

## NEW MEDICAID DOCUMENTATION REQUIREMENT FOR U.S. CITIZENS

On February 8, 2006, President Bush signed the Deficit Reduction Act of 2005 (P.L. 109-171), the first budget reconciliation package in nearly a decade to make substantial cuts to federal entitlement programs. Among the \$4.7 billion in cuts over five years to Medicaid services is a new requirement that states must verify citizenship status for persons applying or recertifying for Medicaid in order for the state to receive federal funding. Previously, U.S. citizens in the Medicaid program could “self-declare” their citizenship status by signing an affidavit under penalty of perjury.

The new law is set to take effect July 1, 2006, but states may delay implementation, based on their ability to comply with new requirements, train new staff, and perform additional administrative duties. The Centers for Medicare and Medicaid Services (CMS) has issued preliminary guidance regarding the documentation requirement and is expected to complete a formal regulation process with public comment. While there are no new eligibility requirements for Medicaid documents, there are concerns that states may delay enrollment of eligible persons or deny access, if a person is unable to provide sufficient documentation.

**To find out more information about this new law and the documentation allowances, please go to:**

**[http://www.cms.hhs.gov/MedicaidEligibility/05\\_ProofofCitizenship.asp#TopOfPage](http://www.cms.hhs.gov/MedicaidEligibility/05_ProofofCitizenship.asp#TopOfPage)**

### **What you should know about this new law:**

**The new law only changes the documentation requirement for U.S. Citizens.** After July 1, citizens, naturalized or U.S. born, can still apply for and keep their Medicaid. States will ask citizens at the appropriate time for documents to prove their citizenship and, in certain cases, will be required to help citizens obtain the documents. If citizens are denied or lose their Medicaid benefits, they should request an appeal.

**The rules for non-citizens have NOT changed.\*** Many immigrants may still be eligible for Medicaid. The new law did not change the description of non-citizens who are eligible for Medicaid. There are no new restrictions on who can participate in the Medicaid program. Non-citizens can still apply and keep their Medicaid benefits if they meet existing federal and state guidelines. Prior to the new law, non-citizens were already required to provide proof of their status to obtain Medicaid.

**Persons who do not wish to apply for Medicaid do not need to prove their citizenship status.** Family members applying on behalf of others, such as children, do not need to provide information about their own citizenship or immigration status. They need to provide citizenship documentation only for those who seek Medicaid benefits.

**\*Medicaid eligibility rules for non-citizens vary from state to state. For an overview of these rules, please refer to the public benefits section of the National Immigration Law Center’s (NILC) website:**  
**<http://www.nilc.org>**