September 28, 2006

Dear Candidate:

Medicaid, known as Medical Assistance in Minnesota, is an important health care program that many people with mental illness rely on for access to mental health treatment and medications. The Deficit Reduction Act (DRA) requires that, as of July 1, 2006, anyone applying for or being recertified as Medicaid-eligible will be required to document United States citizenship and identity. Prior to the DRA, states could allow individuals to self-declare citizenship. Now they will be required to show documentation. States recertify individuals every 6 to 12 months, so all Medicaid beneficiaries must meet this requirement before July 2007. New policies requiring verification of citizenship for Medical Assistance threaten to unnecessarily increase the numbers of Minnesotans without health care coverage.

The Centers for Medicare and Medicaid Services (CMS) write that states should assist applicants or recipients who are “homeless, an amnesia victim, mentally impaired, or physically incapacitated,” who lack someone who can act for the individual, and who cannot provide evidence of citizenship or identity. NAMI-MN supports implementing the new citizenship verification requirements in a way that will not deny coverage to those who are eligible. Some possible improvements to the current DRA requirements are listed below:

**Individuals who have already verified citizenship to qualify for other federal programs should be exempt from the new DRA documentation requirements.** Individuals who receive SSI and Medicare benefits have demonstrated citizenship in order to become eligible for these programs. As written, the DRA would require these individuals to document legal citizenship again. These additional documentation requirements will be particularly burdensome for low-income individuals, people who are homeless and individuals with serious mental illness. Similarly, child welfare agencies must verify citizenship to qualify a foster care child for Title IV-E funding, a step that would delay Medicaid coverage for many children. In its Interim Final Rule, the United States Department of Health and Human Services (HHS) exempts Medicare beneficiaries and most individuals receiving Social Security Income (SSI) from the new citizenship documentation requirements. NAMI-MN supports these exemptions and other clarifications that would help eligible individuals receive Medicaid benefits in a timely manner.

**Medicaid beneficiaries should be given reasonable time to obtain necessary documentation without losing access to care.** The Centers for Medicare and Medicaid Services has stated that citizens who are applying for Medicaid will not be able to access any Medicaid services until they meet the documentation requirements. The guidance specifies that states should provide a “reasonable opportunity” for individuals to provide documentation of citizenship and are allowed to give more time and provide assistance to those already on Medicaid who are trying in good faith to get documents. Despite of this flexibility, individuals with mental illness are not
allowed to access Medicaid when trying to obtain this documentation and will lose access to essential mental health services.

**Congress should clarify that under Early and Periodic Screening, Diagnosis and Treatment (EPSDT), states must continue to provide access to all benefits to children, including mental health treatment.** The DRA added a new section that allowed states to provide reduced benefit packages to some categories of Medicaid beneficiaries, mostly non-disabled adults and children. Although Congress intended that children continue to have access to all medical services under EPSDT, some states are using this new flexibility to create barriers to mental health services.

**States should offer assistance to individuals that are having difficulty proving citizenship.** The State Data Exchange (SDX) is an automated data system in which the Social Security Administration shares selected data about SSI beneficiaries with state agencies, including data that could prove citizenship. States could also use vital statistics and other government records to help individuals meet the documentation requirements. States are offered a 50% federal administrative match for expenses they incur from seeking documentation, but are not required to provide this assistance.

In its current form, the DRA is burdensome to individuals with mental illness and may act as a barrier for individuals trying to access treatment through Medicaid. Simple changes to the DRA would improve the efficiency of the recertification process and clarify key elements of the legislation.

If you have any questions about the citizenship verification requirements, Medicaid or mental illness, please contact NAMI-MN.

Sincerely,

Sue Abderholden
Executive Director