

DMA ADMINISTRATIVE LETTER NO: 16-13, AFFORDABLE CARE ACT (ACA) CHANGES TO CITIZENSHIP AND IDENTITY VERIFICATION

DATE: 12/19/2013

SUBJECT: Affordable Care Act (ACA) Overview of Medicaid Changes to Citizenship and Identity Verification

DISTRIBUTION: County Department of Social Services
Medicaid Supervisors
Medicaid Eligibility Staff

I. BACKGROUND

The Patient Protection and Affordable Care Act of 2010, also referred to as Health Care Reform, expands health coverage and improves eligibility and enrollment policies for Medicaid and NC Health Choice. The Affordable Care Act has resulted in significant changes to North Carolina's Medicaid Program. These changes include the process for verifying citizenship and immigration status.

This administrative letter provides a brief description of some of the changes related to citizenship and identity verification. **These changes apply to all Medicaid and NCHC programs, not just Modified Adjusted Gross Income (MAGI)-related programs.**

II. POLICY PRINCIPLES

- A. The county DSS must provide assistance to individuals who need assistance in securing satisfactory documentary evidence of citizenship in a timely manner.**
- B. Medicaid must be provided to otherwise eligible individuals who have declared themselves to be citizens, nationals of the United States or individuals having satisfactory immigration status, during a Reasonable Opportunity Period pending verification of their citizenship, nationality or satisfactory immigration status.**
- C. A Reasonable Opportunity Period must be provided to individuals for whom the county is unable to promptly verify citizenship or immigration status by electronic means or documentation.**
- D. Medicaid benefits cannot be delayed, denied, reduced or terminated for an individual who is otherwise eligible during the Reasonable Opportunity Period.**

- E. A photocopy, facsimile, scanned or other copy of a document must be accepted to the same extent as an original document. However, it cannot be accepted if information on the submitted document is inconsistent with other information available, or if there is a reason to question the document.**

III CONTENT OF CHANGE

Documentary evidence of U.S. Citizenship and Identity are listed in a hierarchy of reliability. Evidence used to verify citizenship and identity is listed in NCFAST on the verification page. Choose the appropriate chart level for each document provided as verification of citizenship and identity.

A. Acceptable Evidence of Citizenship and Identity (Chart 1)

The following must be accepted as satisfactory documentary evidence of citizenship and Identity:

1. A U.S. Passport without regards to an expiration date, issued without limitation,
2. A Certificate of Naturalization,
3. A Certificate of U.S. Citizenship,
4. A valid state-issued driver's license requiring proof of citizenship or verification of a social security number,
5. Documents issued by a federally recognized Indian tribe, as published in the Federal Register by the Bureau of Indian Affairs within the U.S. Department of Interior.

B. Acceptable Evidence of Citizenship (Chart 2)

If an applicant/beneficiary does not provide documents listed in Chart 1 above, the following must be accepted as satisfactory evidence of citizenship if accompanied by proof of identity listed in Chart 5,

1. A U.S. public birth certificate,
2. Cross match with a state's department of vital statistics,
3. A Certification of Report of Birth issued to U.S. citizens who were born outside of the U.S.,
4. A Report of Birth Abroad of a U.S. Citizen,
5. A Certification of Birth issued by the Department of State,
6. A U.S. Citizen I.D. card,

7. A Northern Marianas identification card,
8. Final Adoption Decree showing the child's name and U.S. place of birth. If not final, a statement from a state-approved adoption agency that shows the child's name and place of birth.
9. Evidence of U.S. Civil Service employment before June 1, 1976,
10. U.S. military record of service showing U.S. place of birth,
11. Verification of citizenship of naturalized citizens from Department of Homeland Security's Systematic Alien Verification for Entitlement (SAVE) program,
12. Under Section 101 of the Child Citizenship Act of 2000, children born outside of the U.S. and permanently residing in the U.S. are automatically eligible for citizenship when they meet certain conditions. Accept documentation when a child meets all of the following requirements:
 - a. At least one parent of the child is a citizen of the United States, whether by birth or naturalization.
 - b. The child is under the age of eighteen years.
 - c. The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.
13. Medical record, including but not limited to, hospital, clinic, or doctor records or admission papers from a nursing facility or other institution that indicates a U.S. place of birth,
14. Life or health insurance records that indicate a U.S. place of birth,
15. Official religious records recorded in the U.S.,
16. School record, including pre-school, Head Start and daycare, showing the child's name and U.S. place of birth,
17. Federal/State Census record showing U.S. citizenship or place of birth,
18. The agency may rely on documentation of citizenship made by a federal agency or another state agency, without further verification, if such verification was done on or after July 1, 2006.

C. Acceptable Evidence of Citizenship (Chart 3)

If an applicant does not have any of the documents from Chart 1 or 2, he may submit an affidavit signed by another individual under penalty of perjury who can reasonably attest to the applicant's citizenship. It must contain the applicant's name, date of birth, and place of birth.

D. Acceptable Evidence of Identity (Chart 5)

The agency must accept the following as proof of identity, provided such document has a photograph or other identifying information including, but not limited to, name, age, sex, race, height, weight, eye color, or address. The following must be accompanied by evidence from Chart 2 and 3 when verifying citizenship.

1. A valid driver's license issued by a state or territory,
2. School identification card,
3. U.S. military card or draft record,
4. Identification card issued by the federal, state, or local government,
5. Military dependent's identification card,
6. U.S. Coast Guard Merchant Mariner card,
7. For children under age 19, a clinic, doctor, hospital, or school record including preschool or day care records,
8. Two documents containing consistent information that corroborates an applicant's identity can be used as verification of identity. Such documents include, but are not limited to employer ID cards, high school and college diplomas (including equivalency diplomas) marriage certificates, divorce decrees and property deeds/titles.
9. The county may accept identity verification from a federal or state governmental agency if the agency has verified identity of the individual. Such verification sources include, but are not limited to public assistance, law enforcement, IRS, tax bureau or a correction agency.
10. The agency may rely on documentation of identity made by a federal agency or another state agency, without further verification, if such verification was done on or after July 1, 2006.

E. 90-day Reasonable Opportunity Period

A 90-day Reasonable Opportunity Period must be provided to individuals for whom the county DSS is unable to promptly verify citizenship or satisfactory immigration status by electronic means or documentation.

1. The Reasonable Opportunity Period is 95 calendar days from the first request for information is sent to the applicant. It is 90 days plus 5 days for mailing of the notice.
2. During the Reasonable Opportunity Period, if relevant to the verification, the county DSS must:
 - a. Attempt to resolve any inconsistencies between the information provided by an electronic source and information provided by the applicant,
 - b. Provide information on how to contact the electronic source directly for the purpose of resolving inconsistencies,
 - c. Allow the applicant to provide the required evidentiary documentation listed in III.A. thru C. above.

F. Medicaid/NCHC Eligibility during the Reasonable Opportunity Period

1. Medicaid/NCHC must be provided during the Reasonable Opportunity Period to otherwise eligible applicants:
 - a. Who are citizens or nationals of the United States, or
 - b. Who are Qualified Aliens (refer to MA-2504/3330 for the definition of a qualified Alien), or
 - c. Who have declared themselves to be citizens or nationals of the United States, or an individual having satisfactory immigration status. Declaration of status must be documented, including approximate date they entered the U.S. or obtained lawful status, and
 - d. Who meet all other eligibility requirements.
2. Medicaid eligibility during the Reasonable Opportunity Period begins the first day of the month of application and/or retroactive request, **if otherwise eligible**. Follow all current rules for approving benefits.
3. If, at the end of the Reasonable Opportunity Period, the applicant's citizenship or immigration status has not been verified, terminate the case (delete the individual) following current deletion/termination rules.

G. NCFAST and Reasonable Opportunity Period

The Reasonable Opportunity is display on the Person home page in NCFAST. To set a Reasonable Opportunity Period:

1. Click the verification folder on the Evidence Dashboard and Select “90-day Reasonable Opportunity.”
2. Enter the date of notice.
3. A Reasonable Opportunity indicator is displayed on the Person home page.
4. A task is sent to the worker when it is close to the end of the Reasonable Opportunity Period.
5. Further Instructions on how to set the Reasonable Opportunity Period in NCFAST are available in Fast Help.

IV. EFFECTIVE DATE AND IMPLEMENTATION

This policy applies to applications taken during open enrollment and eligible effective January 1, 2014 and to all applications taken on or after January 1, 2014.

If you have any questions regarding this information, please contact a Medicaid Program Representative.

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Acting Director

(This material was researched and written by Ena Lightbourne, Policy Consultant, Medicaid Eligibility Unit)