



New Mexico Human Services Department

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INTERDEPARTMENTAL MEMORANDUM

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TO: ISD AND MAD STAFF

FROM: CAROLYN INGRAM, DIRECTOR, MEDICAL ASSISTANCE DIVISION
FREDRICK SANDOVAL, DIRECTOR, INCOME SUPPORT DIVISION

THROUGH: ROBERT D. BEARDSLEY, BUREAU CHIEF
CLIENT SERVICES BUREAU

BY: REBECCA SCHWARZ, CLIENT SERVICES BUREAU

SUBJECT: CITIZENSHIP AND IDENTITY FINAL GUIDELINES FOR MEDICAID

The Centers for Medicare and Medicaid Services published final rulemaking July 2, 2007, on the Citizenship and Identity requirements as authorized by DRA 2005 and by the Tax Relief and Health Care Act of 2006 (TRHCA). The purpose of this GI is to point out modifications to the interim final rule and to codify earlier guidance issued to you.

REGULATIONS MODIFIED (SECTION 405(C)(1) OF THE TRHCA)

- Children in receipt of either Title IV-B (family preservation and support services) or Title IV-E adoption assistance or foster care payments are exempt from the Proof of Citizenship and Identity regulations.
- Individuals receiving Social Security Disability Insurance (SSDI) benefits are exempt.
- Individuals entitled to or enrolled in Medicare and individuals in receipt of Supplemental Security Income (SSI) payments are exempt.

REGULATIONS MODIFIED

- Acceptable primary documentation for identification and citizenship:
 - a U.S. Passport
 - a Certificate of Naturalization (*DHS Forms N-550 or N-570*)
 - a Certificate of U.S. Citizenship (*DHS Forms N-560 or N-561*)
- The use of the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) database is approved for purposes of verifying citizenship for naturalized citizens.
- Included *religious records recorded in the U.S. within three months of birth and early school records* as **third level** evidence of citizenship.
- Included the *Roll of Alaska Natives* as **fourth level** evidence of citizenship.
- Included the use of the *affidavit process* as permissible for naturalized citizens.
- Expanded **secondary** documentation to verify proof of citizenship (identity document also required):
 - a U.S. birth certificate
 - a certification of birth issued by the Department of State (Form DS-1350).
 - a report of birth abroad of a U.S. citizen (Form FS-240).
 - a certification of birth abroad (FS 545).
 - a U.S. citizen I.D. card (DHS Form I 197).
 - an American Indian card issued by the Department of Homeland Security with the classification code "KIC." (issued by HHS to identify U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border).
 - a Northern Mariana Identification card (issued by the INS to a collectively naturalized citizen of the United States who was born in the Northern Mariana Islands before November 4, 1986).
 - evidence of civil service employment by the U.S. government before June 1976.
 - an official military record of service showing a U.S. place of birth.
 - evidence of meeting the automatic criteria for U.S. citizenship outlined in the Child Citizenship Act of 2000.
- Expanded **third level** documentation to verify proof of citizenship:
 - Extract of a hospital record on hospital letterhead established at the time of the person's birth that was created 5 years before the initial application date and showing a U.S. place of birth (for children, record must have been created near the time of birth).
 - Life or health or other insurance record, which shows a U.S. place of birth that was created at least 5 years before the initial application date (or near time of birth for children).
 - Religious record recorded in the U.S. within 3 months of birth showing the birth occurred in the U.S. and showing either the date of the birth or the individual's age at the time the record was made. The record must be an official record recorded with the religious organization. (Entries in a family bible are not considered religious records).
 - Early school record showing a U.S. place of birth. The school record must show the name of the child, the date of admission to the school, the date of birth, a U.S. place of birth, and the name(s) and place(s) of birth of the applicant's parents.

- Acceptable **fourth level** documentation to verify proof of citizenship:
 - Federal or state census record showing U.S. citizenship or a U.S. place of birth.
 - Institutional admission papers from a nursing home, skilled nursing care facility or other institution and was created at least 5 years before the initial application date and indicates a U.S. place of birth.
 - Medical (clinic, doctor, or hospital) record and was created at least 5 years before the initial application date and indicates a U.S. place of birth (for children under 5, record is created near time of birth).
 - Other document that shows a U.S. place of birth and that was created at least five years before the application for Medicaid (or for children under 16 near the time of birth). These documents are a Seneca Indian tribal census record, a Bureau of Indian Affairs tribal census records of the Navajo Indians, a U.S. State Vital Statistics official notification of birth registration, a delayed U.S. public birth record that was recorded more than 5 years after the person's birth, a statement signed by the physician or midwife who was in attendance at the time of birth, and the Bureau of Indian Affairs Roll of Alaska Natives.
 - Written affidavit need not be notarized.

PROOF OF IDENTITY

- A current state driver's license of State identity document bearing either the individual's picture or containing other identifying information, such as name, age, sex, race, height, weight or eye color.
- School identification card with a photograph of the individual.
- U.S. military card or draft record.
- Identification card issued by the Federal, State, or local government with the same information included on driver's licenses.
- Military dependent's identification card.
- Certificate of Indian Blood, or other U.S. American Indian/Alaska Native tribal document.
- U.S. Coast Guard Merchant Mariner card.
- A cross-match with a Federal or State governmental, public assistance, law enforcement, or corrections agency's data system.
- At State option, 3 or more corroborating documents such as marriage licenses, divorce decrees, high school diplomas and employer ID cards to verify the identity of an individual (only to be used if applicant submitted 2nd or 3rd tier – not 4th tier – citizenship documentation).
- Children who are under age 16 may have their identity documented using other means.
 - School record including report card, daycare or nursery school record.
 - Clinic, doctor or hospital record.
 - Declaration of Identity signed under penalty of perjury by a parent, guardian or caretaker relative attesting to the child's identity, if other documents are unavailable. A Declaration of Identity should not be used if citizenship affidavit was used. Affidavits need not be notarized. Declarations of Identity may be used for children under age 18 in limited circumstances.

Disabled individuals in residential care facilities may have their identity attested to by the facility director or administrator when the individual does not have or cannot get any document on the preceding lists. Again, the affidavit is signed under penalty of perjury, but need not be notarized.

If you have any questions about the material contained in this GI, contact Rebecca Schwarz at (505) 476-6818 or by e-mail, Rebecca.Schwarz@state.nm.us.