

U.S. House and Senate Notification
Tuesday, December 29, 2009

To: Congressional Health Staff

From: Amy Hall
Director, Office of Legislation
Centers for Medicare & Medicaid Services

Subject: CMS Releases Guidance Regarding Section 211 of CHIPRA - Citizenship Documentation Requirements

Today, the Centers for Medicare & Medicaid Services (CMS) released a State Health Official letter providing guidance on the implementation of citizenship documentation requirements in Medicaid and the Children's Health Insurance Program (CHIP), as required by section 211 of the Children's Health Insurance Program Reauthorization Act (CHIPRA). The Deficit Reduction Act of 2005 (DRA) required Medicaid applicants who declare to be a U.S. citizen or national to present satisfactory documentary evidence of citizenship prior to enrollment in Medicaid. Section 211 of CHIPRA revises several of these requirements, and, effective January 1, 2010, applies these requirements to CHIP and permits States to verify citizenship for individuals newly enrolled using a data file match with the Social Security Administration (SSA).

Specifically, section 211 of CHIPRA includes several provisions modifying the Medicaid requirement for documentation of citizenship, including a new option to assist States with meeting this requirement:

- Eligible individuals who declare to be U.S. citizens or nationals must be provided a reasonable opportunity to present satisfactory citizenship or nationality documentation evidence and must be enrolled in coverage pending the reasonable opportunity to document that claim;
- Tribal enrollment or membership documents issued from a federally recognized Tribe must be accepted as verification of citizenship—no additional identity documents are required;
- Children who are initially eligible for Medicaid or CHIP as deemed newborns are considered to have provided satisfactory documentation of citizenship and may not be required to submit further documentation at subsequent eligibility determinations or re-determinations;
- A new State option, available beginning January 1, 2010, allows verification of a declaration of citizenship for individuals newly enrolled in CHIP or Medicaid using a data match with SSA to confirm the consistency of a declaration of citizenship with SSA records, in lieu of the presentation of citizenship documentation; and
- The citizenship verification requirements described above will apply to CHIP beginning January 1, 2010.

Additional policy and regulatory guidance will be forthcoming on this issue and the CMS will continue to work with States to help them implement these provisions in a manner that is consistent with the statute.

If you have questions about this guidance, please contact the CMS Office of Legislation.
Thank you.