

**UNDERSTANDING AND PERFORMING CITIZENSHIP
AND IDENTITY VERIFICATION IN MEDI-CAL**

*A Guide for California Community Health Clinics to Increase
Awareness and Decrease Negative Consequences of New
Medicaid Requirements*

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Overview: Medi-Cal Citizenship and Identity Verification

Under recently passed federal laws, all Medi-Cal applicants and recipients who declare that they are United States citizens are required to provide documents proving their U.S. citizenship and their identity when applying for or renewing their Medi-Cal benefits. Documents verifying **citizenship** include a U.S. passport, birth certificate or a military record. To verify **identity**, applicants and beneficiaries may present a driver's license or state identification card, among other items. There are several groups exempt from the rule, including elderly and disabled people who are on Medi-Cal because they receive Medicare or Supplemental Security Income (SSI). Also, people who are not citizens do not have to meet these rules because they have to meet other documentation requirements.

In June of 2007, the California Department of Health Care Services (DHCS) released the All County Welfare Directors Letter (ACWDL) which outlined the implementation of citizenship and identity verification requirements in California. Although a firm date of enforcement has yet to be given, most counties are expected to enforce the new requirements by the fall of 2007. The ACWDL also allows federally qualified health centers (FQHCs) to perform citizenship and identity verification.

Citizenship and identity verification is required when current beneficiaries renew their Medi-Cal coverage, and applicants apply for Medi-Cal. Applicants that are otherwise eligible for Medi-Cal but that do not have their necessary citizenship and identity documents when applying will not receive Medi-Cal benefits until they provide these documents. Current Medi-Cal beneficiaries will not lose coverage as long as they make a good faith effort to provide documentary evidence by their redetermination date. County Medi-Cal offices are required by state and federal law to provide beneficiaries and applicants with assistance and ample time to obtain proof of citizenship and identity.

The implementation of citizenship and identity verification requirements have resulted in negative consequences in other states, such as decreases in Medicaid enrollment, loss of health care coverage for patients and loss of revenue for health centers. The California Primary Care Association (CPCA) is providing this manual so that member clinics understand the details of the law in order to prepare their patients and assist them in obtaining citizenship and identity verification documents.

Federal Requirements

The Deficit Reduction Act of 2005 requires states to obtain satisfactory documentation of citizenship or nationality for each person who desires to establish eligibility for Medicaid. California must comply with this requirement in order to receive federal financial participation in the Medi-Cal program. Before enactment of this provision, in order to qualify for Medi-Cal, the applicant had to declare under penalty of perjury that he or she is a citizen or national of the United States. Under the new law, simply declaring identity

and U.S. citizenship is no longer an acceptable practice. **This law applies only to U.S. citizens or nationals.**

The citizenship and identity verification process is a one time occurrence. Once a beneficiary or applicant has provided documentary evidence, he or she is not required to provide the evidence again.

➤ **Acceptable Documentary Evidence**

Acceptable documentary evidence shows that the individual was born in the U.S. and that they are the person they claim to be. Counties will use a four-tier hierarchical process established by the federal government to verify citizenship. The first tier provides the most reliable documents to prove citizenship and identity and includes items such as a U.S. passport or certificate of U.S. citizenship. Tiers two to four provide additional evidence which may be used to document citizenship. However, people using documents from these tiers must also provide a separate document to show their identity. Counties are to use the tiers to make sure that the most reliable document is used to show citizenship. Only original and certified copies are permissible. Appendix A lists the tiers.

➤ **Exemptions from the Law**

The following U.S. citizens or nationals do *not* have to provide proof of citizenship or identity:

- CalWORKS recipients
- Supplemental Security Income (SSI) beneficiaries (current and former)
- Social Security Disability Insurance (SSDI – Title II) beneficiaries
- Social Security Retirement and Survivors Insurance (RSI – Title II) beneficiaries who receive those benefits based on their own disability.
- Medicare beneficiaries
- Deemed eligible infants (includes children born to non-citizen mothers and whose delivery was covered by Medi-Cal)
- Minor Consent applicants and beneficiaries
- Children receiving adoption or foster care assistance, including Kinship Guardianship Assistance Payment (Kin-GAP) recipients
- Infants eligible under the Abandoned Baby Program who are also born in the U.S. and have no documentation.

➤ **Immigrants**

Non-citizen immigrants are **not** subject to the citizenship and identity verification requirement because they are not declaring citizenship status. Otherwise-eligible immigrants remain eligible for Medi-Cal and eligibility should continue to be determined under existing verification procedures.

Implementation in California

To help alleviate challenges in obtaining documentary evidence, DHCS has implemented changes to the Medi-Cal Eligibility Data System (MEDS), the state's automated electronic system for tracking and maintaining Medi-Cal data. These changes will allow counties to request an automated match against California birth records for applicants and beneficiaries who were born in California. DHCS has also run several data matches using data from MEDS, the Statewide Client Index and county systems to initiate an automated birth record match for Medi-Cal eligibles and applicants known to MEDS. If a matching birth record is found, applicants and beneficiaries have met the citizenship documentation requirement but must still provide evidence of identity. DHCS and counties will inform beneficiaries and potential applicants by mail if an applicant or beneficiary **does not** need to provide citizenship verification documents.

DHCS will begin enforcing citizenship and identity verification requirements in 2007 as a part of the general Medi-Cal application and renewal process. Thus, California counties will mainly be responsible for verifying citizenship and identity when applicants apply for Medi-Cal and current beneficiaries renew their benefits.

➤ **The Role of Federally Qualified Health Centers**

Through CPCA's advocacy efforts, DHCS will allow FQHC staff and their volunteers to review original citizenship and identification documents on the county's behalf as part of "initial processing." FQHCs may view and copy original documents of citizenship and identity to be included, with the "Proof of Citizenship or Identity Received" form described below, in the Medi-Cal application information they forward to the counties. This form is available in Appendix B.

The process for FQHCs follow when viewing original documents for each applicant or beneficiary is:

- 1) View and photocopy the citizenship/identity documents that are originals or copies certified by the issuing agency.
- 2) Complete and sign a separate copy of the "Proof of Citizenship or Identity Received" form for each citizenship/identity document provided by the applicant.
- 3) Provide complete contact information for the staff person or volunteer that viewed and copied the documents.
- 4) Attach the signed "Proof of Citizenship or Identity Received" form to a copy of each citizenship/identity document and transmit the documents to the county.
- 5) Promptly return the original documents to the applicant.
- 6) Provide the applicant with a copy of each "Proof of Citizenship or Identity Received" form that is transmitted to the county.

It is also recommended that the FQHC maintain copies of all documents transmitted to the county.

NOTE: DHCS recommends that FQHCs that plan on performing this initial review contact their counties immediately so that they may be a part of the implementation process as it is formulated in each county.

➤ **Implications for Medi-Cal Beneficiaries**

Medi-Cal beneficiaries are required to provide citizenship and/or identity verification documents at their next redetermination date. *It is important to note that a beneficiary will not lose his or her Medi-Cal coverage if he or she does not provide the necessary documents by his or her redetermination date.* Counties must provide beneficiaries a reasonable amount of time to obtain required documents. Beneficiaries will continue to receive full-scope Medi-Cal as long as they are making a good faith effort to obtain necessary documents. There are no strict limits on the length of time that is considered “reasonable.”

A current Medi-Cal beneficiary’s coverage can be affected if it is found that the beneficiary is no longer making a good faith effort to obtain necessary documents. If this occurs even if all other eligibility requirements are met, beneficiaries will only receive limited benefits. Limited benefits cover emergency, pregnancy-related, and long-term care services. If the beneficiary provides the required documents within one year of the redetermination date, the county must restore full scope Medi-Cal benefits back to the month that limited benefits began.

➤ **Implications for Medi-Cal Applicants**

Unlike beneficiaries, applicants cannot receive Medi-Cal until their citizenship and identity is verified, even if they are otherwise eligible. Applicants are required to provide evidence of citizenship and identity within the prescribed time limit for counties to process Medi-Cal applications – 45 days for most applicants and 90 days for applicants alleging disability. If an applicant does not provide the acceptable documentation to prove citizenship and identity, within the prescribed time requirements, the Medi-Cal application will not go forward and the applicant will not be able to receive full-scope Medi-Cal benefits. A county may extend the application time if the applicant is making a good faith effort to obtain or provide documentation.

If an applicant fails to present the required documentation at the time the application is submitted or it is determined that he or she is not making a good faith effort to obtain it, but meets all other eligibility requirements, applicants will be eligible for limited Medi-Cal only. Once satisfactory documentation of citizenship and identity is provided, the applicant will receive full-scope Medi-Cal back to the date of the application and any retroactive eligibility period.

➤ **Demonstrating a Good Faith Effort**

Medi-Cal applicants and beneficiaries are able to extend the amount of time required to provide citizenship and identity verification documents as long as they are making a “good faith effort” to obtain these documents. Examples of good faith effort include, but are not limited to:

- Providing a copy of a request for a document such as, a photocopy of a letter, a copy of an e-mail or a receipt for the requested document from the agency who will issue the document.
- Providing a copy of a document request sent to the appropriate agency or other entity.
- Providing copies of documents along with documentation that an original or certified copy of an acceptable document has been ordered.
- Written or verbal statements of effort to obtain citizenship documentation.
- Providing a copy of a check receipt or other documentation indicating that a citizenship or identity document has been ordered.
- A written or verbal update of progress made in obtaining evidence of citizenship or identity.
- A written or verbal explanation of attempts to locate two persons who could attest to the applicant’s/beneficiary’s citizenship.

NOTE: Clinics, as patient advocates, may assist applicants and beneficiaries with their efforts to demonstrate “good faith effort” to county eligibility workers.

➤ **Implications for Children**

Citizenship and identity verification for children is dependent on whether or not the child was born in California and the age of the child. *For children who are not U.S. citizens, the Medi-Cal application process has not changed.*

1) Proof of Citizenship

Birth records for children born in California can be verified by the county electronically using the MEDS data system. If the county finds a birth record match, the county is required to notify the applicant/beneficiary of the birth record match, and no additional documents to establish citizenship are needed. If the county is unable to make a birth record match, the county will request citizenship verification documentation, as outlined in the Appendix A.

2) Proof of Identity

For children under age 16, if the Medi-Cal application or the Medi-Cal/Healthy Families joint application with the child’s date and place of birth is filled out and signed, under penalty of perjury, by a parent or guardian proof of identity is not required. (This signed

application is proof of the child's identity). For children over age 16, proof of identity for the child is required.

Frequently Asked Questions

Do the requirements affect Healthy Families, Child Health and Disability Program (CHDP) or School Lunch?

No, the law applies to Medi-Cal only.

What about Presumptive Eligibility Medi-Cal?

No. Citizenship does not need to be verified when issuing Presumptive Eligibility Medi-Cal. However, if a beneficiary continues on Medi-Cal after the birth of the child, she will need to document her citizenship and identity then.

Do the new requirements apply to Health Care Coverage Initiatives?

Yes, the citizenship and identity requirements apply to Health Care Coverage Initiatives.

Do the requirements apply to fee-for-service or managed care Medi-Cal?

Both. The law applies to both fee-for-service and managed care Medi-Cal.

How does this affect Family PACT?

As of publication, citizenship verification requirements do not apply to Family PACT; however, that could change.

How are immigrants affected by the new requirements?

They are not affected. This new requirement does not change the documentation or eligibility determination process for individuals declaring as non-citizen immigrants. Counties should continue to follow existing Medi-Cal verification procedures for those who do not declare they are U.S. citizens or nationals.

Are CalWORKS clients exempt?

Yes. CalWORKS clients already undergo citizenship and identity verification.

Is citizenship verification required every year?

No, it is only required once.

How will DHCS let beneficiaries and applicants know about the requirements?

DHCS will be sending out a notice to those affected by the requirements in 2007. Most counties will also be informing beneficiaries at the time of their redetermination.

When will counties begin asking for documents?

Although the law has officially been in effect since 2006, California has yet to fully enforce it. The state is expected to begin enforcement in the fall of 2007.

When will applicants and beneficiaries know if they need to provide proof of citizenship and/or identity?

At annual redetermination, the county will notify beneficiaries if they do not need to provide citizenship. All applicants and beneficiaries need to provide proof of identity regardless.

Will Medi-Cal beneficiaries lose coverage if they do not have the necessary documents at their redetermination?

No. Counties are required to give beneficiaries a reasonable amount of time to provide documents as long as beneficiaries are making a good faith effort to obtain the documents.

How will the state let beneficiaries or applicants know if they have found a birth record match?

DHCS will be sending out notices by mail regarding whether or not a birth record match is found. These letters will only go to those to whom the law applies to. Therefore, SSI, Medicare or CalWORKS recipients will not receive this notice, even if they were born in California.

If a beneficiary or applicant was born in California, does he or she still need to provide citizenship documentation?

If a beneficiary or applicant was born in California, but does not receive a notice from DHCS that a birth record match was found, he or she should contact their local county.

How do applicants and beneficiaries get citizenship documents? Will they have to pay for them?

Individuals are responsible for getting the necessary documents to prove citizenship and identity including all applicable fees. Counties are not required to pay for documents and the State of California will not reimburse counties for documents purchased on behalf of individual applicants or beneficiaries.

Counties are required to assist all applicants and beneficiaries who are incapable of acting on their own behalf to provide acceptable evidence of citizenship and identity. If the applicant or beneficiary is homeless, suffers from amnesia, is mentally impaired or physically incapacitated and is not able to provide satisfactory documentary evidence of citizenship and/or identity, and has no one who can legally act on behalf of the individual, the county must assist the individual in documenting citizenship and identity.

Are copies of documents acceptable?

No. All documents must be either originals or copies certified by the issuing agency. However, FQHCs who assist Medi-Cal applicants with the initial application process may view and copy original documents of citizenship and identity to be included in the Medi-Cal application form they forward to the counties. As long as FQHCs follow the requisite

procedure, counties are required to accept these documents and not require original documents.

Are notarized copies of documents acceptable?

No, original or certified copies only.

Are expired identification documents acceptable?

Yes, regardless of the expiration date.

How do clinics certify copies of medical records?

This is up to the clinic. Regardless of the method, the clinic has to indicate on the medical record that the copy it has provided is certified.

Can applications still be mailed in?

Yes, however original or certified copies of documents are still required. Applicants/beneficiaries can request that their documents be mailed back to them.

What if Medi-Cal is needed right away?

Some pregnant women and children can get Medi-Cal temporarily while the county reviews the application.

Are counties aware that FQHCs can provide the initial verification?

The guidelines provided by DHCS to the counties state very clearly the FQHC role in verifying citizenship and identity. Additionally several counties have outreached to local FQHCs about doing the verification. However, it is recommended that FQHCs that plan on doing verification inform their counties immediately that they will be performing verification.

Does it matter who at an FQHC does the verification?

No, the type of staff member does not matter. The only thing that matters is that the staff is an employee of the FQHC.

Can FQHC look-alikes do the verification?

No, only FQHCs receiving 330 grant funds.

Are FQHCs required to verify citizenship and identity documents for Medi-Cal beneficiaries and applicants?

No, it is completely optional. However, considering the immense burden on local counties and the importance of Medi-Cal reimbursement to clinics, CPCA recommends those FQHCs who are able to, to do the verification.

How does an FQHC know if a document is counterfeit?

DHCS asks that FQHCs use their best judgement and common sense. If you suspect that a document is counterfeit, it is important to inform the county. However, FQHCs are not liable for falsified documents.

APPENDIX

Affidavit of Reasonable Effort to Get Proof of Citizenship

Fill out below (print)

I am trying to get proof of citizenship for (name):

First

Middle

Last

I have tried to get proof of citizenship from the people or agencies listed below.
(Also list dates of contact and how long it will take to get the proof of citizenship.)

Name of person or agency contacted	Document requested	Date contacted	Date they will respond

Explain below any other information about your efforts to get proof of citizenship:

Your name (print)

▶ _____
Your signature

Date

If you need help with this form, please call your local social services office.

County fills out this box	
Case No: _____	Case Name: _____
If this Affidavit is taken on the phone, fill out below:	
_____ County worker's name and signature	_____ Date

Request for California Birth Record

Medi-Cal can ask for a birth record for people born in California — for free!

Case No:
County fills out this box

Case Name:

<p>Here's how:</p> <ul style="list-style-type: none"> • Fill out this form. Type or print neatly. You may use the information from a copy of a birth certificate to complete this form. • Take or mail your completed form to your local social services office. • If you have difficulty filling out this form, call your local social services office. <p>We may not be able to get the birth record you are asking for. If this happens, you must provide other proof of citizenship.</p> <p>If we get the birth record you are asking for, you must still provide proof of identity.</p> <p><i>The county social services office needs the information requested to search for a California birth record to prove citizenship. You do not have to provide this information. But if you do not, the county may not be able to find the birth record.</i></p>	Today's date:	Month:	Day:	Year:
	Name of person filling out this form:	First:	Middle:	Last:
	Whose birth record do you want? Name on birth certificate:	First:	Middle:	Last:
	If this person was adopted , write adopted name:	First:	Middle:	Last:
	Sex:	Male	Female	
	Date of birth:	Month:	Day:	Year:
	City and County of birth:	City:	California county:	
	Mother's maiden name:	First:	Middle:	Last:
	Father's name:	First:	Middle:	Last:
	Birth Certificate # (if you know it):			
	Name of <i>next</i> person whose birth record you want:	First:	Middle:	Last:
	If this person was adopted , write adopted name:	First:	Middle:	Last:
	Sex:	Male	Female	
	Date of birth:	Month:	Day:	Year:
	City and County of birth:	City:	California county:	
	Mother's maiden name:	First:	Middle:	Last:
	Father's name:	First:	Middle:	Last:
	Birth Certificate # (if you know it):			

If you need more than two birth records, fill out another form.

