

New Medicaid requirement for U.S. citizens to prove citizenship and identity- NO CHANGE TO IMMIGRANT ELIGIBILITY

A new federal law requires the Office of Medicaid to get proof of citizenship and identity for MassHealth applicants and recipients who say on the application form that they are U.S. citizens. This is a new requirement that took effect July 1, 2006. *Some of the information given here may change in the weeks and months ahead as more details become available and new policies are developed.*

Immigrants (non-citizens) will not be affected by the new verification requirement.

- There are no changes in the eligibility or verification rules that apply to non-citizens. *Immigrants can still apply and qualify for MassHealth and Free Care!*

Some U.S. citizens (including recently naturalized US citizens) may not be affected by the new verification requirement.

- U.S. citizens who are SSI recipients or enrolled in any part of the Medicare program are exempt from the new requirements.
- U.S. citizens who have already proved citizenship or identity to the Social Security Administration (SSA) or the Department of Transitional Assistance (DTA) will probably not have to provide additional proof of citizenship and identity if they later apply for MassHealth or renew MassHealth eligibility.

Many U.S. citizens who apply for MassHealth after July 1, 2006 will be asked to verify citizenship and identity

- Naturalized citizens can show proof of both their identity and citizenship with a certificate of naturalization or a certificate of citizenship
- If verification is needed, the Office of Medicaid will send a written request for the additional information
 - Applicants under age 65 will have 60 days to submit verification
 - Applicants age 65 or older will have 30 days to submit verification
- Pregnant women and children who appear to be eligible will be enrolled in MassHealth for up to 60 days while they are completing the application process
- Infants born to mothers on MassHealth will not be asked for verification until redetermination/renewal.
- If verification is requested, applicants must complete the citizenship and identity documentation requirements and be determined eligible before MassHealth begins-
- People who try in good faith to supply documents but are unable to do so because the documents are not available should be given additional time and assistance to secure the proof.¹
- States must also assist the homeless and other special populations who because of “incapacity of mind or body” would be unable to comply with documentation requirements in a timely manner.²

¹ Interim Final Rule, preamble at p. 15 (reasonable opportunity period)

² Interim Final Rule, preamble at p. 32 and new 42 C.F.R. § 435.407(g) (special populations)

- Applicants who fail to cooperate in supplying required documents may be denied MassHealth. Failure to cooperate means not supplying the information or explaining why it is not possible to obtain it. Applicants denied for this reason have the right to appeal.³
- U.S. citizen applicants denied MassHealth for failure to cooperate may be denied Free Care too.

Acceptable documents to prove citizenship and identity

- Preferred documentation proves both citizenship and identity in one document and includes-
 - A U.S. passport (current or expired)
 - Certificate of naturalization (for foreign born who become US citizens)
 - Certificate of U.S. citizenship (for individuals who become US citizens through citizenship of a parent)
- Common documents that prove citizenship (but not identity) include –
 - Birth certificate showing birth in one of 50 states, D.C., Puerto Rico, or one of U.S. territories (Guam, U.S. Virgin Islands, American Samoa, Swain’s Island or Northern Mariana Islands).
 - Certification or report of birth abroad to U.S. citizen parent/s
 - Final adoption decree showing child’s name and U.S. place of birth
 - U.S. military record showing a U.S. place of birth
 - Hospital record of birth (does not include “souvenir” birth certificate)-if birth certificate not available
 - Additional documents identified by the Office of Medicaid and by CMS in its interim final rule
- Common documents that prove identity (but not citizenship) include-
 - Driver’s license
 - School photo ID
 - Government issued ID card with photo or description
 - U.S. military ID card
 - Additional acceptable documents for children under 16 –
 - Records of school, nursery or day care showing date and place of birth
 - Affidavit signed and sworn to by a parent or guardian stating the date and place of birth of the child
 - Additional documents identified by the Office of Medicaid and by CMS in its interim final rule

³ Interim Final Rule, preamble at p. 17 (failure to cooperate)

Practical suggestions

- Do not delay sending in an application for lack of citizenship or identity documentation--the Office of Medicaid may be able to supply proof through a data match
- Send in the best proof available of citizenship and identity even if it is not the preferred form and keep a copy for your records
- If you cannot obtain verification by the deadline, ask the Office of Medicaid for more time or other assistance; do not let a request for more information go unanswered
- Put your request for assistance from the Office of Medicaid in writing and keep a copy for your records
- Keep track of implementation problems and solutions and let advocacy organizations know about your experiences
- **Citizens denied MassHealth because of the new requirement should appeal and seek legal services. To find legal services see: www.masslegalhelp.org**

For more information about this summary or to relay your experiences with the new rule, especially concerning any experiences of non-citizens, please call Carly Burton at the MIRA Coalition at 617-350-548 x208 or cburton@miracoalition.org