U.S. Citizens and Nationals Applying for Medi-Cal Must Show Proof of Citizenship and Identity

A new law says *most* U.S. citizens or nationals applying to Medi-Cal must show proof of citizenship *and* proof of identity. Read below to see if this law applies to you.

If you are not a U.S. citizen, this law does not apply to you.

The new law does *not* apply to U.S. citizens or nationals in any of these categories:

- Anyone with:
  - Supplemental Security Income (SSI)
  - Medicare
  - Social Security Disability Insurance (SSDI)
  - Social Security Retirement and Survivors Insurance (RSI – Title II) based on their own disability
- Anyone under 21 asking for Minor Consent Services
- Babies born to women on Medi-Cal
- Children in Foster Care, Adoption Assistance, or Kin-GAP
- Babies in the Abandoned Baby Program
- CalWORKs Beneficiaries

What if I am not one of the above people?

If you are a U.S. citizen or national, you must provide proof of citizenship and identity to be eligible for Medi-Cal. *(See page 3 for a list of acceptable proof of citizenship and identity.)*

U.S. nationals include people born in American Samoa (including Swains Island) and certain people from the Commonwealth of the Northern Mariana Islands.

What if I am NOT a U.S. citizen?

If you are not a U.S. citizen or national, you only need to provide the same documents that were required before. Nothing has changed.

How can I get proof of citizenship?

If you were born in California, the county may be able to get your birth record. (A birth record is proof of citizenship.)

Fill out a *Request for California Birth Record* to ask the county to request your birth record. Then, mail or take this form to your local social services office. If a birth record cannot be found, you will need to provide another proof of citizenship. See page 3 for list of acceptable documents.

Ask your county about getting proof of citizenship if you were not born in California. Contact the county to see if they have found a birth record match for you before you pay for a birth certificate.

What if I cannot provide proof of citizenship or identity?

You should still apply now and provide proof later**.**

If you cannot provide your proof now, and you meet all other eligibility requirements, you will receive full-scope benefits. After a reasonable amount of time, your full-scope benefits will be changed to limited benefits if you stop trying to provide the documents and are still eligible for Medi-Cal. Limited benefits cover emergency, pregnancy-related, and long-term care services.

If your benefits are reduced to limited benefits and you provide proof within one year of your application date, your Medi-Cal benefits will be restored back to full-scope starting from the date you received limited benefits.

If you incurred health costs while getting your citizenship and identity documents, Medi-Cal may pay for your bills. Call the Beneficiary Service Center at the Department of Health Care Services for answers to your questions: (916) 403-2007.

Do children have to provide proof of citizenship and identity, too?

Yes. If your child was born in California, ask your county to request the birth record as proof of citizenship.

If your child is under 16 and you have filled out and signed the Medi-Cal application or the Healthy Families/Medi-Cal joint application with your child's date and place of birth, you do not need to provide proof of identity. (This signed application is proof of your child's identity.) You will still have to provide proof of citizenship.

If your child is 16 or over, you will still need to provide proof of identity for your child. See page 3.

If your child applies through CHDP Gateway, a School Lunch Program, or the Healthy Families/Medi-Cal joint application, you do not have to provide proof until your county social services office asks you for it.

What if I need Medi-Cal before the county has time to process my application?

Tell the county about your immediate need for medical care to speed up your application. In addition, many pregnant women and children can start receiving Medi-Cal right away by going to a doctor or clinic that participates in programs providing temporary Medi-Cal to them if eligible.

Do I have to provide proof of citizenship and identity every year?

No. You only have to provide this information once – either when you first apply or on your next annual eligibility review.

Does this law affect my Food Stamps, CalWORKs, or Healthy Families benefits?

No. The new citizenship and identity requirements apply to Medi-Cal only.

Do you need *original* citizenship and identity documents?

Yes. We need the *original* citizenship and identity documents, or copies that have been certified by the issuing agency.

Can I mail my proof?

Yes. The county will make copies and mail them back to you. Or, you can *take* your documents to your local social services office. Ask them to make copies and give them back right away.

Acceptable Citizenship and Identity Documents

The easiest way for U.S. citizens or nationals to prove citizenship and identity is with **one** of these documents:

— U.S. Passport issued without limitation (expired ones are acceptable)

— Certificate of Naturalization (N-550 or N-570)

— Certificate of U.S. Citizenship (N-560 or N-561)

– OR –

If you do not have one of the documents above, provide…

One citizenship document listed below:

- U.S. Birth Certificate
- Certification of Report of Birth *(DS-1350)*
- Report of Birth Abroad of a U.S. Citizen *(FS-240)*
- State Department Certification of Birth *(FS-545 or DS-1350)*
- U.S. Citizen Identification Card *(I-197 or I-179)*
- American Indian Card *(I-872)*
- Northern Marianas Card *(I-873)*
- Final adoption decree showing a U.S. place of birth
- Proof of adoption of a child born outside U.S. and in the legal/physical custody of the U.S. citizen parent (IR-3 or IR-4)
- Proof of U.S. civil service employment before June 1, 1976
- U.S. military service record showing a U.S. place of birth
- U.S. hospital record made at the time of birth * †
- Life, health, or other insurance record * †
- Religious record recorded in the U.S. within 3 months of birth showing U.S. place of birth and birth date or age
- Early school record showing a U.S. place of birth, date of admission, birth date, names and places of birth of parents
- Federal or State census record that shows the applicant's age and U.S. citizenship or place of birth
- Seneca Indian tribal census record * †
- Bureau of Indian Affairs Navajo Indians tribal census record * †
- U.S. State Vital Statistics birth registration notification * †
- A delayed U.S. public birth record that was recorded more than 5 years after the person's birth * †
- Statement signed by doctor or midwife present at the birth * †
- Roll of Alaska Natives from the Bureau of Indian Affairs * †
- Admission papers from a nursing or skilled care facility, or other institution that shows a U.S. place of birth *
- Medical record (not an immunization record) * †

** Must be dated at least 5 years before your 1st Medi-Cal application and show a U.S. place of birth.*
† For children under 16, must be created near the time of birth.

You **must** provide a document as high up on the list as you can.

*If you **cannot** provide any of these citizenship documents…*

Ask two adults to fill out and sign an *Affidavit of Citizenship.* Both adults must have proof of their own identity and U.S. citizenship, and only one of them may be related to you.

– AND –

One identity document listed below:

- Driver's license issued by a U.S. State or Territory with a photograph or other identifying information
- School Identification card with a photograph
- U.S. Military I.D. card or draft record
- Federal, state or local government I.D. card with same identifying information as a driver's license
- U.S. Military dependent identification card
- A U.S. passport (issued with limitation)
- Certificate of Degree of Indian Blood or other U.S. American Indian/Alaska Native Tribal document
- U.S. Coast Guard Merchant Mariner Card
- Three or more confirming documents, such as employee ID cards, high school or college diplomas, marriage licenses, divorce decrees, and property deeds/titles
- Clinic, doctor, or hospital records for a child under 16
- School, nursery school, or daycare records, including report cards, for a child under 16. The county will verify with the school.
- For people with disabilities who live in a residential care facility, an Affidavit signed by the facility's director or administrator

For a **child under 16** who did not provide an *Affidavit of Citizenship,* you may submit:

- An Affidavit of the child's identity signed by the child's parent, guardian, or caretaker relative with date and place of birth
- A Medi-Cal application or the Healthy Families/Medi-Cal joint application that shows the child's date and place of birth, and is signed by the child's parent, guardian, or caretaker relative.

For a **child under 18**, an Affidavit of the child's identity signed by the child's parent, guardian, or caretaker relative may be used if school ID cards or driver licenses are not available.

Note: Expired identity documents are acceptable proof of identity.

State of California—Health and Human Services Agency
Department of Health Care Services

DAVID MAXWELL-JOLLY
Director

ARNOLD SCHWARZENEGGER
Governor

May 29, 2009

TO: ALL COUNTY WELFARE DIRECTORS Letter No.: 09-27
ALL COUNTY WELFARE ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MENTAL HEALTH DIRECTORS
ALL COUNTY MEDS LIAISONS

SUBJECT: MEDI-CAL FOR OTHERWISE ELIGIBLE U.S. CITIZEN AND U.S. NATIONAL APPLICANTS AND NEW NATIVE AMERICAN TRIBAL DOCUMENTS ACCEPTABLE FOR DEFICIT REDUCTION ACT AUTHORIZED UNDER CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT

Introduction/Background

The passage of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) makes several significant changes to the Deficit Reduction Act of 2005 (DRA) citizenship and identity requirements. The DRA requires documentation of United States (U.S.) citizenship or U.S. national status and identity as a condition of Medi-Cal eligibility for most applicants and beneficiaries who declare that they are a U.S. citizen or a U.S. national. New federal requirements authorized by CHIPRA make the following changes:

- Deemed Infants – As of April 1, 2009, infants are no longer required to live with their mother nor must the mother remain eligible (or be eligible if pregnant) in order to establish deemed eligibility (see All County Welfare Directors Letter (ACWDL) 09-17). The new law also clarifies that children born in the U.S. to a

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woman who is eligible for and receiving Medicaid on the child's date of birth are deemed to have provided satisfactory documentation of citizenship/nationality and identity and may not be required to provide any additional documentation. This is consistent with the instructions provided in ACWDL 07-12.

- Social Security Number (SSN) Match for Verification of Citizenship and Identity – CHIPRA gives States the option to use a SSN matching process for verification of citizenship/identity. The State is reviewing this option and is making efforts to implement this new verification process by January 1, 2010, the effective date for this option specified in the federal law. Counties do not need to take any action at this time. Instructions will be provided in a subsequent ACWDL.

- Native American Tribal Documents – Additional Native American tribal documents issued by federally recognized tribes are acceptable to meet the DRA citizenship/identity documentation requirements. This provision is discussed in more detail below.

- Reasonable Opportunity to Provide Citizenship/Identity Documents – States are required to provide full-scope Medi-Cal to otherwise eligible declared U.S. citizens or U.S. nationals pending DRA citizenship/identity documentation. This provision is discussed in more detail below.

- Covering Qualified Immigrant Pregnant Women and Children under the Five-Year Bar – CHIPRA gives States the option to cover eligible qualified immigrant pregnant women and children who have been in the country for less than five years. This new option allows States to claim federal funds for non-emergency services provided to qualified immigrant pregnant women and children to the extent they are otherwise eligible regardless of their date of entry into the U.S. The change will be transparent to the County; the only change will be that the State will be claiming Federal Financial Participation (FFP) for these pregnant women and children regardless of their date of entry into the U.S. Further information on this provision will be provided in a subsequent ACWDL. Counties do not need to take any action at this time.

- Restoration of Eligibility – States are given the option to restore full-scope Medi-Cal eligibility retroactively for beneficiaries who did not receive full-scope Medi-Cal during the Reasonable Opportunity Period (ROP) to provide DRA citizenship/identity documents. Additional information will be provided in a

subsequent ACWDL regarding implementation of this new requirement for past applications. Counties do not need to take any action to restore eligibility for past applications at this time.

The purpose of this ACWDL is to provide instructions to Counties on two of the specific changes to the DRA citizenship/identity verification requirements that took effect pursuant to CHIPRA including new instructions to grant full-scope Medi-Cal to otherwise eligible U.S. citizen and U.S. national applicants during their ROP to provide DRA citizenship/identity documents. Additional ACWDLs will be issued addressing the other changes authorized by CHIPRA. The DRA policy changes discussed in detail in this letter include:

- If otherwise eligible, full-scope Medi-Cal is to be provided to U.S. citizen or U.S. national applicants during their ROP while they obtain DRA citizenship/identity documentation.

- Additional tribal documents are to be accepted as satisfactory documentary evidence of U.S. citizenship/identity for Native Americans.

Implementation Date - The new requirements described below to provide full or restricted Medi-Cal to otherwise eligible U.S. citizens or U.S. national applicants take effect immediately. Counties are required to ensure that all U.S. citizens or U.S. nationals who have a new or pending Medi-Cal application are provided with full-scope Medi-Cal benefits during their ROP (which begins with the date of application) in accordance with the instructions in this letter. This letter only addresses new and pending applications. Another ACWDL will be issued to provide information and directions to the Counties on how to apply this new requirement to eligible citizen beneficiaries whose eligibility was established prior to the release of this letter.

Full-scope Medi-Cal For Otherwise Eligible Citizen Applicants - Effective immediately otherwise eligible applicants, with pending or new applications, who declared under penalty of perjury that they are a U.S. citizen or U.S. national are to be provided full-scope Medi-Cal coverage during their ROP while they obtain DRA citizenship/identity documentation. This full-scope eligibility for new and pending applications begins as soon as all other eligibility requirements are met and is effective back to the date of application for all months during which the applicant is otherwise eligible.

Reasonable Opportunity Period - The ROP is the time needed for the applicant to obtain acceptable documentation of DRA citizenship/identity based on the individual circumstances and ability to obtain that documentation and the applicant's good faith efforts to obtain DRA citizenship/identity documents in accordance with ACWDL 07-12. As required by ACWDL 07-12, counties must document in the case file that an applicant is making a good faith effort to obtain DRA citizenship/identity documents throughout the ROP. Counties must retain copies of documents that show good faith effort or keep detailed case notes to ensure that this information is included in the file. Please refer to ACWDL 07-12 regarding communicating appropriate timelines and keeping adequate notes and documents of the good faith effort in the case file.

Restricted Scope Medi-Cal when the Reasonable Opportunity Period Ends - If a U.S. citizen or U.S. national applicant who is otherwise eligible has not provided DRA citizenship/identity documentation after the ROP ends in accordance with ACWDL 07-12, the applicant's full-scope Medi-Cal benefits must be reduced to restricted scope benefits with a proper ten-day Notice of Action (NOA). The appropriate NOA must be sent to U.S. citizens or U.S. nationals whose full-scope Medi-Cal benefits are being reduced because they are unable or unwilling to provide DRA citizenship/identity documentation. Enclosed are revised "Change to Limited Benefits" NOAs - MC 239 DRA-3 (enclosure 1 - No share of cost) and MC 329 DRA-4 (enclosure 2 - Share of cost).

The NOAs explain why the applicant's Medi-Cal benefits are being reduced from full-scope to restricted scope Medi-Cal and what services are covered. U.S. citizen and U.S. national applicants whose benefits are reduced to restricted scope Medi-Cal (after their ROP ends) because they are unable or unwilling to provide DRA citizenship/identity documents will still have up to one year from the date of application to provide evidence of DRA citizenship/identity. Full-scope benefits must be restored if the documents are provided within one year of their application date and the beneficiary has good cause for not providing them sooner, in accordance with ACWDL 07-12.

Presumptive Eligibility and Accelerated Enrollment - As specified in ACWDL 07-12, the DRA citizenship/identity requirements do not apply during a Presumptive Eligibility (PE) or Accelerated Enrollment (AE) period. However, the DRA citizenship/identity requirements are applicable as part of the eligibility review required for ongoing eligibility after a PE or AE period in accordance with department policy. Beneficiaries who claim to be a U.S. citizen or U.S. national and whose eligibility is being reviewed after a PE or AE period must be placed in the appropriate aid code for ongoing eligibility as specified

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in this letter as soon as they are found to be otherwise eligible if they are making a good faith effort to obtain DRA citizenship/identity documents.

New Citizenship/Identity Document Codes in the Medi-Cal Eligibility Data System (MEDS)

The Department will add new DRA citizenship/identity document codes to the Medi-Cal Eligibility Data System (MEDS) for use by counties to indicate that a person who claims to be a U.S. citizen or U.S. national is eligible for full-scope Medi-Cal during the ROP in accordance with this letter. Information about the specific document codes developed for this purpose will be provided to the MEDS Coordinators via the MEDS Change Cycle notification process within one week following release of this ACWDL.

Additional Acceptable Native American Tribal Documents

Under CHIPRA, a document issued by a federally recognized Indian tribe evidencing membership, enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood) is acceptable documentation to meet the DRA citizenship/identity documentation requirements. The Department will provide more details about which additional specific Native American tribal documents are acceptable under this rule when that information is provided by the federal government. Questions about whether a specific document is acceptable under this new rule should be directed to the analyst responsible for the DRA citizenship requirements in the Medi-Cal Eligibility Division.

DHCS 0001 Form

The “U.S Citizens and Nationals Applying for Medi-Cal Must Show Proof of Citizenship and Identity” form (attached - DHCS 0001) has been updated to reflect the changes in CHIPRA discussed above in this letter. Counties must use the latest updated version of this form and discontinue use of any old versions of this form. The Department is taking steps to stock the warehouse with the new version of this form and to put the new form on-line. Until then, counties must use the camera-ready copy included with this letter.

If you have any questions regarding this letter, please contact Ms. Amar Singh at (916) 552-9457 or e-mail her at Amar.Singh@dhcs.ca.gov.

ORIGINAL SIGNED BY

Vivian Auble, Chief
Medi-Cal Eligibility Division

Enclosures