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TO: **Income Maintenance Supervisors**
Income Maintenance Lead Workers
Income Maintenance Staff
W-2 Agencies
Workforce Development Boards
Job Center Leads and Managers
Training Staff
Child Care Coordinators

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BEM/DWS OPERATIONS MEMO					
No:	06-42				
DATE:	09/12/2006				
FS	<input type="checkbox"/>	MA	<input checked="" type="checkbox"/>	SC	<input type="checkbox"/>
CTS	<input type="checkbox"/>	CC	<input type="checkbox"/>	W-2	<input type="checkbox"/>
FSET	<input type="checkbox"/>	EA	<input type="checkbox"/>	CF	<input type="checkbox"/>
JAL	<input type="checkbox"/>	JC	<input type="checkbox"/>	RAP	<input type="checkbox"/>
WIA	<input type="checkbox"/>	Other	EP	<input type="checkbox"/>	★
PRIORITY: HIGH					

SUBJECT: **New Temporary Policies for Medicaid Citizenship Documentation Requirement**

CROSS REFERENCE: Deficit Reduction Act of 2005
Operations Memos 06-32 and related attachments, 06-36, and
06-38

EFFECTIVE DATE: Immediately with the release of this document

PURPOSE

This is the fourth in a series of Operations Memos related to the new Federal Citizenship and Identity Documentation Requirement. This memo addresses the following:

- Temporary addition of a new level of acceptable documentation for verifying identity.
- Temporary policy for "special populations."
- Clarification of Good Faith Effort policy.

BACKGROUND

Until now, persons applying for Medicaid (MA) have been required under federal law to declare under penalty of perjury if they are a citizen of the United States, and if not a citizen, that they are an alien in a satisfactory immigration status. Aliens who declare they are in a

satisfactory immigration status have been required by federal law to present supporting documentation.

POLICY

The new provision under the federal Deficit Reduction Act of 2005 (DRA) requires that the State obtain satisfactory documentation of citizenship and identity for Medicaid applicants and recipients. In an effort to assist applicants and recipients in complying with the new requirement, the following temporary policies will be in effect until further notice.

TEMPORARY POLICIES

New Acceptable Documentation of Identity – Level 6

In order to assist applicants and recipients in complying with the new federal requirement to verify identity, the list of acceptable documentation has been expanded to include the documents listed below.

NOTE ➤ This expansion is in effect on a temporary basis pending the release of final federal regulations regarding the citizenship and identity requirement.

Only if an individual is unable to provide an acceptable identity document from Level 5, after worker assistance, may one of the following state-defined identity documents from “Level 6” be used to meet the identity verification portion of the requirement. A document from the list below can be used to verify identity but only when nothing else is available.

- Military discharge papers, including the Federal DD-214
- Certified copy of a marriage certificate or judgment of divorce
- International driver license
- Employee photo ID card issued by the current employer and containing the employer’s name. The card must also contain either the employer’s address or telephone number.

Maintain copies of any of these documents used as verification in the case record and use the following new CARES verification code in the new MA Identification verification field to indicate that documentation was accepted under this temporary policy.

- <W6> LEVEL 6 STATE DEFINED ID VERIF DOCS

Policy for Special Populations

It is expected that all non-exempt individuals requesting or receiving MA provide acceptable documentation to verify citizenship and identity from the federally approved Levels 1 through 5 or the new state-defined Level 6 identity documentation, at application or review. However, certain special populations may be particularly disadvantaged with regard to providing the required documentation. For some persons within a special population, it will be allowable to accept other documents besides those listed in Levels 1-6, once it is determined that the person is unable to produce any Level 1-6 documentation.

NOTE ➤ The following policy is in effect on a temporary basis pending the release of final federal regulations regarding the citizenship and identity requirement.

This policy only applies when it is determined that an individual within a special population is in a situation where s/he does not have the ability to obtain citizenship or identity documentation from Level 1-6. This policy should be used with discretion and only when an individual has no other means of meeting the requirement.

Examples of individuals in special populations include, but are not limited to, persons who:

- Are physically or mentally incapacitated and whose condition renders them unable to provide necessary documentation.
- Are chronically homeless and whose living arrangement makes it extremely difficult to provide the necessary documentation.
- Are minors.
- Have religious beliefs that prevent them from securing the documentation.

There are two ways for individuals in special populations to meet the citizenship and identity documentation requirement:

1. Present other documents besides those listed in Levels 1-6 to meet the requirement as long as the document meets the general documentation requirement stated here:

“Any document used to establish U.S. citizenship must show either a birthplace in the U.S. or that the person is otherwise a U.S. citizen. Any document used to establish identity must show identifying information that relates to the person named on the document.”

Some examples of documents that could be used to establish citizenship for special populations as long the document shows a birthplace in the U.S. or that the person is otherwise a U.S. citizen are:

- Hospital “souvenir” birth certificate
- Baptismal certificate
- Native American documentation

Below are examples of documents that could be used to establish identity for special populations as long the document shows some identifying information (e.g., name, address, telephone number, etc.) that relates to the individual:

- Social Security Card
- Driver education course completion certificate
- School record or transcript
- Credit card with signature
- Voter registration materials
- Permanent Resident card

Example 1: Due to their religious practices, an Amish family is not able to present a birth certificate for their child because the child was not born in a traditional hospital setting and no record of the child’s birth exists within the state system. In addition, the child is home schooled so there is no school identification card to present for identification verification. However, the family is able to produce a signed letter from their church leader that states the child’s birth place and birth date. This document can be used to satisfy the citizenship and identification requirement under the temporary policy for Special Populations.

2. The newly developed Statement of Citizenship and/or Identity for Special Populations form (HCF10161) can be used to meet the new requirement only when no other documentation is available from Levels 1-6 or item #1 above.

This form can be completed a related or unrelated individual who knows the applicant/recipient, an authorized representative, an IM Agency worker, a worker for a housing agency who is aware of the individual's living situation, a MA provider for a minor, etc. Additional requirements concerning the HCF10161 are as follows:

- The person completing the form attesting to another person's citizenship must be a US citizen.
- IM agencies are not required to verify the citizenship of the person signing the form.
- Do not accept a form attesting to the citizenship of another individual when you know the person completing the form is not a US citizen.

Example 2: A 15 year old minor female applies for the Family Planning Waiver Program. She does not have a copy of her birth certificate, but because she was born in Wisconsin, the IM worker is able to complete an online birth query to verify her citizenship. The applicant does not have a driver license. She does not have a school ID because the school district in which she lives does not issue a school identification card. Further, she does not have nor is she able to provide any other acceptable document from Levels 1-6. In this case, an HCF10161 can be signed by a Family Planning Waiver Program provider on the behalf of a minor female to verify her identity and meet the new federal requirement.

NOTE ➤ An HCF10161 can be signed by the authorized representative of an individual who is not able to procure any other documents on his/her own.

While an IM worker is obligated to assist an applicant or recipient who asks for help in meeting the citizenship and identity requirement, this does not necessarily mean the IM worker must sign the HCF10161. The signatory to the HCF10161 must know and be able to truthfully attest to the applicant/recipient's citizenship or identity. If an IM worker can do this for an applicant/recipient, then they may qualify to sign the form.

Maintain copies of any documents secured under this temporary policy in the case record and use the following new CARES verification code in the MA Citizenship and/or Identification verification field to indicate that documentation was accepted under this temporary policy.

- <W7> SPECIAL POPULATIONS DOCUMENTS

Enter Case Comments to document why this policy was used and note whether the HCF10161 or another document was used to verify citizenship and identity.

NOTE ➤ Individual who have met the new citizenship requirement by using documents obtained under the new Level 6 or Special Populations policy have complied with the federal requirement; do not require other documentation at his/her next review.

If you are aware of an individual who meets the special population category outlined above and whose MA application has been denied or eligibility has ended because of his/her inability to provide acceptable documentation, contact the individual to see if the new temporary policies may be applied.

CLARIFICATION OF GOOD FAITH EFFORT POLICY

The Good Faith Effort policy, introduced in Operations Memo 06-36, stated:

“More time may be allowed for applicants and recipients making a good faith effort to supply the required documentation, but who are unable to do so during the reasonable opportunity period. By "good faith effort" we mean the individual is taking steps to obtain the necessary documentation and has notified his/her worker of such efforts or has requested assistance from the worker to obtain the necessary documentation.”

This policy was implemented to allow more time during which the applicant/recipient can provide the necessary verification to meet this new requirement. This policy allows for the extension of the reasonable opportunity period without jeopardizing the original filing date or review date.

For new MA applicants

Extend the 30 day application processing period to allow an applicant who is making a good faith effort to supply the required documentation. If the applicant requests it, the IM worker must provide assistance to secure the necessary documentation.

Example 3: Mary applies for MA for herself and her son on August 15, 2006. She has all of the necessary verification items for her son but does not have a copy of her Florida birth certificate. Mary's worker enters the appropriate codes to pend MA eligibility for Mary. On September 5th, Mary informs her worker that she has contacted Florida and will receive a copy of her birth certificate in 3 to 4 weeks. Mary's worker extends the verification due date another 4 weeks to allow Mary to comply with the new requirement. Mary presents her worker with her birth certificate on September 29th. The worker codes the MA Citizenship verification field with <BC>, runs SFEX and confirms Mary's MA back to the original application date of August 15th.

Once an applicant supplies the documentation, certify his/her eligibility from the original filing date on the application. **Under no circumstances, however, should applicants be certified as eligible for program benefits before the citizenship and identity documentation requirement is satisfied.**

For ongoing MA recipients:

Recipients making a good faith effort to secure the necessary documentation, but who are unable to do so during the reasonable opportunity period, may have their MA eligibility extended, even though the documentation requirement has not been satisfied. If the recipient requests it, the IM worker must provide assistance to secure the necessary documentation. **MA eligibility may continue for as long as the recipient is deemed by the IM worker to be making a good faith effort to comply.**

Example 4: Ben completes his MA review on September 5th. The only item he was not able to verify was his citizenship. He was born in Washington but does not have a copy of his birth certificate. Ben calls his worker Tom on Sept 15th and tells him that his father, who still lives in Washington, will mail him his birth certificate. Because Ben has been communicating with Tom, Tom codes the MA Citizenship verification field with <GF> for Good Faith effort, runs SFEX and confirms the case. Tom then goes back and pends the MA eligibility by entering a <?> in the MA Citizenship verification field to allow Ben additional time to provide the necessary documentation. Ben presents the birth certificate to Tom on October 15th. Tom changes the <?> code to <BC>, runs SFEX and confirms Ben's MA eligibility.

Failure to Cooperate

Deny or terminate MA eligibility for an applicant or recipient subject to the requirement who fails to cooperate in presenting documentary evidence of citizenship or identity. Failure to cooperate consists of failure by an applicant or recipient, or that person's representative, after being

notified, to provide the required evidence or explain why it is not possible to provide such evidence of citizenship or identification during the reasonable opportunity period.

ATTACHMENT

[Citizenship Documentation and CARES Verification Codes List](#) – Revised September 12, 2006
Statement of Citizenship and Identity for Special Populations – [HCF10161](#)

CONTACTS

BEM CARES Information & Problem Resolution Center

★Program Categories – FS – FoodShare, MA – Medicaid, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – Food Stamp Employment and Training, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RAP – Refugee Assistance Program, WIA – Workforce Investment Act, Other EP – Other Employment Programs.
DHFS/DHCF/BEM/JE