

CMS Guidance on Medicaid Citizenship Verification Rule – June 2006

Attached is the final CMS guidance regarding the new citizenship verification rule for Medicaid (called “Medi-Cal” in California). A few very important things to remember:

- Although the new rule is supposed to go into effect on July 1, 2006, Medi-Cal eligibility remains unchanged until the State issues guidance to the counties and counties are able to implement the change. Los Angeles County will continue to treat Medi-Cal citizen applicants and recipients the same until further notice.
- This rule DOES NOT change immigrants’ eligibility for Medi-Cal in any way. Most poor legal immigrants can still get regular Medi-Cal. This new rule only changes how citizens must prove their Medi-Cal eligibility – not immigrants.
- The guidance contains an exhaustive list of acceptable documents. For now, citizens getting or about to apply for Medi-Cal should keep any documents they have proving their citizenship (such as birth certificates, passports, certificates of naturalization or citizenship, etc.) and identity in a safe place.
- If Medi-Cal recipients or applicants do not already have proof of their citizenship, it is very likely that our State budget will include money for counties to help them get documents. Also, the State is investigating whether it can use computer data matches, rather than requiring hard copies of documents. For this reason and because many documents are very expensive, we do not yet recommend that citizens try to get these documents on their own.
- The County must give citizens currently on Medi-Cal a “reasonable opportunity” to get documents proving U.S. citizenship and identity when their benefits are renewed. It appears that the County can only stop Medi-Cal benefits if recipients are not working with their county eligibility workers to get needed proof. It is still unclear, however, whether the County has to give applicants the same “reasonable opportunity” before denying their Medi-Cal applications.
- The guidance is not clear on whether the new rule will apply to *all* citizens, including foster care children and others. We will let you know once we have more information regarding any exceptions.
- The federal government still must issue regulations explaining the new rule and must allow public comment before issuing these regulations.
- Even after the new rule starts being implemented, no one can lose their Medi-Cal eligibility until the County gives them a written Notice of Action explaining the reason for the cut-off. Even then, Medi-Cal recipients can keep their eligibility and continue receiving services while waiting for a state hearing. To do this, they must ask for a hearing before their Medi-Cal is cut off or within ten (10) days of finding out that the County wants to cut off their Medi-Cal.