

ANSWERS TO YOUR QUESTIONS

SARGENT SHRIVER NATIONAL CENTER ON POVERTY LAW

Citizenship Documentation Requirement for Public Medical Beneficiaries

1. What is the Deficit Reduction Act?

On February 8, 2006, President Bush signed into law, the Deficit Reduction Act of 2005. The act aims to save nearly \$40 billion over five years from mandatory spending programs through slowing the growth in spending for Medicare and Medicaid, changing student loan formulas, and other measures.

2. What is the Citizenship Documentation Requirement?

On July 6, 2006 the Centers for Medicare & Medicaid Services (CMS) at the U.S. Department of Health and Human Services released regulations implementing a new documentation requirement for Medicaid beneficiaries based upon the Deficit Reduction Act of 2005 (Section 6036).

Under the Citizenship Documentation Requirement:

Most U.S. citizens applying for or renewing Medicaid coverage are subject to the new documentation requirement. The interim final regulations do not protect other groups that may have considerable difficulty meeting the requirement, such as victims of natural disasters and Native Americans.

People applying for Medicaid who are subject to the requirement will not be able to receive Medicaid coverage for needed health care services while they attempt to obtain the needed documents, or while the state Medicaid agency seeks to obtain their birth record or identity information through a cross-match with another agency.

Individuals who are required to supply documents to prove their citizenship must provide passports or birth certificates unless they can show that these documents either do not exist or cannot be obtained within a reasonable period of time. All documents provided to meet the requirement must be originals or copies certified by the issuing agency.

3. What impact will the Citizenship Documentation Requirement have?

The new regulation requires millions of Medicaid recipients to prove their citizenship with passports, birth certificates, and other special documents or lose their public health coverage. Under the new law, American citizens risk losing their health coverage for unconstitutional reasons. The Citizenship Documentation Requirement will cause enormous harm to people who are unable to produce the proper documentation, even though no one doubts they are American citizens.

These provisions are also likely to result in delays and outright denials of coverage for U.S. citizens applying for Medicaid, as well as the loss of Medicaid coverage for U.S. citizens now enrolled in the program. As a result, the number of uninsured citizens — as well as the amount of uncompensated care provided by hospitals and other health care providers to low-income individuals — is likely to increase.

To read more about the impact of the Citizenship Documentation Requirement, please read the following article by Robert Pear of “The New York Times,”

<http://www.nytimes.com/2007/03/12/us/12medicaid.html?ex=1175227200&en=c2fb86addcd62e87&ei=5070>

4. What protocol did Medicaid beneficiaries have to follow prior to the Citizenship Documentation Requirement?

For more than a decade, Medicaid eligibility has been limited to U.S. citizens and legal immigrants residing in the country for at least five years. Until the new law was passed as part of the Deficit Reduction Act (DRA), documentary proof of citizenship was only required of people whose citizenship was in doubt. The DRA, however, changed that by requiring Medicaid beneficiaries to provide special documentary proof of their citizenship status.

5. What impact can the citizenship documentation requirement have?

On July 6, 2006, Secretary Leavitt amended the Administration’s interpretation of the congressional regulation by exempting Medicare beneficiaries and most elderly and disabled individuals who receive Supplemental Security Income (SSI) benefits from the citizenship documentation requirement; **however, there are some individuals with disabilities who do not receive Medicare or SSI.**

6. What do federal laws say about citizenship determination?

In order to qualify for medical benefits, an individual must be a U.S. citizen or legal alien. Following the implementation of this new federal regulation, recipients of medical public benefits are required to show proof of citizenship and identity.

(Note: This new law affects most children and adults if they are citizens who request medical benefits or get medical benefits.)

U.S. citizens who are SSI (Supplemental Security Income) beneficiaries, Medicare recipients, foster children, children in adoptive assistance programs, and newborns in the first year of life do not have to provide citizenship papers.