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Office of Program Policy and Reporting

Authorized Signature

Number: CW-PT-06-023

Issue Date: 07/31/06

Topic: Medical Benefits

Transmitting (check the box that best applies):

- New Policy
 Policy Change
 Policy Clarification
 Executive Letter
 Administrative Rule
 Manual Update
 Other: _____

Applies to (check all that apply):

- All DHS employees
 County Mental Health Directors
 Area Agencies on Aging
 Health Services
 Children, Adults and Families
 Seniors and People with Disabilities
 County DD Program Managers
 Other (please specify):

Policy/Rule Title:	Title XIX General Assistance and Medical Eligibility (Citizenship Documentation Requirements)		
Policy/Rule Number(s):	I-E.6.2	Release No:	
Effective Date:	September 1, 2006	Expiration:	
References:	Deficit Reduction Act, Section 6036		
Web Address:			

Discussion/Interpretation:

This transmittal provides local office staff guidance for implementation of the requirement for Medicaid applicants and recipients to provide documentation of citizenship and identity. This provision is included in section 6036 of the Deficit Reduction Act (DRA) of 2005 (P.L. No. 109-171).

Effective September 1, 2006:

- To be eligible for Medicaid, current recipients and new applicants are required to provide documentation of citizenship and identity (documentation is not required for SSI or Medicare recipients).
- This provision does not apply to CAWEM or CHIP applicants or recipients.

DHS has been researching options for implementing the new citizenship and identity documentation provision in a way that will not jeopardize the individual's health and safety. Our goal is to ensure that all applicants or recipients who are otherwise eligible for Medicaid are given a reasonable time period to provide the required citizenship and identity documentation. DHS has made a commitment to provide assistance in getting the required documents for the applicants and recipients who need help.

Documentation

Prior to the enactment of this provision, applicants were able to self declare under a penalty of perjury that they are citizens of the United States. This new provision requires applicants who indicate they are U.S. citizens to provide certain forms of acceptable evidence of citizenship and identity.

CMS has provided the States with a hierarchy of acceptable documentation. States are required to use the most reliable form of documentation available. "Primary Documents" are considered the most reliable and may be used for **both citizenship and identity**. Staff may use the consecutive list (i.e., second, third, or, when necessary, fourth level documentation) only when the primary evidence is not available. The client must provide an original or certified copy of the documentation. The local DHS office must maintain a copy of the documentation in the case record. There are some government issued documents that indicate it is illegal to make a copy. This does not apply to state or local government agencies and copies can be made for the purpose of determining eligibility.

Staff must also update the new citizenship field on the Client Index (CI) Person Alias/Update screen as part of the documentation process.

Primary Documents (used for both citizenship and identity):

- U.S. passport
- Certificate of Naturalization (N-550 or N-570)
- Certificate of Citizenship (N-560 or N-561)

Note: The above documents establish both proof of citizenship and identity. If you use second, third or fourth level documentation, proof of identity is also required.

Second Level Documents (must also obtain identity documentation):

- A U.S. public birth record issued by the State, Commonwealth, territory or local jurisdiction before the child reached 5 years of age and showing birth in:
 - One of the 50 U.S. States (verification through the Oregon vital statistics database (BBCN) is acceptable for individuals born in Oregon) – when

using BBCN for verification purposes it is required to update the CI Person Alias/Update screen by indicating the verification source (**we are not permitted to print BBCN screens**).

- District of Columbia.
- American Samoa.
- Swain's Island.
- Puerto Rico (if born on or after January 13, 1941):
 - Collective Naturalization
 - Evidence of birth in Puerto Rico on or after April 11, 1899 and the applicant's statement he or she was residing in the U.S., a U.S. possession or Puerto Rico on January 13, 1941.
 - Evidence the applicant was a Puerto Rican citizen and the applicant's statement he or she was residing in Puerto Rico on March 1, 1917, and he or she did not take an oath of allegiance to Spain.
- Virgin Islands of the U.S. (on or after January 17, 1917):
 - Collective Naturalization
 - Evidence of birth in the U.S. Virgin Islands and the applicant's statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927.
 - Applicant's statement indicating residence in the U.S. Virgin Islands as a Danish citizen on January 17, 1917, and residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927, and he or she did not make a declaration to maintain Danish citizenship.
 - Evidence of birth in the U.S. Virgin Islands and the applicant's statement indicating residence in the U.S., a U.S. possession or territory or the Canal Zone on June 28, 1932.
- Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands (TTPI) (after November 4, 1986, NMI local time):
 - Collective Naturalization
 - Evidence of birth in the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. territory or possession on November 3, 1986, NMI local time) and the applicant's statement he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time).
 - Evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975, and the applicant's statement he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time).
 - Evidence of continuous domicile in the NMI since before January 1, 1974, and the applicant's statement he or she did not owe allegiance to a foreign state on November 4, 1986

(NMI local time).

- Note: If a person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a U.S. citizen.
- Certification of Report of Birth (DS-1350).
- Consular Report of Birth Abroad of a Citizen of the U.S. of America (FS-240).
- Certificate of Birth Abroad (FS-545).
- U.S. citizen Identification Card (I-197) or the prior version I-179.
- American Indian Card (I-872 for the Texas Band of Kickapoos).
- Northern Mariana Card (I-873).
- Final adoption decree.
- Evidence of civil service employment by the U.S. government.
- Official Military record of service (the document must show a U.S. place of birth).

Third Level Documents (must also obtain identity documentation):

- Extract of 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 indicates a U.S. place of birth.
- 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 date.

Fourth Level Documents (must also obtain identity documentation):

- Federal or state census record showing U.S. citizenship or a U.S. place of birth and must also show the applicant's age.
- The following documents if created at least 5 years before the application for Medicaid and it includes U.S. place of birth:
 - Seneca Indian tribal census record.
 - Bureau of Indian Affairs tribal census records of the Navaho Indians
 - U.S. State Vital Statistics official notification of birth registration.
 - An amended U.S. public birth record that is amended more than 5 years after the person's birth.
 - Statement signed by the physician or midwife who was in attendance at the time 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 and was created at least 5 years before the initial application date and indicates a U.S. place of birth.
- Written Affidavit, used only in rare circumstances. Two individuals (one who is not related) who can establish their own citizenship and identity (according to this policy) and who have personal knowledge of the event(s) establishing the applicant's or recipient's claim of citizenship, and affidavit from the client or other knowledgeable individual explaining why documentary evidence does not exist or cannot be readily obtained must also be requested.

Evidence of Identity Only

Evidence of identity is required to accompany documentation from Second through Fourth Level Documentation lists:

- Certificate of Degree of Indian Blood, or other U.S. American Indian/Alaskan Native tribal document.
- Any identity document below:
 - Driver's license issued by State or Territory either with a photograph of the individual or other identifying information of the individual such as name, age, sex, race, height, weight, or eye color.
 - 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 Drivers' licenses.
 - Military dependent's identification card.
 - Native American Tribal document.
 - U.S. Coast Guard Merchant Mariner card.
 - Data matches with other agencies.
- Children who are under 16 may have their identity documented using other means, when the child does not have or cannot get any document on the preceding list for identity:
 - School records that show 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 parent or guardian attesting to the child's identity. An affidavit must state the date and place of the birth of the child and cannot be used if an affidavit for citizenship was provided.

Providing Outreach

- Information has been added to many client notices informing them they may need to provide proof of U.S. citizenship and identity.
- DHS will provide information to stakeholders and advocate groups.
- DHS will add information to the application packet when completing the next revisions.
- A press release by the Director's office has already been published.
- Information will be included on the August medical care ID card.

Implementation/Transition Instructions (Beginning September 1, 2006:

Re-determinations (Current Recipients): All children in foster care with a Title XIX medical eligibility review due date on or after September 1, 2006, will be subject to the new citizenship and identity documentation requirement:

- Federal Revenue Specialists (FRS) will review the case file to determine if the file contains a certified copy of the child's birth certificate and any type of court document with the child's name and date of birth to meet the citizenship and identity requirements.
- If required documentation **is found** in the case file, the FRS will complete the Individual Eligibility Determination for Title XIX Medical Coverage (CF 190) on FACIS and list the documents used to verify citizenship and identity in the comments section. The FRS will update Client Index (CI) with the source of documentation for citizenship.
- If required documentation **is not found** in the case file, the FRS will initiate branch procedure to obtain a certified copy of the child's birth certificate. The redetermination will not be completed until necessary documentation is obtained. The FRS will have "reasonable opportunity" to obtain the required documentation.
 - The reasonable opportunity period (45 day period for establishing eligibility) may be extended if the FRS continues to make a good faith effort to pursue documentation and it is clear documentation is obtainable.
- If after the reasonable opportunity period, the required documentation **cannot be obtained** or data indicates the child is not a U.S. citizen, the FRS will change the medical eligibility to General Assistance (GA - Title XIX ineligible).

New Determinations: All children placed in foster care on or after September 1, 2006 will be subject to the new citizenship and identity documentation requirement. Input clerks for Child Welfare will continue to input "presumptive 19" (Title XIX eligible) for children who are entering foster care. The FRS will:

- Check the Client Index (CI) screen to determine if citizenship has already been documented for this child or review the case file to determine if the file contains a certified copy of the child's birth certificate and any type of court document with the child's name and date of birth to meet the citizenship and identity requirements.
- If required documentation **is found** in CI or case file, the FRS will complete the CF 190 on FACIS and list the documents used to verify citizenship and identity in the comments section. If documentation is found in the case file but not in CI, the FRS will update Client Index (CI) with the source of documentation for citizenship.
- If required documentation **is not found** in CI or case file, the FRS will initiate branch procedure to obtain a certified copy of the child's birth certificate. The

determination will not be completed until necessary documentation is obtained. The FRS will have “reasonable opportunity” to obtain the required documentation.

- The reasonable opportunity period (45 day period for establishing eligibility) may be extended if the FRS continues to make a good faith effort to pursue documentation and documentation is obtainable.
- If after the reasonable opportunity period, the required documentation **cannot be obtained** or data indicates the child is not a U.S. citizen, the FRS will change the medical eligibility to General Assistance (GA - Title XIX ineligible).

Contacts for Denials or Closures

- Sherril Kuhns – 503-945-6679
- Debbie Milligan – 503-945-6654

Training/Communication Plan: Procedures will be updated and sent to Federal Revenue Specialists and Office Managers via e-mail. Training will be offered if requested.

Local/Branch Action Required: Implement provisions as outlined in this transmittal.

Central Office Action Required:

- Implement system changes
- Update policy, rules and procedures
- Update forms and notices

Field/Stakeholder review: Yes No

If yes, reviewed by:

Filing Instructions:

If you have any questions about this policy, contact:

Contact(s):	CAF-CW: Sherril Kuhns		
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