



State of Wisconsin  
**Department of Health and Family Services**

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Jim Doyle, Governor  
Helene Nelson, Secretary

MEMORANDUM

TO: All Interested Parties

FROM: Helene Nelson, Secretary, Department of Health and Family Services

RE: Federal Requirements to Verify Citizenship and Identity of Medicaid Recipients

DATE: June 20, 2006

The federal Deficit Reduction Act which passed earlier this year includes the requirement that persons applying for or receiving Medicaid benefits provide documentation of their U.S. citizenship and identity. All state Medicaid programs, including SeniorCare and BadgerCare, must comply with this requirement as of July 1, 2006.

U.S. citizenship or legal immigration status has always been a requirement for Medicaid eligibility. Non-citizens, with limited exceptions, are ineligible for Medicaid.

The implementation of this new requirement has awaited federal guidelines from the Centers for Medicare and Medicaid Services (CMS) to indicate what means of verification are expected and allowed. Unfortunately, the federal government failed to issue guidelines until June 9, 2006, which provides all stakeholders with very little time to implement the new requirements.

The Department of Health and Family Services is committed to implementing these new regulations for which no federal funding was provided as quickly as possible with the least amount of disruption for Wisconsin residents.

**State Plans for Implementation**

The Department is committed to maintaining health care benefits for people who meet eligibility criteria -- while making sure that eligibility requirements are documented in compliance with federal law. Therefore, in designing a plan to implement the new requirements, the Department's goal is to comply with federal law in a manner that avoids undue burden on Medicaid applicants/recipients, county agencies that administer eligibility requirements, or others.

The Department will move as expeditiously as possible to implement the recently issued CMS guidelines. We are assessing the recently issued CMS guidelines to determine the best way to do that.

Based on our initial review, the Department is now announcing our initial plan for compliance with new requirements. The Department has established that there are CARES records showing that over 246,000 current MA recipients have used birth certificates to verify their demographic information. We are also able to report that DHFS will be able, at the state level, to take immediate steps to verify the citizenship of

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many other current Medicaid recipients through currently available sources, such as federal records of the Social Security Administration.

The Department will take additional steps for full compliance with the new verification requirements as quickly as feasible. Instructions will be issued to county and tribal agencies in July. Planned action steps are explained more fully below.

### **Action Steps**

- By July 1, DHFS will take the following steps to verify the citizenship of roughly 40% of the existing Medicaid population through currently available sources.
  - Any Medicaid Recipient – Some Medicaid recipients have previously provided a copy of their birth certificate to the local agency. DHFS will identify those who already have this documentation on file and confirm with local agencies that appropriate documentation is on file.
  - People with Disabilities – DHFS will be able to verify citizenship for about 90,000 Medicaid recipients with disabilities through use of Social Security Administration data we currently receive.
  - Children - DHFS will be able to verify the citizenship of all children that were eligible for Medicaid at the time of their birth through use of Medicaid claims payment data. We know that when Medicaid has paid for a birth in the United States, the child is therefore a known U.S. citizen.
    - There are about 335,000 children on Medicaid/BadgerCare.
    - In recent years, Medicaid paid for about 25,000 births annually.
- DHFS will maximize the use of other existing data sources, such as birth records, driver license data and census data that may be available to allow automatic verification of citizenship and/or identity for Medicaid recipients and new applicants. For example, we will implement new procedures for automated matching of Wisconsin birth records with Medicaid and anticipate that can be accomplished in less than three months. We will explore longer term data exchanges with other states' vital records functions.
- In July, DHFS will issue detailed instructions to local county and tribal agencies that determine eligibility for Medicaid on how to work with applicants/recipients to implement the new federal requirements. It is expected that new procedures for documenting citizenship and identity will be implemented for new Medicaid applicants effective August 1. Consistent with the stated intent of the federal guidelines, local and tribal agency workers will request cooperation and offer assistance, time and flexibility to applicants/recipients to enable their compliance with the legal requirements. DHFS will review the best ways to do this without imposing unreasonable workload on county and tribal agencies.
- In conjunction with new instructions to county agencies, DHFS will implement changes in the automated CARES notices to request that recipients provide evidence of citizenship and identity. The CARES system already includes a way for workers to document that such verification was obtained; that portion of the CARES system will be modified to allow more detailed information to be captured about the form of verification that was reviewed.

- DHFS will also work closely with advocacy agencies to ensure that they have the information and resources necessary to assist families, seniors and persons with disabilities in complying with the new requirements at the time they apply for Medicaid benefits or renew their current eligibility for the program. The Department acknowledges the fact that many individuals who are eligible may face challenges in providing documentary evidence of citizenship and identity. The Department appreciates that a network of formal and informal support systems will be required to assist them, and DHFS will foster this collaboration to the extent we are able.
  
- DHFS is developing an outreach plan to inform and educate the public about the new requirements through the distribution of written materials, including brochures and posters.

### **Conclusion**

Despite the exceptionally short notice from the federal government, the Department is committed to implementing the new citizenship and identity verification requirements as quickly as possible. Specifically, by July 1, the Department will certify citizenship for thousands of Wisconsin citizens. In addition, the Department is committed to providing health care benefits to eligible Wisconsin citizens. The Department will announce detailed instructions in July to fully implement the new federal requirements for verification of citizenship and identity of Medicaid applicants. Information will be posted on the DHFS web site as it is updated and shared in informational memoranda and other forums with interested parties.