



**County of San Bernardino
Department of Behavioral Health**

INFORMATION NOTICE NO 07-04

DATE: 11-21-07

TO: DBH Mental Health Specialists
DBH Financial Interviewers

FROM: Allan Rawland, Director 

SUBJECT: **Department of Behavioral Health - Implementation of the Federal Deficit Reduction Act of 2005 – Citizenship/Identity Status as a Condition of Medi-Cal Eligibility**

Overview All County Welfare Director's Letter (ACWDL) 07-12 was issued on 6/5/07 with instructions for implementing the requirements of the federal Deficit Reduction Act (DRA) of 2005. The requirements include: documentation of United States (U.S) citizenship or U.S. national status and identity as a condition of Medi-Cal eligibility for **applicants** and **recipients** who declare they are U.S. citizens or nationals.

This new requirement will replace all existing citizenship and identity requirements for U.S. citizens and nationals.

Impact to Non-citizens This new requirement **does not** change the documentation for individuals declaring as non-citizen immigrants. DBH will continue to follow existing Medi-Cal verification procedures for individuals who do not declare they are U.S. citizens or nationals.

Implementation San Bernardino County will implement the new process during the timeframes listed below:

- Medi-Cal applications taken 12/01/07 and on-going
 - Medi-Cal Re-Evaluation (RE) packets sent on or after 12/1/07
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Exempt Status

The following Medi-Cal recipients are exempt from the citizenship and identity requirements.

- Supplemental Security Income (SSI) beneficiaries/recipients (current and former)
 - Social Security Disability Insurance (SSDI – Title II) beneficiaries/recipients
 - Social Security Retirement and Survivors Insurance (RSI Title II) beneficiaries/recipients who receive benefits based on their own disability
 - Medicare beneficiaries/recipients
 - Deemed eligible infants who are born in the U.S. and who therefore are citizens (includes children born to non-citizen mothers and whose delivery was covered by Medi-Cal)
 - Minor Consent clients (In the Minor Consent case only)
 - Children receiving adoption or foster care assistance, including Kinship Guardianship Assistance Payment (Kin-GAP) recipients
 - Infants eligible under the Abandoned Baby Program who are also born in the U.S. and have no documentation
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Applicant Requirement

Medi-Cal applicants are required to provide documentation of citizenship and identity at the time of application. Benefits will not be approved until necessary documentation is provided.

Applicants who state they are unwilling to provide necessary documentation will have their eligibility determined for restricted benefits.

Recipient Requirement

Medi-Cal recipients are required to provide documentation of citizenship and identity, if not exempt, at the time of their next annual appointment Redetermination/Re-evaluation (RE). Benefits will continue as long as the client is making a **good faith effort** to obtain and provide necessary documentation.

If the client, for any reason and at any time, states he/she is unwilling to provide necessary documentation and/or stops making a good faith effort, eligibility will be determined for restricted benefits.

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Good Faith Effort

A client is making a good faith effort if he/she demonstrates effort to obtain and present satisfactory documents to meet the evidence of citizenship and/or identity requirements.

Examples of demonstrating a good faith effort include, but are not limited to:

- Providing a copy of a request for a document, such as, a photocopy of a letter, a copy of an email or a receipt for the requested document from the agency who will issue the document
 - Providing a copy of a document request sent to the appropriate agency or other entity
 - Providing copies of documents along with documentation that an original or certified copy of an acceptable document has been ordered
 - Written or verbal statements of effort to obtain citizenship documentation
 - Providing a copy of a check receipt or other documentation indicating that a citizenship or identity document has been ordered
 - A written or verbal update of progress
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Requesting Additional Time

If an applicant who is making a good faith effort to obtain or provide documentation of citizenship/identity needs additional time, San Bernardino County must allow a reasonable period of time.

- This time should be determined on a case by case basis, depending on how much time the applicant needs to obtain the required information
 - Follow-up action is required by Eligibility Workers if the information is not provided in the time the applicant needs to obtain the required documents.
 - Restricted Medi-Cal is only available to otherwise eligible citizens or nationals who, for whatever reason, indicate they will not present the required evidence of citizenship or identity, or who stop making a good faith effort to obtain it
 - When an applicant who is making a good faith effort provides acceptable documents and is otherwise eligible, Medi-Cal benefits must be granted from the date of application, including any eligible retroactive months, if requested.
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Obtaining Verification

In order to establish U.S. citizenship and identity, the client must provide originals or copies certified by the issuing agency. Verification for each component must demonstrate the following:

Citizenship – document must show either a U.S. place of birth or that he/she is a citizen or national

Identity – document must provide identifying evidence that relates to person named on the document

Citizenship and Identity Verification

Citizenship and identity verification must be presented to the Transitional Assistance Department (TAD) in person or by mail. Proof of citizenship and identity can be provided using one of the following documents:

- U.S. Passport issued without limitation (expired ones are acceptable)
- Certificate of Naturalization
- Certificate of U.S. Citizenship

If the client is unable to provide one of the above documents, the following lists other verification that may be used for citizenship and identity verification:

Citizenship

- U.S. Birth Certificate
- State Department Certification of Birth
- U.S. citizen I.D. Card
- American Indian Card
- Final adoption decree showing a U.S. place of birth

Identity

- Driver's license issued by a U.S. State or Territory with a photograph
 - School identification card with a photograph
 - Federal, state or local I.D. card
 - U.S. Military I.D. card or draft record
 - U.S. Military dependent I.D. card
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One-Time Activity

Documentation of citizenship and identity is a one-time activity and it is retained in the Medi-Cal Eligibility Data System (MEDS) for verification purposes. Once the verification is provided, documentation will not be collected again, even if the beneficiary:

- Moves from one county to another
- Has a break in aid, or
- Can verify he/she has documented citizenship in another state's Medicaid program

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Good Cause

Good cause can be claimed verbally or in writing. It exists if the verification was not provided for reasons beyond the control of the client.

Examples include:

- A prior belief that the documents did not exist or could not be attained
- Mental or physical impairment that is an impediment to obtaining the documents
- Securing the documents could result in physical danger

Note: Once the Eligibility Worker determines good cause, the client will be granted full Medi-Cal benefits. DBH will be required to bill for services back to the application date, but not to exceed one (1) year.

Reasonable Assistance

Staff is required to provide reasonable assistance to clients in obtaining evidence of citizenship/identity. Staff should assist clients by directing them to the appropriate agency to obtain the required documents and by allowing them the time they need to obtain it. Staff should also work to assist clients in securing or confirming evidence of citizenship/identity available when prior history of public assistance is identified from another California County Welfare Department (CWD).

The following are examples of reasonable assistance:

- Reviewing and explaining acceptable evidence of citizenship
 - Explaining how to provide evidence of good faith efforts to secure documents
 - Determining the possible acceptable documents that may be available to the client based on his or her individual circumstances
 - Providing any resource available that the county has to direct the applicant/recipient to obtain the document such as the name, address, and the telephone number of the vital statistics agency for their state of birth
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Verification Received after Approval or Restricted Benefits

If a client's benefits are reduced to restricted benefits for failure to provide evidence of citizenship and/or identity and subsequently provide verification within one year of the application date, the Eligibility Worker will restore the customer to full-scope eligibility back to the application date, including up to 90 days of retroactive eligibility prior to the month of application.

Note: DBH will be required to bill for services back to the application date, but not to exceed one (1) year.

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Aid Codes

Medi-Cal clients who were given a reasonable opportunity to provide evidence of citizenship/identity, but who either fail to provide or they are not making a good faith effort to provide, will have their benefits restricted. The following lists the aid codes used in this process:

Aid Code	Description
3V	Client or family eligible under 1931(b)
55	Client in need of long term care services
56	Cash aid based Medi-Cal cases for restricted scope eligible citizens
58 or 5F	Medically needy person or family

Note: If the aid code changes from *restricted* Medi-Cal benefits to *full* Medi-Cal benefits, DBH will be required to bill for services back to the application date, not to exceed one (1) year.

Financial Interviewer Requirements

New and existing clients requesting services from DBH will be required to speak with a Financial Interviewer to identify their Uniform Method to Determine Ability to Pay (UMDAP). If the client is a Medi-cal applicant or recipient, the following will occur:

Step	Action						
1	Client requests outpatient treatment services with OA staff						
2	OA staff makes a copy of the client's identification card along with the Medi-Cal card and files it in the client's chart						
3	<p>Financial Interviewer verifies eligibility by reviewing the Medi-Cal Eligibility Data System (MEDS)</p> <p>Important: MEDS will demonstrate full Medi-Cal or restricted Medi-Cal benefits.</p> <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="text-align: center;">If...</th> <th style="text-align: center;">Then...</th> </tr> </thead> <tbody> <tr> <td>The client is eligible to <i>full</i> Medi-Cal benefits</td> <td>The Financial Interviewer may interview the client based on pending issues, (i.e. Share of Cost (SOC), termination dates, etc</td> </tr> <tr> <td>The client is eligible to <i>restricted</i> Medi-Cal benefits</td> <td>The Financial Interviewer will interview the client</td> </tr> </tbody> </table>	If...	Then...	The client is eligible to <i>full</i> Medi-Cal benefits	The Financial Interviewer may interview the client based on pending issues, (i.e. Share of Cost (SOC), termination dates, etc	The client is eligible to <i>restricted</i> Medi-Cal benefits	The Financial Interviewer will interview the client
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4	Client receives the appropriate services based on their UMDAP assessment						
