

Verification of Eligibility for Marketplace Coverage and Subsidies in the FFM

Center on Budget and Policy Priorities May 28, 2015



- The application asks consumers to attest to information on all relevant eligibility factors:
 - For some factors, such as state residency, eligibility is generally determined based on the attestation provided by the applicant.
 - For other eligibility factors, such as citizenship or immigration status and income, the attestations must be verified through electronic data matching or documents provided by applicants.



Healthcare.gov Uses the "Federal Hub" for Data Matches



- Data may not be available in the federal hub to verify attestations on an application, e.g.:
 - Consumers who haven't filed taxes in past years
 - Naturalized citizens
 - Recent graduates new to the workforce
- In other cases, information in the hub may not be "reasonably compatible" with attestations on the application
 - Consumer has a different job
 - Changes in household composition.
- When information can't be verified through data-matching, the "inconsistency" process is activated.

- The eligibility notice explains that the household needs to provide documents to verify one or more attestations on the application.
- Consumers can enroll in a Marketplace plan based on the attestations on the application and receive advance premium tax credits (APTC) and cost-sharing reductions (CSR) while they resolve the inconsistency.
- Consumers have 90 or 95 days from the date of the eligibility notice to send in documents to resolve an inconsistency:
 - 95 days for citizenship and immigration status
 - 90 days for all other eligibility factors

What are the results of my application?

Review the table below for your eligibility results.

Family Member(s)	Results	Next Steps
Sarah Young John Young	Eligible to purchase health coverage through the Marketplace	Send the Marketplace more information
	 Eligible for a tax credit (\$485.92 each month, which is \$5,831 for the year), but more information is needed 	 Choose a health plan and make first month's payment
	 Can choose a health plan with lower copays, coinsurance, and deductibles, but more information is needed 	For instructions, continue to "What should I do next?"
Jacob Young	 May be eligible for [state Medicaid program name], but more 	Send the Marketplace more information
	information is needed	For instructions, continue to "What should I do next?"

Verification of Citizenship and Immigration Status

- Applicant provides Social Security number(s)
- Applicant attests to being a U.S. citizen
- Healthcare.gov attempts to verify citizenship through a data match with Social Security Administration (SSA) records
- If citizenship can't be verified, the applicant is asked if he is a naturalized or derived citizen* and if so, applicant is asked to provide:
 - An alien number (also called USCIS number), and either a Naturalization Certificate number or a Certificate of Citizenship number
 - Healthcare.gov tries to verify citizenship through data match with SAVE (Systematic Alien Verification for Entitlements) program

Health Reform: Beyond the Basics

*The term **"naturalized" citizen** is used to describe individuals born outside of the U.S. who become U.S. citizens after completing certain requirements and the "naturalization" process. The term **"derived" citizen** refers to U.S. citizens who obtain citizenship through U.S. citizen parents.

- Incorrect submission of Social Security number (or no number provided)
- Name provided on the application does not match what is in SSA or SAVE records
- Data matching limitations:
 - SSA cannot verify citizenship for many citizens who were born outside of the U.S.
 - SAVE may not be able to immediately verify citizenship for some naturalized or derived citizens
- Some consumers may not have certificate numbers readily available (especially derived citizens)

Submit any one of the following documents to verify citizenship **Certificate of Naturalization U.S.** Passport Certificate of Citizenship State-issued enhanced driver's Document from a federally recognized Indian tribe that NEW YORK STATE includes the individual's name, the name of the tribe, and license (EDL) Currently available in Michigan, shows membership, enrollment, or affiliation with the tribe A tribal enrollment card New York, Vermont and A Certificate of Degree of Indian Blood Washington A tribal census document Documents on tribal letterhead signed by a tribal leader

NOTE: If a person does not have one of these documents, they will need two documents to prove citizenship.

Submit ONE document from EACH column (total of TWO documents)

One of the following documents:	AND one of the following documents:
 U.S. public birth certificate Consular Report of Birth Abroad (FS-240, CRBA) Certification of Report of Birth (DS-1350) Certification of Birth Abroad (FS-545) U.S. Citizen Identification Card (I-197 or the prior version I-179) Northern Mariana Card (I-873) Final adoption decree showing the person's name and U.S. place of birth U.S. Civil Service Employment Record showing employment before June 1, 1976 Military record showing a U.S. place of birth U.S. life, health or other insurance record showing U.S. place of birth U.S. life, health or other insurance record showing U.S. place of birth Religious record showing U.S. place of birth recorded in the U.S. School record showing the child's name and U.S. place of birth Federal or State census record showing U.S. citizenship or U.S. place of birth Documentation of a foreign-born adopted child who received automatic U.S. citizenship (IR3 or IH3) 	Document must have a photograph or other information, like name, age, race, height, weight, eye color, or address Driver's license issued by a State or Territory or ID card issued by the Federal, state, or local government School identification card U.S. military card or draft record or Military dependent's identification card U.S. Coast Guard Merchant Mariner card Voter Registration Card A clinic, doctor, hospital, or school record, including preschool or day care records (for children under 19 years old) 2 documents containing consistent information that proves your identity, like employer IDs, high school and college diplomas, marriage certificates, divorce decrees, property deeds, or titles

- Applicants attest to having an "eligible immigration status"
- Applicants submit applicable document numbers
- Marketplace tries to verify status through SAVE

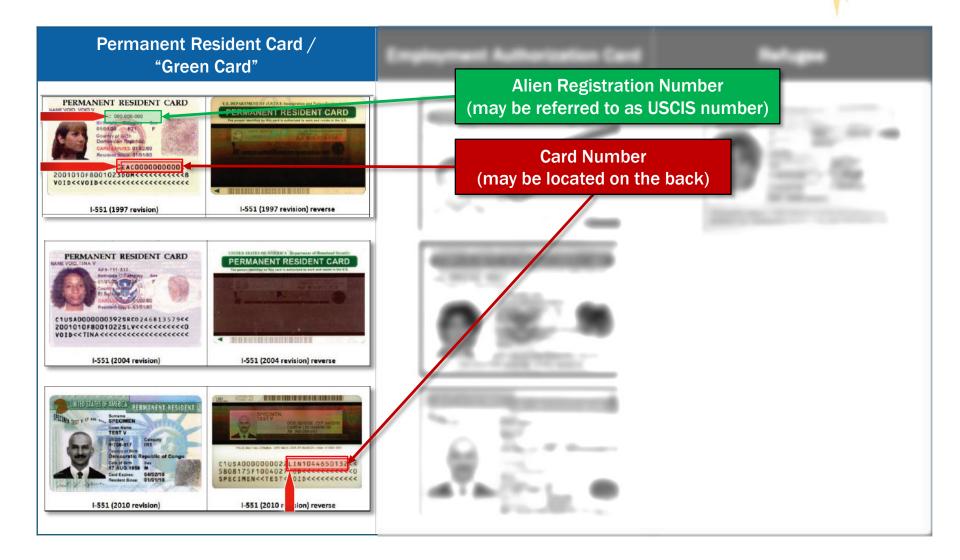
Check here if Ricky Rodas has eligible immigra	tion status
If this person's immigration status isn't listed here help paying for emergency services, including for baby. In some states, pregnant women may also coverage.	labor and delivery if they have a
Document type (Select one) Learn more about document types	
Permanent Resident Card ("Green Card", I-551) Temporary I-551 Stamp (on passport or I-94, I-94A Machine Readable Immigrant Visa (with temporary Employment Authorization Card (EAD, I-766)	
Temporary I-551 Stamp (on passport or I-94, I-94A Machine Readable Immigrant Visa (with temporary	y I-551 language)

- Name does not match SAVE records
- Use of hyphens, apostrophes and other special characters
- Incorrect or no submission of document numbers
- SAVE may not be able to verify immigration status instantly for some applicants for various reasons

Examples of Document Types



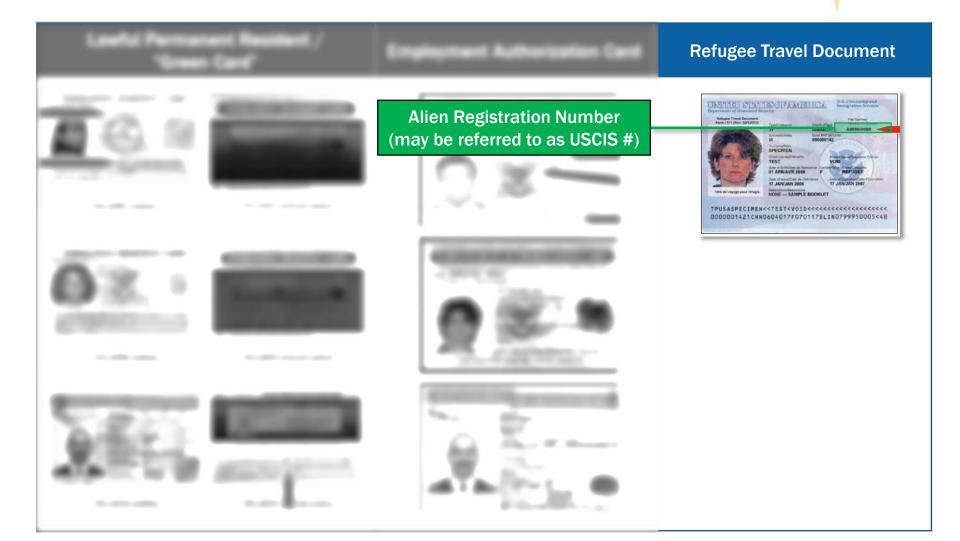
Permanent Resident Card, "Green Card," I-551



Employment Authorization Card (I-766)



Refugee Travel Document (I-571)



Arrival/Departure Record and Notice of Action

Arrival/Departure Record:	Notice of Action:
I-94, I-94A, I-94 in foreign passport	I-797
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Health Reform: **Beyond the Basics**)

The Ruiz Family Has Citizenship and Immigration Status Data Matching Issues

- Roberto and Monica are married and have two children, Miguel and Elena and expect their income to be about \$52,000 in 2015.
- Monica was born in Germany and is a derived U.S. citizen.
- Roberto is a lawful permanent resident.
- Miguel and Elena were born in the U.S.



- All family members provide Social Security numbers.
- Monica, Miguel and Elena attest to being U.S. citizens.
 - Monica is asked if she is a naturalized or derived citizen and she answers "yes."
 - Monica does not have a Certificate of Citizenship, so she skips the questions asking for document numbers.
- Roberto attests to having an eligible immigration status.
 - He provides his "alien registration number" and card number.

Applicant:	Data Match: SSA	Data Match: SAVE
Monica	No match	No match
Roberto	N/A	No match
Miguel & Elena	Match	N/A

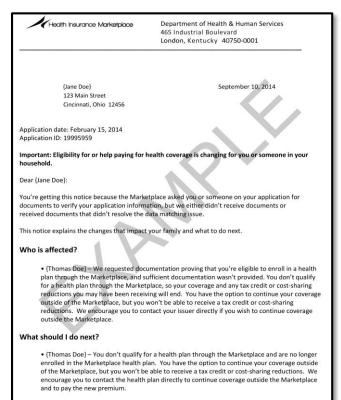
- Eligibility determination notice (EDN) explains:
 - All Ruiz family members are approved to buy a Marketplace plan and are awarded APTC and CSR
 - Monica and Roberto are instructed to provide documents to prove their status within 95 days

Family Member(s)	Results	Next Steps
Monica Ruiz	 Eligible to purchase health coverage through the Marketplace 	 Send the Marketplace more information
Roberto Ruiz	 Eligible for a tax credit (\$512 each month, which is \$6,143 for the year), but more information is needed 	 Choose a health plan and make first month's payment
	 Can choose a health plan with lower copays, coinsurance, and deductibles, but more information is needed 	For instructions, continue to "What should I do next?"
Elena Ruiz	Eligible to purchase health coverage	Choose a health plan and
Miguel Ruiz	through the Marketplace	make first month's payment
	 Eligible for a tax credit (\$512 each month, which is \$6,143 for the year) 	partition
	 Can choose a health plan with lower copays, coinsurance, and deductibles 	

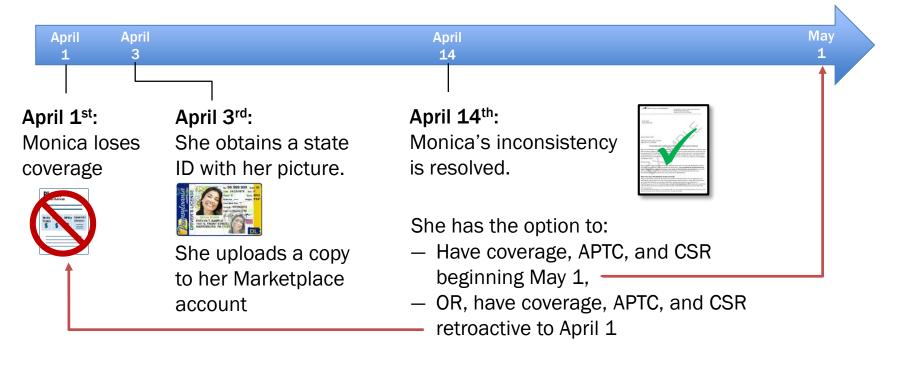
- Monica and Roberto submitted documents that were not sufficient:
 - Monica sent in her Consular Report of Birth Abroad, but she also needs to send in a document that includes a photo or other identifying information.
 - Roberto sent in his foreign passport, which in some cases may be used to prove lawful permanent residence, but in his case the passport did not contain the necessary information.
 - Monica and Roberto get warning notices explaining their coverage will end if sufficient documents are not submitted.



- Monica does not have a document from the list of options so she does not send in additional documents.
- Roberto sends in a copy of his Permanent Resident Card ("Green Card").
- Monica gets an "inconsistency expiration notice" that explains that her Marketplace coverage will end because she did not provide documentation to prove her citizenship.

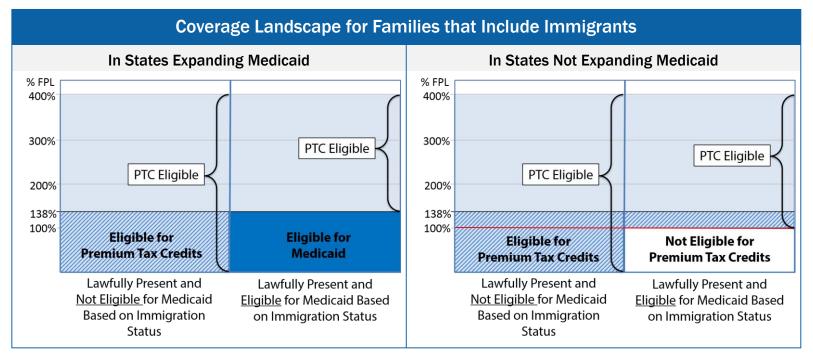


- Monica can regain coverage if she resolves the inconsistency by sending in necessary documents
- After resolving the inconsistency, she can re-enroll in a Marketplace plan prospectively or retroactively with a special enrollment period.



Immigrants with Incomes Below 100% of Poverty Line

 Lawfully present applicants with income below 100% of the poverty line may be eligible for premium tax credits if they are ineligible for Medicaid based on immigration status



• To get the correct determination, the Marketplace must verify that the applicant is ineligible for Medicaid based on immigration status

- If Healthcare.gov can't electronically verify that a legal immigrant is ineligible for Medicaid due to his immigration status, then he is assumed eligible for Medicaid based on status. As a result:
 - If otherwise eligible for Medicaid based on income and other factors, sent to Medicaid.
 - If not otherwise eligible for Medicaid, given the opportunity to enroll in a Marketplace plan with no advance payments of the premium tax credits and cost sharing reductions.

- Medicaid asks consumer to provide additional documents to prove his immigration status.
- If consumer has no other inconsistencies, Medicaid coverage should be provided while he proves his immigration status.
- If Medicaid finds the consumer ineligible based on immigration status but lawfully present, the agency notifies the consumer he is ineligible for Medicaid and sends consumer's account back to Healthcare.gov.
- Healthcare.gov notifies consumer he should come back to the application to complete any missing information (for example, offer of MEC questions).

Were any of these people found not eligible for Medicaid or the Children's Health Insurance Program (CHIP) in the past 90 days? Or, were any of them found not eligible for Medicaid or CHIP due to their immigration status since October 1, 2013? Important: Please select at least 1 item(s) Check the box only if a person was found not eligible for this coverage by their state, not by the Marketplace. Learn more about how to answer this question SUSAN GRIFFITH Baby Griffith None of these people SAVE & CONTINUE

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- Healthcare.gov notifies the consumer he is eligible to enroll in a Marketplace plan at full cost and asks consumer to provide proof of immigration status.
- Healthcare.gov may send a special notice to certain immigrants with income below the poverty line,
 - Will ask the consumer to send in proof of immigration status, and
 - Explain he may be eligible for help paying for coverage
- If the immigration inconsistency is resolved and the consumer is eligible for APTC, instructions are sent to the consumer on how to get a new eligibility determination and enroll in coverage.

Verification of Household Income

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- Applicants can attest that their income is the same as it was in the most recent available tax data (currently 2013).
 - In that case, income is verified and APTC and CSR will be based on the tax data.
- Applicants can list the income sources of each individual in the household and the attestation will be matched with data in the federal hub.

- If the attestation is higher than the income in the data hub, the attestation is usually (but not always) accepted.
- If the attestation is lower than the income in the data hub, it is accepted if it is within 10 percent of the income in the hub.
- If the attestation is substantially less or not "reasonably compatible" with the data available in the hub or no data is available, the applicant is awarded APTC and CSR based on the attestation but must provide documents to verify the attestation of income.

- Change in a job or hours of employment
- A change in household (divorce, separation, marriage)
- Retirement (losing wages and gaining retirement or Social Security benefits)
- Irregular freelance or self-employment income
- One-time income, such as an IRA withdrawal or a death benefit (could be in previous tax year or future coverage year)

What should I do next?

- Sarah Young and John Young You need to send the Marketplace proof of your yearly income for 2014. Examples of documents you can send include:
 - Wages and tax statement (W-2)
 - Pay stub
 - Letter from employer
 - Cost of living adjustment letter and other benefit verification notices
 - o Lease agreement
 - Copy of a check paid to the household member
 - Bank or investment fund statement
 - Document or letter from Social Security Administration (SSA)
 - Form SSA 1099 Social Security benefits statement
 - Self-employed ledger
 - Letter from government agency for unemployment benefits

If you do not provide documentation by the following date, your tax credit amount and lower copayments, coinsurance, and deductibles may end: December 31, 2014.

Documents that can be Used to Verify Income

If the income you listed on your application includes	Acceptable forms of proof include
Wages (income an employer pays you)	 Most recent W-2 A recent pay stub A letter from your employer A copy of a check paid to you as wages Signed time sheets
Self-employment income	 Most recent 1099-MISC Bookkeeping records or a self-prepared ledger that shows income and deductible expenses Bank statements that show deposits and expenses from your business
Social Security	 Form SSA-1099 Social Security benefits statement Any correspondence from the Social Security Administration that shows your benefit amount, including a Cost of Living Adjustment letter A bank statement that shows the monthly Social Security amount deposited into your bank account
Unemployment compensation	 Most recent 1099-G showing unemployment compensation An Unemployment Insurance Benefit Wage Statement that shows the weekly and total benefit you will receive
Withdrawal of taxable savings	 Bank or investment fund statement A statement of your intent to withdraw funds from an IRA or other retirement fund. Include the amount you expect to withdraw and when. Do not include non-taxable withdrawals, such as those from a bank savings account.
Rental income	A lease agreement that shows income from rental property.

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- In some cases, a signed statement may be accepted.
- This statement should include:
 - Client's name
 - Client ID
 - Description of the income
 - Description of how the amount of income is projected or known
 - Explanation of why documentation is not available

EXAMPLES

- A lifeguard who hasn't lined up her summer job yet
- A planned end-of-year IRA withdrawal
- Anticipated changes in self-employment income

The Ruiz Family's Income Goes Down

- Roberto is self-employed. On the family's 2013 tax return, he reported self-employment income of \$50,000 and Monica earned \$25,000 at her part-time job.
- Roberto lost his best customer in late 2014 and he expects his income will be only \$25,000 in 2015, after allowable deductions.



• The Ruiz family attests to projected annual income of \$52,000 for 2015.

• Next step: The Marketplace verifies income



 The Ruiz family attests to projected annual income of \$52,000 for 2015.

 The Marketplace provides APTC and CSR based on the attestation, and gives the Ruiz family 90 days to submit documentation of their income.

 If they fail to submit documentation, the Marketplace will use their 2013 tax return as the basis for determining their premium tax credits.

- Ledger from 2013 showing the income from the client he no longer has
- A letter from the client explaining he is no longer contracting with Roberto's business
- A statement from Roberto explaining that he lost the client and does not expect to replace the lost income with new business
- Monica's most recent pay stub



- Joe has never filed taxes and has a new job starting in February.
- He attests to annual projected income of \$22,000 for 2015.
- Because no electronic data are available, Joe has to submit documents to verify his 2015 income within 90 days.
- During the 90-day period, Joe will receive APTC and CSR based on his attestation of income.
- Joe can submit a letter from his employer, a hire letter or other proof showing his start date and income.

Anna Retires Early



- Anna plans to retire in February and will start receiving Social Security benefits.
- She also plans to withdraw \$5,000 from her retirement account.
- Her income attestation is more than 10 percent below her 2013 tax data.
- During the inconsistency period, Anna receives APTC and CSR based on her attestation.
- Anna can submit a letter or other proof of her last day of employment, her Social Security award letter or statement of benefits and a statement regarding her intent to withdraw funds from her retirement account.

- If income information is available to the Marketplace, subsidy level is changed to an amount based on the available information.
 - If available information shows income under 100% of the poverty line or over 400%, subsidies are terminated.
- If income information is not available to the Marketplace, subsidies are terminated.
- Consumer may have to pay a higher share or the entire premium.
- New premium amount may be withdrawn from consumer's bank account if they have authorized automatic payments.
- If consumers do not pay the full premium, grace period rules apply.

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For more information on grace periods rules, see the Health Reform: Beyond the Basics <u>Key Facts on Premium Payments and Grace Periods</u>



- Joe attested to annual projected income of \$22,000 for 2015. No tax information was available to verify this projection.
- Joe moved shortly after he enrolled and failed to update his address. Joe never got the reminder notice to submit documents to resolve his inconsistency and after 90 days, his subsidy was terminated. That gets his attention.
- Joe can submit documents now. If he verifies his income, he can restore his subsidy for future months.
- Joe can appeal. But he's unlikely to succeed in an appeal in this situation.
- If possible, Joe should pay the premium and maintain coverage. If Joe stays in his plan and pays the premium, he can claim the PTC on his tax return for all months in which he was eligible. If he fails to pay the premium and his coverage lapses, he may need to wait for the next open enrollment period.

- Can resolve the inconsistency and get subsidies restored prospectively.
- File an appeal to obtain retroactive premium tax credits if appeal is successful.
- If don't appeal or appeal is unsuccessful, premium tax credits for gap months may still be available when consumes file taxes, as long as they enrolled in a Marketplace plan in those months and paid the premium.

- In most cases consumers can resolve an income inconsistency by submitting proof that their income is within 20 percent of the income attested to on the application.
- If consumers don't have sufficient documents to verify their income, they should submit a written explanation that explains their attestation and why they can't provide proof.
- If the attestation provided in the application is no longer accurate, consumers should resolve the inconsistency by reporting an income change and submitting proof and/or an explanation of the new income projection.

- Upload rather than mail in documents to the Marketplace when possible.
 - The file must be a .pdf, .jpeg, .jpg, .gif, .xml, .png, .tiff, or .bmp.
 - It can't be bigger than 10 MB.
 - The file name can't include a colon, semicolon, asterisk, or any other special character, such as: / \: * ? " < >.
 - If the upload menu does not include the document type the consumer is trying to upload, the consumers can select "other".
- If mailing documents, provide information needed to match to application
 - Include the page in the notice that includes a bar code if available.
 - If bar code is not available, write the names, date of birth, and application identification number on the documents being submitted.
 - Keep record of when and what was mailed, including a certified mail receipt if possible.

 The term Health Insurance Marketplace is used to describe where to mail documents and who to call for questions, but they are actually different contractors:

Eligibility Processing Center	Call Center
 Receives and processes all Marketplace related documents sent to London, Kentucky Use "standard operating procedures" to determine whether documents verify eligibility Elevates certain cases to CMS Cannot accept inbound calls 	 Accepts calls from consumers Use scripts and other tools to answer questions Walks consumers through the online application Has limited knowledge as to whether and when documents have been received and whether an inconsistency has been resolved

- Judy Solomon, <u>solomon@cbpp.org</u>, Twitter: @JudyCBPP
- Shelby Gonzales, <u>gonzales@cbpp.org</u>
- Halley Cloud, <u>cloud@cbpp.org</u>
- For general inquiries, please email <u>beyondthebasics@cbpp.org</u>

For more information and resources, please visit: <u>www.healthreformbeyondthebasics.org</u>

This is a project of the Center on Budget and Policy Priorities, <u>www.cbpp.orq</u>