



Colorado Covering Kids and Families

The Deficit Reduction Act of 2005 Citizenship and Identity Verification for Medicaid Applicants in Colorado

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Background

The Deficit Reduction Act of 2005 (DRA) requires US citizens and nationals who are applying for Medicaid to prove their citizenship and identity. The law was first implemented in Colorado on July 1, 2006. In order to comply with final regulations issued by the Center for Medicare and Medicaid Services (CMS) in July of 2007, Colorado's Medical Services Board adopted final rules regarding citizenship and identity verification for Medicaid applicants in Colorado. The new rules are effective as of January 1, 2008. This fact sheet summarizes the new rules and explains how the DRA citizenship and identity verification requirement is implemented in Colorado.

Exemptions

The following groups are exempt from the DRA and do **NOT** need to provide verification of their citizenship and identity:

- People who are not US Citizens (such as legal permanent residents, non-qualified/non-citizens, or non-citizen refugees),
- People who receive SSI (including 1634, 1619(b), Disabled Adult Children, and Disabled Widow(er) cases),
- People who receive Social Security Disability Insurance,
- People who are entitled to or who are enrolled in any part of Medicare,
- Newborn children of mothers enrolled in Medicaid at the time of the child's birth (Eligible Needy Newborn) including emergency Medicaid and retroactive Medicaid
- Children in foster care who receive child welfare services under Title IV-B of the Social Security Act, and

- People who receive adoption or foster care assistance under Title IV-E of the Social Security Act.
- Individuals receiving Medicaid during a period of presumptive eligibility

What Kinds of Documents are Acceptable?

Medicaid applicants must provide proof of both their US citizenship and their identity. Three documents prove both:

- A US Passport,
- A Certificate of Naturalization,
- A Certificate of Citizenship.

If an applicant does not have one of these documents, then they must provide:

- One document that proves US citizenship, **AND**
- One document that proves their identity.

Expired identity documents are acceptable as long as there is no reason to believe that the document does not belong to the person presenting it.

The simplest way for an adult to prove their citizenship and identity is to provide a birth certificate and a driver's license.

The simplest way for a child under age 16 to prove their citizenship and identity is to submit a birth certificate and an affidavit. An affidavit is a document signed under penalty of perjury by the parent or guardian that states the place and date of the child's birth.

A chart of acceptable documents is provided on pages 5-9.



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What if an Applicant Does Not Have Any of the Acceptable Documents?

Any applicant may submit written affidavits to establish citizenship if they are unable to present a document from the list of documents. The affidavit option requires that two individuals with personal knowledge of the applicant's citizenship sign a sworn statement. The individuals must provide proof of their own US citizenship and identity. The applicant must also provide an affidavit that explains why they are unable to document their citizenship. **These affidavits do NOT need to be notarized**

Affidavits to establish identity may be submitted by any child under age 16 and in some cases by children under age 18. The rules concerning affidavits for children are covered in the next section.

Note that only one affidavit is acceptable. If an applicant has submitted an affidavit to establish identity, then they may not submit an affidavit to establish citizenship. If an applicant has submitted an affidavit to establish citizenship, then they may not submit an affidavit to establish identity.

Special Identity Rules for Children

Children are treated differently than adults when it comes to proving identity. Children under age 16 may provide clinic, doctor, hospital, or school records. If none of those records are available, an affidavit may be submitted on the child's behalf. The affidavit is a sworn, signed statement that includes the child's name, and date and place of birth. Parents/guardians are not required to provide proof of their own citizenship when completing an affidavit for their children.

An affidavit to establish identity may also be submitted on behalf of a child under age 18 if a school ID or driver's license is not available to the child until they reach 18 years of age.

If an affidavit is used to establish identity then an affidavit to establish citizenship may NOT be used.

Special Identity Rules for Disabled Individuals in Institutional Care Facilities

People who are disabled and live in an institutional care facility may also satisfy the identity verification requirement with an affidavit. The affidavit is an option if no other evidence of identity is available. The affidavit must be signed by a residential care facility director or administrator under penalty of perjury. **The affidavit does NOT need to be notarized.**

Are Copies Acceptable?

Documents must be originals or copies certified by the issuing agency. Photocopies are only acceptable if they are verified by a document verification site. Document verification sites include:

- Medical Assistance (MA) sites,
- Presumptive Eligibility (PE) sites,
- Federally Qualified Health Centers,
- Disproportionate Share Hospitals, and
- Other sites certified by the Colorado's Department of Health care Policy and Financing.

For a list of sites that can verify documents please see,

<http://www.chcpf.state.co.us/HCPF/refmat/DRATrainngdocs/ListofLocationsthatcanVerifyDocuments.pdf>.

Photocopies must be:

- Attached to a "Citizenship and Identity Documentation Received" form. For the form please see, <http://www.chcpf.state.co.us/HCPF/refmat/DRATrainingdocs/CitizenshipandIdentityDocumentationReceivedForm.pdf>
OR
- Stamped by the viewing agency,
OR



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- Verified in some way that the documents viewed were originals. Verification must include the name, telephone number, organization name and address, and signature of the person that viewed the documents.

Notarized copies of documents that verify citizenship and identify are no longer acceptable as of January 1, 2008. If a Medicaid applicant or recipient submitted notarized document copies before January 1, 2008, they are **NOT** required to submit original or certified copies at their redetermination or at any subsequent reapplication.

How Much Time Do Applicants Have to Supply Documents?

Medicaid applicants have a certain amount of time, a reasonable opportunity period, to submit their documents. The amount of time depends upon for which Medicaid program they apply.

Applicants for Family and Children Medicaid categories, including pregnant women and adults in Parent Plus Program, have 14 calendar days to provide the required documentation. If the Documentation is not provided within 14 calendar days and the applicant is not making a good faith effort to comply, the application will be denied.

Applicants under age 19 who are denied Medicaid for lack of citizenship and /or identity documents will be placed into CHP+ as long as they meet all other (non-income based) eligibility requirements. This policy is likely to change soon, although when it will change is uncertain. At that time, children unable to supply their documents will be denied Medicaid and **NOT** enrolled in CHP+.

Applicants for Adult Medicaid Programs subject to the DRA have 70 calendar days to provide the required documentation. If the documentation is not provided within 70 calendar days and the applicant

is not making a good faith effort to comply, the application will be denied.

What is a Good Faith Effort?

Medicaid applicants or clients who are unable to get required documentation within the reasonable opportunity periods may be allowed more time to comply if they are making a good faith effort. The amount of time will be determined on a case-by-case basis and depends upon the amount of time the applicant needs to obtain the documents. Examples of a good faith effort include but are not limited to:

- Providing a verbal or written statement describing the effort to secure documentation
- Providing copies of letters, emails, applications, checks, receipts or other materials sent or received in connection with a request for a citizenship or identity document
- Providing a verbal or written statement of their efforts to identify people that can attest to their citizenship or identity.

Unless there is a reasonable basis for doubt, an applicant's verbal statement describing their effort should be accepted without additional verification.

Name Changes

Applicants who have changed their last name for any reason, (for example, marriage, divorce, or court order) are **NOT** required to supply additional documentation regarding the name change.

Additional documentation may be required if:

- There is reasonable basis for doubt that the identify documents belong to the applicant.
- If the applicant changes their first and/or middle name in addition to their last name.
- With the exception of the last name, if the information contained in the citizenship and identity documents does not match.



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How Often Must Applicants Prove Their Citizenship and Identity?

Once citizenship and identity verification has occurred it does not need to be repeated unless:

- Later evidence raises a question about the individual's citizenship or identity,
OR
- There is a gap of more than 5 years since the applicant was last enrolled in Medicaid **AND** the county has not retained evidence of the applicant's citizenship and identity.

CHP+ and the DRA

Federal rule does not require proof of citizenship and identity for CHP+ applicants or renewals. Until June 2008, Colorado's Department of Health Care Policy and Financing (HCPF) did ask that CHP+ renewals provide DRA documentation in the hope of minimizing processing delays for CHP+ enrollees that are found to be eligible for Medicaid. That policy is no longer in place. CHP+ renewals will no longer be asked for DRA documentation.

Prior to June 1, 2008 it had been HCPF's policy to enroll otherwise Medicaid eligible children who were unable to comply with the DRA into CHP+. Due to guidance from CMS, that policy stopped on June 1, 2008. Children who are otherwise eligible for Medicaid but unable to supply citizenship and identity documents will be denied for Medicaid and no longer be enrolled into CHP+. If a child is currently enrolled in CHP+, they will remain in CHP+ until their renewal date. At that time if the child is income eligible for Medicaid they will have to provide proof of citizenship and identity to be enrolled in the program.

References

- For the new rule please see, <http://www.chcpf.state.co.us/HCPF/refmat/DRATrainingdocs/Final%20Citizenship%20and%20Identity%20Documentation%20Rules.pdf>

- For Agency Letter HCPF 07-022 that explains changes implemented by the new rule please see, <http://www.chcpf.state.co.us/HCPF/refmat/DRATrainingdocs/DRACitizenshipAgencyLetters.pdf> -Note that all prior Agency Letters referencing the Citizenship and Identity Verification Requirements are rescinded.
- For DRA Training Documents posted on the Department of Health Care Policy and Financing's website please see, http://www.chcpf.state.co.us/HCPF/county_ma_index.asp
- For information regarding the effect of the citizenship and identity verification requirement in Colorado please see:
 - *Impact of the Federal Deficit Reduction Act of 2005 on Colorado Medicaid Enrollment: Findings from the Eligibility Technician Survey-* <http://www.coloradohealthinstitute.org/Documents/dra/ET.pdf>
 - *Impact of the Federal Deficit Reduction Act of 2005 on Colorado Medicaid Enrollment: Findings from the Outreach and Enrollment Worker Survey-* <http://www.coloradohealthinstitute.org/Documents/dra/OE.pdf>
 - *Impact of the Federal Deficit Reduction Act of 2005 on Colorado Medicaid Enrollment: Community Health Center Specific Findings from the Outreach and Enrollment Worker Survey-* http://cchn.org/ckf/pdf/CHC_DRA_survey_sum.pdf

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Acceptable Documents

The following chart includes all of the documents a person may use to establish their citizenship and identity. Some of the documents have certain conditions attached to their acceptability. For specific requirements please refer to the rule at <http://www.chcpf.state.co.us/HCPF/refmat/DRATrainingdocs/Final%20Citizenship%20and%20Identity%20Documentation%20Rules.pdf>.

Documents that prove both citizenship and identity (Primary Evidence)

- **US Passport**
- **Certificate of Naturalization**
- **Certificate of Citizenship**

If an applicant does not have one of the documents listed above, they can instead provide **one document that establishes US citizenship and one document that establishes identity.**

Documents that Establish US Citizenship	Documents that Establish Identity
<p>The levels for establishing citizenship are tiered. That means that documents from Level 2 are preferred over those from Levels 3 and 4. Documents from Level 3 are preferred over those from Level 4. Affidavits establishing citizenship are only to be used as a last resort. If an affidavit is used to establish citizenship then an affidavit to establish identity cannot be used.</p>	<p>The documents for establishing identity are NOT tiered although children are encouraged to use the affidavit. Expired identity documents are acceptable. If an affidavit is used to establish identity then an affidavit to establish citizenship cannot be used.</p>
<p>Second Level Evidence of Citizenship</p> <ul style="list-style-type: none"> • US Public Birth Record- recorded before the person was 5 years of age • Certification of Report of Birth (DS-1350) • Consular report of Birth Abroad of US Citizen (FS-240) • Certification of birth issues by US Dept of State before 11/1/1990 (FS-545 OR DS-1350) • US Citizen Identification Card <ul style="list-style-type: none"> ○ form I-179 issued from 1960-1970 OR 	<p>Applicants of any age must provide one of the following</p> <ul style="list-style-type: none"> • Driver’s License issued by a State or Territory with either a photo or other identifying information (name, age, sex, race, height, weight, or eye color). • ID card issued by federal, state or local government that includes the same information on a Driver’s License • School ID with photo • US military card or draft record • Military dependent’s ID card

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<ul style="list-style-type: none"> o form I-197 issues from 1973-4/7/1983 	<ul style="list-style-type: none"> • US Coast Guard Merchant Mariner Card
<p>Documents that Establish Citizenship</p> <ul style="list-style-type: none"> • American Indian Card (I-872) • Northern Mariana Card (I-873) • Final Adoption Decree • Evidence of Civil Service Employment by the US Government before 6/1/1976 • US Military Record that shows US place of birth, including a DD-214 • Data verification with Systematic Alien Verification for Entailments (SAVE) program for naturalized citizens • Adopted or biological children born outside the US may establish citizenship obtained automatically under section 320 of the Immigration and Nationality Act as amended by the Child Citizenship Act of 2000. Evidence must be submitted that shows the following conditions have been met on or after 2/27/2001: <ul style="list-style-type: none"> o The child is under age 18 o At least one parent is a US citizen o The child resides in the US in the legal and physical custody of the US citizen parent o The child is lawfully present as verified through SAVE <p>If adopted, the child satisfies requirements of section 101(b)(1) of the Immigration and nationality Act with final adoption having subsequently occurred.</p>	<p>Documents that Establish Identity</p> <ul style="list-style-type: none"> • Certificate of Indian Blood or Other US American Indian/Alaska Native Tribal Document • Three or more documents that together corroborate identity as long as: <ul style="list-style-type: none"> o The documents were not used to establish citizenship o No other evidence of identity is available • They contain (at a minimum) the person's name and additional information establishing identity information <ul style="list-style-type: none"> o Examples of these documents include, but are not limited to: employer ID cards, high school or college diplomas, marriage certificates, divorce decrees, and property deeds/titles. • All documents presented contain consistent identifying <p>Disabled individuals in institutional care facilities may use an affidavit to establish identity if the following conditions are met:</p> <ul style="list-style-type: none"> • The affidavit is signed under penalty of perjury by a residential care facility director or administrator on behalf of the individual • No other evidence of identity is available • The affidavit does NOT need to be notarized
<p>Third Level Evidence of Citizenship</p> <ul style="list-style-type: none"> • Hospital record on hospital letterhead that was created at the time of the person's birth. The record must have been created at least 5 years before the first time the person applied for benefits and show a US place of birth. 	<p>Applicants under 16 years must provide one of the following:</p> <ul style="list-style-type: none"> • Clinic, doctor, or hospital records, • School records, including nursery or daycare records or report cards. The record must be verified with the issuing

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<ul style="list-style-type: none"> ○ Life or health or other insurance record that shows a 	<p>institution</p>
<p style="text-align: center;">Documents that Establish Citizenship</p>	<p style="text-align: center;">Documents that Establish Identity</p>
<ul style="list-style-type: none"> • US place of birth. The record must have been created at least 5 years before the first time the person applied for benefits and show a US place of birth. For children under 16 must have been created near the time of birth or at least 5 years before the date of application. • Religious record <ul style="list-style-type: none"> ○ Recorded in US within 3 months of date of birth ○ Shows US birth place, and either date of birth or age at time record was made ○ Must be an official record recorded with the religious organization • Early school record. Must show name, admission date to school, date of birth, US birth place, and parent(s) name(s) and place(s) of birth. 	<ul style="list-style-type: none"> • Affidavit <ul style="list-style-type: none"> ○ The affidavit must: <ul style="list-style-type: none"> ▪ State the date and place of the child’s birth ▪ Be signed under penalty of perjury by a parent or guardian. The parent is NOT required to provide proof of citizenship and identity when making an affidavit for their child. ○ The affidavit to establish identity will not be accepted if an affidavit to establish citizenship is also submitted. ○ An affidavit may be accepted for a child up to the age of 18 IF a school ID or drivers’ license is not available to the individual until they reach 18. • The affidavit does NOT need to be notarized
<p>Fourth Level Evidence of Citizenship</p> <ul style="list-style-type: none"> • Federal or State census record showing US citizenship and the applicant’s age • One of the following that shows US place of birth and was created 5 years before the Medicaid application. <ul style="list-style-type: none"> ○ Seneca Indian tribal census record ○ Bureau of Indian Affairs(BIA) tribal census records of the Navajo Indians ○ US State Vital Statistics official notification of birth registration ○ Delayed US public birth record recorded more than 5 years since birth ○ Statement signed by the physician or midwife who 	



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<ul style="list-style-type: none"> o attended the birth o Roll of Alaska Natives maintained by BIA o Medical (clinic, doctor, or hospital) record 	
<p style="text-align: center;">Documents that Establish Citizenship</p>	<p style="text-align: center;">Documents that Establish Identity</p>
<ul style="list-style-type: none"> • Written Affidavit <ul style="list-style-type: none"> o May be used by US citizens or US nationals born inside or outside of the US o Only may be used in rare circumstances o Two affidavits are required -each must be from a person with personal knowledge of the applicant's claim of citizenship (may be combined into a joint affidavit). One of the people cannot be related to the applicant o The people making the affidavits must prove their own citizenship and identity o The affidavit should contain any information available that explains why the applicant cannot obtain proof of citizenship o The applicant (or parent or guardian) must submit a third affidavit explaining why proof of citizenship cannot be obtained o The affidavits must be signed under penalty of perjury o The affidavit establishing citizenship is not acceptable if an affidavit establishing identity is used o The affidavits do NOT need to be notarized <p>For Documents that Establish US Citizenship for Collectively Naturalized Individuals, see page 9.</p>	



Documents that Establish US Citizenship for Collectively Naturalized Individuals

People born in Puerto Rico, the US Virgin Islands or the Northern Mariana Islands before these areas became a part of the US may be collectively naturalized citizens and may submit the following evidence of their US citizenship:

Puerto Rico

- Evidence of birth in Puerto Rico on or after April 11, 1899 and the applicant's statement that s/he lived in the US, a US possession, or Puerto Rico on January 13, 1941, **OR**
- Evidence that the applicant was a Puerto Rican citizen and the applicant's statement that s/he did not take an oath of allegiance to Spain.

US Virgin Islands

- Evidence of birth in the US Virgin Islands, and the applicant's statement that or residence in the US, a US possession, or the US Virgin Islands on February 25, 1927, **OR**
- The applicant's statement indicating residence in the U.S. Virgin Islands as a Danish citizen on January 17, 1917 and residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927, and that he or she did not make a declaration to maintain Danish citizenship, **OR**
- Evidence of birth in the U.S. Virgin Islands and the applicant's statement indicating residence in the U.S., a U.S. possession or Territory or the Canal Zone on June 28, 1932.

Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands (TTPI))

- Evidence of birth in the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. Territory or possession on November 3, 1986 (NMI local time) and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time), **OR**
- Evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time), **OR**

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- Evidence of continuous domicile in the NMI since before January 1, 1974 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time).

If a person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile, and the individual is not a U.S. citizen.