your eligibility.

Recipients

Recipients are required to provide the verifications at their next redetermination. If the required documentation of citizenship and identity is not provided by the due date, eligibility must be terminated with timely notice. However, MA/MCHP policy allows for extension of time standards if the applicant is actively attempting to establish eligibility.

If the terminated recipient submits the required documentation within 4 months of the month of termination, eligibility is determined as of the effective date of termination in accordance with MA Policy Alert 12-04 Tardy Redetermination policies and procedures.

Excluded Applicants/Recipients

- TCA/FO1 applicants and recipients are not subject to this change until further notice,
- Medicare Beneficiaries, (S03, S07, S14), and any other coverage groups with Medicare eligibles,
- Presumptively eligible newborns (P03/P12), and
- Supplemental Security Income (SSI) recipients (L01, S02, S04, S05), and any other coverage groups with SSI beneficiaries.

Social Security Number Reporting Requirements

Except for emergency medical services for illegal or ineligible aliens, either a valid social security number (SSN) must be reported or an application for an SSN must be filed. If any customer was determined eligible based on a SSN application, a valid SSN number must be provided and entered on CARES by the next redetermination, **or MA eligibility must be terminated.**

Citizenship and Identity Documentation Requirements

Federal law requires that all documents provided must be originals or copies certified by the issuing agency. DHMH recognizes the hardship this currently poses for both case managers and applicants/recipients. At this time, individuals unable to provide originals may forward copies. Mail-in programs may accept copies, unless they suspect fraud.

DHMH is currently developing a system to facilitate the receipt of documentation, particularly for MCHP and other mail-in systems. Until this is effective, applicants and recipients who provide copies, rather than originals or certified copies, may be required to provide originals later.

The CARES narration must explain how and when citizenship and identity were verified, or why eligibility was denied or terminated due to failure to verify citizenship and/or identity.

Verification Procedures

- A. Use one of the following documents to prove **both** citizenship and identity:
 1. U.S. passport (current or expired), or
 2. Certificate of Naturalization (N-550 or N-570), or
 3. Certificate of Citizenship (N-560 or N-561).

NOTE: If the individual was born outside of the U.S. and was not a U.S. citizen at birth, one of the three documents listed above is required.

B. Or, use one of the following documents to prove citizenship and another document to prove identity.

Proof of Citizenship	Proof of Identity
<ul style="list-style-type: none"> • U.S. Birth Certificate • Data match by DHMH to document a birth record • For child under 16: a record created near the date of birth, or 5 years before initial MA/MCHP application, and showing U.S. place of birth on hospital letterhead or other medical record, except immunization record • Record showing U.S. place of birth, if created at least 5 years before initial MA/MCHP application: record on hospital letterhead or other medical record created near the date of birth, institutional admission papers, signed statement by physician or midwife who attended the birth, Vital Statistics notice of birth registration, insurance record • Final adoption decree for child born in U.S. • Certificate of citizen born abroad (DS-1350, FS-240, FS-545) • U.S. military service record showing U.S. place of birth • Evidence of U.S. civil service employment before 6/1/76 • Federal or state census record for 1900-1950 showing U.S. citizenship or U.S. place of birth • ID card for naturalized citizen living in Mexico or Canada ((I-179 or I-197) • Three written and signed affidavits. Two completed by citizens who have personal knowledge of the person's citizenship, one of whom is not a relative. Another affidavit completed by the person, representative, or someone else knowledgeable to explain why the proof isn't available 	<ul style="list-style-type: none"> • Photo driver's license or MVA ID card • Data match to document identity (current or past TCA, Food Stamps, SSI eligibility) • Photo school ID card • Photo on federal, state, or local government ID card • U.S. military ID card or draft record • Native American Tribal Document • US Coast Guard Merchant Mariner card • For children under 16: school record, (DHR/FIA 604 form), nursery or day care record (pre-school health form), or written affidavit signed by parent or guardian if an affidavit was not used as proof of citizenship

C. There are **two** affidavits to verify citizenship and **one** to verify identity. The affidavits must be signed under penalty of perjury, and the signer must be able to provide proof of his/her own citizenship and identity.

- ❑ DES/AF1, Affidavit of Citizenship, is to be completed by an applicant/recipient.
- ❑ DES/AF2, Affidavit of Citizenship, is to be completed by a citizen who has personal knowledge of an applicant or recipient's claim of citizenship.
 - There must be at least **two** written and signed affidavits by citizens claiming knowledge of the applicant/recipient's event (birth, naturalization).
 - ❑ One affidavit must be signed by someone who is **not related** to the applicant/recipient.
 - A **third** affidavit must be completed by the applicant/recipient explaining why the proof is not available.
- ❑ Use DES/AF3, Affidavit of Identity, to verify identity of a child younger than 16 years of age.

D. Verification of identity for children can also be obtained via the use of:

- ❑ DHR/FIA 604-A School Attendance Verification
- ❑ DHR/FIA 1131 Primary Prevention Initiative Health Care Form

CARES Procedures

Enter on the **DEM2** screen one of the following citizenship verification codes to indicate the type of documentation received.

AC - Verified alien card (**Use only for verification of citizenship status**)

BC – Use if a birth certificate, notice of birth registration or data match from Vital Records verified citizenship

NOTE: If **BC** is already in the verification filed, check the case record for a copy of the birth certificate, Vital Records data match, or Notice of birth registration. **If the documents are not in the case record, verify citizenship with another acceptable source.**

CP – Use if citizenship papers: a U.S. passport, Certificate of Naturalization, or Certificate of citizenship verifies citizenship and identity

CS - Use client statement **only** when citizenship is verified by **3** affidavits

HC – Use hospital document for all P03 and P12 children, and P02 and P11 pregnant women who are determined presumptively eligible through the ACE process. Use hospital document from others (hospital, medical, or institutional records) and/or verification from a physician/midwife who witnessed birth

OT – Use this code for all other acceptable verifications of citizenship.

Unacceptable Verification Codes for Citizenship

BR – Baptismal record

CO – Conversion

FB – Family Bible

INQUIRIES: For policy questions, contact the DHMH Division of Eligibility Policy and MCHP at 410-767-1463 or 1-800-492-5231 (select option 2 and request extension 1463). Contact Cathy Sturgill at 410-238-1247 for CARES questions.

cc: DHR Executive Staff
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