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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 93 ADM-29

TO: Commissioners of
 Social Services

DIVISION: Health and
 Long Term Care

DATE: September 21, 1993

SUBJECT: Documentation and Verification Requirements for the Medical
 Assistance Program.

SUGGESTED DISTRIBUTION:	Medical Assistance Staff Fair Hearing Staff Legal Staff Staff Development Coordinators
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ATTACHMENTS:	None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
85 ADM-38		360 2.2(f)	42 CFR	MARG pages	
87 ADM-37		351.5	206.10	368-377	
88 ADM-4		351.6	42 CFR		
88 ADM-22			435.902		
91 ADM-19			42 CFR		
90 INF-14			435.903		
90 INF-66			SSL 134-a		
91 INF-19					
91 INF-42					
92 ADM-10					

I. PURPOSE

This Administrative Directive (ADM) advises social services districts of revisions to the eligibility documentation and verification requirements for the Medical Assistance (MA) Program.

II. BACKGROUND

As part of the Division's corrective action efforts to reduce the MA error rate it has always been a priority of the Division to develop eligibility documentation procedures which would facilitate and streamline interviewing, eligibility determination and documentation of case circumstances. The aim is to ease documentation requirements in areas which traditionally have resulted in a relatively low error rate. This will permit more time to focus on areas which traditionally have resulted in a higher error rates. In addition, as a result of this Department's commitment to mandate relief, ways to reduce unnecessary or duplicative documentation are being pursued.

While federal and State laws and regulations address documentation and verification, specific instructions with respect to this subject have been lacking. Districts are mandated to verify relevant eligibility factors in a reasonable and prudent manner while protecting the rights of applicants/recipients (A/Rs). The incidences of excessive documentation, caused by fear of eligibility errors, have become unnecessarily burdensome for both districts and A/Rs.

Since few MA case payment errors are the result of poor documentation, and new federal mandates along with fiscal constraints have placed a strain on district resources, ways to minimize documentation have been examined. In January 1991, a group of State Department of Social Services MA Eligibility, social services districts, and Audit and Quality Control staff reviewed current documentation policy and concurred that excessive documentation is a problem. This group also concluded that districts must obtain information from collateral contacts to verify an applicant's eligibility when the applicant is unable to secure verification. The group also concluded that non-written evidence (such as phone calls) is sufficient verification for eligibility when documentation is not accessible.

III. PROGRAM IMPLICATIONS

This ADM provides guidelines to streamline the documentation process, to avoid duplication and to focus verification efforts on areas that affect eligibility. The development of more effective procedures will target staff resources toward error prone areas. These guidelines and procedures also will assist the worker in identifying documents which are acceptable and appropriate sources for verification and include recommendations for documenting this information in the case record.

The definitions used in this ADM are:

1. Documentation - Entering into the case record the verification which is obtained during the eligibility process. Documentation may be in the form of written statements by the examiner, statements from other individuals, or originals or photocopies of documents.
2. Verification - Evidence used to establish or confirm the accuracy of information obtained during the eligibility determination process. Verification can be in the form of documents, written statements, or oral communication.
3. Primary Source of Verification - A/R and members of his or her household.
4. Secondary (Collateral) Source of Verification - Relatives and other persons or agencies.

IV. REQUIRED ACTION

A. District Responsibility

Only information which affects the eligibility of the A/R or the claiming category of anyone in the case must be verified. Irrelevant information (such as shelter cost for federally participating ((FP) A/Rs when using the MA Income Standard) must not be verified.

There are generally two sources of verification: primary and secondary (see Definitions). It is preferable to obtain verification from the primary source when it is practicable. However, verification from a secondary (collateral) source is acceptable.

The A/R is responsible for:

1. providing informational documents that are readily available to verify eligibility; and
2. providing information that will help the worker obtain verification not readily available.

Even though it is the responsibility of the A/R to provide the necessary verification, the district has an obligation to assist with obtaining needed verification whenever necessary (18 NYCRR 360-2.3(a)). This applies to initial determinations, redeterminations, and undercare situations.

The district worker must:

1. check to see if the active case record, a closed case record, or the statewide computer system contains verification of eligibility factors not subject to change;

2. provide the A/R with a clear explanation of what information is desired, why it is needed, and how it will be obtained (if from collateral sources);
3. provide the A/R with a written list (in Spanish if requested), or Form DSS-2642 "Documentation Requirements", noting the required documents and a date for the A/R to return the form; and
4. make calls or write to sources to obtain verification that the A/R cannot acquire.

Note: An A/R must not be denied solely because a non-applying legally responsible relative refuses to provide requested verification.

B. Excessive Documentation/Verification

Districts always must avoid unnecessary documentation and delays in case processing. The following guidelines must be followed to avoid such problems:

1. Several eligibility factors may be verified by one document (eg., Birth Certificate to document age and relationship to A/R).
2. A copy of a document submitted as verification need not be kept in the case record if the source, date, and relevant information is noted.
3. When the A/R cannot, for reasons beyond his or her control, supply the requested verification collateral sources of verification must be pursued by the district rather than immediately denying the case. The district worker must try to verify the information presented through telephone calls or other means without requiring written verification. When an individual is used as a collateral contact the documentation must include: person's name, relation to the applicant (i.e. employer), date, and details of the contact.
4. Previously documented information in the case record or on the statewide computer file (WMS, MMIS) should not be verified. Permanent documentation found in closed cases is sufficient. All information entered into WMS and MMIS must be verified at initial input.

A standard case folder format is recommended. This will enable the program areas to know where to locate case information. Suggested is a manila envelope, attached to the inside cover of the case folder, which contains copies of permanent documentation. This reduces the chance of losing the copies.

C. Documentation of Eligibility Factors

1. Identity

All A/R's, as a condition of eligibility, must be identified. Verification of other demographic factors (such as birth or death certificates, marriage or divorce papers) will verify identity.

Due to a lack of other available verification, proof of identity may be necessary (and difficult) for homeless individuals. When written verification of identity is not readily available, the following is acceptable as an alternate source of verification:

- a. information from agencies, or other individuals, who have knowledge of the applicant;
- b. any identification that a person possesses; and
- c. if the Social Security Number is known, identity can be verified through contact with SSA.

Examples of acceptable forms of verification:

Photo ID Cards	Social Security Card
Drivers License or Learners Permit	Birth Certificate
U.S. Passport or other citizenship papers	Credit Card with signature
	Statement from another person with knowledge of the individual

One of the above will meet the Identity verification requirement.

2. Date of Birth

An A/R's date of birth must be verified if it is essential to determine claiming category or otherwise affects eligibility. However, since date of birth (D.O.B.) is usually relevant at some point in the eligibility process or recertification, the usual procedure is to verify D.O.B.. D.O.B. must be acquired only once, preferably at first application for assistance provided by a program [Public Assistance) (PA), Medical Assistance (MA), Food Stamps (FS), or Services] administered by the Department of Social Services, since the information is permanent. A WMS inquiry or Clearance Report is sufficient, even if the information is entered by another district, unless there is reason to believe the system information is not correct or the A/R is misrepresenting himself or herself.

Although the standard procedure is to verify D.O.B., an eligibility determination must not be delayed if categorical

relatedness is not an issue. For example, a newborn's first name, sex, and date of birth should be added to the case as soon as the district is informed of the birth, with the documentation obtained later.

In addition, the age of a certified blind or disabled adult does not affect eligibility, and therefore verification of age should not delay case processing.

Examples of acceptable forms of verification:

- a. The district should attempt to obtain verification from the applicant first. Examples include:

Birth Certificate	Drivers License
Baptismal Certificate	Naturalization papers
Adoption papers	Census records
Passport	Immigration and Naturalization Service (INS) documentation

- b. If the above are not available, verification may be obtained from other sources. These include:

Bureau of Vital Statistics	Employer's records
Hospital records	Marriage records
Church records	SSA records
Physician records	

One of the above will meet the date of birth verification requirement.

3. Marital Status

Marital status should be verified only if it affects the eligibility of the A/R. In cases where spousal impoverishment budgeting is used, marital status must be verified (89 ADM-47, "Treatment of Income and Resources for Institutionalized Spouses/Individuals and Legally Responsible Relatives").

Examples of acceptable forms of verification

Marriage Certificate	Church records
Social Security records	Newspaper notice
Divorce decree	Death Certificate

One of the above will meet the Marital status verification requirement.

4. Citizenship/Alien Status

Federal regulation (42 CFR 435.402) requires that MA eligibility may only be approved for U.S. citizens, aliens lawfully admitted to the United States, or permanently

residing under color of law (88 ADM-4). As a condition of eligibility the A/R must verify U.S. citizenship or that he or she has been legally admitted to the United States without citizenship. The only exception to this requirement is for pregnant women or aliens who require only emergency services. Both the pregnant women and the alien requiring emergency services also must be otherwise eligible.

Individuals with expired INS documents are considered undocumented aliens, and do not meet the citizenship/alien status requirement for eligibility. In addition, generally aliens who are temporary residents holding a Temporary Resident Card (I-688) or Employment Authorization Document (I-688A, I-688B, or I-766) do not meet the permanent residence requirement.

a. Citizenship

United States citizens include individuals who are naturalized or born in the 50 states, District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, American Samoa, and Swain's Island.

Examples of acceptable forms of verification

Birth Certificate Military discharge papers
U.S. Citizen ID Card (I-197) U.S. Passport
(no longer issued by INS)

b. Aliens Lawfully Admitted for Permanent Residence

An alien lawfully admitted for permanent residence is one who has been given the status of permanent residence in the U.S. by INS (88 ADM-4).

Examples of acceptable forms of verification

Alien Registration Receipt Card (I-551) (without
Expiration Date)
I-151 (earlier version of Alien Registration Receipt
Card)
Other INS written evidence of status
I-94 Arrival Departure Record (stamped Refugee)

c. Permanently Residing under Color of Law (PRUCOL)

PRUCOL applies to individuals known to INS who do not have permanent residence status and whom INS does not contemplate enforcing departure. Therefore they meet the alien status requirement.

In addition, an alien continually residing in the United States since before 1972 falls under this category (see 88 ADM-4 for more details regarding this population).

Examples of acceptable forms of verification

Any verification indicating that the individual is residing in the U.S. with the knowledge and permission of the INS and INS does not contemplate enforcing departure (includes any verification without an expiration date).

For pre-1972 aliens any verification that shows they have continually resided in the U.S. is acceptable. This may include (but is not limited to) proof of purchase of a home prior to 1972, a statement from an employer, a member of the clergy, or social service agency attesting to their residence prior to 1972.

As a result of a provision in the Immigration Reform and Control Act, applicants for PA, FS and MA must sign a declaration stating their citizen/alien status (either on the DSS-2921 "Application for Public Assistance-Medical Assistance-Food Stamps-Services" or the DSS-4060, "Declaration of Citizenship/Immigration Status"). Explanation and instructions regarding this requirement are detailed in 92 ADM-10.

One form of verification will meet the citizenship/alien status verification requirement. However, pre-1972 aliens may need to present more than one document to show continuous residence.

5. Other Names

If a person is known, or has been known by another name (such as an alias or maiden name), the name must be entered for WMS clearance to prevent duplicate Client Identification Numbers in the system and facilitate computer matches.

If an A/R is divorced or remarried this may be an indication that the use of other names is likely. The maiden and/or previous married name/alias should be recorded. The use of another name is not a factor in determining eligibility, therefore, eligibility processing cannot be delayed and verification is not required.

6. Social Security Number

As a condition of eligibility all A/Rs 21 years of age or older must have a Social Security Number or apply for one. When an applicant is under 21 the parent (or caretaker relative) must provide appropriate verification of the SSN or apply for one on behalf of the child. If the parent refuses, MA must not be withheld from the child. The parent who refuses is ineligible for MA.

For all A/Rs who do not have a Social Security card or SSN, the district must assist them in applying to the SSA for one. This includes completing an SS-5 or equivalent (see 90 INF-14).

It should be noted that application for an SSN is not required for pregnant women or illegal/undocumented aliens requiring emergency services only.

Examples of acceptable forms of verification

- Social Security Card
- Award letter from the Social Security Administration
- Third Party Query
- SSN Validation/Enumeration
- SDX Reports
- SS-5 (DSS-4000 Department approved carbonized version)

One of the above will meet the SSN verification requirement.

7. Residence

To be eligible for MA, each applicant must be considered a resident of New York State. This includes A/Rs actually residing in New York State with intent to remain and, A/Rs placed by New York State into a facility located in New York or another state. However, MA may be given to an otherwise eligible resident of another state, who is temporarily in New York State, provided MA is not available from his or her state of residence and the person did not enter New York State for the purpose of obtaining medical care.

There are certain circumstances when residency may be difficult to determine, for example, estranged teenagers or homeless individuals. For these persons, statements from a social service agency or individual who has knowledge of the applicant and that the applicant is residing in the county is sufficient.

Examples of acceptable forms of verification

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|---------------------------|-----------------------------|
| Landlord statement | Utility, fuel or phone bill |
| Rent receipt | School records |
| Cancelled check (costs) | Lease Agreement |
| Tax or Mortgage statement | |

One of the above will met the residence verification requirement.

8. Shelter

If eligibility is based on the PA Standard of Need, then verification of shelter cost must be documented. If the MA Income Standard is utilized then verification of shelter cost is not necessary.

In general, information regarding shelter cost should be verified only if it affects eligibility.

Examples of acceptable forms of verification:

Landlord statement	Utility, fuel or phone bill
Rent receipt	School records
Cancelled check (costs)	Lease agreement
Tax or mortgage statement	

One of the above will meet the shelter verification requirement.

9. Relationship

A relative's statement of relationship to a minor child is acceptable unless there is reason to doubt the validity of the relationship. A signed application, indicating relationship, is also sufficient.

Each person must be a member of the household to be included in the case. As a condition of eligibility, the applicant must verify the number of individuals in the household who are applying.

A child is considered to be "living with" the individual as long as the individual has care and control of the child. The child can then be added to the household count. This policy applies even if temporary absence of the child or parent may exist.

When the district has reason to question the validity of the relationship, verification may be obtained.

Examples of acceptable forms of verification:

Birth Certificate	Marriage Certificate
Baptismal Certificate	Other documentation from school
Court papers	or social service agency
Adoption papers	

One of the above will meet the relationship verification requirement.

10. Categorical Relatedness

a. ADC RELATED-DEATH

Documentation of death of a parent is necessary to determine categorical relatedness. In addition, this information may help to identify benefits due the child(ren) from the parent's employment or insurance.

Examples of acceptable forms of verification:

Death Certificate
Statement from Bureau of Vital Statistics

Widow or survivors benefits based upon deceased individual's SSN
Statement from a funeral director
Newspaper article or Death Notice
Records from hospital, insurance company, census records, etc.

b. ADC RELATED-INCAPACITY

Incapacity should be considered as categorically significant when the responsible adult is sufficiently incapacitated to substantially reduce the parent's ability to support or care for the dependent child(ren). The person may, in certain circumstances, still be able to work and meet the criteria for incapacity. The incapacity must be supported by competent medical testimony and expected to last for at least 30 days (74 ADM-180).

Pregnancy does not in itself result in an assumption of incapacity. A doctor's statement is necessary.

Examples of acceptable forms of verification

Eligibility for SSI or RSDI based on disability is sufficient proof that incapacity exists
Disability Certification by state or county review team
Signed medical statement

c. ADC RELATED-UNEMPLOYMENT

When the primary wage earner meets the underemployed definition, or is unemployed and willing and able to work, both parents qualify as ADC related. An A/R's statement is sufficient to determine which parent is the principal wage earner. (The principal wage earner is the parent who earned the greater amount of gross income in the 24 months preceding the month of application.) A person is considered unemployed when he or she is out of work for 30 days preceding the day of application. Underemployment also meets the unemployment category definition. A person is underemployed when he or she works less than 100 hours per month.

Examples of acceptable forms of verification:

Unemployment	Underemployment
Layoff notice	Current pay stub
Employers statement	Employers statement
Unemployment benefit claim book	
Unemployment records	

d. PREGNANCY

A medical diagnosis must verify pregnancy to claim an otherwise HR-related individual as FP, or to add an unborn to the budget and case count.

Examples of acceptable forms of verification:

Any signed statement or diagnosis on the stationary of a medical provider.

e. SCHOOL ATTENDANCE

Only when school attendance affects ADC-related eligibility should school attendance be verified. It is only necessary when there is an 18 year old who is expected to complete school before turning 19 years of age.

Examples of acceptable forms of verification:

Any written (report card, list of classes, etc.), or verbal contact with a school official is acceptable.

One of the above will meet the categorical relatedness documentation requirement.

11. Income

To determine eligibility, both earned and unearned income must be verified. The preferred forms of verification are pay or check stubs and written statements from employers. If an individual is self-employed, records which show income and work expenses should be verified. Inquiry into such systems as Wage Reporting will provide clues which should lead to sources of income.

For non-salaried individuals with earned income, four pay stubs in most instances should be sufficient.

Examples of acceptable forms of verification

Pay stubs	Pension/Retirement records
Employer statement	Employee's W-2 form
Income tax return	SSA check or letter
UIB letter/notice	State computer matches
Copies of certificates of deposit	(for source of income, not exact amount)
Other financial records	

One of the above items will meet the income documentation requirement.

12. Resources

All resources must be verified as well as the availability or exemption of the resource. When information cannot be verified all attempts at verification must be documented. Since the value of some financial investments fluctuate due to changes in net worth, interest accumulated, contributions, or withdrawals, they must be monitored on a regular basis. The value of all non-exempt assets and personal property such as bank accounts, cash on hand, stocks, bonds, securities, inheritances, or life insurance policies with a cash value, must be verified and documented.

The value of countable non-liquid assets must be determined. 18 NYCRR 360-4.4(e) provides that property which is not exempt from consideration will be considered part of the total resources of the A/R. If the value of such property when combined with all other resources is over the maximum resource level, the A/R will not be eligible for MA until medical expenses are incurred equal to or greater than the excess resources. However, MA may be provided sooner to such an A/R pending liquidation of excess non-liquid resources. In such cases the district must require the A/R to assign the proceeds of the liquidation for the amount of MA provided from the time the property was found to be non-exempt to the date of liquidation.

The value of an exempt resource must not be verified since its worth does not impact on eligibility.

In most situations, retroactive review of the A/R's financial situation should not exceed 30 months prior to the month of application since this is the maximum period for evaluation of a possible prohibited transfer of resources.

All countable resources must be compared to the appropriate allowable resource level. In addition to this amount, a sum of money may be set aside and specified as a burial fund. (See 91 ADM-19, "Funds Set Aside for Burial of MA-Only SSI Related Applicants/Recipients").

When comparing the value of an available resource to the appropriate level the value on the first day of the month must be used.

Examples of acceptable forms of verification:

Copies of bank (financial) statements
Copies of life insurances policies and/or clearances
Deeds
Copies of stocks, bonds, securities, etc.
Property appraisals (real and personal)

Newspaper (for stock/mutual fund values)
Statements from employers regarding pension income
Records of a stock broker
Copy of burial fund agreement
A/R's statement that an account is designated as a burial fund

a. Homesteads

Ownership of a homestead must be verified at initial application and each recertification. As stated in 91 ADM-37 it is necessary at each recertification to determine if a prohibited transfer of a homestead has occurred.

Examples of acceptable forms of verification

Deed or mortgage records
Property tax records

b. Vehicles

In most instances (except HR-related A/Rs) an automobile is exempt from consideration as a resource when determining eligibility if it is being used by the A/R or other members of the household. A second automobile, or other type of vehicle, may be considered an available resource depending on the circumstances.

It is only necessary to verify the value of a vehicle when it is non-essential and considered to be a countable resource.

Examples of acceptable forms of verification:

Proof of purchase minus encumbrances
"blue book" value
Estimate form an auto dealer

NOTE: Value considered should be minus encumbrances.

One of the above will meet the resource verification requirement.

D. System Support

System matches which should be utilized include:

1. WMS Clearance

The WMS Clearance process provides information about an applicant's current and past involvement as an A/R of New York State Department of Social Services programs. It compares the name, date of birth, and SSN of the applicant to all other

persons on file of the same sex, currently or previously involved in WMS, to find out if the A/R is already known to the system. The results of this search are printed on a Clearance Report. If the evaluation of the Clearance Report shows that the applicant is known and is/was in an active, closed, or denied case then the applicant will already have a unique Client Identification Number (CIN). All demographic data associated with that CIN is to be considered verified, even if entered by another district, unless there is reason to believe the file is incorrect.

2. Resource File Integration (RFI)

RFI is a subsystem of WMS used to locate client income/resources information (such as wages, unemployment benefits, tax refunds, bank accounts, etc.) which may be listed on the files of various State and federal agencies. RFI includes the Wage Reporting System (WRS) which matches the name and SSN for individuals 18 years of age or older with the wage file maintained by the New York State Department of Taxation and Finance.

Two other matches are done with the Social Security Administration (SSA) file, the Beneficiary and Earnings Data Exchange (BENDEX) and the Wire-to-Wire Third Party Query (WTPY). Both of these matches use the Name, SSN, Date of Birth, and Sex of all individuals and matches them with SSA's Title II Benefit file of individuals who are in receipt of retirement, survivor's benefits and disability insurance (RSDI).

In addition, a list of SSNs of State employees are sent to WMS from the New York State Comptroller State Payroll file for wage comparison.

The SSNs of individuals 18 years of age or over are also sent to the New York State Department of Labor. They are compared to the SSNs listed on the Unemployment Insurance Benefits (UIB) file.

Another match takes the name and SSN for all individuals being added to a case and matches them to the Internal Revenue Service 1099 File. If a comparison indicates that an account belongs to an A/R with the same name and SSN, then the amount of the unearned income and other related information is sent to WMS.

Since information utilized in the RFI matches may not be up to date, it is method of identifying a resource or source of income rather than a verification of the resource amount.

3. Enumeration/Validation

The SSN enumeration and validation procedures involve matches with files of the SSA. Enumeration is the process by which

WMS automatically assigns new, or changes an existing SSN, based on a file sent to the New York State Department of Social Services (NYSDSS) from SSA. Matches are performed on CIN, date of birth, sex, and name. Validation is the process by which WMS sends the SSN and certain other data to SSA for comparison. If the SSN, and demographic data that is associated with the individual on WMS, matches the information on file with SSA, that individual's SSN is validated as correct. No further documentation/verification is required.

V. System Implications

None.

VI. Effective Date

This ADM is effective October 1, 1993.

Sue Kelly
Deputy Commissioner