



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

Family Investment Administration
ACTION TRANSMITTAL

Control Number: 07-05 Revised

Effective Date: September 1, 2006

Issuance Date: December 1, 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 

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 pregnant women, and SSI recipients.

At this time, due to implementation and delinking problems, it also does **not** apply to TCA applicants or to the newborns of illegal or ineligible alien mothers determined eligible in coverage group X02 for emergency medical services. DHR and the LHDs will be notified if these applicants or recipients are subject to this regulation. However, customers receiving Medical Assistance in these coverage groups should not be discouraged from providing the documents when available.

DHMH has established a database (Central Repository) that will house the information collected by LDSS and LHD staff as well as other stakeholders on all Medicaid applicants/recipients. This information will be captured through various methods including Maryland vital statistic matches, matches with other state and federal databases, and reviews of original documents.

The Department of Health and Mental Hygiene (DHMH) now requires individuals to provide documentation of citizenship and identity as a condition of eligibility. This process starts with all MA/MCHP 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 are also required to meet the new Medicaid requirements. This transmittal issues comprehensive procedures based on the new federal guidelines for processing MA/MCHP applications and redeterminations.

DHMH is sending letters to current MA/MCHP recipients at the time of their redetermination, informing them of the new citizenship and identity requirements (see the attached letters):

DRA-1 is sent to customers not required to provide documentation.

DRA-2 is sent to customers required to provide documentation of identity.

DRA-3 is sent to customers required to provide documentation of both citizenship and identity.

DRA-4 is sent to customers applying for MCHP services explaining the new citizenship and identity requirements.

DRA-5 is sent to customers applying for waiver services explaining the new citizenship and identity requirements.

DRA-6 is sent to customers applying for or receiving WBCCHP services explaining the new citizenship and identity requirements.

DRA-7 is sent to customers required to provide documentation of citizenship.

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).

DHMH conducted regional briefings in August on the new Medicaid citizenship and identity requirements. Questions received during briefings and other meetings are updated on the DHMH website at:

<http://www.dhmh.state.md.us/citizen/pdf/faq101806.pdf>.

REMINDER: There is no change in Food Stamp policy regarding verification of citizenship and identity. 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

I. INSTRUCTIONS FOR SUBMISSION OF MEDICAID VERIFICATIONS FOR CITIZENSHIP AND IDENTITY

Effective July 1, 2006, federal law requires verification of citizenship and identity as a condition for Medical Assistance (Medicaid) eligibility. Applicants and recipients who declare that they are U.S. citizens must provide proof of both citizenship and identity.

In order to ensure that this requirement is met, the Medicaid Program established a database (Central Repository) that will house the information collected on all Medicaid and MCHP applicants/recipients (A/R). This information will be captured through various methods including vital statistic matches, matches with other State and federal databases, and reviews of the citizenship and identity documentation. These instructions are for individuals reviewing citizenship and identity documentation and forwarding copies of those documents to Medicaid's Central Office for inclusion in the database.

LDSS/LHD – Review the citizenship and identity documentation. If it is acceptable, make a copy for the case file and a copy for the Central Repository (CR). Write the **Client IRN** on the CR copy and mail the CR copies **each Friday** to the address below.

Parties Assisting Recipients

MCOs – For current recipients, review the citizenship and identity documentation. If it is acceptable, make a copy for the Central Repository (CR). Write the **Medicaid number** on the CR copy and mail the CR copies **each Friday** to the address below. If you receive documentation from a new applicant, this information must be forwarded to the appropriate LDSS/LHD.

Other parties assisting A/R – Due to confidentiality, DHMH is not able to accept documentation containing personal information on an A/R from another party unless that party is the authorized representative. If you are not the authorized representative, but receive documents verifying citizenship and identity from an A/R, the information must be forwarded to the appropriate LDSS/LHD. If you receive documentation and you are the authorized representative, copies of this information can be forwarded to the CR **each Friday** to the address below, **IF** you have the Medicaid number or Client IRN. Otherwise, it must be forwarded to the appropriate LDSS/LHD.

The copy for the Central Repository MUST have the MEDICAID NUMBER AND/OR the CARES IRN of the Medicaid A/R. This is the only means the Central Repository has for matching documentation with the A/R. If you are not sure whether the documents you received meet the requirements for citizenship and/or identity, or if you have other questions, please call the DHMH Eligibility Policy/MCHP Division at (410) 767-1463 or 1-800-492-5231 option 2 and request extension 1463.

Copies of ALL Central Repository verifications should be mailed **each Friday** to:

**DHMH Medicaid Verifications
P.O. Box 2075
Baltimore, MD 21203-2075**

PLEASE NOTE: If an A/R was born in Maryland, DHMH is collecting that information through a data match with Vital Statistics. If the Department is able to verify citizenship through Vital Statistics, the A/R **DOES NOT** need to get an actual birth certificate. If the name of an A/R born in Maryland has changed since

birth or an A/R was not born in Maryland, he/she may call the DHMH hotline at 1-866-676-5880 for assistance.

II. SPECIFIC COVERAGE GROUPS

Children in Foster Care or Subsidized Adoption

DHMH is modifying the citizenship and identity verification requirements for applicants in coverage groups E01 and E02, pending clarification of the federal guidelines. New applicants have **60** days from the date of application to obtain requested verification of citizenship and identity, as well as SSN (to have an SSN or apply for one). DHMH will notify DHR and the LHD staff if these children are subsequently made subject to this requirement prior to eligibility.

NOTE: Although the customer has 60 days to verify citizenship and identity, the case manager **should not** keep the case pending for the above verifications. Case managers **are to approve** the E01 or E02 and send a **745** alert to check for outstanding SSN, citizenship and identity verifications. If verifications are not received within the 60-day period, these children can remain in the federal category, but continuing efforts must be made to obtain the required citizenship and identity verifications. If verification is not received within 60 days, the case manager must narrate the efforts taken to obtain the documentation. **Do not** move these children to a State-only category if they are federally eligible, because this limits their access to services and costs State dollars. Please remember that E01 is only for foster care and subsidized children who are either SSI recipients or are determined to be IV-E eligible.

Note The children may be moved, at DHMH's discretion, to a State only category if the required verifications are not obtained by the first redetermination.**

Newborns Born to Illegal or Ineligible (X02) Alien Mothers

Verification of citizenship and identity is not required for the newborns of mothers determined eligible in coverage group X02, including retroactively, for coverage of the child's delivery. **These newborns are to be determined eligible in the P03 coverage group, as are other newborns whose eligibility is based on the mother's eligibility for the date of birth. By reapplication, the child's citizenship and identity must be verified.**

Children Determined Eligible As Newborns Through the 1184 Process

If an "N" is in the "Source" field on MMIS screen 1, it verifies that a newborn was initially determined eligible for medical assistance via the 1184 process. These children are exempt from the new citizenship and identity requirements until their first redetermination. **At their first redetermination**, proof of citizenship and identity must be verified. (**NOTE:** The 1184 document can be used to verify identity for children under 16.) A data match will be performed with Vital Records to confirm citizenship so the worker must check MMIS.

III. DOCUMENTATION OF CITIZENSHIP AND IDENTITY

Documentation 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 identity 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. TDAP customers do not need to verify identity for PAC, since they have already verified identity in order to qualify for TDAP. 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 CARES 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 if you are eligible.

Recipients

Recipients are required to provide the verifications at their first redetermination. If the required documentation of citizenship and identity is not provided by the due date, eligibility must be terminated with the required timely notice of at least 10 days. 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 recipients are not subject to this change until further notice,
- Medicare Beneficiaries, (S03, S07, S14), and any other coverage group with Medicare eligibles,
- Presumptively eligible newborns (P03/P12),
- Newborns born to illegal or ineligible alien mothers receiving emergency medical services in the X02 coverage group,
- Presumptively eligible pregnant women (P02/P11) who are determined eligible through the ACE process, and
- Supplemental Security Income (SSI) recipients (L01, S02, S04, S05), and any other coverage group 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. When a customer provides an original document (birth certificate, passport, or certificate of citizenship or naturalization) as documentation, **do not date stamp this original document.** Copy the original and date-stamp the copy that will remain in the case record. Promptly return the original to the customer.

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 (e.g., an adopted child born in another country), one of the three documents listed above is required.

OR

B. 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) <p>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. Both signers must attach to the affidavit the proof of their own citizenship and identity. Another affidavit completed by the person, representative, or someone else knowledgeable to explain why the proof is not available.</p>	<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, TDAP, SSI eligibility) • Photo school ID card • Photo on federal, state, or local government ID card • U.S. military ID card, discharge document, or draft record • Native American Tribal Document • US Coast Guard Merchant Mariner card • For children under 16: school record (e.g., DHR/FIA 604 or 604-A form, report card), nursery or day care record (e.g., pre-school health form (including Form 1131), or written affidavit signed by parent or guardian- but only if an affidavit was not used as proof of citizenship

C. AFFIDAVITS

There are **two** affidavit forms to verify citizenship and **one** affidavit form to verify identity. The affidavits must be signed under penalty of perjury. Three affidavits may verify citizenship. One affidavit may verify identity, but only if citizenship was not verified by affidavit.

- DES/AF1, Affidavit of Citizenship, is to be completed by an applicant/recipient or their authorized representative, explaining why the proof is not available. When the DES/AF1 is completed by an alien parent, guardian or representative, they are not required to attach proof of their own citizenship or identity.
- 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. Individuals completing the DES/AF2, must attach proof of their own citizenship and identity.
 - 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.
- DES/AF3, Affidavit of Identity, is to be completed to verify identity of a child younger than 16 years of age. When an alien parent, guardian or representative completes the DES/AF3, they are not required to attach proof of their own citizenship or identity.

D. Verification of identity for children younger than 16 can also be obtained via the use of such documents as:

- DHR/FIA 604 or 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, remove the BC code and 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
DHMH Executive Staff
FIA Management Staff
DHMH Management Staff
Constituent Services
RESI
DHR Help Desk