



Center for Medicaid & State Operations

February 22, 2007

SMDL #07-002

Dear State Medicaid Director:

We are writing to inform you of recent legislative changes made to section 1903(x) of the Social Security Act (the Act), which establishes new requirements related to documentation of citizenship by Medicaid applicants or recipients who declare they are citizens or nationals of the United States. Guidance on the implementation of section 1903(x) of the Act was provided through a State Medicaid Director's letter on June 9, 2006, and the publication of an Interim Final Rule with comment period on July 12, 2006. Section 405(c)(1) of the Tax Relief and Health Care Act of 2006 (TRHCA), P.L. 109-432, which amends section 1903(x), was enacted on December 20, 2006.

The TRHCA amends section 1903(x) by replacing the word "alien" in 1903(x)(2) with the phrase "individual declaring to be a citizen or national of the United States." This change corrects in statute the scrivener's error as described in the Interim Final Rule with comment period. This correction does not affect the policy as described in the Interim Final Rule.

The TRHCA also amended section 1903(x)(2) to exempt two additional groups of individuals from the provisions requiring presentation of satisfactory documentary evidence of citizenship or nationality. These groups are:

- Individuals receiving disability insurance benefits under section 223 of the Act or monthly benefits under section 202 of the Act, based on such individual's disability (as defined in section 223(d) of the Act); and
- Individuals with respect to whom child welfare services are made available under part B of title IV on the basis of being a child in foster care, or adoption or foster care assistance is made available under part E of title IV of the Act.

It should be noted that policy outlined in this letter, as provided for by TRHCA, Division B, Section 405(c)(1)(A) supersedes the policy outlined in the Interim Final Rule published on July 12, 2006, regarding these groups.

These amendments made to 1903(x) by TRHCA are effective as if included in section 6036 of the Deficit Reduction Act of 2005.

In addition, important amendments were made to the title IV-E program, and the Children's Bureau will be issuing guidance on those provisions.

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The Centers for Medicare & Medicaid Services' contact for this new legislation is Jean Sheil, Director, Family and Children's Health Program Group, who may be reached at 410-786-5647.

Sincerely,

/s/

Dennis G. Smith
Director

cc:

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