



Bulletin

NUMBER

#15-25-01

DATE

January 23, 2015

OF INTEREST TO

County Directors

Social Services Supervisors
and Staff

AC Program Administrative
Contacts

County Public Health
Nursing Services

Tribal Health Directors

LTCC Administrative
Contacts

ACTION/DUE DATE

Understand changes for
verification effective 1/1/15

EXPIRATION DATE

January 23, 2017

Alternative Care Program(AC) – New Process for Verification of Citizenship or Immigration Status

TOPIC

Clarification of citizenship or immigration status verification requirements for the AC program

PURPOSE

This bulletin provides policy and instructions for the new verification requirements of citizenship or immigration status as part of the AC program eligibility process.

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SIGNED

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TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

I. Background

On October 18, 2013, the Department of Human Services (DHS) received approval from the Centers for Medicare and Medicaid Services (CMS) for federal financial participation (FFP) for the Alternative Care (AC) program. This approval relates to items that were part of Reform 2020 section 1115 Waiver. Due to the receipt of federal funding, AC program applicants/recipients must attest to their immigration status at application and/or at reassessment.

II. Introduction

The AC program has always followed the same rules as Elderly Waiver (EW) for noncitizens. This was also emphasized in bulletin #12-21-02 when noncitizens were closed from Noncitizen Medical Assistance (NMED) and EW and it was instructed that they were not to be referred to the AC program. The AC program has not currently required applicants/recipients to attest to citizenship or immigration status. This procedure is now changing due to the receipt of federal funding and all AC applicants/recipients must attest to their immigration status. This bulletin will provide the policy and instructions:

- To verify citizenship and immigration status for the AC program
- To use the new field on the AC Program Eligibility Worksheets(DHS 2630 and DHS 2630A) that pertains to citizenship and immigration status
- To provide required actions if citizenship or immigration status cannot be verified.

III. Instructions for Determining Citizenship and Immigration Status for AC Eligibility

Noncitizens are not eligible for the AC program. This applies to new applicants as well as existing recipients of AC services. AC program applicants must attest to their immigration status at application and have an additional 90 days to provide acceptable supporting documentation. Current AC recipients will also have to attest to their immigration status and provide supporting documentation. The AC Program Eligibility Worksheets, DHS-2630 and DHS-2630A, Disclosure and Agreement/Requirements of Program Participation section, has been updated with a question that applicants/recipients will answer that attests to their immigration status. The applicant/recipient will need to state if they are a U.S. Citizen or U.S. National. A non-citizen should indicate if they are a Legal Permanent Resident (LPR), refugee, or asylee in the immigration status field along with the date that they entered into the U.S. The date entered in the U.S. helps establish eligibility for the program based on the number of years the person has been into the U.S.

The following chart lists verification of immigration status for the AC program. The left column lists the qualified immigration statuses that are used for Medical Assistance (MA) and now for AC. Immigrants with the statuses of Legal Permanent Resident, Battered Immigrant, or Paroled for 1 year or more must also meet the 5 year bar or have entered the U.S. prior to 8/22/96 (see the ** at the end of the chart) . The column on the right shows the acceptable supporting documents for the status.

A. AC Qualified Immigration Statuses for Adults and Supporting Documentation

This chart was developed for use by the Alternative Care (AC) program and follows MA immigration requirements. Applicants must attest to their immigration status at application and have an additional 90 days to provide acceptable supporting documentation.

Qualified Immigration Status	Supporting Documents
Amerasian	<ul style="list-style-type: none"> • Arrival/Departure Record (I-94) • Arrival/Departure Record (I-94) in unexpired foreign passport • Permanent Resident Card, "Green Card" (I-551) • Temporary Permanent Resident (I-551) stamp on passport • Reentry Permit (I-327) • Other*
American Indian Born in Canada or Member of a Federally Recognized Indian Tribe	<ul style="list-style-type: none"> • Permanent Resident Card, "Green Card" (I-551) • Document indicating a member of a federally recognized Indian tribe or American Indian born in Canada • Other*
Asylee	<ul style="list-style-type: none"> • Arrival/Departure Record (I-94) • Arrival/Departure Record (I-94) stamp in unexpired foreign passport • Refugee Travel Document (I-571) • Employment Authorization Document (I-766) • Unexpired foreign passport • Other*
Battered Spouse, Child, or Parent**	<ul style="list-style-type: none"> • Permanent Resident Card, "Green Card" (I-551) • Employment Authorization Document (I-766) • Notice of Action (I-797) indicating Prima Facie Determination under Violence Against Women Act • Other*
Conditional Entrant	<ul style="list-style-type: none"> • Arrival/Departure Record (I-94) • Arrival/Departure Record (I-94) stamp in unexpired foreign passport • Employment Authorization Document (I-766) • Other*
Cuban/Haitian Entrant	<ul style="list-style-type: none"> • Arrival/Departure Record (I-94) • Arrival/Departure Record (I-94) in unexpired foreign passport • Permanent Resident Card, "Green Card" (I-551) • Temporary Permanent Resident (I-551) stamp on passport

Qualified Immigration Status	Supporting Documents
	<ul style="list-style-type: none"> • Reentry Permit (I-327) • Other*
Iraqi/Afghani Special Immigrant	<ul style="list-style-type: none"> • Arrival/Departure Record (I-94) • Arrival/Departure Record (I-94) stamp in unexpired foreign passport • Permanent Resident Card, "Green Card" (I-551) • Temporary Permanent Resident (I-551) stamp on passport • Machine Readable Immigrant Visa with Temporary I-551 Language • Unexpired Foreign Passport • Other*
Lawful Permanent Resident (LPR)**	<ul style="list-style-type: none"> • Permanent Resident Card (I-551) • Temporary Permanent Resident (I-551) stamp on passport • Reentry Permit (I-327) • Arrival/Departure Record (I-94) • Arrival/Departure Record (I-94) stamp in unexpired foreign passport • Employment Authorization Document (I-766) • Other*
Paroled into the U.S. for at least one year**	<ul style="list-style-type: none"> • Arrival/Departure Record (I-94) • Arrival/Departure Record (I-94) stamp in unexpired foreign passport • Employment Authorization Document (I-766) • Other*
Refugee	<ul style="list-style-type: none"> • Arrival/Departure Record (I-94) • Arrival/Departure Record (I-94) stamp in unexpired foreign passport • Refugee Travel Document (I-571) • Employment Authorization Document (I-766) • Other*
Victim of Severe Trafficking	<ul style="list-style-type: none"> • Arrival/Departure Record (I-94) • Arrival/Departure Record (I-94) stamp in unexpired foreign passport • Other*
Withholding of Removal or Withholding of Deportation	<ul style="list-style-type: none"> • Arrival/Departure Record (I-94) • Arrival/Departure Record (I-94) stamp in unexpired foreign passport • Refugee Travel Document (I-571) • Employment Authorization Document (I-766) • Other*

*Other acceptable supporting documents include court orders, United States Citizenship and Immigration Services (USCIS) notice of action (I-797), or other official document from immigration authorities. At minimum, these documents must include identifying information, an alien number or I-94 number and the individual's immigration status.

** Individuals with LPR, battered, or paroled for at least 1 year status must have entered the U.S. before 8/22/96; or have resided in the U.S. for five year or more in a qualified

status; or meet the military service exemption in order to qualify for AC or MA. The military exemption allows immigrants with LPR, battered, or paroled for at least 1 year statuses to qualify for MA regardless of their date of entry or length of time in the U.S. Immigrants meet this exemption if they are honorably discharged veterans of the U.S. armed forces or are on active duty in the U.S. armed forces. The exemption also applies to the spouse and unmarried children of the veteran or active duty personnel.

B. Action Required

The case manager/certified assessor will use the following process to verify citizenship or immigration status:

1. Check to see whether the AC applicant /recipient is currently enrolled in or receiving benefits from a program that would have already verified their citizenship or immigration status. AC applicants or recipients with current or past enrollment in one or more of the programs listed below have already verified their citizenship or immigration status in order to receive those benefits. As a result they are not required to verify their citizenship or immigration status again. Eligibility for the following programs require verification of citizenship or immigration status:
 - Medical Assistance
 - Medicare
 - Medicare Savings Programs (including Qualified Medicare Beneficiary (QMB), Service Limited Medicare Beneficiary (SLMB), Qualified Individual (QI)
 - Supplemental Nutrition Assistance Program (SNAP)
 - Nutrition Assistance Program for Seniors (NAPS)
 - Supplemental Security Income (SSI) Benefits
 - Social Security Retirement Survivors and Disability Insurance (RSDI)

Enrollment in the above programs can be verified in the MAXIS or MMIS systems. If a recipient/applicant is receiving RSDI or SSI and is not enrolled in one of the programs above that can be verified in MMIS or MAXIS, paper documents can be used to verify receipt. Acceptable paper documents to verify the receipt of RSDI or SSI include either a copy of the client's most recent check from the Social Security Administration (SSA), a bank statement showing a deposit from SSA, or a copy of the award letter from SSA.

2. If an AC applicant/recipient who indicates that he or she is a U.S. Citizen or National is not enrolled in one of the programs listed above or is unable to provide verification of receipt of Medicare, SSI or RSDI benefits, other documentation should be requested. Do not request original documents; copies are acceptable. The following paper documentation is acceptable :
 - U.S. passport or U.S. passport card issued by the Department of State, without regard to expiration date.
 - Certification of Naturalization.
 - Certificate of U.S. Citizenship.
 - Valid State-issued driver's license if the State issuing the license requires proof of U.S. citizenship, or obtains and verifies a social security number

from the applicant who is a citizen before issuing the license. (Note: Minnesota does not require verification of U.S. citizenship, only requires verification of immigration status.)

- Documentary evidence issued by a Federally recognized Indian Tribe which includes the:
 - Name of the federally recognized Indian tribe that issued the document
 - Individual by name; and
 - Confirms the individual's membership, enrollment, or affiliation with the tribe
- Documents that meet these requirements include, but are not limited to:
 - A tribal enrollment card;
 - A Certificate of Degree of Indian Blood;
 - A tribal census document;
 - Documents on Tribal letterhead, issued under the signature of the appropriate tribal official that meets the requirements above.

C. Additional Documentation

If an individual is unable to provide one of the above documents, he/she may submit one of the following documents accompanied by an identity document:

- U.S. birth certificate
- Certification of Report of Birth, issued to U.S. citizens who were born outside the U.S.
- Report of Birth Abroad of a U.S. Citizen
- Certification of birth
- U.S. Citizen ID card
- Northern Marianas ID Card, issued to a collectively naturalized citizen, who was born in the Commonwealth of the Northern Mariana Islands (CNMI) before November 4, 1986
- Final adoption decree showing the child's name and U.S. place of birth,
- Evidence of U.S. Civil Service employment before June 1, 1976
- U.S. Military record showing a U.S. place of birth
- Documentation that a child meets the requirements of section 101 of the Child Citizenship Act of 2000 (8 U.S.C. §1431)
- Medical records, including, but not limited to, hospital, clinic, or doctor records or admission papers from a nursing facility, skilled care facility, or other institution that indicate a U.S. place of birth. Life, health, or other insurance record that indicates a U.S. place of birth.
- Official religious record recorded in the U.S. showing that the birth occurred in the U.S.
- School records that show the child's name (now the adult) and U.S. place of birth.
- Federal or state census record showing U.S. citizenship or a U.S. place of birth.
- Affidavit. If the applicant does not have one of the documents listed above

he or she may submit an affidavit signed by another individual under penalty of perjury who can reasonably attest to the applicant's/recipient's citizenship, and that contains the applicant's/recipient's name, date of birth, and place of U.S. birth. The affidavit does not have to be notarized.

3. AC applicants/recipients as part of the process of confirming their status as citizens or qualified noncitizens must also show proof of identity. Identity may be documented as follows:
 - A. The following documents may be used to document identity, provided that such document has a photograph or other identifying information including, but not limited to, name, age, sex, race, height, weight, eye color or address:
 - Driver's license or ID card containing a photograph, issued by a state territory of the U.S.
 - School ID with photograph (may be expired).
 - Voter's registration card.
 - U.S. military card or draft record.
 - U.S. military dependent's ID card.
 - ID card issued by federal, state or local government.
 - Native American tribal documents.
 - U.S. Coast Guard Merchant Mariner Card.
 - B. Two documents containing consistent information that supports the applicant's/recipient's identity. Such documents include but are not limited to:
 - Employer ID card (may be past employer).
 - High school and college diploma (including high school equivalency diplomas).
 - Marriage certificate.
 - Divorce decree.
 - Property deed or title.
 - C. Affidavit. If the applicant/recipient is not able to verify identity using any of the above methods, the applicant may submit an affidavit signed, under penalty of perjury, by another person who can reasonably attest to the applicant's/recipient's identity. Such affidavit must contain the applicant's/recipient's name and other identifying information establishing identity (age, sex, race, height, weight, eye color or address). This affidavit does not have to be notarized.

D. AC Eligibility Determinations

For new AC applicants, determine the applicant's citizenship or immigration status at the time of the new application. For current AC recipients, determine their citizenship or immigration status at the time of their next renewal for the AC program. Once citizenship or immigration status has been established for the applicant or the recipient, at the time of the renewal it will not have to be established again. For recipients that are currently on Temporary AC and waiting for a determination of Medical Assistance/Elderly Waiver citizenship or immigration status will be determined by the Lead Agency Financial Worker. If the client on temporary AC does not convert to Elderly Waiver and will continue on regular AC you can verify the citizenship or the immigration status from the verifications provided with the application for Medical Assistance (MA). If no verifications were provided

at the time of the MA application then you will need to follow the instructions as listed above to verify citizenship or immigration status.

The Alternative Care Program Eligibility Worksheets, DHS-2630 and DHS-2630A have been updated with a question that the AC applicant/recipient will need to indicate if they are a U.S. citizen or a U.S. National. A non-citizen should indicate if they are a Legal Permanent Resident (LPR), refugee, or asylee in the immigration status field along with the date that they entered into the U.S. The date entered in the U.S. helps establish eligibility for the program based on the number of years the person has been in the U.S. This information is listed in the chart that is in section A of this bulletin. This question is mandatory and the applicant/recipient must answer and provide the documentation as needed.

Example 1: Oscar is 76 years old and has been screened for Home and Community Based Services. His level of need is nursing facility level of care and he is not currently eligible for MA. His needs can be met using services provided by the AC program. Oscar is single and fills out DHS-2630 – Alternative Care Program Eligibility worksheet and answers the question that he is a U.S. citizen. Before asking Oscar for verification of his citizenship it is noted by the certified assessor from DHS-2630 that Oscar receives RSDI. The certified assessor then:

- Verifies in MAXIS or MMIS If Oscar ever received any of the programs that are listed in section B of this bulletin
- Oscar is not known to MAXIS or MMIS but is receiving RSDI
- Oscar provides a bank statement that shows direct deposit of RSDI

The bank statement verifies receipt of RSDI and no further verification is needed. The certified assessor opens Oscar to the AC program and nothing further must be submitted.

Example 2: Pearl is 80 years old and has been screened for Home and Community Based Services. Her level of need is nursing facility level of care and she is not currently eligible for MA. Her needs can be met using services provided by the AC program. Pearl is single and fills out DHS-2630 – Alternative Care Program Eligibility worksheet and answers the question that she is a U.S. citizen. Pearl does not report RSDI or SSI income on the worksheet. The case manager looks for verification that Pearl is a citizen by:

- Verifies in MAXIS or MMIS If Pearl has ever received any of the programs that are listed in section B of this bulletin – and she has not
- Verifies from Pearl that she does not receive Medicare, RSDI or SSI
- Pearl cannot find any documentation of her citizenship at this time

The case manager opens AC for Pearl and advises her that she has 90 days to provide acceptable supporting documentation of her citizenship or immigration status. The case manager must note that AC will need to close in 90 days if the documentation has not been provided.

MMIS is currently being programmed with mandatory fields that will indicate the applicant's/recipient's citizenship or immigration status. There will also be functionality which will include a 90 day AC span when the field does not indicate the verification of citizenship or immigration status. Further instruction on these MMIS changes will be available when the programming is complete.

Example 3: Ed is 82 years old and has been receiving services on the AC program for two years. His reassessment for the program is 2/1/2015. At the time of the reassessment Ed indicates on the Alternative Care Program Eligibility Worksheet -DHS 2630, that he is a U.S. citizen. Ed also indicates that he receives RSDI. The case manager then:

- Verifies in MAXIS or MMIS If Ed ever received any of the programs that are listed in section B of this bulletin.
- Ed is currently on the SLMB program

Since Ed is enrolled in the SLMB program, he is exempt from any further documentation requirements. The enrollment and receipt of benefits in the SLMB program already verified his citizenship or immigration status. No further action needs to be taken.

IV. Legal References

Minnesota Statutes, section 256B.0913

Minnesota's section 1115 demonstration project, Reform 2020 (11W00286/5)

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-2600 (voice) or toll free at (800) 882-6262 or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.