

TO: Local District Commissioners, Medicaid Directors, Services Directors

FROM: Deborah Bachrach, Deputy Commissioner
Office of Health Insurance Programs

SUBJECT: Technical Amendments To Deficit Reduction Act Of 2005

EFFECTIVE DATE: Immediately

CONTACT PERSON: Local District Support Unit
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The recently passed "Tax Relief and Health Care Act of 2006 (Public Law 109-432)" contains several technical amendments to the Deficit Reduction Act of 2005 (DRA) related to citizenship and identity verification.

Previously, The Centers for Medicare and Medicaid Services (CMS) clarified that applicants/recipients who are enrolled in Medicare or are receiving Supplemental Security Income (SSI) are exempt from documenting both citizenship and identity. These individuals have already established their citizenship and identity to the Social Security Administration.

Additionally, a Medicaid applicant/recipient declaring to be a citizen or national of the United States is also exempt from the citizenship/identity documentation requirements required by the DRA if he or she meets one of the following criteria:

- is entitled to or enrolled for Medicare benefits under any part of Title XVIII; or
- is receiving either
 - (1) Social Security benefits under Title II on the basis of a disability (SSDI); or
 - (2) Supplemental Security Income (SSI) benefits under Title XVI; or
- with respect to whom:
 - (1) child welfare services are made available under Title IV-B on the basis of being a child in foster care; or
 - (2) adoption or foster care assistance is made available under Title IV-E."

Please Note:

These technical amendments require the State foster care agency, which is the NYS Office of Children and Family Services, to have in effect procedures for Verifying the citizenship or immigration status of children in foster care under the responsibility of the State under Title IV-E or IV-B of the Social Security Act. This requirement is effective six months from the date of enactment which is June 20, 2007.

Should you have further questions regarding Title IV-E or child welfare services available under Title IV-B on the basis of being a foster care child, please contact:

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