

## OTHER ELIGIBILITY REQUIREMENTS

### IDENTITY

**Policy:** All A/Rs, as a condition of eligibility for Medicaid, must be identified.

**References:**

SSL Sect.	366
Dept Reg.	351.11(b)(2)(ii)(a) 351.2(a) 360-2.3
INF	08 OHIP/INF-1
ADM	93 ADM-29
GIS	08 MA/028 08 MA/009

**Interpretation:** It is the responsibility of the applicant to establish his/her identity. When the A/R's name changes due to marriage, divorce or legal proceedings, the local district documents the change as appropriate.

Effective July 1, 2006, the Deficit Reduction Act of 2005 (DRA) amended federal Medicaid statute to require that all United States (U.S.) citizens applying for or renewing Medicaid coverage provide "satisfactory documentary evidence" of their U.S. citizenship and identity.

**NOTE:** The provisions of the DRA do not apply to immigrants. Individuals with satisfactory immigration status can continue to receive Medicaid in New York State as described in OMM 04 ADM-07.

For individuals who present other than primary documents, including birth certificates, LDSS must obtain additional proof of identity, such as a driver's license. If no other identity document is available for a child under age 16, a parent or guardian may certify to the child's identity, as long as an affidavit has not been used to document citizenship.

**Verification:** Identity documents presented by applicants/recipients (A/Rs) must be originals or copies certified by the issuing agency. Districts may copy or scan the documents for the LDSS files. The worker should make photocopies of any original documents and annotate on the copy that she or he saw the original or a document certified by the issuing agency.

## OTHER ELIGIBILITY REQUIREMENTS

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The DRA requires all states to obtain documentary evidence from citizen A/Rs and maintain this documentation in their case files, or risk losing federal matching funds. The federal government has stated that a U.S. passport book/card, or a Certificate of Naturalization (N-550 or N-570), or a Certificate of U.S. Citizenship (N-560 or N-561) issued by the United States Department of Homeland Security is considered a "primary" document. A New York State Enhanced Driver's License (EDL) is also considered a primary document. If an individual states they do not have one of these documents, LDSS may and should continue to accept birth certificates as proof of U.S. citizenship, however, an additional identity document is required from the identity section in the attached desk aid.

**Documentation:** An A/R who uses a primary document, such as a U.S. passport book/card, to establish citizenship is not required to submit a second document to prove identity. All other A/R's must establish their identity by providing a document from the following list or as otherwise specified below:

- Driver's license issued by a State or Territory either with a photograph of the individual or other identifying information 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 the Federal, State or local government with the same information included on a driver's license.
- Military dependent's identification card.
- Certificate of Degree of Indian Blood or other United States Native American/Alaska Native Tribal document with a photograph or other personal identifying information relating to the individual, such as age, weight, height, race, sex and eye color.
- U.S. Coast Guard Merchant Mariner card.

## **OTHER ELIGIBILITY REQUIREMENTS**

### **IDENTITY**

- A cross-match with a Federal or State government, public assistance, law enforcement, or corrections agency's data system. Some examples are (but not limited to): State Data Exchange (SDX), Beneficiary Data Exchange (BENDEX) and State Online Query (SOLQ).
- If none of the above identity documents is available, a combination of three or more corroborating documents that, when taken as a whole, reasonably verify the A/R's identity. Acceptable documents include marriage certificates, divorce decrees, employer identification cards, high school and college diplomas from accredited institutions (including general education and high school equivalency diplomas) and/or property deeds or titles. Voter registration cards are not acceptable. All corroborating documents must contain consistent identifying information. None of the documents may have been used to establish the A/R's citizenship. This method of proving identity may be used only when the A/R submitted second or third level evidence of citizenship.

### **SPECIAL RULES FOR CHILDREN YOUNGER THAN AGE 16**

Children who are younger than age 16 may have their identity documented through other means:

- Clinic, doctor or hospital record.
- School records, including report card or nursery or daycare record. The LDSS must verify the records 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. Affidavits need not be notarized. Identity affidavits may be used for children under age 18 when a school ID card or driver's license is not available to the child until she or he is 18 years of age.

## OTHER ELIGIBILITY REQUIREMENTS

### IDENTITY

#### **SPECIAL RULES FOR DISABLED INSTITUTIONALIZED INDIVIDUALS**

The LDSS may accept an identity affidavit signed under penalty of perjury by the director or administrator of a nursing facility or other residential care facility in which a disabled A/R resides. The LDSS should first pursue all other means to verify identity before accepting such an affidavit. The affidavit need not be notarized.

#### **HOMELESS INDIVIDUALS**

Homeless individuals often need assistance from the eligibility worker in obtaining acceptable proof of identity, citizenship or immigration status. When the applicant is a homeless individual, it may be difficult for him/her to establish his or her identity, citizenship or immigration status. However, just because an individual is homeless, she/he still must be identified. Proving one's identity is a requirement of the Medicaid program.

The eligibility worker may accept any of the aforementioned documents listed in the Identity section of the attached desk aide, as proof of identity for the homeless individual. If none of the identity documents listed above or in the desk aid is available, a combination of three or more corroborating documents may be used.

**NOTE:** If an individual is unable to verify his or her identity, citizenship or immigration status, workers should not assume she/he is therefore eligible for coverage of an emergency medical condition. The provisions of the DRA do not apply to immigrants applying for the treatment of an emergency medical condition. However, verification of identity is a requirement for this coverage and all other covered services.

#### **“JOHN/JANE DOE”**

A Medicaid application submitted by a “John/Jane Doe” individual (i.e., an individual who is unable to verify his or her identity) should be evaluated in the same manner as any other Medicaid applicant, that is, these individuals are required to meet the same documentation requirements as any other Medicaid applicant. A true “John/Jane Doe” individual is not eligible for Medicaid coverage for the treatment of an emergency medical condition. Verification of identity is a requirement for this coverage and all other covered services.

**OTHER ELIGIBILITY REQUIREMENTS****IDENTITY****Desk Guide:**

The desk aid/chart entitled "Documents Establishing U.S. Citizenship and Identity" reflects the final federal regulations on acceptable documentation for citizenship and identity and is attached on the next page.

## DOCUMENTS ESTABLISHING U.S. CITIZENSHIP AND IDENTITY

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### PRIMARY CITIZENSHIP DOCUMENTS

<b>Primary Documents</b>	Explanation: Highest reliability; proves U.S. citizenship and identity. No other document required.
United States passport	The Department of State issues this document. A U.S. passport does not have to be currently valid to be accepted as evidence of U.S. citizenship. Note: Spouses and children were sometimes included on one passport through 1980. U.S. passports issued after 1980 show only one person. Consequently, the citizenship and identity of the included person can be established when one of these passports is presented.
Certificate of Naturalization (DHS Forms N-550 or N-570)	Department of Homeland Security (DHS) issues for naturalization.
Certificate of U.S. Citizenship (DHS Forms N-560 or N-561)	Department of Homeland Security (DHS) issues certificates of citizenship to individuals who derive citizenship through a parent.

### SECONDARY CITIZENSHIP DOCUMENTS

<b>Secondary Documents</b>	Explanation: Districts should attempt to obtain the most reliable document available. Satisfactory reliability when a primary document not available; also requires an identity document.
A U.S. public birth certificate showing birth in: <ul style="list-style-type: none"> <li>• One of the 50 U.S. States;</li> <li>• District of Columbia;</li> <li>• American Samoa;</li> <li>• Swain's Island;</li> <li>• *Puerto Rico (if born on or after January 13, 1941);</li> <li>• *Virgin Islands of the U.S. (on or after January 17, 1917);</li> <li>• *Northern Mariana Islands (after November 4, 1986 (NMI local time); or</li> <li>• Guam (on or after April 10, 1899)</li> </ul>	The birth record document may be issued by the State, Commonwealth, territory or local jurisdiction. It must have been issued before the person was five years of age.  Note: If the document shows the individual was born in Puerto Rico, the Virgin Islands of the U.S., or the Northern Mariana Islands before these areas became part of the United States, the individual may be a collectively naturalized citizen. Collective naturalization occurred on certain dates listed for each of the territories. * See additional requirements for Collective Naturalization, on page 5.
Certification of Report of Birth issued by the Department of State (DS-1350)	The Department of State issues a DS-1350 to U.S. citizens in the U.S. who were born outside the U.S. and acquired U.S. citizenship at birth, based on the information shown on the FS-240. When the birth was recorded as a Consular Report of Birth (FS-240), certified copies of the Certification of Report of Birth Abroad (DS-1350) can be issued by the Department of State in Washington, D.C. The DS-1350 contains the same information as that on the current version of Consular Report of Birth FS-240. The DS-1350 is not issued outside the U.S.

**DOCUMENTS ESTABLISHING U.S. CITIZENSHIP AND IDENTITY** continued Ver: 11/19/07

**SECONDARY DOCUMENTS (continued)**

Secondary Documents continued	Explanation:
A Report of Birth Abroad of a U.S. Citizen (FS-240)	Satisfactory reliability when a primary document not available; also requires an identity document. The Department of State consular office prepares and issues this document. A Consular Report of Birth can be prepared only at an American consular office overseas while the child is under the age of 18. Children born outside the U.S. to U.S. military personnel usually have one of these.
Certification of birth issued by Department of State (Forms FS-545 or DS-1350)	Before November 1, 1990, Department of State consulates also issued Form FS-545 along with the prior version of the FS-240. In 1990, U.S. consulates ceased to issue Form-545. Treat an FS-545 the same as the DS-1350.
United States Citizen Identification Card (I-197 or prior version I-179)	The former Immigration and Nationality Services (INS) issued the I-179 from 1960 until 1973. It revised the form and renumbered it as Form I-197. INS issued the I-197 from 1973 until April 7, 1983. INS issued Form I-179 and I-197 to naturalized U.S. citizens living near the Canadian or Mexican border who needed it for frequent border crossings. Although neither form is currently issued, either form that was previously issued is still valid.
Northern Mariana Identification Card (I-873)	The former INS issued the I-873 to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 4, 1986. The card is no longer issued, but those previously issued are still valid.
American Indian Card (I-872)	DHS issues this card to identify a member of the Texas Band of Kickapoos living near the U.S./Mexican border. A classification code "KIC" and a statement on the back denote U.S. citizenship.
Final adoption decree	The adoption decree must show the child's name and U.S. place of birth. In situations where an adoption is not finalized and the State in which the child was born will not release a birth certificate prior to final adoption, a statement from a State approved adoption agency that shows the child's name and U.S. place of birth is acceptable. The adoption agency must state in the certification that the source of the birth information is an original birth certificate.
Evidence of civil service employment by the U.S. government	The document must show employment by the U.S. government before June 1, 1976.
Official Military record of service showing U.S. place of birth	The document must show a U.S. place of birth (for example a DD-214 or similar official document showing a U.S. place of birth).
Evidence of qualifying for U.S. citizenship under the Child Citizenship Act of 2000	Evidence of meeting the automatic criteria for U.S. citizenship outlined in the Child Citizenship Act of 2000 (P.L. 106-395). Applies to adopted or biological children born outside the U.S.

**THIRD LEVEL DOCUMENTS**

Third Level Documents	Explanation:
Extract of hospital record on hospital letterhead established at the time of the person's birth that was created at least 5 years before the initial application date and that indicates a U.S. place of birth	Satisfactory reliability when a primary or secondary document is not available; also requires an identity document DO NOT ACCEPT a souvenir "birth certificate" issued by the hospital.  Note: For children under 16, the document must have been created near the time of birth or 5 years before the date of application.

**DOCUMENTS ESTABLISHING U.S. CITIZENSHIP AND IDENTITY** continued Ver: 11/19/07

**THIRD LEVEL DOCUMENTS (continued)**

<b>Third Level documents continued</b>	Explanation: Satisfactory reliability when a primary or secondary document is not available; also requires an identity document
Life, health or other insurance record showing a U.S. place of birth that was created at least 5 years before the initial application date	Life, health or other insurance records may show biographical information for the person including place of birth; the record can be used to establish U.S. citizenship when it shows a U.S. place of birth.  Note: For children under 16, the document must have been created near the time of birth or 5 years before the date of application.
Religious record recorded in the U.S. within 3 months of birth showing a U.S. place of birth	Religious record recorded in the U.S. within 3 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. The record must be an official record recorded with the religious organization. Entries in a family bible are not considered religious records.
Early school record showing U.S. place of birth	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. School records must be verified with the school's administration.

**FOURTH LEVEL DOCUMENTS**

<b>Fourth Level Documents</b>	Explanation: Satisfactory reliability when a primary, secondary or third level document is not available; should be used only in the rarest of circumstances; also requires an identity document.
Federal or State census record showing U.S. citizenship or a U.S. place of birth (Generally for persons born 1900 through 1950)	The census record must also show the applicant's age. Note: Census records from 1900 through 1950 contain certain citizenship information. To secure this information the applicant, recipient or social services district should complete a Form BC-600, Application for Search of Census Records for Proof of Age. Add in the remarks portion "U.S. citizenship data requested." Also add that the purpose is for Medicaid eligibility. This form also requires a fee.
Other documents as listed in the explanation column that were created at least 5 years before the application for Medicaid (For children younger than 16, near the time of birth or 5 years before the application)	This document must be one of the following and show a U.S. place of birth: <ul style="list-style-type: none"> <li>• Seneca Indian tribal census record;</li> <li>• Bureau of Indian affairs tribal census records of the Navajo Indians;</li> <li>• U.S. State Vital Statistics official notification of birth registration;</li> <li>• Delayed U.S. public birth record that was recorded more than 5 years after the person's birth;</li> <li>• Statement signed by the physician/midwife who was in attendance at the time of birth; or</li> <li>• Bureau of Indian Affairs Roll of Alaska Natives.</li> </ul>

**DOCUMENTS ESTABLISHING U.S. CITIZENSHIP AND IDENTITY** continued Ver: 11/19/07

**FOURTH LEVEL DOCUMENTS (continued)**

<p><b>Fourth Level Documents continued</b></p>	<p>Explanation: Satisfactory reliability when a primary, secondary or third level document is not available; should be used only in the rarest of circumstances; also requires an identity document.</p>
<p>Institutional admission papers from a nursing facility, skilled care facility or other institution (created at least 5-years before the application date) showing a U.S. place of birth</p>	<p>Admission records generally show biographical information for the person including place of birth; the record can be used to establish U.S. citizenship when it shows a U.S. place of birth.</p>
<p>Written Affidavit</p>	<p>Affidavits should ONLY be used in rare circumstances. The affidavit must contain the following information under the following circumstances:</p> <ul style="list-style-type: none"> <li>• There must be at least two affidavits by two individuals who have personal knowledge of the event(s) establishing the applicant's or recipient's claim of citizenship.</li> <li>• The two affidavits can be combined in a joint affidavit.</li> <li>• At least one of the individuals making the affidavit cannot be related to the applicant or recipient.</li> <li>• The person(s) making the affidavit must be able to provide proof of his or her own citizenship and identity for the affidavit to be accepted.</li> <li>• The affidavit must also be signed under penalty of perjury by the person making the affidavit, but need not be notarized.</li> <li>• A separate affidavit from the applicant/recipient or other knowledgeable individual (guardian or representative) explaining why documentary evidence does not exist or cannot be readily obtained must also be obtained.</li> </ul>

**DOCUMENTS ESTABLISHING U.S. CITIZENSHIP AND IDENTITY (continued)** Ver: 11/19/07

When primary evidence of citizenship is not available, a document from the list of Secondary, Third, or Fourth Level Documents may be presented and must be accompanied by an identity document the list below.

**IDENTITY DOCUMENTS**

Documents to Establish Identity	Explanation: This section includes a list of acceptable documents that establish identity when a primary document is not available:
	<ul style="list-style-type: none"> <li>• A driver's license issued by 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. Do not accept a Canadian driver's license;</li> <li>• School identification card with a photograph of the individual;</li> <li>• U.S. military card or draft record;</li> <li>• Identification card issued by Federal, State, or local government with the same information included on the driver's license;</li> <li>• Military dependent's identification card;</li> <li>• Certificate of Degree of Indian Blood, or other U.S. Native American/Alaska Native Tribal document with photo or other identifying information;</li> <li>• U.S. Coast Guard Merchant Mariner card;</li> <li>• A cross-match with a Federal or State governmental, public assistance, law enforcement, or corrections agency's data system;</li> <li>• 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;</li> <li>• Disabled individuals in residential care facilities may have their 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.</li> <li>• Children under age 16 may have their identity documented using other means:             <ul style="list-style-type: none"> <li>○ Clinic, doctor or hospital record;</li> <li>○ School records including report card, day care or nursery school record. Records must be verified with the issuing school;</li> <li>○ 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. Affidavits need not be notarized. Identity affidavits may be used for children under 18 when a school ID card or driver's license is not available to the child until she or he is 18 years of age.</li> </ul> </li> </ul>

**DOCUMENTS ESTABLISHING U.S. CITIZENSHIP AND IDENTITY (continued)**

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**COLLECTIVE NATURALIZATION**

Territories	Explanation:
Puerto Rico	<p>Evidence that establishes U.S. citizenship for collectively naturalized individuals.</p> <ul style="list-style-type: none"> <li>• Evidence of birth in Puerto Rico on or after April 11, 1899 and the applicant's or recipient's statement that he or she was residing in the U.S., a U.S. possession or Puerto Rico on January 13, 1941; or</li> <li>• Evidence that the applicant/recipient was a Puerto Rican citizen and the applicant's/recipient's statement that he or she was residing in Puerto Rico on March 1, 1917 and that he or she did not take an oath of allegiance to Spain.</li> </ul>
U.S. Virgin Islands	<ul style="list-style-type: none"> <li>• Evidence of birth in the U.S. Virgin Islands, and the applicant/recipient's statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927; or</li> <li>• The applicant/recipient's statement indicating residence in the U.S. Virgin Islands as a Danish citizen on January 17, 1917 and residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927, and that he or she did not make a declaration to maintain Danish citizenship; or</li> <li>• Evidence of birth in the U.S. Virgin Islands and the applicant/recipient's statement indicating residence in the U.S., a U.S. possession or territory or the Canal Zone on June 28, 1932).</li> </ul>
Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Island [TTPI])	<ul style="list-style-type: none"> <li>• Evidence of birth in the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. territory or possession on November 3, 1986 (NMI local time) and the applicant/recipient's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time);</li> <li>• Evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975 and the applicant/recipient's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); or</li> <li>• Evidence of continuous domicile in the NMI since before January 1, 1974 and the applicant/recipient's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time).</li> </ul> <p><b>NOTE:</b> If a person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a U.S. citizen.</p>