



December 2007

OKLAHOMA HEALTH CARE AUTHORITY

Citizenship Documentation Requirements

What are the new documentation requirements?

The new federal laws did not change eligibility rules but instead required applicants to provide certain documents verifying that they comply with rules governing citizenship and identity. States were notified of this new requirement on June 9, 2006, and the interim final rule was published in the Federal Register on July 12, 2006. States were to begin implementation in January 2007. Oklahoma began implementation planning in January and operationalized the plan on July 1, 2007.

- ◆ **Citizenship:** Medicaid eligibility has long been restricted to U.S. citizens and certain legal immigrants such as refugees.
- ◆ **Identity:** Identity isn't an eligibility requirement, per se, but individuals and parents are required to apply on behalf of themselves and their children. In addition, applicants already must provide Social Security numbers and information regarding family income.

The new laws require applicants, including those renewing their eligibility, to document citizenship and identity through one of the following criteria:

- A *primary* document that verifies both citizenship and identity, such as a passport or certificate of naturalization; or
- Separate *secondary* documents, one verifying citizenship, such as a birth certificate, and another verifying identity, such as a driver's license or school picture ID.

Who is being affected by these new rules?

The primary impact of the new requirements is on children and families.

The new rules do not apply to SoonerCare members who also belong in one of the following categories:

- Medicare beneficiaries
- Supplemental Security Income (SSI) recipients
- Youth in foster care or receiving adoption support
- Newborns (through age one)

How the citizenship documentation requirements came to be

The requirement was presented by its proponents in Congress as being necessary to control the problem of undocumented immigrants receiving Medicaid by falsely declaring themselves to be U.S. citizens. The new requirement was adopted at the federal level despite the lack of evidence that such a problem existed.

In response to a report in 2005 by the Inspector General of the Department of Health and Human Services, Mark McClellan then the Administrator of CMS, noted, "The report does not find particular problems regarding false allegations of citizenship, nor are we aware of any." (U.S. DHHS, Office of Inspector General, "Self-declaration of U.S. Citizenship for Medicaid," July 2005)

Where to find the regulations and policy

Federal - Section 1903 of the Social Security Act (42 U.S.C. 1396b)

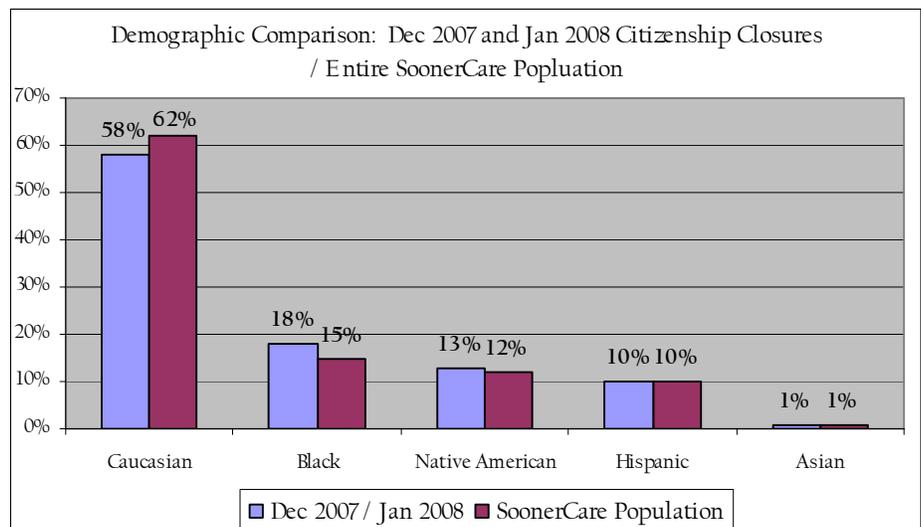
Steps being taken to mitigate the problem

- The documentation requirement is being phased in – new applicants and only those members coming up for their annual review are the individuals asked to provide citizenship documentation each month.
- OHCA / OKDHS have made arrangements to “electronically” match SoonerCare data with Oklahoma state birth certificate records.
- If data-matches do not provide results (individual was born out of state or not enough information provided for data-match), the member is provided up to 120 days to provide the necessary documentation.
 - ⇒ SoonerCare is accepting copies of originals. These can be sent by mail therefore saving the member a trip to the local OKDHS office.
 - ⇒ At least four (4) written notifications are sent to the member informing them of the requirements / necessary documentation before a SoonerCare case is closed. In some cases, local OKDHS county offices are sending out additional written requests for information and / or making personal phone calls.

The numbers

On Dec. 1, 2007, 5,841 SoonerCare members lost their medical benefits. The numbers look somewhat similar for Jan. 1, 2008. As of Dec. 3, 2007, 8,741 members are slated to lose coverage on January 1st, however, it is anticipated that this number will decrease to between 5,500—6,000 before the final closure notices are mailed later in December. The greater share of these closures is for children, at about 62 percent. This closely mirrors the SoonerCare population as a whole, which for SFY2007 was 61 percent children.

Other demographic similarities with the SoonerCare population are the racial breakdowns. The December 2007 closures and the anticipated January 2008 closures have the same racial splits (within 10ths of a percentage). These closure demographics closely align with the demographics of the entire SoonerCare population.



(It should be noted that members whose cases closed as of December 1st can have their case re-opened with health care benefits reinstated back to December 1st if they submit the required missing documentation during the month of December.)

Recent Federal Analyses

Two recent analyses—one by the Government Accountability Office and one by the majority staff of the Oversight Committee—have examined the impact of the DRA documentation requirements. They show that the documentation requirements have caused eligible U.S. citizens to lose Medicaid coverage and have not achieved the goal of saving taxpayers money. Specifically:

- The GAO report finds that the DRA documentation requirements have led to widespread declines in Medicaid enrollment and increased administrative costs.
- The staff analysis finds that the DRA documentation requirements have cost significantly more to implement than they have saved in expenditures by excluding undocumented immigrants from Medicaid coverage. For every \$100 spent by federal taxpayers to implement the new requirements in six states, only 14 cents in Medicaid savings can be documented.

U.S. Government Accountability Office, *Medicaid: States Reported Citizenship Documentation Requirement Resulted in Enrollment Declines for Eligible Citizens and Posed Administrative Burdens* (July 2007)(GAO/07-889) (online at <http://www.gao.gov/new.items/d07889.pdf>)

Center on Budget and Policy Priorities, *New Medicaid Citizenship Administrative Costs Are Up* (Mar. 13, 2007) (online at <http://www.cbpp.org/2-2-07health.htm>)