FISCAL AGENT FOR
The Colorado Medical Assistance Program

Provider Enrollment
P.O. Box 1100
Denver, CO 80201-1100

303-534-0146
1-800-237-0757
Fax: 303-534-0439

This document will give provider applicants additional information on what documents and forms of ID are valid to prove lawful presence.

This document is incorporated by reference into all provider enrollment applications dated August 2006.

For further assistance, please contact:
Colorado Medical Assistance Program Provider Services
303-534-0146 or 1-800-237-0757 (Toll free Colorado)

Verification of Lawful Presence

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IDENTIFICATION REQUIREMENT EXPLAINED

BECAUSE IT'S THE LAW

A new law (House Bill S06-1023) was passed in Colorado requiring all provider applicants, on or after August 1, 2006, who are 18 years of age or older and who want to receive direct reimbursement (and before he or she receives direct reimbursment) to provide **valid proof** of **lawful presence** in the United States **AND** sign the Affidavit contained in the Provider Enrollment Application.

The Colorado Department of Revenue issued Emergency Rules to define **valid proof**. The Colorado Medical Assistance Program has provided you with a breakdown of those emergency rules as it applies to you, the provider applicant. Please see below. If you wish to read the Emergency Rules in their original form, they are reproduced for you in this document on pages 4 through 6.

VALID PROOF

Valid proof of lawful presence may be a notarized photo copy (both sides) of a valid (current) Colorado:

1. Driver's License;
2. Identification Card;
3. Minor Driver's License;
4. Probationary Driver's License;
5. Commercial Driver's License;
6. Restricted Driver's License; or
7. Instruction Permit.

ALTERNATIVE PROOF[1]

If the provider applicant does not have any of the above valid identification documents, Alternative Identification documents may be submitted with his or her provider enrollment application until March 1, 2007. [Under current Colorado law, in order to receive direct reimbursement beyond March 1, 2007, the provider applicant must produce Valid Proof of lawful presence as defined above. As soon as possible, the provider applicant should begin working diligently to secure the appropriate identification document.]

Alternative Identification documents are a notarized copy of:

1. the certificate verifying naturalized status or United States citizenship issued by an authorized agency of the United States, bearing Applicant's intact photograph impressed with the raised embossed seal of the issuing agency;
2. a valid Driver's License or Identification Card bearing applicant's photograph issued by one of the following states:
    a. Alabama, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North

[1] An approved provider application based on an Alternative Identification or the Electronic Identification Indicator in no way constitutes a representation that the applicant provider has provided sufficient information or documentation to support the issuance of one of the forms of identification set forth in the Valid Proof section of this document.

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Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Virginia, West Virginia, and Wyoming; or

3. valid immigration documents demonstrating Lawful Presence AND verified through the SAVE program by the Fiscal Agent. The provider applicant submitting this form of Alternative Identification need only provide the notarized copy of the valid immigration documents. The SAVE verification will be conducted by the Fiscal Agent as part of the application review. Valid Immigration Documents allowed are as follows:
    a. Unexpired Foreign Passport bearing an unexpired "processed for I-551" stamp or with an attached unexpired "Temporary I-551" Visa;
    b. "I-94" with refugee or asylum status;
    c. Unexpired Foreign Passport accompanied by an "I-94" indicating a specific future "until" date; and
    d. Unexpired "resident Alien" card, "Permanent Resident" card, "Temporary Resident" card, or "Employment Authorization" card.

SAVE VERIFICATION

When a SAVE verification (federal Systematic Alien Verification of Entitlement program) is required it is always completed by the Fiscal Agent as part of the provider application review process. There is no charge to the provider applicant for this verification.

SAVE verification is only necessary in the following instances:

1. if the provider applicant signs the Affidavit affirming that the provider applicant is an alien lawfully present in the United States. Until such verification of lawful presence is made, the affidavit may be presumed to be proof of lawful presence; or
2. if the provider applicant submits with his or her application valid immigration documents demonstrating lawful presence.

WAIVER PROCESS[2]

On or after August 1, 2006 and before March 1, 2007, a provider applicant may, in the alternative, demonstrate lawful presence by both executing the Affidavit in the Provider Enrollment Application AND by being verified with an Electronic Identification Indicator ("EII"). Applicants who qualify for this EII process are those who:

1. due to chronic health or medical condition, lack sufficient mobility to appear in person to apply for a Colorado Driver's License or Identification Card;
2. due to lack of a permanent physical address in Colorado, does not qualify for a Colorado Driver's License or Identification Card; or
3. may lack sufficient documentation to receive a Colorado Driver's License or Identification Card.

The Waiver Process is conducted by and through the Colorado Department of Revenue. Provider applicants who wish to apply for a waiver must fill out the attached Department of Revenue Request for Waiver – Restriction on Public Benefits form, attached here for your convenience on page 7. Please follow the instructions on the bottom of that form to ensure proper processing. All provider applicants

[2] An approved provider application based on an Alternative Identification or the Electronic Identification Indicator in no way constitutes a representation that the applicant provider has provided sufficient information or documentation to support the issuance of one of the forms of identification set forth in Valid Proof section of this document.

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choosing to apply for this waiver must wait until the Department of Revenue issues the EII before submitting his or her provider enrollment application to the fiscal agent.

Under current Colorado law, in order to receive reimbursement beyond March 1, 2007, the provider applicant must produce Valid Proof of Lawful Presence. As soon as possible, the provider applicant should begin working diligently to secure the appropriate identification document.

For more information on the EII, please call the Colorado Department of Revenue at 303.205.8358.

TRANSFER OF OWNERSHIP

Once a provider applicant is enrolled in the Colorado Medical Assistance Program, an ownership transfer of his or her business to another terminates the Colorado Medical Assistance Program Provider participation agreement. New owners must re-apply and comply with all application requirements.

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Department of Revenue
Emergency Rules for Evidence of Lawful Presence

House Bill 06S-1023

For more information on the Department of Revenues' Emergency Rules for HB 06S-1023 and the Electronic Identification Indicator, please call the Department of Revenue 303.205.8358.

These emergency rules were copied from: http://www.revenue.state.co.us/EDO_dir/wrap.asp?incl=LawfulPresenceRules

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1. Definitions

1.1. Applicant -- Any natural person eighteen years of age or older seeking non-exempt Public Benefits for themselves as set forth in §24-76.5-102 and 103 C.R.S.

1.2. Benefit Agency -- Agency of the state or of any political subdivision of the state of Colorado providing Public Benefits as defined in §24-76.5-102 C.R.S.

1.3. Department -- The Colorado Department of Revenue.

1.4. Director -- The Executive Director of the Colorado Department of Revenue.

1.5. Electronic Identification Indicator -- An entry, valid until March 1, 2007, located in the Department's Driver's License System database that indicates either Applicant's lawful presence or insufficient evidence of lawful presence.

1.6. Immigration Documents -- Any of the following:

1.6.1. Unexpired Foreign Passport bearing an unexpired "Processed for I-551" stamp or with an attached unexpired "Temporary I-551" visa.

1.6.2. Unexpired Foreign Passport accompanied by an "I-94" indicating a specific future "until" date.

1.6.3. "I-94" with refugee or asylum status.

1.6.4. Unexpired "Resident Alien" card, "Permanent Resident" card, "Temporary Resident" card, or "Employment Authorization" card.

1.7. Request for Waiver -- Request form (attached as an exhibit to these rules and incorporated herein) completed by an Applicant seeking a determination of lawful presence by the Department and resulting in an Electronic Identification Indicator. The Request for Waiver must be accompanied by all documents that Applicant can produce to verify name and proof of lawful presence.

1.8. SAVE -- The Systematic Alien Verification for Entitlements Program administered by the United States Citizenship and Immigration Services of the Department of Homeland Security.

2. Identification Documents

2.1. A first time Applicant or Applicant seeking to reapply for public benefits on or after August 1, 2006 may demonstrate lawful presence by both executing the affidavit required in §24-76.5-103(4)(b) C.R.S. and producing:

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2.1.1. One of the forms of identification set forth in §24-76.5-103(4)(a) C.R.S., except that for purposes of §24-76.5-103(4)(a)(1), a Valid Colorado Driver's License or Identification Card includes only a current Driver's License, Minor Driver's License, Probationary Driver's License, Commercial Driver's License, Restricted Driver's License, Instruction Permit or Identification Card;

2.1.2. Alternative Identification allowed until March 1, 2007, as follows:

2.1.2.1. Certificate verifying naturalized status Issued by an authorized agency of the United States bearing Applicant's intact photograph impressed with the raised embossed seal of the issuing agency;

2.1.2.2. Certificate verifying United States citizenship issued by an authorized agency of the United States bearing Applicant's intact photograph impressed with the raised embossed seal of the issuing agency;

2.1.2.3. Valid Driver's License or Identification Card bearing Applicant's photograph issued by one of the following: Alabama, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Virginia, West Virginia, and Wyoming;

2.1.2.4. Valid Immigration Documents demonstrating Lawful Presence and verified through SAVE.

3. Waiver Process

3.1. A first time Applicant or Applicant seeking to reapply for public benefits on or after August 1, 2006 and before March 1, 2007, may demonstrate lawful presence by both executing the affidavit required in §24-76.5-103(4)(b) C.R.S. and being verified with an Electronic Identification Indicator ("EII").

3.1.1. Applicants who qualify for this EII process are those who:

3.1.1.1. due to chronic health or medical condition, lacks sufficient mobility to appear in person to apply for a Colorado Driver's License or Identification Card,

3.1.1.2. due to lack of a permanent physical address in Colorado, does not qualify for a Colorado Driver's License or Identification Card, or

3.1.1.3. may lack sufficient documentation to receive a Colorado Driver's License or Identification Card.

3.1.2. Upon receipt of a Request for Waiver together with all supporting documentation The Department will establish the Electronic Identification Indicator. Until March 1, 2007, any Benefit Agency may rely on electronic verification of lawful presence from the Department evidenced by the Electronic Identification Indicator.

3.1.3. The Benefit Agency is responsible for verifying that their Applicant is the same individual indicated as being lawfully present with an Electronic Identification Indicator.

3.2. A state agency may apply to the director for a waiver for a specific program under which the applicant's lawful presence will be verified through a related state or federal program contemporaneous to the current application. Likewise, a local agency may request a waiver from the director for a specific program under which the applicant's lawful presence will be verified through a related local, state or federal program contemporaneous to the current application.

4. Required Advisement

4.1. A Benefit Agency awarding benefits based on Alternative Identification set forth in 2.1.2. above or the Electronic Identification Indicator must advise Applicant of the following:

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4.1.1. Under current Colorado law, in order to receive benefits beyond March 1, 2007, Applicant must produce one of the forms of identification set forth in §24-76.5-103(4)(a) C.R.S.;

4.1.2. As soon as possible, Applicant should begin working diligently to secure the appropriate identification document; and

4.1.3. A determination of eligibility for benefits based on an Alternative Identification or the Electronic Identification Indicator in no way constitutes a representation that Applicant has provided sufficient information or documentation to support the issuance of one of the forms of identification set forth in §24-76.5-103(4)(a) C.R.S.

DR 4678 (07/28/06)
COLORADO DEPARTMENT OF REVENUE

REQUEST FOR WAIVER - RESTRICTIONS ON PUBLIC BENEFITS

APPLICANT

Current Name - Last	First	Middle
Full Maiden Name, if applicable		
Birth Date	Gender	Social Security Number

Current Residence Address - Street	City	State	ZIP Code

U. S. Citizen? Yes ☐ No ☐	If No, Lawfully Present? Yes ☐ No ☐

IF AN APPLICANT IS UNABLE TO PRODUCE THE DOCUMENTATION NECESSARY TO OBTAIN A COLORADO DRIVER'S LICENSE OR IDENTIFICATION CARD, THE APPLICANT SHALL PROVIDE ANY AVAILABLE DOCUMENTS THAT VERIFY NAME AND PROOF OF LAWFUL PRESENCE.

REPRESENTATIVE DESIGNATION (IF APPLICABLE)

APPLICANTS LACKING SUFFICIENT MENTAL OR PHYSICAL ABILITY TO EITHER SIGN THIS FORM OR APPEAR IN PERSON TO SUBMIT THE FORM MAY ACT THROUGH A DESIGNATED REPRESENTATIVE.

DESIGNATED REPRESENTATIVE

Name - Last	First	Middle

Form of Identification	Identification Number

Applicant's specific reason for needing a designated representative

_____

_____

APPLICANT OR APPLICANT'S DESIGNATED REPRESENTATIVE MUST SIGN BELOW

Signature	Date

THIS FORM AND ALL SUPPORTING DOCUMENTATION MUST BE PRESENTED IN PERSON AT ONE OF THE FOLLOWING DRIVER'S LICENSE OFFICES:

Alamosa	Craig	Hot Sulphur Springs	Meeker	Steamboat Springs
Denver (Athmar)	Delta	Grand Junction	Montrose	Sterling
Aurora	Durango	Greeley	Northglenn	Trinidad
Boulder	Ft. Collins	Gunnison	Parker	Walsenburg
Canon City	Ft. Morgan	La Junta	Pueblo	
Colorado Springs	Frisco	Lamar	Rangely	
Cortez	Glenwood Springs	Longmont	Salida	

THIS PAGE APPLIES ONLY TO INDIVIDUAL PROVIDERS WITH A CURRENT PROVIDER ID NUMBER

Please fill in and sign this Affidavit if you are:

- An individual provider (18 years of age or older), seeking to receive direct reimbursement (changing status from non-direct reimbursement).

DO NOT fill in this Affidavit if you are:

- An Applicant Provider (not yet enrolled). Instead, fill in and sign the Affidavit contained in the August 2006 revision of the Enrollment Application.

Verification of Lawful Presence in the United States	**Each individual provider applicant who is 18 years of age or older *who will receive direct reimbursement* must attach a notarized photocopy of one of the following documentation types AND sign the following affidavit** Pursuant to C.R.S. § 24-76.5-103, on or after August 1, 2006, each agency or political subdivision of the State shall verify the lawful presence in the United States of each natural person eighteen years of age or older who applies for state or local public benefits or for federal public benefits by requiring the applicant to produce one of the following: 1) A valid Colorado driver's license or a Colorado identification card; or 2) A United States military card or a military dependent's identification card; or 3) A United States Coast Guard Merchant Mariner card; or 4) A Native American Tribal Document AND Execute the affidavit below.

AFFIDAVIT

for the Colorado Department of Health Care Policy and Financing as Proof of Lawful Presence in the United States

I, _____, swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

_____ I am a United States citizen, or

_____ I am a Permanent Resident of the United States, or

_____ I am lawfully present in the United States pursuant to Federal law.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

Signature	**Date**
Name (please print)	Social Security Number
Colorado Medical Assistance Program Provider Number (Required)	