

# MASSACHUSETTS

# MassHealth General Eligibility Rules

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There are special eligibility rules for persons who need long-term-care services at home, or who are waiting to go into a long-term-care facility.

A long-term-care facility is a type of medical institution that includes:

- licensed nursing facilities;
- chronic-disease and rehabilitation hospitals;
- state hospitals and state schools specifically designated as long-term-care facilities; and
- intermediate-care facilities for the mentally retarded (ICFs/MR).

Long-term-care services are the types of services needed if you are frequently ill and/or permanently disabled and need help or cannot take care of yourself. These include medical and personal services. Generally, people get long-term-care services while they are in a long-term-care facility.

To be eligible for payment of long-term-care services in a long-term-care facility, you must be eligible for MassHealth Standard as a person who is:

- aged 65 or older;
- aged 19 through 65 and disabled according to the Social Security Administration's disability rules; or
- under age 19;
- meet the requirements of [citizenship and identity](#);

- **Citizenship Documentation Requirements:**  
*(Please see Annex A for actual copy of announcement in .pdf file)*

## **New Citizenship Documentation Requirements:**

**Due to a change in Federal law, effective July 1, 2006, MassHealth now requires individuals who state they are U.S. citizens or nationals to provide acceptable documentation of their citizenship and identity when first applying for MassHealth or upon MassHealth redetermination.**

- ✓ **Verification of citizenship and identity is a one-time activity.** Members who have verified citizenship and identity satisfactorily will not be asked to do so again.
- ✓ **The new Federal Law does not include changes for documented immigrants,** who must continue to provide proof of their status when they apply for MassHealth.
- ✓ **MassHealth will use electronic data matching to the greatest extent possible and allowable** to assist members with fulfilling this new requirement.

### Timeframes:

- **Applicants:** MassHealth coverage will not begin until all necessary documentation, including proof of citizenship and identity, are submitted within the necessary timeframes. MassHealth will inform applicants when documents are due - either 60 or 30 days, depending on coverage type.
  - **Time-limited presumptive coverage for pregnant women and children will not be delayed** pending documentation of citizenship and identity, but this documentation must still be submitted within 60 days of application in order for MassHealth benefits to continue.
- **Current members:** MassHealth requires a redetermination of eligibility at least once each year. When a member's redetermination is due, the member will be notified that they have either 60 or 30 days, depending on coverage type, to provide documentation of citizenship and identity. These timeframes may be extended if the member indicates to MassHealth that he or she is making a good faith effort to submit the documentation.

### Phone Numbers for Assistance in Obtaining Necessary Documentation:

- **To receive or renew a Passport:** National Passport Information Center, U.S. Department of State: 1-877-487-2778
- **For Certificate of Naturalization or Certificate of U.S. Citizenship:** U.S. Department of Homeland Security: 1-800-375-5283/TTY 1-800-767-1833
- **For Massachusetts Birth Certificates:** Registry of Vital Records and Statistics, Massachusetts Department of Public Health: 150 Mount Vernon Street, 1st Floor, Dorchester, MA 02125-3105, 617-740-2600
- **For a Massachusetts Driver's License or Massachusetts ID card:** Massachusetts Registry of Motor Vehicles: 617-351-4500/TTY 617-536-7534 or 1-877-768-8833
- **General questions:** MassHealth Customer Service: 1-800-841-2900/TTY 1-800-497-4648

- **US Citizenship/National Status and Identity Requirements for MassHealth [C+I (03/10)]**

A form that provides complete information about acceptable proofs of U.S. citizenship/national status and identity.

*(Please see Annex B for actual copy of the form in .pdf file)*

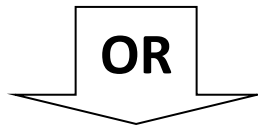
**U.S. Citizenship/National Status and Identity Requirements for MassHealth/Commonwealth Care Effective 7/1/06 from the Federal Deficit Reduction Act of 2005**

**Proof of both U.S. Citizenship/National Status and Identity\***

- **Exception:** Seniors and disabled persons who get or can get Medicare or Supplemental Security Income (SSI), or disabled persons who get Social Security Disability (SSDI) do NOT have to give proof of their U.S. citizenship/national status and identity. A child born to a mother who was getting MassHealth on the date of the child’s birth does not have to give proof of U.S. citizenship/national status and identity.

The following **FIRST-LEVEL DOCUMENTS** may be accepted as proof of BOTH U.S. citizenship/national status AND identity. (No other documentation is required.) Individuals born outside the U.S. who were not U.S. citizens/nationals at birth must submit first-level documents or appropriate second-level documents (where applicable for a birth abroad) or, if such documents are not available, affidavits of citizenship. Adopted children born outside the U.S. may establish citizenship under the Child Citizenship Act.

1. a U.S. passport; or
2. a Certificate of Naturalization (DHS Form N-550 or N-570); or
3. a Certificate of U.S. Citizenship (DHS Form N-560 or N-561); or
4. a document issued by a federally recognized American Indian tribe showing membership or enrollment in, or affiliation with, such tribe



**Proof of U.S. Citizenship/National Status Only plus Proof of Identity Only**

<b>Proof of U.S. Citizenship/National Status Only</b>	<b>Proof of Identity Only</b>
<p><b>(Submit documentation from the highest level possible!)</b></p> <p>The following <b>SECOND-LEVEL DOCUMENTS</b> may be accepted as proof of U.S. citizenship/national status only.</p> <ul style="list-style-type: none"><li>• A U.S. public record of birth (including the 50 states, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam (on or after April 10, 1899), the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, Swain’s Island, or the Northern Mariana Islands (after November 4, 1986). The individual may also be collectively naturalized under federal regulations. The birth record must have been recorded within 5 years of birth.</li><li>• A Report of Birth Abroad of a U.S. Citizen (Form FS-545, Form FS-240, or Form DS-1350)</li><li>• A U.S. Citizen ID card (INS Form I-197 or I-179)</li><li>• An American Indian Card (I-872 with the classification code KIC) issued by the Department of Homeland Security (DHS) to identify U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border</li></ul>	<p>The following documents may be accepted as proof of identity only.</p> <ol style="list-style-type: none"><li>1. A state driver’s license containing the individual’s photo or other identifying information</li><li>2. A government-issued identity card containing the individual’s photo or other identifying information</li><li>3. Certificate of Indian Blood or other U.S. tribal document with photo or other identifying information</li><li>4. U.S. military card or draft record</li><li>5. Three or more of the following documents, such as, marriage licenses, divorce decrees, high school diplomas, employer ID cards, and property deeds/titles (This documentation cannot be used if fourth-level documents were submitted as proof of U.S. citizenship/national status.)</li></ol>

- Final adoption decree showing the child’s name and U.S. place of birth (if adoption is not finalized, a statement from a state-approved adoption agency)
- Evidence of U.S. civil service employment before June 1, 1976
- An official military record showing a U.S. place of birth
- A Northern Mariana Identification Card (I-873) issued by the INS to a collectively naturalized citizen of the United States who was born in the Northern Mariana Islands before November 4, 1986
- Documentary evidence under the Child Citizenship Act for adopted children born outside the U.S

The following **THIRD-LEVEL DOCUMENTS** may be accepted as proof of U.S. citizenship/national status only.

- Extract of U.S. hospital record of birth on hospital letterhead established at the time of the person’s birth that was created 5 years before the initial application date and that indicates a U.S. place of birth.

For children under age 16, the hospital record must have been created near the time of birth or 5 years before the application date. A souvenir birth certificate is not acceptable.

- Life, health, or other insurance record showing a U.S. place of birth that was created at least 5 years before the initial application date that indicates a U.S. place of birth.

For children under age 16, the document must have been created near the time of birth or 5 years before the application date.

- An official religious record recorded with the religious organization in the U.S. within 3 months of birth showing the birth occurred in the U.S. and showing either the date of birth or the individual’s age at the time the record was made. Entries in a family bible are not considered religious records.
- An early school record showing the child’s name, U.S. place of birth, date of admission, and date of birth

The following **FOURTH-LEVEL DOCUMENTS** may be accepted as proof of U.S. citizenship/national status only.

- Birth records recorded after the person turned age 5
- Federal or state census record showing U.S. citizenship or a U.S. place of birth and person’s age
- Admission papers from a nursing home, skilled-care facility, or other institution that were created at least 5

6. School identity card with photo, except for children under age 16
7. Military dependent’s identity card
8. U.S. Coast Guard Merchant Mariner card
9. For children under age 16: a clinic, doctor, or hospital record, or a school record, or a daycare or nursery school record that is verified with the school, or a parental, guardian, or caretaker relative affidavit attesting to the child’s date and place of birth that is signed under penalty of perjury (cannot be used if an affidavit for citizenship/national status was provided). For children between the ages of 16 and 18, the affidavit can be used where a school photo ID or driver’s license with photo is not available in that area until that age.
10. For disabled individuals in residential care facilities: an affidavit signed under penalty of perjury by the facility director or administrator when the disabled individual does not have or cannot get any identity document listed in 1 through 9 above.

<p>years before the initial application date and that indicate a U.S. place of birth</p> <ul style="list-style-type: none"> <li>• Medical (clinic, doctor, or hospital) record indicating a U.S. place of birth that was created at least 5 years before the initial application date. For children under age 16, the medical record must have been created near the time of birth or 5 years before the application date.</li> <li>• Other documents that show a U.S. place of birth that were created at least 5 years before the application for MassHealth (For children under age 16, the document must have been created near the time of birth or 5 years before the application date.): Seneca or Navajo Indian tribal census records, U.S. State Vital Statistics official notification of birth registration, an amended U.S. public birth record that was amended more than 5 years after the person’s birth, a statement from a physician/midwife who was in attendance at the birth, or the Bureau of Indian Affairs Roll of Alaska Natives</li> <li>• Written affidavit**</li> </ul>	
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**\*\*Affidavits (written statements) of U.S. citizenship/national status should be used only in rare circumstances when the applicant or member is unable to provide evidence of U.S. citizenship/national status from any other source listed.** Two affidavits must be submitted. One of the two affidavits must be from an individual who is not related to the applicant or member. Each individual providing an affidavit must have personal knowledge of the event(s) establishing the applicant’s or member’s claim of U.S. citizenship/national status; for example, the date and place of the applicant’s birth in the United States, if applicable. The individuals providing the affidavits must also provide proof of both their own U.S. citizenship/national status and identity for the affidavit to be accepted. If these individuals also know why documentary evidence of the applicant’s or member’s claim of U.S. citizenship/national status cannot be provided, this should be included in the affidavit. The applicant or member (or other knowledgeable individual) must also provide a separate affidavit explaining why this evidence cannot be provided. Different requirements apply to affidavits of identity for children and institutionalized individuals.

- be determined by Mass Healthy as medically needing long-term-care services; and
- prove that you (and your spouse) meet certain income and asset rules

To decide if you can get Mass Health, we look at your income and assets and, in some cases, your [immigration status](#).

▪ **U.S. Citizenship and Immigration Rules**

When deciding if you are eligible for MassHealth, we look at all of the requirements described under each coverage type and program. We also look at your U.S. citizenship/national status and immigration status to decide if you may get a certain coverage type.

People who are U.S. citizens/nationals or qualified aliens who meet one of the following statuses may be eligible for MassHealth Standard, CommonHealth, Family Assistance, Basic, Essential, or Prenatal.

○ **Qualified Aliens**

1. \*People admitted for legal permanent residence (LPR) under the Immigration and Nationality Act (INA). But see starred (\*) paragraph below.

2. \*People granted parole for at least one year under section 212(d)(5) of the INA. But see starred (\*) paragraph below.
3. \*Conditional entrants under section 203(a)(7) of the INA as in effect before April 1, 1980. But see starred (\*) paragraph below.
4. People granted asylum under section 208 of the INA.
5. Refugees admitted under section 207 of the INA.
6. People whose deportation has been withheld under section 243(h), or 241(b)(3) of the INA, as provided by section 5562 of the federal Balanced Budget Act of 1997.
7. People who entered as Cuban/Haitian entrants under section 501(e) of the Refugee Education Assistance Act of 1980.
8. Native Americans with at least 50 percent American Indian blood who were born in Canada pursuant to section 289 of the INA or other tribal members born in territories outside of the United States pursuant to 25 U.S.C. 450b(e).
9. Amerasians admitted pursuant to section 584 of Public Law 100-202.
10. Veterans of the United States (U.S.) Armed Forces with an honorable discharge not related to their alien status. (b) Filipino war veterans who fought under U.S. command during WWII. (c) Hmong and Highland Lao veterans who are admitted for legal permanent residence (LPR) and who fought under U.S. command during the Vietnam War. (d) Persons with alien status on active duty in the U.S. Armed Forces, other than active duty for training. (e) The spouse, surviving un-remarried spouse, or unmarried dependent child of the alien described in (a) through (d).
11. Aliens or their unmarried dependent children, as defined in federal law, who have been subjected to battery or extreme cruelty by their spouse, parent, sponsor, or a member of their household, and who no longer live in the same household as the batterer.
12. Victims of severe forms of trafficking.
13. Iraqi Special Immigrants granted special immigrant status under Section 101(a) (27) of the Immigration and Nationality Act pursuant to section 1244 of Public Law 110-181 or section 525 of Public Law 110-161, for a period not to exceed eight months.
14. Afghan Special Immigrants granted special immigrant status under Section 101(a) (27)p of the Immigration and Nationality Act pursuant to section 525 of Public Law 110-161, for a period not to exceed six months.

\*People described in 1, 2, and 3 above must have entered the United States before August 22, 1996 or have entered the United States on or after August 22, 1996, and completed the five-year bar, to be eligible for MassHealth Standard, unless they also meet a status in 4 through 14 above.

- **Aliens with Special Status**

People who entered the United States on or after August 22, 1996, and have a status described in 1, 2, or 3 below, and have not completed the five-year bar, or who have entered at any time and are permanently living in the United States under color of law (PRUCOLs) as described in 4 below, cannot get MassHealth Standard. However, they may be eligible for any coverage type except Standard if they meet the rules and income limits for that coverage type, and they may get MassHealth Family Assistance if they meet the rules and income limits for Standard.

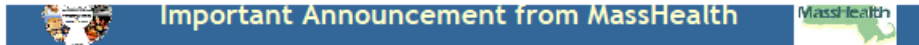
In addition, people who meet the rules and income limits of MassHealth Standard and are under the age of 19, or the parent of a child under age 19, or pregnant, can get MassHealth Family Assistance instead of MassHealth Standard. If they are disabled according to the standards set by federal and state law, they can get MassHealth CommonHealth.

- People admitted for legal permanent residence (LPR) under the INA.
- People granted parole for at least one year under section 212(d)(5) of the INA.

- Conditional entrants under section 203(a)(7) of the INA as in effect before April 1, 1980.
  - People permanently living in the United States under color of law (PRUCOLs) as described below:
    - a. aliens living in the United States in accordance with an indefinite stay of deportation;
    - b. aliens living in the United States in accordance with an indefinite voluntary departure;
    - c. aliens and their families who are covered by an approved immediate relative petition, who are entitled to voluntary departure, and whose departure the United States Immigration and Naturalization Service (INS) does not contemplate enforcing;
    - d. aliens who have filed applications for adjustment of status that the INS has accepted as "properly filed," and whose departure the INS does not contemplate enforcing;
    - e. aliens granted stays of deportation by court order, statute, or regulation, by individual determination of the INS, or relevant INS instructions, and whose departure INS does not contemplate enforcing;
    - f. aliens granted voluntary departure by the INS or an Immigration Judge, and whose deportation the INS does not contemplate enforcing;
    - g. aliens granted deferred action status;
    - h. aliens living under orders of supervision;
    - i. aliens who have entered and continuously lived in the United States since before January 1, 1972;
    - j. aliens granted suspension of deportation, and whose departure the INS does not contemplate enforcing;
    - k. aliens granted temporary protected status (TPS);
    - l. aliens who are asylum applicants; and
    - m. any other aliens living in the United States with the knowledge and consent of the INS, and whose departure the INS does not contemplate enforcing. (These include permanent nonimmigrants as established by Public Law 99-239, and persons granted Extended Voluntary Departure due to conditions in the alien's home country based on a determination by the Secretary of State.)
    - n. If your immigration status is not described above, you may be eligible for MassHealth Limited.
- Note: People who were getting MassHealth, formerly known as Medical Assistance, or CommonHealth on June 30, 1997, may continue to get benefits regardless of immigration status if otherwise eligible.



## ANNEX A.



### New Citizenship Documentation Requirements



**Due to a change in Federal law, effective July 1, 2006, MassHealth now requires individuals who state they are U.S. citizens or nationals to provide acceptable documentation of their citizenship and identity when first applying for MassHealth or upon MassHealth redetermination.**

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- ⇒ **For Massachusetts Birth Certificates:** Registry of Vital Records and Statistics, Massachusetts Department of Public Health: 150 Mount Vernon Street, 1<sup>st</sup> Floor, Dorchester, MA 02125-3105, 617-740-2600
- ⇒ **For a Massachusetts Driver's License or Massachusetts ID card:** Massachusetts Registry of Motor Vehicles: 617-351-4500 / TTY 617-536-7534 or 1-877-768-8833
- ⇒ **General questions:** MassHealth Customer Service: 1-800-841-2900 / TTY 1-800-497-4648

*Please see next page for acceptable documentation to verify citizenship and identity.*

## ANNEX B.

### U.S. Citizenship/National Status and Identity Requirements for MassHealth/Commonwealth Care Effective 7/1/06 from the Federal Deficit Reduction Act of 2005

#### Proof of both U.S. Citizenship/National Status and Identity\*

\* **Exception:** Seniors and disabled persons who get or can get Medicare or Supplemental Security Income (SSI), or disabled persons who get Social Security Disability (SSDI) do NOT have to give proof of their U.S. citizenship/national status and identity. A child born to a mother who was getting MassHealth on the date of the child's birth does not have to give proof of U.S. citizenship/national status and identity.

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1. a U.S. passport; or
2. a Certificate of Naturalization (DHS Form N-550 or N-570); or
3. a Certificate of U.S. Citizenship (DHS Form N-560 or N-561); or
4. a document issued by a federally recognized American Indian tribe showing membership or enrollment in, or affiliation with, such tribe.



#### Proof of U.S. Citizenship/National Status Only

##### (Submit documentation from the highest level possible!)

The following **SECOND-LEVEL DOCUMENTS** may be accepted as proof of U.S. citizenship/national status only.

- A U.S. public record of birth (including the 50 states, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam (on or after April 10, 1899), the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, Swain's Island, or the Northern Mariana Islands (after November 4, 1986). The individual may also be collectively naturalized under federal regulations. The birth record must have been recorded within 5 years of birth.
- A Report of Birth Abroad of a U.S. Citizen (Form FS-545, Form FS-240, or Form DS-1350)
- A U.S. Citizen ID card (INS Form I-197 or I-179)
- An American Indian Card (I-872 with the classification code KIC) issued by the Department of Homeland Security (DHS) to identify U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border
- Final adoption decree showing the child's name and U.S. place of birth (if adoption is not finalized, a statement from a state-approved adoption agency)
- Evidence of U.S. civil service employment before June 1, 1976
- An official military record showing a U.S. place of birth
- A Northern Mariana Identification Card (I-873) issued by the INS to a collectively naturalized citizen of the United States who was born in the Northern Mariana Islands before November 4, 1986
- Documentary evidence under the Child Citizenship Act for adopted children born outside the U.S.

The following **THIRD-LEVEL DOCUMENTS** may be accepted as proof of U.S. citizenship/national status only.

- Extract of U.S. hospital record of birth on hospital letterhead established at the time of the person's birth that was created 5 years before the initial application date and that indicates a U.S. place of birth. For children under age 16, the hospital record must have been created near the time of birth or 5 years before the application date. A souvenir birth certificate is not acceptable.
- Life, health, or other insurance record showing a U.S. place of birth that was created at least 5 years before the initial application date that indicates a U.S. place of birth. For children under age 16, the document must have been created near the time of birth or 5 years before the application date.
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- An early school record showing the child's name, U.S. place of birth, date of admission, and date of birth

The following **FOURTH-LEVEL DOCUMENTS** may be accepted as proof of U.S. citizenship/national status only.

- Birth records recorded after the person turned age 5
- Federal or state census record showing U.S. citizenship or a U.S. place of birth and person's age
- Admission papers from a nursing home, skilled-care facility, or other institution that were created at least 5 years before the initial application date and that indicate a U.S. place of birth
- Medical (clinic, doctor, or hospital) record indicating a U.S. place of birth that was created at least 5 years before the initial application date. For children under age 16, the medical record must have been created near the time of birth or 5 years before the application date.
- Other documents that show a U.S. place of birth that were created at least 5 years before the application for MassHealth (For children under age 16, the document must have been created near the time of birth or 5 years before the application date.); Seneca or Navajo Indian tribal census records, U.S. State Vital Statistics official notification of birth registration, an amended U.S. public birth record that was amended more than 5 years after the person's birth, a statement from a physician/midwife who was in attendance at the birth, or the Bureau of Indian Affairs Roll of Alaska Natives
- Written affidavit\*\*

#### Proof of Identity Only

The following documents may be accepted as proof of identity only.

1. A state driver's license containing the individual's photo or other identifying information
2. A government-issued identity card containing the individual's photo or other identifying information
3. Certificate of Indian Blood or other U.S. tribal document with photo or other identifying information
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