



## Ohio Administrative Code

### Rule 5160:1-2-11 Medicaid: United States (U.S.) citizenship documentation.

Effective: January 1, 2023

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(A) This rule sets forth acceptable documentary evidence of United States (U.S.) citizenship and the circumstances under which an individual who declares U.S. citizenship, under penalty of perjury, may be given a reasonable opportunity to verify U.S. citizenship.

(B) Any individual applying for medical assistance and declaring U.S. citizenship or nationality shall verify citizenship in accordance with 42 C.F.R. 435.407 (as in effect October 1, 2022).

(1) After an individual's U.S. citizenship or nationality is verified by the administrative agency, the administrative agency shall not require the individual to re-verify citizenship.

(2) The following individuals are not required to verify their U.S. citizenship:

(a) An individual applying for medical assistance only for other individuals.

(b) A child who received medical assistance as a deemed newborn on or after July 1, 2006.

(c) An individual who is:

(i) Enrolled in medicare; or

(ii) Receiving supplemental security income (SSI); or

(iii) Receiving social security disability insurance (SSDI); or

(iv) Receiving adoption or foster care assistance under Title IV-E of the Social Security Act (as in effect October 1, 2022); or

(v) In foster care and receiving child welfare services under Title IV-B of the Social Security Act (as



in effect October 1, 2022); or

(vi) Receiving federal kinship guardianship assistance program (KGAP) payments under Title IV-E of the Social Security Act (as in effect October 1, 2022).

(d) Other individuals on such other basis as the secretary of the department of health and human services may specify, by regulation, that satisfactory documentary evidence of citizenship or nationality was previously presented.

(e) The administrative agency may rely, without further documentation of citizenship or identity, on a verification of citizenship made by a federal agency or another state agency, if such verification was done on or after July 1, 2006.

(C) If the administrative agency is unable to verify an individual's citizenship through the social security administration (SSA) or department of homeland security (DHS) electronic data exchange in the electronic eligibility system, the following documents must be accepted as satisfactory documentary evidence of citizenship:

(1) A U.S. passport, unless it was issued with a limitation; limited passports are issued through DHS using form I-131. A passport does not have to be currently valid unless it was issued to an individual born in Puerto Rico.

(2) A certificate of naturalization (DHS form N-550 or N-570).

(3) A certificate of U.S. citizenship (DHS form N-560 or N-561).

(4) A valid state-issued driver's license, if the state issuing the license requires proof of U.S. citizenship before issuance of such license or obtains a social security number (SSN) from the applicant and verifies before certification that such number is valid and assigned to the individual, who is a citizen.

(5) Native American tribal documents, including, but not limited to:



- (a) A Seneca Indian tribal census record; or
  - (b) The bureau of Indian affairs tribal census records of the Navajo Indians; or
  - (c) A certificate of Indian blood; or
  - (d) A U.S. American Indian or Alaska native tribal document; or
  - (e) Other native American tribal documents.
- (6) Such other documents as the secretary of the department of health and human services may specify, by regulation, provide proof of U.S. citizenship or nationality and that provide a reliable means of personal identity.
- (D) In the case of an individual declaring citizenship who does not have an SSN at the time of declaration, the county department of job and family services (CDJFS) may assist the individual with obtaining an SSN and attempt to verify the individual's citizenship in accordance with paragraph (B) of this rule.
- (E) If none of the documents from paragraph (C) of this rule are available, the administrative agency shall verify U.S. citizenship using a combination of one birth or nationality document from paragraph (E)(1) of this rule and one identity document from paragraph (E)(2) of this rule. Although some documents may be listed as both birth and nationality documents and identity documents, a particular document may only be used to satisfy either birth and nationality or identity, not both. A birth or nationality document or an identity document alone does not satisfy the citizenship documentation requirement.
- (1) Birth or nationality shall be documented using an item from the following hierarchical list:
- (a) A U.S. public birth record or birth document, showing birth in one of the fifty states, the District of Columbia, American Samoa, Guam (on or after April 10, 1899), the Northern Mariana Islands (NMI) (after November 4, 1986 NMI local time), Puerto Rico (on or after January 13, 1941), Swain's island, or the U.S. Virgin islands (on or after January 17, 1917) and for individuals whose U.S.



citizenship may be established for collectively naturalized individuals as designated, by regulation, from the secretary of the department of health and human services. A birth certificate issued by Puerto Rico is valid only if it was issued on or after July 1, 2010.

(b) Birth information obtained through the administrative agency's data exchanges, as authorized by federal regulation or guidance from the secretary of the department of health and human services.

(c) A certification of birth abroad issued by the department of state (DS-1350).

(d) A certification of birth abroad (FS-545).

(e) A U.S. citizen identification card (I-197 or I-179).

(f) A report of birth abroad of a citizen of the U.S. (FS-240).

(g) A northern Mariana islands identification card (I-873), issued by the United States citizenship and immigration service (USCIS), to a collectively naturalized citizen of the United States who was born in the northern Mariana islands before November 3, 1986.

(h) A final adoption decree or a statement from a state-approved adoption agency showing the individual's name and U.S. place of birth. In situations in which the adoption is not finalized and the state will not release a birth certificate prior to a final adoption decree, a statement showing the individual's name and U.S. place of birth, and stating that the source of information regarding the place of birth is an original birth certificate.

(i) Evidence of civil service employment by the U.S. government prior to June 1, 1976.

(j) An official military record of service showing a U.S. place of birth.

(k) A data verification with the systematic alien verification for entitlements (SAVE) program for naturalized citizens, including but not limited to the provision of the individual's alien registration number.



- (l) Evidence showing an individual meets the requirements of the Child Citizenship Act of 2000, (Pub. L. No. 106-395). The administrative agency must obtain documentary evidence verifying that at any time on or after February 27, 2001, the following conditions have been met:
- (i) At least one parent of the child is a U.S. citizen by either birth or naturalization; and
  - (ii) The child is under the age of eighteen years; and
  - (iii) The child is residing in the United States in legal and physical custody of the U.S. citizen parent; and
  - (iv) The child was admitted to the U.S. for lawful permanent residence, as verified under the requirements of 8 U.S.C. 1641 as in effect on July 13, 2007 pertaining to verification of qualified alien status; and
  - (v) If adopted, the child satisfies the requirements of section 101(b)(1) of the Immigration and Nationality Act (Pub. L. No. 82-414) pertaining to international adoptions, as in effect on July 13, 2007 including:
    - (A) Admission for lawful permanent residence as a child adopted outside the U.S. (IR-3); or
    - (B) Admission for lawful permanent residence as a child coming to the U.S. to be adopted, with final adoption having subsequently occurred (IR-4).
  - (m) 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.
  - (n) A life insurance, health insurance, or other insurance record showing a U.S. place of birth.
  - (o) Official religious record recorded in the U.S. showing that the birth occurred in the U.S..
  - (p) School records, including pre-school, Head Start and daycare, showing the child's name and U.S.



place of birth.

(q) A federal or state census record showing U.S. citizenship or a U.S. place of birth, including the individual's age.

(r) Affidavits made under penalty of perjury. The affidavits do not need to be notarized. Affidavits may be used only in rare circumstances when the administrative agency is unable to secure evidence of birth or nationality from another listing. If the documentation requirement needs to be met through affidavits, the affidavit must be signed by another individual under penalty of perjury who can reasonably attest to the applicant's citizenship, and contain the applicant's name, date of birth, and place of U.S. birth.

(s) Such other documents as the secretary of the department of health and human services may specify, by regulation, that provide proof of U.S. citizenship or nationality.

(2) One of the following identity documents shall be used in combination with a birth or nationality document listed in paragraph (E)(1) of this rule. A document used to verify birth or nationality may not also be used to verify identity, even if the document is listed in this paragraph.

(a) A driver's license or similar document issued for the purpose of identification by a state, if the license or document contains a photograph of the individual or such other personal identifying information relating to the individual such as name, date of birth, gender, height, eye color, and address.

(b) An identification card issued by a federal, state, or local government agency or entity, provided the card contains a photograph or other information such as name, date of birth, gender, height, eye color, and address:

(i) A U.S. military card or draft record; or

(ii) A military dependent's identification card; or

(iii) A U.S. coast guard merchant mariner card; or



(iv) A school identification card with a photograph.

(c) For children under age nineteen, a clinic, doctor, hospital, or school record, including preschool or day care records.

(d) Two documents containing consistent information that corroborates an applicant's identity. Such documents include, but are not limited to, employer identification cards, high school and college diplomas (including high school equivalency diplomas), marriage certificates, divorce decrees, and property deeds or titles.

(e) If the individual does not have any document specified in paragraphs (E)(2)(a) to (E)(2)(d) of this rule, the individual may submit an affidavit signed under penalty of perjury by another person who can reasonably attest to the individual's identity. Such affidavit must contain the individual's name and other identifying information establishing identity, such as date of birth, gender, height, eye color, and address. The affidavit does not have to be notarized.

(f) Such other documents of personal identity as the secretary of the department of health and human services finds, by regulation, provide reliable means of identification.

(F) Reasonable opportunity period.

(1) If the administrative agency is unable to verify U.S. citizenship through the social security administration (SSA) electronic state verification and exchange system (SVES), and the individual has not provided satisfactory documentation as described in paragraphs (C) and (E) of this rule, the administrative agency is to give the individual a reasonable opportunity to present satisfactory documentation of U.S. citizenship.

(2) The administrative agency shall approve time-limited medical assistance, provided the individual satisfies all other conditions of eligibility outlined in rule 5160:1-2-10 of the Administrative Code. The reasonable opportunity period:

(a) Begins on and extends up to ninety days from the date the notice of reasonable opportunity is



received by the individual.

(i) The date on which the notice is received is considered to be five days after the date on the notice, unless the individual shows that he or she did not receive the notice within the five-day period.

(ii) The reasonable opportunity period may end before the ninetieth day if the agency verifies the individual's U.S. citizenship status.

(iii) Medical assistance coverage for an individual on a reasonable opportunity period is effective the first day of the calendar month in which the Ohio department of medicaid (ODM) receives the application as defined in rule 5160:1-2-01 of the Administrative Code.

(b) May be extended. The administrative agency is to provide an extension of the reasonable opportunity period if the individual is making a good faith effort to resolve any inconsistencies or obtain necessary documentation or if the administrative agency is unable to complete the verification process within the ninety-day reasonable opportunity period.

(c) Is granted with each application needing verification of U.S. citizenship, provided the individual satisfies all other conditions of eligibility outlined in rule 5160:1-2-10 of the Administrative Code. If an individual who was previously provided a reasonable opportunity period was discontinued after ninety days for failing to provide verification, he or she is to be granted another ninety-day reasonable opportunity period with each subsequent new application.

(d) Ends on:

(i) The date the administrative agency verifies the individual's U.S. citizenship; or

(ii) The last date of the month in which the ninetieth day falls as described in paragraph (F)(2)(a) of this rule; or

(iii) An administrative agency approved extension date beyond the ninety-day reasonable opportunity period when:





- (A) The administrative agency has determined the individual is making a good faith effort to resolve any inconsistencies or obtain necessary documentation; or
  
- (B) The administrative agency is unable to complete the verification process within the ninety-day reasonable opportunity period.