



STATE OF NEW YORK DEPARTMENT OF HEALTH

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ADMINISTRATIVE DIRECTIVE

TRANSMITTAL: 10 OHIP/ADM-8

TO: Commissioners of
Social Services

DIVISION: Office of Health
Insurance Programs

DATE: October 15, 2010

SUBJECT: Children's Health Insurance Program Reauthorization Act (CHIPRA) of
2009: Citizenship Documentation Requirements

**SUGGESTED
DISTRIBUTION:**

Medicaid Directors
Legal Staff
Temporary Assistance Directors
Staff Development Coordinators
Fair Hearing Staff

**CONTACT
PERSON:**

Local District Liaison
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ATTACHMENTS:

Attachment I - Cover Letter
Attachment II - Identity and Citizenship or Immigration
Status for the Medical Assistance
Program, DOH-4418 (Rev. 10/2010)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
08 OHIP/INF-2 08 OHIP/INF-1			CHIPRA Act of 2009 §211 (P.L. 111-3) DRA of 2005 (P.L. 109-171) Social Security Act §1903 (x) §1902 (a) (46) (B) §1902 (ee)		GIS 10 MA/006 GIS 08 MA/028 GIS 08 MA/010 GIS 08 MA/009 GIS 07 MA/010 GIS 05 MA/028

I. PURPOSE

The purpose of this Office of Health Insurance Programs Administrative Directive (OHIP/ADM) is to inform local departments of social services (LDSS) of several provisions included in Section 211 of the Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009 that modify citizenship documentation requirements for Medicaid. These provisions include:

1. Providing a reasonable opportunity for individuals declaring to be United States (U.S.) citizens to present satisfactory documentation of citizenship or nationality;
2. Providing for a data match with the Social Security Administration (SSA) to verify citizenship for individuals enrolled in Medicaid;
3. Excluding children who are eligible for Medicaid as "deemed newborns" from citizenship documentation requirements; and
4. Accepting Tribal enrollment or membership documents issued by a federally recognized Tribe as "primary" verification of citizenship and identity.

This OHIP/ADM provides instructions to districts on the new citizenship documentation requirements, including the new data match with SSA.

II. BACKGROUND

Natural born citizens and individuals who acquire citizenship through naturalization and who are residents of New York State may receive Medicaid benefits, if otherwise eligible. For purposes of qualifying as a U.S. citizen, the U.S. includes the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands and the Northern Mariana Islands. Nationals from American Samoa or Swain's Island are also regarded as U.S. citizens for the purpose of Medicaid eligibility. These individuals are identified in the Welfare Management System (WMS) with an Alien Citizenship Indicator (ACI) code "C", meaning citizen.

Prior to enactment of the Deficit Reduction Act (DRA) of 2005, Medicaid applicants could attest under penalty of perjury that they were U.S. citizens or nationals. States could require documentary evidence of citizenship or nationality but were not required to do so. Effective July 1, 2006, the DRA of 2005 amended federal Medicaid statute to require all U.S. citizens applying for or renewing Medicaid coverage to provide satisfactory documentary evidence of their citizenship prior to enrollment. Original or certified copies of birth certificates are required if used to meet this documentation requirement.

Certain populations, including individuals receiving Medicare, Social Security Disability Insurance benefits, Supplemental Security Income benefits, children in foster care, and children receiving foster care or adoption assistance (IV-E) are exempt from the citizenship and identity documentation requirements established under the DRA. Pregnant women are exempt from citizenship documentation through the last day of the month in which the 60th day of the postpartum period ends, and children born to a woman eligible for and receiving Medicaid at the time of the child's birth are exempt from citizenship

verification requirements up to one year of age. Individuals who are subject to citizenship documentation requirements include natural born citizens and individuals who acquire citizenship through naturalization and who are residents of the State of New York.

Effective January 1, 2010, Section 211 of CHIPRA includes several provisions modifying the Medicaid requirement for documentation of citizenship and identity, including a new option to verify citizenship and identity for newly enrolled individuals declaring to be U.S. citizens, using an electronic data file match with the SSA.

III. PROGRAM IMPLICATIONS

A. Reasonable Opportunity

Section 211 of CHIPRA amended Section 1903(x) of the Social Security Act (the Act) to require states to provide an individual who declares U.S. citizenship or nationality, under penalty of perjury, with a reasonable opportunity to provide satisfactory documentary evidence of citizenship and identity. Under this provision, Medicaid must not be denied, delayed, reduced or terminated pending the receipt of citizenship documentation.

Local departments of social services have been instructed to provide applicants/recipients (A/Rs) with a minimum period of ten days (14 days NYC) to submit required documentation. Generally, this time period parallels the timeframe given for A/Rs to submit other required documentation necessary to establish eligibility. Local departments of social services have also been instructed to obtain verification of birth from Vital Records when an individual is unable to provide an original or certified copy of his/her birth certificate in order to meet the citizenship documentation requirement. Once a request for birth information is sent to Vital Records, Medicaid coverage can be authorized, if the individual is otherwise eligible.

With the release of this directive, districts must authorize Medicaid coverage for an otherwise eligible individual who declares to be a U.S. citizen if the only missing documentation is verification of citizenship and identity. A new electronic data match with SSA will be used to verify the individual's citizenship and identity. Individuals whose citizenship status cannot be verified through use of the SSA data match will be provided coverage pending either a referral to Vital Records for birth information or an opportunity to provide acceptable documentation to the district.

B. Citizenship Verification Process (Data Match with SSA)

With certain exceptions, all Medicaid applicants must provide the LDSS with their social security number (SSN) or provide documentation that an initial SSN was applied for. The Welfare Management System (WMS) uses a validation process with SSA to confirm the SSN. Beginning in October 2010, for individuals who declare to be U.S. citizens (ACI "C"), once the recipient's SSN is

validated through the WMS validation process, the recipient's information will be matched with SSA data to verify citizenship. If an individual's citizenship does not validate through this process, the recipient has 90 days to either authorize the LDSS to obtain verification of birth from Vital Records and provide the LDSS with identity documentation or provide the district with documentation of citizenship and identity. Federal Financial Participation (FFP) will be provided for claims incurred pending verification of citizenship even if Medicaid coverage is ultimately discontinued due to the failure to provide citizenship verification.

With the release of this directive, a validated SSN may be used as verification of date of birth.

C. Deemed Newborns

Another provision of CHIPRA amended Section 1903(x) of the Act to provide that individuals who are initially eligible for Medicaid as "deemed newborns" are considered to have provided satisfactory documentation of citizenship and identity (by virtue of being born in the U.S.) and will not be required to further document citizenship at any subsequent Medicaid eligibility determination or redetermination. A "deemed newborn" is defined as an infant born to a mother who at the time of the infant's birth is enrolled in Medicaid. Previously, documentation of citizenship was required to be provided when the child turned one year of age. CHIPRA repealed this requirement.

D. Tribal Documents

Section 211 of CHIPRA also clarified certain provisions of the DRA related to acceptance of documents issued by a federally recognized Indian Tribe for documentation of citizenship or nationality. Section 1903(x)(3)(B) of the Social Security Act, as amended by CHIPRA, specifies that a document issued by a federally recognized Indian Tribe evidencing membership, enrollment in, or affiliation with such Tribe is satisfactory documentary evidence of an individual's U.S. citizenship or nationality. The document must identify the federally recognized Indian Tribe which issued it, identify the individual by name, and confirm the individual's membership, enrollment in, or affiliation with that Tribe. Some examples include, but are not limited to, Tribal enrollment and membership cards, a certificate of degree of Indian blood issued by the Bureau of Indian Affairs, a Tribal census document, or a document issued by a Tribe indicating an individual's affiliation with the Tribe.

The provisions described in Section III.A-D took effect on July 1, 2006, as if included in the DRA of 2005.

IV. REQUIRED ACTION

A. Reasonable Opportunity/SSA Data Match/Deemed Newborns

For applications submitted on or after October 1, 2010, and for eligibility determinations pending as of October 1, 2010, individuals declaring to be U.S. citizens will have their citizenship confirmed via a new citizenship verification process with SSA. This process will generate a response from SSA that will appear on WMS. Applicants declaring to be U.S. citizens will no longer have to provide proof of their citizenship and identity as a condition of initial eligibility. In those cases where the SSA verification process fails to confirm citizenship and identity, the recipient must be given 90 days to either authorize the LDSS to obtain verification of birth from Vital Records and provide the LDSS with identity documentation or provide the district with original documentary evidence to support their declaration of citizenship and identity.

Recipients can also bring their original documents or certified copies to a Facilitated Enroller (FE) or other qualified entity designated by the LDSS for this purpose. If the FE processed the original application, they will forward the verified copies to the LDSS. Otherwise, the facilitator will photocopy the original documents, notate on the copies that the originals or certified copies were seen, and return the documents to the recipient. The recipient will need to send the copies to the LDSS.

NOTE: If a parent or caretaker relative does not comply with providing citizenship and identity documentation to the district for an applying child under the age of twenty-one when the SSA match fails, only the child's Medicaid eligibility can be discontinued.

In accordance with the CHIPRA provision, which eliminates citizenship documentation requirements for deemed newborns, these individuals will be excluded from the new citizenship verification process.

Individuals who have acquired citizenship through naturalization will not have their citizenship confirmed through the SSA data match. SSA does not retain data files for naturalized citizens. Upon receiving an unverified response from SSA, naturalized citizens will be required to show documentary proof of their acquired citizenship by presenting their original or certified copy of their Certificate of Naturalization to the LDSS, FE or qualified entity designated by the LDSS. These individuals are allowed 90 days from the date of notification to supply their original or certified copy of the naturalization document. Medicaid coverage cannot be delayed pending receipt of such documentation if the individual is otherwise eligible.

1. Social Security Number Requirements

As part of the application process and as a condition of eligibility, applicants must continue to provide their SSN or proof that they have applied for a SSN. In order to perform the citizenship verification process, a valid SSN is required. If an applicant has applied for an initial SSN, the Medicaid application must not be denied or delayed pending issuance of a SSN. Local district staff must authorize coverage if the individual is otherwise eligible and follow-up with the recipient if the SSN has not been provided within four months after the SSN application is filed. Upstate LDSS workers may use Anticipated Future Action code (AFA) 327 (Follow-up on Application for SSN) to track these cases. During this four-month period, documentation of citizenship, identity and proof of date of birth are not required. If an individual does not provide a SSN after the four-month period, coverage may be discontinued for failure to provide a SSN.

Applicants/recipients exempt from providing a SSN include pregnant women, children under the age of one year who were born to mothers in receipt of Medicaid, and undocumented aliens and temporary non-immigrants applying for the treatment of an emergency medical condition. To facilitate eligibility redeterminations for pregnant women following the 60-day postpartum period, districts may ask a pregnant woman to voluntarily provide her SSN at application but cannot deny coverage if a SSN is not provided. Pregnant women continue to be required to provide identity documentation at application.

When an A/R's SSN is provided, WMS validates the SSN through the SSN validation process. SSN validation occurs after the case is opened and whenever there is a change in demographics. If the SSN and demographic data associated with an individual matches the information on file with the SSA, the individual's SSN is validated as correct on WMS. A SSN validation code of 7 (SSN Assigned by SSA) or 8 (SSA Validated SSN) identifies a SSN that has been validated by the SSN validation process.

Local departments of social services will continue to receive the Social Security Number Validation report (WMS WINR9311). It is important that all SSNs that fail the SSN validation process be reviewed and the correct action taken. For SSNs that do not validate through this process, the recipient must be notified to provide documentation of the SSN within 10 days (14 days NYC) from the date of notification. If the recipient does not provide documentation of the SSN, Medicaid coverage must be discontinued or denied for failure to provide documentation of a SSN. Only SSNs with a validation code of 7 or 8 will be processed for citizenship verification.

2. Birth Verification Indicator (BVI) - Data Match with SSA

Once a recipient's SSN has been validated through WMS, and there is an ACI code of "C" (Citizen) on WMS based on the individual's declaration, the new citizenship verification process will confirm citizenship with SSA data. This process will produce a response from SSA which will be displayed on WMS in a new field labeled the "Birth Verification Indicator (BVI)" (Screen 3 on WMS Upstate). See Section V., Systems Implications, of this directive for further information on the selection criteria. The following describes the BVI values that will be generated through this new process, the actions to be taken by the LDSS, when applicable, and additional BVI information.

a. Citizenship Consistent with SSA Data

A BVI value of "1" will be system generated when a recipient's allegation of citizenship is consistent with SSA data. No further action is required and no additional documentation of citizenship or identity is required.

b. Inconsistencies

A response from SSA that does not validate citizenship and requires further action by the LDSS is identified with a BVI value of "B". Refer to Section V. of this directive for information on the Citizenship Verification report that will be sent to local departments of social services.

- i. A BVI value of "B" will be system generated based on a response from SSA that the allegation of citizenship is not consistent with SSA data. The district must make a reasonable effort to identify and resolve the cause of this result (e.g., a typographical or other clerical error) that may have originated with the LDSS and can be resolved with information in the case record. If an error is identified, the district must correct the error. This should occur minimally since only verified SSNs will be submitted for citizenship verification.

Currently, if the SSN Code is 8, neither the SSN code or the SSN may be changed unless demographic data (name, sex, or date of birth) is changed, in which case the SSN code will be changed to 1, forcing a resubmission to the SSA for validation. At the same time, the BVI will be automatically reset to blank. This will trigger a resubmission for citizenship verification once the SSN validation code is 7 or 8. If the individual has not updated SSA on the change in demographics, the SSA SSN validation will likely fail, requiring the LDSS to contact the individual to reconcile any inconsistency with SSA before the citizenship verification process can be performed.

If an inconsistency is not resolved by reviewing information in the case record, the LDSS must inform the recipient of the requirement to:

- provide documentation of identity and written authorization to the LDSS to obtain verification of birth from Vital Records by completing, signing and returning to the LDSS the appropriate "Request for Verification of Birth" form OHIP-0041 (Upstate); OHIP-0042 (NYC). For out-of-state verification of birth, LDSS workers should go to the web site of the specific state from which they are requesting birth verification, download the state's mail-in-form, have the recipient complete and sign the form and include the appropriate fee for processing; or
- provide original documents that show proof of citizenship and identity to the LDSS, Facilitated Enroller (FE), or other qualified entity.

Districts must use the language in Attachment I (Cover Letter) for notification. Districts must also enclose a copy of the appropriate "Request for Verification of Birth" form and a copy of the DOH-4418, "Identity and Citizenship or Immigration Status for the Medical Assistance Program". A revised (10/2010) version of the DOH-4418 is included as Attachment II to this directive. The individual must be provided **90 days** from the date the notice is sent to comply with the documentation requirements. The individual remains enrolled in Medicaid during this 90-day time period. Effective with the 2011.1 (February 2011) WMS migration, Upstate LDSS workers will be able to use Anticipated Future Action (AFA) code 354 ("End of 90-Day Reasonable Opportunity Period for Citizenship and Identity") to track the 90-day time period. After 90 days, if documentary evidence has not been provided to verify citizenship and identity, the district must discontinue Medicaid for the individual with timely notice.

Individuals who re-apply after their declaration of citizenship did not validate (BVI of "B"), and who did not comply with the request to provide proof of citizenship and identity, will not be forwarded to SSA for citizenship verification. These individuals will be required to provide documentation of identity and U.S. citizenship or immigration status at reapplication. Once the documentation has been provided, the worker must change the BVI of "B" to "3" (Verified by Worker).

- ii. A BVI value of "C" indicates that citizenship is consistent with SSA data; however, SSA data identifies that there is an indication of death. These individuals will be processed according to

the separate death match process currently in place. If upon review of the death match, a LDSS discovers that a recipient is not deceased, the LDSS must change the BVI code to "3" (Verified by Worker).

- iii. A BVI value of "D" indicates that citizenship was not consistent with SSA data and there is an indication of death. If the district resolves the death match, and the recipient remains active, citizenship documentation must be requested from the individual following the procedures described in 2.b.i above.

3. Additional BVI Information

Newborns - Newborns processed through the existing newborn process will have a BVI value of "2" (Verified through Automated Newborn Process) system generated in the BVI field. A BVI value of "2" will exclude newborns from being sent for citizenship verification.

NOTE: "Deemed newborns" continue to be required to provide a SSN upon reaching one year of age.

Citizenship Documentation Provided - A BVI value of "3" should be entered by the worker when citizenship is verified by the worker (i.e., a citizenship document was provided, or there was a response received from Vital Records, or there was resolution of an indicator of death - BVI "B", "C" or "D").

Cases Active Prior to October 1, 2010 - Cases that are active prior to implementation of the BVI field, will have a BVI value of "5" (Deemed Verified) system generated in the BVI field if the ACI is "C" and the case meets additional selection criteria (see Section V. for further information).

BVI Value of "Blank" - For new applicants on or after October 1, 2010, who declare to be U. S. citizens, the BVI field will be blank until citizenship is verified through SSA data, the individual provides documentation of citizenship and identity, or provides documentation of identity and verification of birth is received from Vital Records.

4. Temporary Assistance Cases

Temporary Assistance (TA) rules require that citizenship or satisfactory immigration status be verified during the application process and prior to issuing benefits. TA workers will enter a BVI value of "3" (Worker Verified) when an applicant provides documentation of citizenship.

TA Case Types 11, 12, 16 and 17 with active Medicaid coverage and a BVI Value of 3, will not be matched with SSA citizenship data. If the BVI is blank, the case will be sent to SSA for citizenship verification. For purposes of continuing Medicaid

benefits on the TA case, any inconsistencies resulting from the match must be resolved and the appropriate action taken in accordance with the instructions in this directive.

A citizenship match will not be used on Emergency Assistance Case Types (18 and 19) and Food Stamps Case Types (31 or 32) or HEAP Cases (60).

5. Reporting

By electing the SSN citizenship verification match process, the Department must report to the Centers for Medicare and Medicaid Services (CMS) the percentage of inconsistent submissions. A submission is counted as inconsistent if citizenship could not be resolved with SSA's records, the individual did not successfully resolve the inconsistency or provide satisfactory documentation of citizenship status after a reasonable opportunity, and Medicaid made payment on behalf of the individual.

6. Continuous Save Date (CSD)

Children under 21 years of age are entitled to 12 months of continuous Medicaid coverage following each determination or redetermination of eligibility regardless of any subsequent change in income or circumstances during the 12-month period. However, certain factors of eligibility preclude Medicaid from continuing to the end of the 12-month period. Examples of some of these factors are failure to provide a social security number and providing an incorrect or fraudulent social security number. Failure to "pass" the SSA citizenship verification process (BVI equals "B") and/or subsequent failure to provide proof of citizenship and identity will also result in coverage being discontinued prior to the end of the 12-month continuous coverage period. Districts will be advised when a new closing reason code is available for use in these situations.

7. Managed Care Implications

Generally, Medicaid cases are opened for a one year authorization period and managed care enrollment is required/allowed unless certain exclusions apply (TPHI, spenddown, etc). Recipients, who are authorized coverage pending verification of citizenship/identity with SSA, are entitled to be enrolled in managed care. If a recipient fails to provide documentation of citizenship/identity or fails to authorize the LDSS to verify birth with Vital Records following the 90-day compliance period and fails to provide identity documentation, the recipient continues to be eligible for any remaining months in a six-month managed care guarantee enrollment period.

8. County-to-County Moves

The following instructions apply to BVI indicators and county-to-county moves:

For county-to-county moves between two Upstate districts, the BVI value will transfer with the new case opening. Cases with a BVI value of "B" (SSA validation has failed) can transfer to another county without error. The BVI value will not transfer on cases moving from Upstate to NYC WMS and vice versa.

For cases where the SSA citizenship verification match confirmed citizenship, the worker shall note this on the "Relocation Referral Form" (see 08 LCM-01) forwarded to the new district. If the worker verified citizenship through provided documentation or a referral to Vital Records, a copy of the verification received shall be forwarded to the new district. If an individual has not yet provided citizenship documentation or authorization for the district to confirm birth information with Vital Records, the case should be transferred to the new district, and the new district must pursue such documentation/authorization. The district shall note any outstanding issues concerning a recipient's citizenship/identity documentation on the referral form sent to the new district.

B. Tribal Documents

In 05 GIS MA/028, "Native American Documentation", the Department informed local departments of social services that for purposes of establishing Medicaid eligibility, a Tribal membership card, with a date, is acceptable proof of age, identity and citizenship status. Under CHIPRA, Tribal documents are now considered to be as reliable as a U.S. passport and are to be treated as "primary" documents under federal regulation 42 CFR 435.407. Additional identity documentation is not required.

V. System Implications

A. Selection Criteria for Citizenship Verification

Individuals will be selected for the SSA citizenship verification match based on the following criteria:

- Individual is in active status (Individual Status Code 07) on Medicaid (MA) Case Type 20 or 24 or active or sanctioned (Individual Status code 07 or 10) on TA Case Type 11, 12, 16 or 17 with MA coverage not equal to blank, 04 or 05, or active and case is not in pending or in lockdown status (Upstate only);
- SSN code is equal to 7 or 8;

- Alien Citizenship Indicator (ACI) code is equal to "C" (Citizen);
- Birth Verification Indicator (BVI) is equal to blank;
- Medicare (MCR) code not equal to Y (Upstate only);
- Individual Categorical Code is not equal to Foster Care (32, 77, 78, 79, 80 or 81) or Adoption (33, 34, 74, 75 or 76);
- SSI Status Code must not be equal to 1 or 4;
- Responsible Center (local office) data element 01-020 must not be equal to 580 (NYC only); and
- Alien Registration Number field is blank.

The citizenship verification will be made in a similar manner as other State Verification and Exchange System (SVES) requests including:

- Last Name;
- First Name;
- Middle Initial;
- Sex;
- Date of Birth;
- SSN; and
- CIN (used by WMS in the response from SSA to locate the individual).

B. Birth Verification Indicator (BVI)

1. New York City

- The BVI field will be located on the LDSS-3517 in Item 366 (BVI).
- BVI data element number 03-078 will print on the Clearance Report next to the Date of Birth (DOB) element.

2. Upstate

- The BVI field will be located on Screen 3 of the Data Entry and Inquiry screens after the MSPI field.
- The BVI value will print on the Clearance Report to the right of Date of Birth (DOB).

The BVI field will be populated based on the following conversion chart:

SSA Response Code	Description	BVI Code	Edits/Handling
A	SSN is verified, there is no indication of death, and the allegation of citizenship is consistent with SSA data	1	<ul style="list-style-type: none"> ▶System generated based on response from SSA ▶Not data enterable by worker ▶Worker cannot update or delete
B	SSN is verified, there is no indication of death, and the allegation of citizenship is NOT consistent with SSA data	B	<ul style="list-style-type: none"> ▶System generated based on response from SSA ▶Not data enterable by worker ▶Worker cannot delete ▶Worker can update with 3 ▶Batch processing will not delete but will update
C*	SSN is verified, there is indication of death , and the allegation of citizenship is consistent with SSA data	C*	<ul style="list-style-type: none"> ▶System generated based on response from SSA ▶Not data enterable by worker ▶Worker cannot delete ▶Worker can update with 3 ▶Batch processing will not delete but will update
D*	SSN is verified, there is indication of death , and the allegation of citizenship is NOT consistent with SSA data	D*	<ul style="list-style-type: none"> ▶System generated based on response from SSA ▶Not data enterable by worker ▶Worker cannot delete ▶Worker can update with 3 ▶Batch processing will not delete but will update

* BVI values "C" and "D" will not appear on the citizenship report. "C" and "D" must be reconciled from the death match report.

Additional BVI codes to be used not based on a response from SSA:

BVI Code	Description	Edits/Handling
2	Verified through automated newborn process	<ul style="list-style-type: none"> ▶System generated only for individuals activated through automated newborn process ▶Not data enterable by worker ▶Worker cannot delete or update ▶Batch processing will not delete but will update (Upstate only)
3	Verified by a worker	<ul style="list-style-type: none"> ▶Data enterable by worker ▶Allow worker to delete
4	Verified via EDITS/POS (NYC only)	<ul style="list-style-type: none"> ▶System generated only for individuals activated through EDITS/POS ▶Worker cannot delete or modify
5	Deemed Verified	<ul style="list-style-type: none"> ▶System generated only ▶Not data enterable by worker ▶Field will be populated for existing individuals meeting the following criteria: In active status (07 for CT 20 or 24, or active or sanctioned (07 or 10) for CT 11, 12, 16 or 17 with MA coverage not equal to blank) with ACI = "C" at the time of implementation of the BVI field (Upstate only)-not otherwise excluded from citizenship documentation requirements ▶Worker cannot delete or update ▶Batch processing will not delete or update
Blank	Not Verified	<ul style="list-style-type: none"> ▶Allow worker or batch processing to update

BVI "2"

Newborns being processed through the existing newborn process should have a value of "2" system generated in the BVI field. The existence of the "2" value in the field will exclude them from being sent for citizenship verification.

BVI "3"

A BVI value of "3" can be worker entered when citizenship is verified by the worker (i.e., a citizenship document is provided). The existence of the "3" value in the field will exclude them from being sent for citizenship verification.

BVI "4"

BVI "4" is a New York City code only. EDITS/POS will pass a BVI of "4" when citizenship is confirmed with Vital Records.

BVI "5"

At the time of implementation of the BVI field, a one time initial load of value "5" in the BVI field will be made for existing individuals meeting the following criteria: In active status (07 for CT 20 or 24, or active or sanctioned (07 or 10) for CT 11, 12, 16 or 17 with MA coverage not equal to blank) with ACI = "C" at the time of implementation of the BVI field. The existence of the "5" value in the field will exclude individuals from being sent for citizenship verification.

Upstate WMS Coding and Edits

A new Anticipated Future Action Code (AFA code 354) has been created to indicate the "End of 90-Day Reasonable Opportunity Period for Citizenship and Identity" for worker entry. New AFA Code will require a line number and date. Date entered cannot be beyond 90 days from the last day of month of Transaction Month.

New BVI error messages include:

- **1391 - BVI Invalid** will occur when the Case Type is Case Type 11, 12, 16 or 17 with MA coverage not equal to blank or a MA Case Type 20 or 24 with Transaction Type 02, 05, 06, 09, 10 or 11 and the BVI entered is not equal to "3" or blank.
- **1392 - Invalid BVI for Opening** will occur when the Case Type is 20 or 24 and the Transaction Type is 02 or 10 and the BVI is a "B".
- **1393 - BVI Not Updated** will appear if a worker changes a valid BVI value with another valid BVI value that is not equal to "3".
- **1436 - AFA Date Entered is Invalid** - If the date entered for AFA Code 354 is beyond 90 days from the last day of the Transaction Month, this error will appear.

D. New Report

A report, similar to the WINR9311 (SSN Validation), entitled the WINR9315 (Citizenship Verification), will be provided to districts with recipients whose citizenship was not verified through the citizenship verification process. This report will be sent monthly and will include any TA cases where citizenship did not validate. This report will be transmitted to districts via BICS. The report will be sorted by district, office unit, worker, case name and individual name. Rejections are identified as BVI equal to "B".

E. Closing Notices

The following Client Notice System (CNS) closing notices are to be used when an individual fails to provide the required documentary evidence of citizenship or nationality:

Upstate Closing Notice - Reason Code C88 - Discontinue MA/FHP/FHP-PAP/FPBP Failure to Provide Proof of U.S. Citizenship and Identity. (This code will be available in the 2011.1 (February) WMS migration.)

NYC Closing Notice - Case level Reason Code U13 (NYC) - MA/FHP Did Not Return Information.

VI. Effective Date

The provisions of this ADM are effective October 1, 2010. The WMS Migration Date is scheduled for October 18, 2010. For applications filed prior to October 1, 2010, where documentation of citizenship/identity has not been provided, districts must follow the policies and procedures in this directive for verifying citizenship, including authorizing coverage, if applicable, and using the SSA citizenship verification process for documentation of citizenship and identity.



Donna Frescatore, Deputy Commissioner
Office of Health Insurance Programs

[TO BE PLACED ON LOCAL DISTRICT LETTERHEAD]

NOTICE DATE:

CASE NUMBER:

CASE NAME:

If you have any questions call your local department of social services at: _____

**REQUEST TO PROVIDE ADDITIONAL DOCUMENTATION
(SSA CITIZENSHIP/IDENTITY MATCH 90-DAY NOTICE)**

Dear Recipient:

We are unable to determine whether or not you are eligible for continuing public health insurance benefits (Medicaid, Family Health Plus, Family Planning Benefits Program) because we have been unable to verify your United States (U. S.) citizenship status and identity. When you applied for benefits, you told us that you were a U.S. citizen. You also supplied us with your Social Security Number.

Based on the information you supplied, we attempted to verify your citizenship and identity by matching your information against electronic records maintained by the Social Security Administration. Unfortunately, the match attempt was **not** successful. In order for you to continue to receive public health insurance benefits, you must now provide us with documentation (proof) of your U.S. citizenship and identity.

Federal law requires that you show us **original** or **certified** copies of your U.S. citizenship and identity documents. Please bring your original documents to your local department of social services (LDSS), Facilitated Enroller (FE) or other qualified entity. We have included a list (form DOH-4418) of documents that can serve as acceptable proof of U.S. citizenship and identity. LDSS staff will photocopy your original documents for you while you wait and then return them to you. If you choose to go to an FE office, their staff will also photocopy your original documents and notate on the copies that originals or certified copies were seen. If the FE processed your original application, they will forward the verified copies to us. Otherwise, they will return them to you and you will need to send the copies to the address provided above.

Should you wish to have the LDSS verify your birth information with Vital Records, please sign and return the enclosed "Verification of Birth Information", form OHIP-0041 (Upstate) or OHIP-0042 (for those born in New York City) to the address above. If you were born outside of New York State, you should inform the LDSS worker so they may assist you in obtaining the appropriate birth verification form. You will need to complete and sign the form in order for the LDSS to process the request. You will also need to supply a document that proves your identity.

Please bring this letter with you, if you come into the LDSS office or FE office. **Do not** mail your original documents to us.

You must provide us with the needed proofs by _____, or your public health insurance coverage will end.

Enclosures

IDENTITY and CITIZENSHIP OR IMMIGRATION STATUS FOR THE MEDICAL ASSISTANCE PROGRAM

For the Medical Assistance Program, identity and United States (U.S.) citizenship or satisfactory immigration status must be documented. If you declared U.S. Citizenship, we were unable to verify your declaration, therefore, we are providing the list below which contains acceptable documents that support proof of identity, U.S. citizenship status. All documents must be originals or copies certified by the issuing agency. For the purposes of qualifying as a U.S. citizen, the U.S. includes the 50 states, the District of Columbia, American Samoa, Swain's Island and, if born on or after certain dates, Puerto Rico, Guam, the U.S. Virgin Islands and the Northern Mariana Islands.

Documents which Establish both Citizenship and Identity

- U.S. passport book/card;
- Certificate of Naturalization (N-550 or N-570);
- Certificate of U.S. Citizenship (N-560 or N-561);
- New York State Enhanced Driver License (EDL)/non-driver ID;
- Native American Tribal document (issued by a federally recognized tribe); or
- Certificate of Degree of Indian Blood, or other U.S. Native American/Alaska native tribal document with photo or other identifying information.

Secondary Documents which Establish Citizenship but also require one identity document from the Identity Documentation list

- U.S. Birth Certificate showing birth in one of the 50 U.S. States, District of Columbia, American Samoa, Swain's Island, Puerto Rico (if born on or after 1/13/1941), Virgin Islands of the U.S. (on or after 1/17/1917), Northern Mariana Islands (NMI) (after 11/4/1986 [NMI local time]), or Guam (on or after 4/10/1899);
- Certification of Report of Birth issued by the Department of State (DS-1350);
- Report of Birth Abroad of a U.S. Citizen (FS-240);
- Certification of birth issued by Department of State (Forms FS-545 or DS-1350);
- U.S. Citizen Identification Card (I-197 or I-179);
- Northern Mariana Identification Card (I-873);
- American Indian Card with classification code of "KIC" (I-872);
- Final adoption decree showing U.S. place of birth;
- Evidence of U.S. civil service employment before 6/1/1976;
- Military record of service showing U.S. place of birth (i.e., DD-214); or
- Evidence of qualifying for U.S. citizenship under the Child Citizenship Act of 2000.

Third Level Documents which Establish Citizenship but are less reliable than Secondary Documents (Also requires an identity document)

- Extract of hospital record on hospital letterhead. The record must have been established at the time of birth and the extract must have been created at least five years before the Medicaid application date (or, for children younger than 16 years of age, near the time of birth) and must show a U.S. place of birth;
- Life, health or other insurance record, if it shows a U.S. place of birth and was created at least five years prior to the application date (or, for children younger than 16 years of age, near the time of birth);
- Religious record recorded in the U.S. within three months of birth showing a U.S. place of birth and either the date of birth or the individual's age at the time the record was made; or
- Early school record showing date of admission, a U.S. place and date of birth and names and places of birth of the applicant's parents.

Fourth Level Documents which Establish Citizenship but are the least reliable and should only be used in rarest of circumstances (Also requires an identity document)

- Federal or State census record showing U.S. citizenship or a U.S. place of birth; or
- The following other documents are acceptable if they indicate a U.S. place of birth and were created at least five years prior to the application date (or, for children younger than 16 years of age, near the time of birth):
 - Medical (clinic, doctor, or hospital) record;
 - Seneca Indian tribal census;
 - Bureau of Indian Affairs tribal census records of the Navajo Indians;
 - U.S. State Vital Statistics official notification of birth registration;
 - Delayed U.S. public birth record that is recorded more than five years after the person's birth;
 - Statement signed by the physician/midwife who was in attendance at the time of birth; or
 - Bureau of Indian Affairs Roll of Alaska Natives; or
- Institutional admission papers from a nursing facility, skilled care facility or other institution (created at least five years before the application date) showing a U.S. place of birth; or
- Written affidavit (to be used only in rare instances).

Documents which Establish Identity

- A driver's license issued by a State or Territory either with a photograph of the individual or other identifying information of the individual such as name, age, sex, race, height, weight or eye color. Canadian driver's licenses may not be used;
- School identification card with a photograph of the individual;
- U.S. military card or draft record;
- Identification card issued by federal, State, or local government with the same information included on the driver's license;
- Military dependent's identification card;
- 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;
- If **none** of the above identity documents is available, a combination of three or more corroborating documents such as marriage certificates, divorce decrees, high school or college diplomas, employer ID cards or property deeds/titles. Voter registration cards are not acceptable;
- Disabled individuals in residential care facilities may have identity attested to by the facility director or administrator, on behalf of the individual in the facility, when the individual does not have or cannot get any document listed above. This affidavit must be signed under penalty of perjury, but need not be notarized.
- Children under age 16 years of age may have their identity documented using other means:
 - Clinic, doctor or hospital record;
 - School records including report card, day care or nursery school record. Records must be verified with the issuing school;
 - If no other documents are available, an affidavit signed under penalty of perjury by a parent, guardian or caretaker relative may be used. An identity affidavit should not be used if a citizenship affidavit was used. Identity affidavits need not be notarized. Identity affidavits may be used for children under 18 years of age when a school ID card or driver's license is not available to the child until he/she is 18 years of age.

Evidence that Establishes U.S. Citizenship for Collectively Naturalized Individuals**Puerto Rico**

- Evidence of birth in Puerto Rico on or after 4/11/1899 and the applicant's or recipient's (A/R's) statement that he/she was residing in the U.S., a U.S. possession or Puerto Rico on 1/13/1941; or
- Evidence that the A/R was a Puerto Rican citizen and the A/R's statement that he/she was residing in Puerto Rico on 3/1/1917 and that he/she did not take an oath of allegiance to Spain.

U.S. Virgin Islands

- Evidence of birth in the U.S. Virgin Islands, and the A/R's statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on 2/25/1927; or
- The A/R's statement indicating residence in the U.S. Virgin Islands as a Danish citizen on 1/17/1917 and residence in the U.S., a U.S. possession or the U.S. Virgin Islands on 2/25/1927, and that he/she did not make a declaration to maintain Danish citizenship; or
- Evidence of birth in the U.S. Virgin Islands and the A/R's statement indicating residence in the U.S., a U.S. possession or territory or the Canal Zone on 6/28/1932.

Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands [TTPI])

- Evidence of birth in the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. territory or possession on 11/3/1986 (NMI local time) and the A/R's statement that he/she did not owe allegiance to a foreign State on 11/4/1986 (NMI local time); or
- Evidence of TTPI citizenship, continuous residence in the NMI since before 11/3/1981 (NMI local time), voter registration prior to 1/1/1975 and the A/R's statement that he/she did not owe allegiance to a foreign State on 11/4/1986 (NMI local time); or
- Evidence of continuous domicile in the NMI since before 1/1/1974 and the A/R's statement that he/she did not owe allegiance to a foreign State on 11/4/1986 (NMI local time). If a person entered the NMI as a nonimmigrant and lived in the NMI since 1/1/1974, this does not constitute continuous domicile and the individual is not a U.S. citizen.

Immigrant Status

- The following are the most common United States Citizenship and Immigration Services (USCIS) Forms:
 - I-551 Permanent Resident Card;
 - I-94 Arrival/Departure Record;
 - I-766 Employment Authorization Card;
- United States Citizenship and Immigration Services (USCIS) Form I-797 Notice of Action; or
- Evidence of continuous United States residence prior to 1972.

NOTE: If you are applying only for Medical Assistance, you do not have to tell us about your citizenship or immigration status if you are:

- Pregnant; or
- An undocumented alien applying for Medical Assistance coverage because of an emergency medical condition. (See Medical Assistance section of Book 2, LOCAL DEPARTMENT OF SOCIAL SERVICES-4148B for more information on citizenship or immigration status.)