

CS19 - Non-Financial – Social Security Number

Statute:

Regulations: 42 CFR 457.340(b)

Additional References: Sec. 211 of CHIPRA 2009; Sec. 1414(a)(2) of the ACA

INTRODUCTION:

Template CS19 includes requirements related to individuals who are required to furnish or who voluntarily provide their social security number(s) and requirements regarding the State's responsibilities related these individuals.

BACKGROUND:

42 CFR 457.340(b), applies to CHIP, the same requirements that apply to Medicaid (42 CFR 435.910 and 435.907(e)) with respect to the provision and use of social security numbers and non-applicant information .

42 CFR 435.910 places a requirement on States to require, as a condition of eligibility, that each individual (including children) requesting Medicaid services furnish each of his or her social security numbers (SSNs). States are also required to inform individuals regarding the use of SSNs and to assist individuals to apply for an SSN if they do not have one. Additionally, states must verify each SSN of each applicant and beneficiary with the Social Security Administration to insure that each SSN furnished was issued to that individual, and to determine whether any others were issued.

With regulatory changes in final rule 77 FR 17206 published on March 23, 2012, implementing several provisions of the Patient Protection and Affordable Care Act of 2010, CMS sought to clarify and modify certain requirements related to social security numbers. Some of these changes include:

- Revised section 42 CFR 435.910(a) and (h) clarifies the SSN requirement for individuals who are not eligible for an SSN or do not have one and are only able to be issued an SSN for a non-work purpose. These individuals do not need to provide an SSN.
- Paragraph (e)(3) was added to 42 CFR 435.907 to codify the long standing policy from previous guidance (Tri-Agency Guidance for Medicaid and CHIP, which is available at <http://www.hhs.gov/ocr/civilrights/resources/specialtopics/tanf/triagencyletter.html>, prohibiting States from requiring a non-applicant from providing a Social Security Number (SSN). Provision of an SSN may occur on a voluntary basis.

TECHNICAL GUIDANCE:

Template CS19 begins with an introductory statement that the State must require that individuals, as a condition of eligibility, furnish their social security number or numbers, if they have more than one number.

The first section begins with the State assuring that it requires individuals, as a condition of eligibility, to furnish their social security number(s), followed by the allowable exceptions.

The State provides this affirmative assurance by checking the box next to the assurance statement. If the State does not check this box, the system will not accept this template for review and approval.

The second and third sections are statements of requirements for the State to:

- Provide assistance to individuals, who are required to provide their social security number, to apply/or obtain a social security number from the Social Security Administration if the individual does not have or forgot their social security number
- To inform individuals required to provide their social security number, by what statutory authority the number is solicited and how the State will use the social security number.

These statements are followed by an assurance from the State that it will verify each social security number of each applicant and recipient; that it will not deny or delay services to an otherwise eligible applicant pending issuance or verification of the individual's social security number and that the State's utilization of the social security numbers is consistent with sections 205 and 1137 of the SSA and the Privacy Act of 1974.

The State provides this affirmative assurance by checking the box next to the assurance statement. If the State does not check this box, the system will not accept this template for review and approval.

The last section begins with a statement that the State may request non-applicant household members to voluntarily provide their social security number. This statement is followed by a Y/N question which allows the State to indicate whether it request non-applicant household members to voluntarily provide their social security number.

- If the response is yes, the CHIP Agency must provide assurance that:
 - At the time that the social security number is requested, the State informs the non-applicant that this information is voluntary and provides information regarding how the social security number will be used; and
 - The State only uses the social security numbers for determination of eligibility for Medicaid or other insurance affordability programs, or for a purpose directly connected with the administration of the State plan.

The CHIP Agency provides this affirmative assurance by checking the box next to the assurance statement. If the CHIP Agency does not check this box, the system will not accept this template for review and approval.