DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO	DATE
Jacobs	9-22-08

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER J00157	[ ] Prepare reply for the Director's signature DATE DUE ___
2. DATE SIGNED BY DIRECTOR cc: Ms. Fortner, Dpt	[ ] Prepare reply for appropriate signature DATE DUE ___ [ ] FOIA DATE DUE ___ [X] Necessary Action

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	COMMENT
1.			
2.			
3.			
4.			

•DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-01-16
Baltimore, Maryland 21244-1850

September 17, 2008

Emma Forkner, Director
Department of Health & Human Services
P. O. Box 8206
Columbia, SC 29202-8206

Dear Ms. Forkner,

This letter clarifies the Medicaid eligibility policy for documenting identity for children under 16.

Special Identity Rules for Children, 42 CFR 438.407(f).

The Centers for Medicare & Medicaid Services (CMS) is committed to working with States to ensure that processes and procedures are in place which provide the means for local eligibility workers to correctly document citizenship and identity during the Medicaid eligibility application process. The Deficit Reduction Act of 2005 required States to obtain documentary evidence of citizenship and identity from citizens and U.S. nationals for Medicaid at the time of application or at the first redetermination occurring on or after July 1, 2006.

CMS conducted several on-site State visits in late 2007 and early 2008 to discuss and assess the impact of the new requirements and to provide technical assistance to enable States to more effectively administer this requirement. Our findings from the site visits and a review of several State Medicaid applications revealed that many States are routinely utilizing affidavits to document identity for children under 16 rather than complying with the *Special Identity Rules for Children* set forth in the regulation at 42 CFR 435.407(f). For example, some State medical assistance applications included affidavits that allowed identity attestation for more than one child. In addition the instructions to applicants do not advise the applicant to submit medical or school records to document the identity of children.

Adults making a Medicaid application for a child should be required to submit a clinic, doctor, hospital or school record to establish identity if a U.S. passport, Certificate of Naturalization, Certificate of Citizenship or school photo identification card are not available. If school records are accepted they must also be verified with the issuing school. Affidavits should only be used in rare circumstances after establishing that the documents listed in 438.407(f) do not exist. Affidavits also must be signed under penalty of perjury and state the date and place of birth.

Contact for Additional Information

If you have any questions about the application of special identity rules for children, please contact Ms. Lane Terwilliger, Technical Director, Division of Benefits, Eligibility and Managed Care in our CMS Central Office, who may be reached at (410) 786-2059 or Lane.Terwilliger@cms.hhs.gov.

Thank you for your attention to this most important matter. If you have any questions, please feel free to contact me at 404-562-7175 or mary.justis@cms.hhs.gov.

Warmest Regards,

Mary Kaye Justis, RN, MBA
Acting Associate Regional Administrator
Atlanta Regional Office