



JENNIFER KENT
Director

State of California—Health and Human Services Agency
Department of Health Care Services



EDMUND G. BROWN JR.
Governor

Date February 22, 2017

TO: ALL COUNTY WELFARE DIRECTORS No. 17-01
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MENTAL HEALTH DIRECTORS

SUBJECT: STATEMENT OF CITIZENSHIP, ALIENAGE AND IMMIGRATION STATUS
FORM (MC 13) (References: All County Welfare Directors Letter No. 09-40
and Medi-Cal Eligibility Division Information Letter 14-21.)

The purpose of this All County Welfare Directors Letter (ACWDL) is to provide additional guidance on the post Affordable Care Act (ACA) requirements for use of the Statement of Citizenship, Alienage and Immigration Status (MC 13) form.

Background

Prior to implementation of the ACA, applicants who claimed they were United States (U.S.) citizens/nationals were able to declare citizenship by attestation on a signed application or by submitting the MC 13 (note that attested citizenship and immigration status is subject to verification for Medi-Cal eligibility purposes). Applicants who claimed satisfactory immigration status were required to complete the MC 13 and to provide a copy of any relevant immigration documentation for the counties to verify immigration status via a Systematic Alien Verification for Entitlements (SAVE) inquiry. Pending completion of verification of immigration status, counties were required to grant full scope Medi-Cal benefits, without delay, to otherwise eligible applicants who attested to satisfactory immigration status on the MC 13. If the applicant did not provide the county with the completed MC 13, the applicant/beneficiary would be denied benefits.

Post ACA

With the implementation of the ACA, applicants who claim they are U.S. citizens/nationals or who claim to have satisfactory immigration status, are subject to electronic verification through the federal data hub via the California Healthcare Eligibility, Enrollment, and Retention System (CalHEERS). An individual whose citizenship/satisfactory immigration status is verified via electronic means (including the federal data hub, other SAVE system verification, California birth record match, or the Social Security Administration citizenship verification process) is not required to submit the MC 13 or provide additional citizenship or immigration status information.

Medi-Cal Eligibility Division Information Letter 14-21 clarified that Medi-Cal applicants are not required to submit paper documentation of their citizenship or immigration status to complete their application if citizenship/satisfactory immigration status is electronically verified. Consistent with current policy, counties shall grant without delay, full scope Medi-Cal benefits to otherwise eligible applicants attesting to citizenship/satisfactory immigration status, pending verification of their status. If otherwise eligible, applicants will be granted full scope Medi-Cal during the 90-day reasonable opportunity period (ROP) to provide documents (if needed) or to have their citizenship/satisfactory immigration status verified in accordance with current policy. In the event that an applicant submits documents during the ROP attesting to an immigration status that entitles them to full scope Medi-Cal benefits, full scope Medi-Cal benefits shall continue during the 90 day ROP until and unless there is final determination that the individual does not have satisfactory immigration status. If documentation of citizenship/satisfactory immigration status is not provided during the 90-day ROP or a final determination is received that the individual does not have satisfactory immigration status, reduce benefits to pregnancy-related, dialysis, long-term care, tuberculosis, and/or emergency services as appropriate with proper notice. Former foster youth are eligible for the Former Foster Youth (FFY) Medi-Cal program from age 18 or older up to age 26 regardless of immigration status. FFY should remain in full scope Medi-Cal even if citizenship/satisfactory immigration status is not verified during the 90-day ROP.

Requesting Completion of the MC 13

Counties shall ask an applicant or beneficiary to complete the MC 13 only for the purposes described in this ACWDL.

During the application process, counties shall request completion of the MC 13 when it is unclear or the county is unable to determine from the individual's application or verbal statement if the individual is claiming citizenship/satisfactory immigration status. An applicant who is not claiming satisfactory immigration status is not required to complete the MC 13.

During the redetermination or report a change process, or any other time after the initial application is approved, counties shall ask a beneficiary to complete the MC 13 only when the county is unable to determine whether a beneficiary is claiming citizenship/satisfactory immigration status after an ex parte review of all the information available to the county, including other public assistance cases and databases.

A signed MC 13 is also required for applicants who want to claim the last Permanently Residing in the United States under Color of Law (PRUCOL) category on the MC 13.

This category is for immigrants who claim to be “[a]n alien, not in one of the above categories, who can show that: (1) INS knows he/she is in the United States; and (2) INS does not intend to deport him/her, either because of the person’s status category or individual circumstances.” Please note that an individual who claims this status on a signed MC 13 is not required to provide documentation of their claimed PRUCOL status. Please refer to ACWDL 09-40.

If a beneficiary receiving restricted scope Medi-Cal claims the last PRUCOL category on the signed MC 13, full scope Medi-Cal benefits begin in the month the county receives the signed MC 13 if otherwise eligible. New applicants who claim the last PRUCOL category on a signed MC 13 are able to receive up to three months of full scope retroactive Medi-Cal if requested and if eligible in the retroactive months.

Verbal Attestation of Immigration Status

A MC 13 is not required for immigrants who verbally attest to an immigration status when that information (along with associated document information) is sufficient to request verification through the federal hub and/or the SAVE verification process when required. The one exception is the last category on the MC 13. For immigrants who want to claim the last PRUCOL category, the MC 13 is required.

Failure to Respond to a Request for the MC 13

Effective immediately, counties shall not delay, deny or discontinue Medi-Cal eligibility solely for failure to respond to a request for the MC 13. If an MC 13 is necessary to determine if an applicant 19 years of age or older is attesting to citizenship/satisfactory immigration status, and the applicant does not return the MC 13 form, the applicant, if otherwise eligible, would receive Medi-Cal for pregnancy-related, dialysis, long-term care, tuberculosis, and/or emergency services as appropriate. If an MC 13 is necessary to determine if a full scope beneficiary over the age of 19 is attesting to citizenship/satisfactory immigration status and the MC 13 is not returned, counties should change benefits to the appropriate scope with proper notice. Otherwise eligible individuals who are under the age of 19 are eligible for full scope Medi-Cal under Senate Bill 75 (Chapter 18, Statutes of 2015), even if they do not respond to a request to complete a MC 13. Children under the age of 19 shall remain on full scope Medi-Cal in accordance with SB 75. FFY age 18 or older up to age 26 are eligible for full scope Medi-Cal even if they do not respond to a request to complete a MC 13. (See errata to ACWDL 14-41 and errata to ACWDL 15-32).

Former Foster Youth and the MC 13

While citizenship and satisfactory immigration status are not a condition of eligibility for the FFY program, the FFY's immigration status needs to be recorded in their case file. The FFY's immigration status should already be recorded from their time in foster care.

However, in the event that no information is available about the FFY's immigration status, counties are to request the FFY to submit an MC 13. If the MC 13 is needed, the counties should assist the FFY with completing it. The FFY should be immediately enrolled into the FFY program which provides full scope Medi-Cal coverage regardless of immigration status; coverage shall not be delayed while completion of the MC 13 is pending. Completion of the MC 13 is for record keeping purposes and does not change the FFY's eligibility for full scope Medi-Cal from age 18 or older up to age 26. If the youth does not return the form or complete it, it should not impact their Medi-Cal eligibility. (See errata to ACWDL 14-41 and errata to ACWDL 15-32).

If you have any questions, or if you need further information, please contact Ms. Amar Singh at (916) 322-9595 or by email at Amar.Singh@dhcs.ca.gov.

Original Signed By

Sandra Williams, Chief
Medi-Cal Eligibility Division