




IMPROVED ENFORCEMENT OF DOCUMENTATION REQUIREMENTS

By: Bob Tomlinson
and
Molly Smith



Pre-Section 6036 Law

- Applicants and recipients must be U.S. citizens or individuals in a satisfactory immigration status.
- Medicaid applicants and recipients of Medicaid who have declared they are citizens of the U.S. not required to document that declaration



Section 1903(x) of the Act

- All applicants and recipients of Medicaid who have declared under section 1137 (d) to be U.S. citizens must present documentation of citizenship and identity



Section 1903(x)

- New law applies to new determinations of Medicaid eligibility made beginning July 1, 2006.
- Also applies to redeterminations made beginning July 1, 2006.

Section 1903(x)

- This law does not apply to aliens who have declared under section 1137 of the Act to be Qualified Aliens in a satisfactory immigration status.
- Process for non-citizens remains the same.



Section 1903(x)

- Law specifies several documents that may be used to prove citizenship.
- CMS has expanded the list of acceptable documents.



Section 1903(x)

- A State Medicaid Directors Letter issued June 9, 2006
- July 12, 2006 Interim Final Regulation with Comment Period
- July 13, 2007 Final Regulation

Section 1903(x)

Who is exempt?

- All Medicare enrollees
- All recipients of SSI
- Recipients of SSA benefits based on disability (SSDI)
- Children receiving foster care services under title IV-B
- Children receiving foster care or adoption assistance payments under title IV-E

Section 1903(x)

- Does not apply to:
 - Presumptive eligibility, 1920, 1920A, and 1920B
 - Separate SCHIP programs

Section 1903(x)

- States are encouraged to use data matches with other government programs. For example:
 - State vital statistics agencies (citizenship)
 - Department of Motor Vehicles (identity)
 - SAVE system for naturalized citizens who present an alien number



Section 1903(x)

- States must assist individuals without a representative who are homeless, incapacitated, or otherwise needing assistance to obtain needed citizenship documentation.

Section 1903(x)

FFP

- No FFP for months State does not require presentation of documentation of citizenship by applicants or recipients
- States will receive the administrative match rate of 50% for costs they incur to implement this section.