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DRA Citizenship Documentation Requirement for Medicaid: Working with Your State on Implementation

State groups concerned about the new citizenship documentation requirement for Medicaid that will take effect on July 1, 2006 can be working with their state Medicaid officials to ensure that the requirement is implemented in a way that is least burdensome for Medicaid applicants and beneficiaries and for the state. The Deficit Reduction Act (DRA) amends the federal Medicaid statute to require that individuals declaring to be a citizen (or national) of the U.S. for purposes of qualifying for Medicaid must present satisfactory documentary evidence of citizenship (or nationality).¹ This requirement applies not only to new applicants for Medicaid but also to existing beneficiaries when they seek to renew their eligibility. Effective July 1, the federal government will not match the costs of Medicaid services for any individual declaring to be a citizen who does not meet this documentation requirement. The implications for Medicaid applicants and beneficiaries are summarized in a recent analysis posted on the Center's website at <http://www.cbpp.org/4-20-06health.htm>.

The Problem

States are now facing the enormous task of implementing the new citizenship documentation requirement for Medicaid. To date, CMS has not provided any instructions or guidance to states on how they should go about administering the new requirement and we do not know when guidance will be forthcoming. In the absence of guidance, state officials are left to interpret the citizenship documentation provisions of the DRA on their own. Some state officials may opt for a very strict reading of the law to avert the risk of being denied federal matching payments. As a result, they may miss the opportunity to develop rules and procedures that comply with the law, but at the same time do not impose avoidable burdens on Medicaid applicants and beneficiaries, as well as on eligibility workers.

What You Can Do

Urge your state Medicaid officials to immediately begin developing a plan for how the Medicaid citizenship documentation requirement will be implemented. Jump-start this process by raising key questions and by offering suggestions for establishing the least burdensome rules and

¹ Section 6036 of the DRA, P.L. 109-171, amends section 1903 of the Social Security Act by adding paragraph (i)(22) and subsection (x).

procedures. It will be most effective if a range of groups — such as health advocates, organizations representing children and families, seniors and people with disabilities, hospitals, clinics, managed care plans and others with a stake in protecting access to Medicaid — are enlisted in this effort. A coalition of such groups can:

Request a meeting with state officials. Prepare for the meeting by becoming well-versed in how application and renewal procedures currently work and by thinking through suggestions for the kinds of changes that may be needed to implement the new requirement.

Offer assistance. Many state groups have developed expertise on simplifying forms and procedures and on conducting outreach activities — and many have successfully worked with Medicaid officials in these areas. Build on such relationships and draw on proven approaches and skills to ensure access to Medicaid for eligible individuals is not impeded.

Keep the door open. It will be important to establish a process for providing feedback to state officials and continuing to work through problems that surface as a result of the new requirement. Gathering information from community groups, legal services, providers and others who are in contact with applicants and beneficiaries affected by the new requirement will help indicate whether procedures are working or need to be revised. (It also will be critical to collect specific stories that help document the hardship the new requirement causes and prepare to share such stories with policymakers and the media, when appropriate.)

Questions to Raise/Suggestions to Offer

As a starting point, here are some basic questions that can be raised with state officials regarding how they plan to implement the citizenship documentation requirement. In addition, **three attachments** to this paper address specific topics in detail, including: (1) documents states may consider accepting; (2) procedures states can use that minimize burdens on applicants and beneficiaries, and (3) ideas on how states can use existing records to document citizenship.

Outreach Activities

- Has the state agency begun to plan outreach efforts to notify existing beneficiaries and new applicants about the requirement to document citizenship after July 1?
- What types of efforts are being planned?
- What types of outreach materials will be developed to support the effort?

Suggestion for Implementation

Outreach messages and materials should make it clear that non-citizen immigrants do not need to submit a U.S. birth certificate or passport to qualify. Such messages should clarify that:

- legal immigrants may be eligible for Medicaid and are required to submit their immigration documents,
- undocumented immigrants may still be eligible for emergency Medicaid coverage, and
- individuals listed on an application who are not applying for benefits for themselves (such as immigrant parents applying for coverage for their citizen children) do not need to submit proof of their own citizenship or immigration status.

- Will the state enlist community groups, providers and others in the outreach effort?
- How will the Medicaid agency work with other state agencies and outside groups to ensure that Medicaid applicants and beneficiaries understand that this new requirement does not affect eligibility for other benefits, such as food stamps?
- How will the Medicaid agency train groups involved in outreach to ensure they will be able to assist applicants and beneficiaries in complying with the new rules?

Suggestion for Implementation

Have on hand at local offices and Medicaid outstation locations — and distribute to providers and community organizations — clear instructions on how to obtain a birth certificate in your state. Include information on the cost and the amount of time it may take to obtain the documents. Also provide the National Center for Health Statistics website (www.cdc.gov/nchs/howto/w2w/w2welcom.htm) for state-specific information about ordering birth certificates. A private company, VitalChek, can help in obtaining a birth certificate in any state, for an additional handling charge. Individuals can visit www.vitalchek.com. Other private companies also offer such services.

Forms and Procedures

- Will application and renewal forms be revised to inform people about the new citizenship documentation requirements? Will a separate notice or flyer alerting individuals to the new rules be attached or distributed with application and renewal forms?
- What documents will be accepted as proof of citizenship and identity? **(See Attachment 1.)**
- How much time will applicants and current beneficiaries have to secure and submit documents proving their citizenship? **(See Attachment 2.)**
- What will eligibility workers do to help Medicaid applicants and beneficiaries to secure documentation of citizenship or identity? Will the Medicaid agency assist in defraying the costs families and individuals may incur as they attempt to obtain the documents?
- What steps are being considering by the state Medicaid agency to obtain citizenship documents through data matches with other agencies? **(See Attachment 3.)**
- How will eligibility staff be trained to conduct data matches with other agencies?

Suggestion for Implementation

Send renewal notices earlier than usual to give beneficiaries a “heads up” about the new requirement and more lead time to understand and comply with it. (For example, if enrollees generally receive a renewal notice 30 days before their renewal date, consider sending the notice out as early as 90 days beforehand to provide more time.) A special outreach message on the envelope and renewal form can draw attention to the need to read the enclosed materials carefully and ask for assistance if needed.

Share what you learn. At the Center on Budget and Policy Priorities we are eager to hear about your efforts to work with your state to create a process that is as smooth as possible. Please let us know what questions come up and how you have approached problems, so we can assist you and others in this important work. For more information, contact Donna Cohen Ross (cohenross@cbpp.org), Leighton Ku (ku@cbpp.org) or Judy Solomon (Solomon@cbpp.org).