

TRANSMITTAL LETTER FOR MANUAL RELEASES

**STATE OF MARYLAND
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
BENEFICIARY SERVICES ADMINISTRATION
DIVISION OF ELIGIBILITY POLICY
201 WEST PRESTON STREET
BALTIMORE, MARYLAND 21201**

410-767-1463 or 1-800-492-5231 option 2 and request extension 1463

MANUAL: Medical Assistance **EFFECTIVE DATE:** See Below

RELEASE NO: MR- 141 **ISSUED:** March, 2007

APPLICABILITY: Explanation of coverage for a pregnant woman in the X01 coverage group, and verification of citizenship and identity.

<u>Item</u>	<u>Remove Pages</u>	<u>Insert Pages</u>
<u>Chapter 5 – Non-Financial Eligibility Requirements</u> verification of citizenship and identity	500-6a - 500-6b2	500-6a - 500-6b2-a
<u>Chapter 5 – Non-Financial Eligibility Requirements</u> X01 eligibility	500-8a - 500-8b	500-8a - 500-8b

COMMENTS

**Citizenship and identity documentation
Changes to the federal Deficit Reduction Act of 2005**

The recently passed “Tax Relief and Health Care Act of 2006 (Public Law 109-432)” contains several technical amendments to the Deficit Reduction Act of 2005 (DRA) related to citizenship and identity verification.

The DRA requires documentation of citizenship and identity for certain individuals applying for, or receiving services from, Medical Assistance (MA) and the Maryland Children's Health Program (MCHP). The federal technical corrections exempt three new groups of applicants/recipients from the documentation requirements:

- o Individuals receiving Social Security Disability Insurance (SSDI) benefits, under section 202 or 223 of the Social Security Act,
- o Children in Foster Care or Subsidized adoptions under Title IV part E, and
- o Children for whom child welfare services are made available under Title IV-B on the basis of being a child in foster care.

This amendment applies to:

- All MA and MCHP applications received on or after September 1, 2006; and
- All MA and MCHP redeterminations with redetermination packets mailed on or after July 1, 2006.

Children and Pregnant Women – Ineligible Qualified Aliens -State-Only (X01)

For applications for the X01 coverage group filed on or after November 1, 2006, certain qualified legal aliens who are either children younger than 19 years old or pregnant or postpartum women may be determined eligible in the X01 coverage group, which covers, with all-State funds, most MA services (except for 1915(c) waiver, long-term care, abortion, HealthChoice, and Rare and Expensive Case Management (REM) services). If the applicant has unpaid bills for the retroactive period under consideration, retroactive eligibility may also be granted. Eligibility for X01 is determined in accordance with COMAR 10.09.11 and the MCHP Eligibility Manual.

The replaced page, 500-8b, clarifies eligibility for a pregnant woman in the X01 coverage group.

The changes are effective as of November 1, 2006.

If you have any questions about these policies or procedures, 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). Questions regarding CARES processing should be directed to Cathy Sturgill at 410-238-1247 or via email at csturgil@dhr.state.md.us.

- Admitted to the United States as an Amerasian immigrant under §584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988; and
- A victim of a severe form of trafficking, in accordance with §107(b)(1) of the Trafficking Victims Protection Act of 2000, who was subjected to:
 - Involuntary servitude; or
 - Sex trafficking if the act is induced by force, fraud, or coercion, or the individual who was induced to perform the act was younger than 18 years old on the date that the visa application was filed.

The following types of legal aliens are also not subject to the 5-year bar, regardless of their immigration category:

- A child receiving federal payments for foster care or adoption assistance under Part B or E of Title IV of the Social Security Act, if the child's foster or adoptive parent is considered a citizen or qualified alien (Note for E-track eligibility); and
- An alien who is:
 - An honorably discharged veteran of the armed forces of the United States;
 - On active duty in the armed forces of the United States; or
 - The spouse, including a surviving spouse who has not remarried, or an unmarried dependent child (younger than 21 years old) of an honorably discharged veteran or alien on active duty in the armed forces of the United States.

Meaning of "Continuously Present"

An alien is not considered to be continuously present in the United States if, before the date of qualified alien status, the alien had:

- A single absence from the United States of more than 30 days; or
- Absences from the United States totaling more than 90 days.

Requirements Effective 7/1/06 for Verification of Citizenship and Identity

NOTICE: Individuals declaring to be a U.S. citizen or national must now provide satisfactory documentation of citizenship and identity as a condition of eligibility for

Medical Assistance (MA) or the Maryland Children's Health Program (MCHP) (see exceptions below). For applicants, this new requirement takes effect for all applications received on or after September 1, 2006. For current recipients, this requirement takes effect for the first redetermination begun on or after July 1, 2006, based on the date that the redetermination packet is mailed (system-generated or manually) to the recipient or representative, for redeterminations due during or after September 2006. Before requesting this documentation, the applicant's or recipient's eligibility case worker should check the individual's case record to see if the required documentation is already on file, because it only has to be provided once.

The requirements of the federal Deficit Reduction Act (DRA) of 2005 apply to all MA and MCHP applicants and recipients who declare that they are U.S. citizens by birth or naturalization, with the following exceptions. (Note: A national of the United States (i.e., born in American Samoa or Swain's Island) is considered to be a U.S. citizen for these purposes.) Documentation of U.S. citizenship and identity is not required if the individual is a:

- Recipient of Supplemental Security Income (SSI) (in L01, S02, and any other coverage group with SSI beneficiaries),
- Recipient of Social Security Disability Insurance (SSDI) benefits under section 223 or section 202 of the Social Security Act,
- Child in Foster Care or Subsidized Adoptions under Title IV part E (E01 or E02),
- Child for whom child welfare services are made available under Title IV-B on the basis of being a child in foster care,
- Newborn, automatically eligible, (P03 and P12 applicants made eligible through the DHMH 1184 process), whose mother was enrolled in, or determined eligible for, MA or MCHP for the date of birth,
- Pregnant woman who is determined automatically eligible by the provider's attestation through the Accelerated Certification of Eligibility (ACE) process (certain P02 and P11 applicants), or
- Medicare eligible individual or Medicare recipient (in S03, S07, S14, and any other coverage group with Medicare eligibles).

- **Aliens: This new law does not affect the existing process by which qualified aliens verify their qualified legal status, nor does it apply to refugees and others covered in the G-track, or illegal or ineligible aliens requesting emergency medical services only (coverage group X02).**

Therefore, the verification requirements for citizenship and identity apply to all other Medical Care Program coverage groups for which there is federal matching, including all MA coverage groups, all MCHP and MCHP Premium coverage groups (except P03 and P12), TCA, PAA, TDAP if they qualify for MA or the Primary Adult Care Program (PAC which replaced the Maryland Pharmacy Assistance Program effective 7/1/06), Women's Breast and Cervical Cancer Health Program, Waivers, PAC, and the Employed Individuals with Disabilities Program (EID).

Prior to enactment of this provision, the MA/MCHP applicant had to declare under penalty of perjury that he/she is a citizen or national of the U.S. or an alien with a satisfactory immigration status. If an individual was declared to be citizen, proof was not required, unless there was cause to doubt the claim. *Self-attestation of citizenship and identity is no longer acceptable.*

Documentation of citizenship and identity is required just **once** for MA or MCHP eligibility, and then becomes part of the individual's permanent case record. The findings should also be completely narrated in CARES. **If the required documentation is already in the individual's case record**, no additional documentation is required, unless there is a reason to request more current and/or reliable documentation (e.g., the individual may have lost citizenship or there is cause to question previously accepted documentation). If the documents presented by the customer are determined to be counterfeit, altered, or inconsistent with pre-existing information, the case should be referred to DHMH's Program Integrity Unit for an investigation of potential fraud or abuse.

The eligibility caseworker is required to assist the customer as necessary, by helping to obtain a birth certificate or other documents, or by checking available

databases. This assistance will be needed, especially, for customers who are homeless, amnesia victims, mentally impaired, or physically incapacitated and who need help to obtain the required documentation but do not have someone to act on their behalf. DHMH will attempt to obtain documentation of citizenship and identity from various sources (e.g., data match with Vital Records for birth registration) and will then provide that information to eligibility caseworkers, in order to relieve the burden on customers.

The policies and procedures for documenting citizenship and identity will be the same as what is currently used for all other types of required verifications, except that these requirements **also apply to MCHP**. As with all other required verifications, if the required documentation of citizenship and identity is not already in the case record, submitted with the application, or shown at the local office, the case worker must mail a DHR/FIA 1052 Request for Information to Verify Eligibility form or other written request, listing the documentation that is required by a specified due date. The eligibility case worker must inform the customer that additional time may be requested to provide the verifications, in accordance with the policies about extension of time standards at pages 400-23 – 400-25 of the MA Eligibility Manual.

Applicants: All applicants who apply on or after September 1, 2006 may not be approved until the required verifications are provided. **If the required documentation of citizenship and identity is not provided by the due date (which may be extended), the application must be denied.**

- **If the denied applicant** then submits the required documentation within the application's 6-month period under consideration (reactivation period), the application must be reactivated and eligibility determined as of the date of application, in accordance with the reactivation policies and procedures at pages 6 and 7 of Policy Alert 04-1 in the MA Eligibility Manual

Recipients: All recipients are required to provide the verifications at their next redetermination with an end date on or after September 2006. **If the required documentation of citizenship and identity is not provided by the due date (which**

may be extended), a recipient's eligibility must be terminated with timely notice.

- **If the terminated recipient** then submits the required documentation within 4 months of the month of termination, eligibility is redetermined as of effective date of termination in accordance with the tardy redetermination policies and procedures of Policy Alert 12-04 in the MA Eligibility Manual.

- Temporary workers including agricultural contract workers; and
- Members of foreign press, radio, film or other information media and their families.

Illegal Aliens

An illegal alien is an alien not lawfully residing in the U.S. for either a permanent or temporary purpose. This group includes persons who entered the U.S. illegally, regardless of the means by which the alien arrived (e.g., border crossing by boat, train, car, bus, airplane or by foot). Illegal aliens also include aliens who were legally admitted for a limited period of time and did not leave the U.S. when the approved period expired.

2. X-Track - Coverage of Certain Aliens for State-Only Medical Assistance (X01) or for Only Emergency Medical Services (X02)

- Certain aliens who are not eligible for MA or MCHP benefits in a full federal category may be covered for most services in the State-only coverage category of X01 or for only emergency medical services in the federal category of X02.
- Applicants who meet the citizenship/alien requirements for full federal coverage should not be determined eligible in the X-track, such as:
 - Naturalized citizens;
 - Qualified aliens who entered the United States on or after August 22, 1996 and have lived continuously in the U.S. for at least 5 years as a qualified alien;
 - Qualified aliens with an immigration status that is not subject to the 5-year bar, such as asylees, refugees, and victims of trafficking; and
 - Qualified aliens who most recently entered the U.S. for a continuous stay before August 22, 1996, even if they entered as an illegal or ineligible alien.

Children and Pregnant Women – Ineligible Qualified Aliens State-Only (X01)

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 prohibits eligibility of certain legal aliens for federal benefit programs until the individual

lives in the U.S. for at least 5 years as a qualified legal alien, if the individual entered the U.S. on or after August 22, 1996.

For applications filed on or after November 1, 2006, qualified legal aliens who are either children younger than 19 years old or pregnant or postpartum women may be determined eligible in the X01 coverage group, which covers, with all-State funds, most MA services (except for 1915(c) waiver, long-term care, abortion, HealthChoice, and Rare and Expensive Case Management (REM) services). If the applicant has unpaid bills for the retroactive period under consideration, retroactive eligibility may also be granted.

To be eligible for X01, an alien must be denied federal eligibility for the sole reason of not meeting the 5-year bar, and must otherwise be technically and financially eligible for a MA Title XIX P-track coverage group under the Maryland Children's Health Program (MCHP)--P02, P03, P06, P07, P08, P11, or P12. Eligibility for X01 is determined in accordance with COMAR 10.09.11 and the MCHP Eligibility Manual. **Eligibility policy for P13 and P14 may not be used for the X01 coverage group, since these are federal Title XXI coverage categories.**

Pregnant X01 recipients:

- Are covered while they are pregnant and for a postpartum period that extends from their delivery through the last day of the second month after their delivery;
- Are covered for a period that extends from the end of a pregnancy through the last day of the second month after the termination of the pregnancy; and
- Are covered for the same services as a pregnant woman eligible in a community MA or MCHP coverage category.