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## MEMORANDUM

**TO:** All Members

**FROM:** Patrick Cucinelli, Senior Financial Policy Analyst

**DATE:** January 8, 2009

**SUBJECT:** **Medicaid Citizenship Requirements**

**ROUTE TO:** Administrator, CFO

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ABSTRACT: CMS issues guidance on Medicaid citizenship requirements.

### Introduction

The [\*Deficit Reduction Act of 2005\*](#) (*DRA*) established more stringent standards for determining citizenship status for Medicaid applicants. Specific New York Medicaid guidance on determining citizenship status is available on the Department of Health's (DOH) Web site ([http://www.health.state.ny.us/health\\_care/medicaid/publications/](http://www.health.state.ny.us/health_care/medicaid/publications/)) in the following documents:

- [GIS 06 MA/015](#)
- [OMM 04 ADM -07](#)

Effective July 1, 2006, these DRA revisions had little impact on New York since our already existing standards met or exceeded these new mandates.

### Additional Changes

The Centers for Medicare and Medicaid Services (CMS) has issued additional guidance on federal mandates to the citizenship verification process stemming from the [\*Children's Health Insurance Program Reauthorization Act of 2009\*](#) (*CHIPRA*). A copy of the December 28<sup>th</sup>, 2009 guidance from CMS is available at: <http://www.cms.hhs.gov/smdl/downloads/SHO09016.pdf>.

Section 211 of CHIPRA includes several provisions modifying the Medicaid requirement for documentation of citizenship, including a new option to assist states in meeting this requirement:

1. Eligible individuals who declare to be U.S. citizens or nationals must be provided a reasonable opportunity to present satisfactory documentation of citizenship or nationality and must be enrolled in coverage pending the reasonable opportunity to document that claim;
2. Tribal enrollment or membership documents issued from a federally recognized Tribe must be accepted as verification of citizenship; no additional identity documents are required.
3. Children who are initially eligible for Medicaid or CHIP as “deemed newborns” are considered to have provided satisfactory documentation of citizenship and may not be required to submit further documentation at subsequent eligibility determinations or re-determinations;
4. A new state option, available beginning January 1, 2010, allows verification of a declaration of citizenship for individuals newly enrolled in CHIP or Medicaid using a data match with the Social Security Administration (SSA) to confirm the consistency of a declaration of citizenship with SSA records, in lieu of the presentation of citizenship documentation; and

Again, this should have little impact on New York elder care providers, except for item #4, which could, if implemented, help expedite the verification process. According to CMS, this process may be used in lieu of requiring the applicant to present satisfactory documentary evidence of citizenship or nationality. States that do not elect this option must continue to document citizenship and nationality in accordance with the Federal DRA regulations

A state now has the option of submitting to SSA the applicant's name, Social Security Number (SSN), and date of birth (DOB) for comparison with information that SSA has on record for the individual. SSA will compare an individual's name, SSN, and citizenship declaration provided by the state with data in its Master File of SSN Holders. States are expected to move forward with enrolling individuals during this verification period and eligibility may not be delayed, denied, or terminated pending the completion of the data matching process. NYAHSa is currently seeking to determine DOH intent with regard to implementing this option, and is recommending that they do so.

## **Conclusion**

NYAHSa will be monitoring New York Medicaid's potential implementation of the new requirements and will advise when specific details from DOH become available.

Please contact me with any questions at [pcucinelli@nyahsa.org](mailto:pcucinelli@nyahsa.org) or call 518-449-2707 ext. 145.