



PROPER PLANNING MAY CREATE PEACE OF MIND



JULY 2006

DELAYED IMPLEMENTATION OF DEFICIT REDUCTION ACT

Florida has delayed implementing the Deficit Reduction Act (DRA) signed by the President on February 8, 2006. The DRA made sweeping changes to prior Medicaid law. One change expands the look-back period from three to five years (see our February 2006 newsletter). The benefit of the delay is seeing what policy guidance comes down from the Center for Medicare & Medicaid Advocacy which has not issued any policy statements to date.

New Requirements for Establishing Citizenship: One section of the DRA mandates the states to require people applying for Medicaid to document their citizenship and identity. This requirement is effective July 1, 2006 for both new applications and renewals. It is designed to ensure that only citizens or qualified legal aliens gain access to Medicaid.

States are required to obtain documents from the primary list before looking to other evidence of citizenship set forth on three other lists. Only a document listed on the primary level proves both citizenship and identity.

Acceptable primary documentation of both identification and citizenship includes a: U.S. pass-

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port; Certificate of Naturalization; or Certificate of U.S. Citizenship. Secondary documents that qualify as evidence of citizenship include: a U.S. Birth certificate; an American Indian Card issued by the Department of Homeland Security; a final adoption decree, or an official military record of service showing a U.S. place of birth.

If no documentation can be located a person can submit written affidavits from two individuals—one from a person who is not related to the applicant, and one from the applicant. The individual making the affidavit must be able to prove their own citizenship and identity for the affidavit to be accepted. The second affidavit must explain why documentary evidence does not exist or cannot be readily obtained. A state driver’s license can establish both requirements only if the state issuing the license requires proof of U.S. citizenship or obtains a social security number and verifies it is valid and assigned to the applicant before issuing the license.

In order to prevent people already receiving Medicaid from losing their benefits, people enrolled in Medicare or receiving SSI would be exempt. People making a good faith effort will not lose coverage.

The other teams could make trouble for us if they win.
— Yogi Berra

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- ◆ Emergency & Standard Guardianships
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