



Leadership Council of Aging Organizations

Larry Minnix, Jr., Chair

June 9, 2006

United States Senate
Washington, DC 20510

Via Fax and Mail

Dear Senator:

Effective July 1, 2006 all new applicants for Medicaid and all existing Medicaid beneficiaries who are due for recertification must provide proof of U.S. citizenship. This requirement was imposed under the Deficit Reduction Act (DRA). This new requirement is potentially disastrous to many seniors, people who suffer from Alzheimer's or dementia and those in long term care facilities. We, the undersigned members of the Leadership Council of Aging Organizations (LCAO), are concerned with the implementation of this new requirement and the negative effects it will have on *otherwise eligible* Medicaid beneficiaries.

This proof of citizenship requirement will be a hardship for many people who currently receive Medicaid—especially for those whose continuity of care will be disrupted due to denial of benefits—as well as potential new enrollees. This new requirement will disproportionately affect older African-Americans who were not permitted to be born in a hospital and were never issued a birth certificate. It will also prove to be a tremendous hardship for people with mental illness, Alzheimer's disease or dementia to provide proof of citizenship, as they may not understand the requirement, know where the proper paperwork is located or how to obtain the information if it is no longer in their possession. Survivors of natural disasters, such as Hurricanes Katrina and Rita, will also be negatively affected by this new requirement as their birth certificates and passports may have been destroyed.

We urge you to work expeditiously to introduce legislation to make technical corrections to the DRA. Of utmost importance is correcting the clearly unintended error with regard to people who are “dual eligibles” (receive both Medicare and Medicaid) and those who receive SSI benefits. As currently written the statute exempts “aliens” who meet this category, but the intent of Congress was obviously to exempt from this requirement seniors and the disabled who are dual eligibles or receive Medicare. The word “aliens” should be replaced with “individuals” to accurately reflect Congressional intent. Without the work of Congress to fix this error, millions of seniors and disabled people will be required to comply with the statute, even though Congress intended to exempt them.

We also ask that you encourage Health & Human Services Secretary Leavitt to use the discretion given to him in Section 6036 of the DRA to include other acceptable forms of documenting citizenship status. There are many ways to prove citizenship that would be more flexible and workable than providing a birth certificate with a “raised seal” or passport. For example, both the Social Security Administration and the Department of Justice have established other ways to determine citizenship besides a birth certificate or a passport. Some of the possibilities include: evidence of civil service employment by the U.S. Government prior to June 1, 1976; a religious record of birth, baptism or circumcision recorded in the U.S. within three months of birth; and military records which show a U.S. place of birth.¹ Allowing other documents to serve as proof of citizenship will relieve some of the pressure that this new requirement is putting on Medicaid recipients and on the states, while still serving to maintain the integrity of the Medicaid program.

We ask that you encourage Secretary Leavitt to require that state Medicaid agencies examine all existing sources for confirmation of a person's citizenship status *prior to* requesting information from the applicant or person completing their recertification. State Medicaid agencies could check: food stamp files, TANF files, SSI State Data Exchanges files and Social Security NUMIDENT files prior to requesting documentation from the

¹ These suggestions were taken from a list compiled by the Center on Budget & Policy Priorities. There are numerous other suggestions listed in their list. A copy of the list can be found at: www.cbpp.org.

applicant or person completing their recertification. Having state Medicaid agencies cross-reference data available from their files or computer sharing programs will drastically reduce the burden on Medicaid recipients. If citizenship status has been documented in one of these sources, it should be sufficient to satisfy the DRA requirement for Medicaid.

Finally we ask that you work to delay the implementation of the citizenship verification requirement until a final rule has been promulgated by HHS. Until a final rule is established there may be changes to the program and that may cause confusion at the state level that will further complicate this program, having a direct effect on Medicaid beneficiaries. Delaying the implementation of this requirement will help to ensure that people are not incorrectly denied necessary Medicaid services.

As currently written, Section 6036 of the DRA can be potentially disastrous to *millions of eligible* Medicaid recipients. We urge you to work on a technical corrections bill to ensure that the intent of Congress is properly carried out, to encourage Secretary Leavitt to use the discretion that was afforded him by Congress in expanding the list of acceptable forms of citizenship verification and to delay implementation of the requirement until the final rule is issued by HHS.

Thank you for your time and attention to this important matter.

Sincerely,

AFL-CIO
Alliance for Retired Americans
Alzheimer's Association
American Association for International Aging
American Association of Homes and Services for the Aging
American Public Health Association
American Society of Consultant Pharmacists
Association for Gerontology and Human Development in Historically Black Colleges and Universities
B'nai B'rith International
Families USA
National Academy of Elder Law Attorneys
National Association of Professional Geriatric Care Managers
National Association of Social Workers
National Association of State Long-Term Care Ombudsman Programs
National Association of State Units on Aging
National Citizens' Coalition for Nursing Home Reform
National Committee to Preserve Social Security and Medicare
National Council On Aging
National Indian Council on Aging, Inc.
National Senior Citizens Law Center
Service Employees International Union
United Jewish Communities
Volunteers of America