

DRA Citizenship Requirements: The Basics

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The Documentation Requirement

- Medicaid has always only been open to U.S. citizens and to certain legal immigrants (after 5 years of residence).
- The Deficit Reduction Act of 2005 (DRA) and follow-up guidance requires most individuals seeking to renew or apply for coverage through Medicaid to prove their citizenship and identity.
- Congress' stated goal in passing this legislation was to keep undocumented immigrants from fraudulently enrolling in the program.
- This law went into effect on July 1, 2006.

What Documentation is Needed?

- Previously, Medicaid applicants could simply attest to the fact that they were citizens.
- Now, individuals must prove both their citizenship and identity.
- “Primary evidence” is preferred as it proves both citizenship and identity.
- Alternatively, individuals must present one document proving citizenship, and a second proving identity. There are tiers of citizenship documentation, sorted by level of preference.

Documentation

- PRIMARY FORMS (*only one piece required*)
 - U.S. Passport
 - Certificate of Naturalization or Citizenship
- OTHER FORMS (*one piece required from each list, in tiers of preference*)

CITIZENSHIP EVIDENCE	IDENTITY EVIDENCE
Secondary Evidence: <ul style="list-style-type: none">○ U.S. Birth Certificate○ State Data Matches○ Other Proof of Birth/Adoption○ U.S. Citizen Identity Card	<ul style="list-style-type: none">○ Driver's License○ Tribal documents○ School ID card○ Military ID card○ State data matches○ For children under 16, school and medical records○ As last resort, identity affidavits from parents of children
Third-Level Evidence: <ul style="list-style-type: none">○ Hospital or insurance birth record	
Forth-Level Evidence: <ul style="list-style-type: none">○ Census Record○ Nursing Home Record○ Written affidavits as last resort, must include two additional affidavits individuals to verify circumstances	

Other Documentation Options:

Data Cross-Match

- DRA creates a significant new layer of administrative burden on states as they must enforce the documentation rules and keep enrollee records.
- One effort states have made to somewhat reduce the burden on their own Medicaid agencies as well as enrollees is through data cross-match.
 - Instead of individuals providing their own documentation, states use existing vital records, Social Security and DMV records to verify citizenship.
 - This is a more timely and efficient means of verification, but has database-related limitations.

Who Must Provide Documentation?

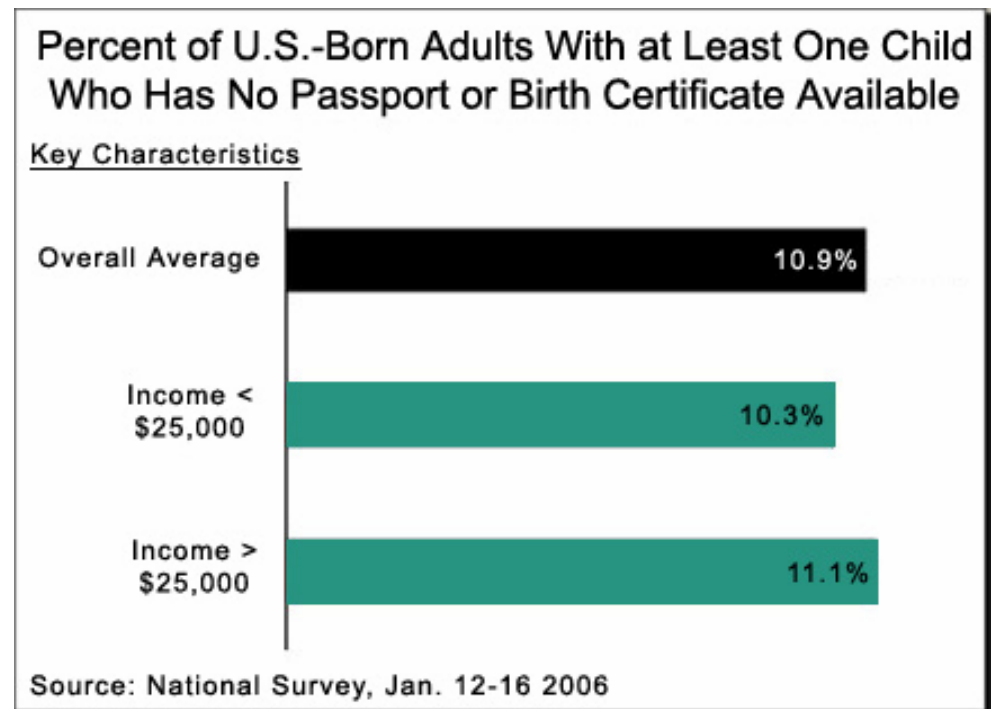
- All applicants and renewals, with two exemptions:
 - Medicare beneficiaries.
 - Most elderly and disabled SSI recipients.
 - Certain foster children.
- People particularly at risk for not having documentation are:
 - Natural disaster victims.
 - Homeless.
 - Disabled without SSI.
- Medicaid maintains the policy of presumptive eligibility for pregnant women, children and cervical and breast cancer screenings for women.

By The Numbers

- In 2006, CBPP estimated that 38 million current Medicaid enrollees would be affected, including 750,000 disabled persons.
- In addition, CBPP estimated that the rules would also affect the 10 million individuals who apply for coverage every year.

Why is Documentation Difficult to Provide?

- Many of the low-income families Medicaid serves do not have birth certificates or other documents.
- Obtaining the documentation is costly and takes time:
 - Passports are expensive – between \$80 and \$100 – and can take weeks to procure.
 - CBPP estimates it takes 10-12 weeks, and between \$5 and \$23 to obtain a new birth certificate in CA.



Impact on Beneficiaries:

Delaying Access to Needed Care

- Evidence suggests that the law disproportionately affects eligible citizens by delaying or blocking their ability to enroll in Medicaid.
- Under DRA, individuals newly applying to Medicaid won't receive benefits until they can provide documentation (although coverage is retroactive once they successfully submit documentation).
 - Providers will be less likely to treat individuals without a guarantee of being paid.
 - The new rules raise costs for providers who seek to enroll individuals in Medicaid at the point of service.

DRA Impact on States:

Higher Costs, Reduced Efficiency

- State have been working on implementation.

The requirements will:

- Add a new layer of administration, reducing efficiency and raising costs for states.
- Require states to invest in systems to keep citizenship and identity records for Medicaid enrollees.
- Increase the time it takes states to process applications, potentially creating backlogs.

Impact and Looking Ahead

- In 2006, CBPP estimated that DRA could keep between 1.2 and 2.3 million American citizens from receiving the much needed health benefits for which they are otherwise eligible.
- The potential of relatively widespread use of data cross-match makes that number lower than it would be otherwise, but does not help every eligible American.
- The documentation rules predominantly affect citizens eligible for Medicaid coverage.

Information Sourced From:

- The Center for Budget and Policy Priorities, “The New Medicaid Citizenship Documentation Requirement: A Brief Overview,” revised September 28, 2006. <http://www.cbpp.org/4-20-06health.pdf>
- Kaiser Family Foundation’s December 2007 Key Facts guide, “Citizenship Documentation in Medicaid,” December 2007. http://www.kff.org/medicaid/upload/7533_03.pdf
- Centers for Medicare and Medicaid, “Medicaid Fact Sheet: HHS Issues Final Regulations on Citizenship Guidelines for Medicaid Eligibility,” July 6, 2006. <http://www.cms.hhs.gov/MedicaidEligibility/downloads/Citizenshipfactsheet.pdf>