

**TO:** Local District Commissioners, Medicaid Directors

**FROM:** Brian J. Wing, Deputy Commissioner  
Office of Medicaid Management

**SUBJECT:** Citizenship Documentation Requirements of The Deficit Reduction Act  
of 2005

**EFFECTIVE DATE:** Immediately

**CONTACT PERSON:** Local District Support Unit  
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Effective July 1, 2006, the Deficit Reduction Act of 2005 (DRA) amends federal Medicaid statute to require that all United States citizens applying for or renewing Medicaid coverage provide "satisfactory documentary evidence" of their citizenship. Documentation of United States citizenship or satisfactory immigration status has long been a requirement for Medicaid eligibility in New York State; therefore, changes in New York are minimal at this time.

**These new provisions do not affect immigrants. Individuals with satisfactory immigration status can continue to receive Medicaid in New York as described in OMM 04 ADM-07.**

The DRA requires all states to obtain documentary evidence from citizen applicants/recipients (A/Rs) and maintain this documentation in their case files, or risk losing federal matching funds. The federal government has stated that a passport or a certificate of naturalization or certificate of citizenship issued by the United States Department of Homeland Security is considered a "primary" document. However, if an individual says they do not have one of these documents, **LDSS may and should continue to accept birth certificates and other documents listed in OMM 04 ADM-07.**

Documents presented by A/Rs must be originals. Districts may copy or scan the documents for the LDSS files; naturalization papers cannot be copied, but may be recorded. For individuals who present other than primary documents, including birth certificates, LDSS must obtain additional proof of identity, such as a driver's license or photo ID. If no other identity document is available for a child under age 16, a parent or guardian may certify to the child's identity.

### **New Applicants**

Districts must begin following these guidelines for applications filed on or after July 1, 2006. Pregnant women continue to be eligible for prenatal and postpartum care in New York without regard to citizenship or immigration status. However, minors who are applying for the Family Planning Benefit Program may no longer attest to citizenship. There must be a document in the case record showing citizenship or satisfactory immigration status for FPBP participants, as well as identity documentation when other than primary documentation of citizenship is relied upon.

Individuals who cannot provide "satisfactory documentary evidence" of citizenship, but who are making a good faith effort to obtain the documentation must not be denied. LDSS must assist applicants in obtaining such documentary evidence when requested.

### **Renewal Recipients**

The local district need not re-document citizenship unless the case record lacks "satisfactory documentary evidence" of citizenship. Cases affected may include minors in receipt of FPBP benefits if they attested to citizenship. Current recipients remain eligible as long as they are undertaking a good faith effort to provide acceptable citizenship documentation to the local district.

As additional information becomes available, the Office of Medicaid Management will provide further guidance to LDSS.

If you cannot access this GIS from the e-mail or through the Intranet, please contact Chris Larsen at (518) 486-9054.