



IMPORTANT UPDATE ON NEW MEDICAID CITIZENSHIP DOCUMENTATION REQUIREMENTS AND TEXAS

Texas-Born Infants of Non-Citizen Mothers Are Eligible for Medicaid; Texas Medicaid Policies Should Mean Few Denials for U.S. Citizens of all Ages

Some recent media reports have erroneously stated that the new federal Centers for Medicare and Medicaid Services (CMS) rules deny Medicaid coverage to newborns of “Emergency Medicaid” non-citizen mothers. In fact, *the new federal law and rule did not change eligibility for Medicaid in any way*. It is critical that Texas health care providers and social service agencies understand the correct policy so that (1) eligible U.S. citizens are not wrongfully denied Medicaid, and (2) health care providers do not incur avoidable uncompensated care. Providers and community-based organizations should also make certain that Texas Medicaid policies are being followed correctly in their facilities and communities, because these policies should minimize Medicaid denials and delays for U.S. citizens of all ages— not just newborns. *Please share this important information with your staff who work with Medicaid applications.*

Key Facts on Newborns

The barriers to enrollment of newborn U.S. citizens reported by other states should be less severe in Texas, for the reasons outlined in the bullets below.

- Because Texas Medicaid has long treated U.S. citizen newborns with non-citizen mothers differently from U.S. citizen newborns with citizen mothers, it has been less difficult for Texas to deal with recent federal rule changes than in most other states. Before July 2006 most states gave the newborns of the immigrant “Emergency Medicaid” moms the same automatic coverage as those born to full-Medicaid coverage U.S. citizen moms. Texas is one of just 8 states (AR, CT, KS, LA, MD, MS, TX, and WI) that have treated these two groups of newborns differently.
- Texas has for many years required that a Medicaid application be submitted for any newborn whose mother did not receive full Medicaid coverage. This applies to babies born either to undocumented or legal immigrant mothers (both are excluded from Texas Medicaid) under “Emergency Medicaid,” and also to babies of privately-insured low-income U.S. citizen mothers who applied for Medicaid for their infants. All these babies, whose mothers do not have full Medicaid benefits, are enrolled in Texas Medicaid’s “TP 43.”
- In contrast, babies born to mothers getting full Medicaid maternity coverage in Texas are automatically enrolled in “TP 45,” i.e., without having to complete an additional application for the baby.
- The new federal CMS rules that took effect July 2006 directed the other 42 states to stop providing automatic enrollment for the newborns of the immigrant moms, and start requiring an application for those babies (*note: this was not required in the federal law, and was strictly a CMS decision*). For hospitals in the other 42 states, this has been a disruptive change, since they were not accustomed to the process. Also, many of those states are interpreting and implementing the new CMS citizenship documentation rules in a more cumbersome and impractical manner than Texas

Medicaid. As a result, the new processing and documentation requirements combined have created real problems for newborns in some of those states.

- Texas Medicaid policies that have minimized the disruption for Texas newborns include:
 1. Hospitals were already accustomed to making application for these newborns;
 2. Hospital record of a Medicaid-paid birth in U.S. is accepted as proof of citizenship (no need to wait for birth certificate); and
 3. Signed application for Medicaid (whether signed by parent or authorized representative) is accepted as proof of infant identity.
- Given these Texas policies, **no infant born in a Texas hospital should be denied Medicaid because of lacking citizenship documentation.** *If denials occur in such cases, it is likely because Texas Medicaid policy has not been correctly applied.*
- Despite the Texas Health and Human Services Commission (HHSC) policy, the agency reports that 200 infants under age 1 were denied new Medicaid applications in August, September, and October 2006. Unless all of these were infants born in another state, and whose parents lacked the baby's birth certificate and were unable to provide one within the 45 days allowed by HHSC, it is likely that some of these denials were in error.
- HHSC will intervene to correct errors if they are reported, and has provided CPPP with contacts to assist in resolving problems. **Providers, advocates and individuals should feel free to contact CPPP if they have a question or would like HHSC to investigate whether policy is being followed correctly** (dunkelberg@cphp.org ; or phone Anne Dunkelberg (512) 320-0222 X102).

More Critical Information on Texas Medicaid and Citizenship Documentation

Several other important provisions of Texas Medicaid's policy should minimize the number of denials of Medicaid applicants or renewals, and hospitals need to know about them.

- To promote early entry into prenatal care, Texas Medicaid will allow some flexibility in collecting documentation to expedite applications for Medicaid maternity coverage.
- Persons born in Texas who do not have a hard copy of their birth certificate can request that HHSC check the Texas Bureau of Vital Statistics electronic database to verify their citizenship. HHSC will need the applicant's mother's maiden name and correct date and location of birth to facilitate that process.
- For persons born outside Texas, HHSC can accept legible photocopies of birth certificates.
- HHSC can accept a wide range of alternative documents to prove citizenship or identity. HHSC workers are to accept the best available documents from the list of acceptable forms, without creating a delay in the application. A complete list can be found on the last 2 pages at this link: <http://www.dads.state.tx.us/handbooks/TexasWorks/res/Bulletins/08-21-06.htm>
- Some patients who qualify for Medicaid and were born out of state will not have a copy of their birth certificate. **Providers and advocates can help patients (and improve their chances of being reimbursed for care) by helping such individuals access a birth certificate.** The Centers for Disease Control and Prevention (CDC) has a helpful web site which can direct patients to their home state's official birth certificate agency, offering them the fastest and least expensive way to get a birth certificate:
<http://www.cdc.gov/nchs/howto/w2w/w2welcom.htm>
- Texas Medicaid has given all persons already enrolled as of 7/1/2006 at least 6 months (i.e., from their first renewal after 7/1/2006 to the next scheduled renewal) to provide any needed documents. Persons who have previously provided a birth certificate should not have to do so

again. All persons on SSI (seniors or disabled) or Medicare are exempt from the documentation requirement.

Good News and Bad News

The center began working with Texas health care providers and advocates to monitor the new policy in August, and in mid-October posted a request for any stories of problems with the new citizenship documentation requirement at www.cppp.org. However, only one report of an error in correct Medicaid policy has been reported to us, and no individual reports of Medicaid denials have been received to date.

HHSC is very responsive to receiving and investigating any problems with policy not being followed properly in the field. Diverse health care provider groups and advocates have pledged to help track the impact of the new policy. This means Texas is well-positioned to minimize the number of eligible U.S. citizens denied Medicaid because of the new paperwork requirement.

Though these are hopeful signs, HHSC has begun reporting numbers of new Medicaid applications denied strictly for citizenship documentation. These numbers, if coded accurately by state eligibility staff, should not include any persons denied for any other reason. **So, the bad news is that the numbers below show that nearly 3,800 applicants were denied Texas Medicaid on this basis in August, September, and November 2006.** These numbers include infants under age 1 as well as pregnant women, despite HHSC procedures that should facilitate enrollment of newborns and pregnant women. It is imperative that correct information be distributed widely in Texas, so we can ensure that:

1. correct Texas Medicaid policy is applied to applications and (eventually) renewals, and
2. all eligible U.S. citizens get the help they need to get out-of-state birth certificates or other required documents.

In order to ensure that no eligible U.S. citizen is denied Medicaid, we need to find out more about exactly why these applicants were denied coverage. As we learn more, we will keep you updated.

Denials of New Texas Medicaid Applications for Citizenship Documentation, 8-06 thru 10-06

	August	September	October	Row total
Pregnant Women	123	252	201	576
Child < age 1	20	92	88	200
Child 1-5	161	473	657	1,291
Child 6-18	94	370	571	1,035
Adults (TANF level)	147	262	256	665
Column total	545	1,449	1,773	3,767

Source: Texas Health and Human Services Commission

CPPP wants to help address any problems with the Medicaid Citizenship Documentation requirement, and we need your help to identify the kinds of problems clients are having. Please contact us with problems, comments or questions at: dunkelberg@cppp.org ; or phone Anne Dunkelberg (512) 320-0222 X102

Please forward this to persons and groups who may work with affected Texans!