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Congress of the United States
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May 17, 2006

The Honorable Michael Leavitt
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Leavitt:

We are writing to share our significant concerns about a section of the Deficit Reduction Act (DRA, P.L. 109-171), specifically, Section 6036. This provision requires Medicaid applicants to produce "satisfactory documentary evidence" of U.S. citizenship or nationality to qualify for benefits. While the statute cites acceptable documents such as a U.S. passport, U.S. Certificate of Naturalization, or Certificate of U.S. Citizenship, it also permits the Secretary to specify, by regulation, other documents that can reliably prove U.S. citizenship. This requirement will be made effective July 1, 2006.

While we agree that a policy needs to be developed to satisfy the DRA requirement, we are also very concerned about people who may be unable to verify citizenship. For example, Native Americans do not generally have paper records of their births. Others, such as many older Americans, do not have birth certificates because they were born at home and their births were never "officially" registered. Under this section of the DRA, these types of individuals, without proper documentation, may be ineligible for Medicaid benefits or terminated from the program.

Any policy developed needs to have maximum flexibility in order to minimize any negative impact on Medicaid beneficiaries and the ability of states and health care providers to enroll patients in the program.

We ask that you include a "grandfather" provision to allow for presumptive eligibility for people who do not have the capabilities to obtain proper identification documents. Some examples include Native American populations, Alzheimer's patients, those who are homeless, mentally impaired, the elderly who never had documentation of their birth, and patients involved in emergency situations who may have lost their identification documents. We have concerns about the policy moving forward narrowly defined, as that could create enrollment barriers for millions of low-income citizens who otherwise meet all Medicaid eligibility requirements. We must avoid an environment where

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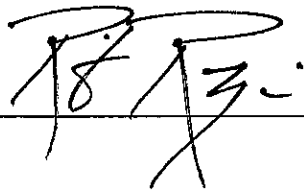
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individuals may not seek needed care because they lack appropriate documents. Such a result ultimately could have a negative impact on our public health system.

Medicaid plays a vital role in assuring access to health care for our nation's uninsured patients. While we appreciate the need to ensure Medicaid's integrity, we also believe that limiting access to Medicaid with an inflexible documentation policy would be a great disservice to those we have committed to protect serve and protect.

We look forward to working with you to develop an acceptable policy that preserves the Medicaid safety net for America's most needy populations.

Sincerely,

A handwritten signature in black ink, appearing to be "R. E.", written over a horizontal line.
