

TO: Local District Commissioners, Medicaid Directors

FROM: Linda LeClair, Director
Bureau of Medicaid Eligibility, Operations and Family Health Plus

SUBJECT: Citizenship Documentation and Identity Requirements of The Deficit Reduction Act of 2005

EFFECTIVE DATE: Immediately

CONTACT PERSON: Local District Support Unit
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This Message supplements GIS 06 MA/015, and provides further clarification of recently issued federal citizenship documentation requirements.

Federal exemptions: In the Interim Final Rules on Citizenship Documentation for Medicaid Eligibility issued by the Centers for Medicare and Medicaid Services (CMS) on July 6, 2006, CMS announced that the following individuals who state they are U.S. citizens are exempt from the citizenship documentation requirements established under the DRA:

- Individuals who are receiving Supplemental Security Income (SSI-cash) in New York State.
- Applicants/Recipients enrolled in Medicare who are able to present their Medicare card. Under State law, such individuals must continue to provide proof of identity.

Identity: Districts are reminded that birth certificate can no longer be accepted as proof of both citizenship and identity. If the birth certificate is presented as proof of citizenship, the eligibility worker must obtain another form of identity document from the Identity Documentation checklist, such as a driver's license.

For children under 16 years of age, school records may be used as an identity document when available; these include nursery or daycare records. If no other form of identity listed in the charts is available, an affidavit from the parent or guardian is acceptable if it is signed under penalty of perjury by the parent or guardian and states the date and place of birth of the child. For Medicaid purposes the parent or guardian's signature on the Medicaid application should suffice in fulfilling the affidavit requirement.

Foster care: Foster care children, who are categorically eligible for Medicaid, are considered **recipients**; therefore, Medicaid for foster care children who are citizens shall be authorized pending documentation of citizenship.

Case records: Although eligibility workers/facilitated enrollers are required to see original documents or documents certified by the issuing agency, copies may be made for the case record. The worker should make photocopies of any original documents and annotate on the copy that they saw the original or a document certified by the issuing agency.

Please note: A Certificate of Naturalization may not be copied. The worker should record in the case file:

- The type of certificate;
- The certificate number;
- The alien number (do not data enter the alien #);
- Date Naturalization was granted; and
- Sign their initials and enter the date the document was reviewed.

Types of documents: Please refer to the attached document entitled "Documents Establishing U.S. Citizenship and Identity". These charts contain a description of the types of documentation that establish evidence of U.S. citizenship and an explanation of documents that establish identity.

NOTE: Please be reminded that pregnant women continue to be eligible for prenatal and postpartum care in New York without regard to citizenship or immigration status. Further, the new DRA provisions do not affect immigrants. Individuals with satisfactory immigration status can continue to receive Medicaid in New York as described in 04 OMM/ADM-07.

As additional information becomes available, the Office of Medicaid Management will provide further guidance to LDSS.

If you cannot access this GIS from the e-mail or through the Intranet, please contact Chris Larsen at (518) 486-9054.