

STATE OF COLORADO

DEPARTMENT OF HEALTH CARE POLICY & FINANCING

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August 1, 2006

Bill Owens
Governor

Re: Affidavit for HB 06S-1023

Stephen C. Tool
Executive Director

REQUIRED ACTION

Dear County Director and Medical Assistance Site Director:

HB 06S-1023 requires the completion of an affidavit as part of the required proof of lawful presence in the United States. The Department of Health Care Policy and Financing has determined that the current applications for joint and medical benefits do not meet the Act's affidavit requirements. Therefore, we are providing you with the attached form that is to be used pursuant to emergency rules passed by the Medical Services Board (see <http://www.chcpf.state.co.us> for the most recent version of the rules; check later for the final version). The form is provided in English and Spanish.

Please require this form for all clients who are subject to HB 06S-1023, including the populations affected by the rules passed yesterday by the Medical Services Board (clients in the Old Age Pension State Medical Program and the Children's Basic Health Plan that are 18 years of age or older). You are required to keep the original form in the client's application file.

The Departments' aim is to modify the applications so that they meet the affidavit requirements without a separate form. Until that happens, please use the attached form(s). More instructions for Medicaid clients are planned for a subsequent letter. Medicaid clients subject to the Deficit Reduction Act or who are eligible under Supplemental Security Income do NOT need to complete this attached form.

Thank you for your assistance to ensure a timely and accurate implementation of HB 06S-1023, which was signed yesterday, July 31, 2006, and is effective today, August 1, 2006. If you have any questions, please call me at 303-866-5624 or email me at lisa.esgar@state.co.us.

Sincerely,


Lisa Esgar, Senior Director
Operations and Finance Office

cc: Steve Tool
Barbara Prehmus
Bill Heller

Chris Underwood
Robert Douglas
Dr. John Witwer



AFFIDAVIT

for the Colorado Department of Human Services and the 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 legal 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 lawfully present 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



AFFIDAVIT

DECLARACION / JURAMENTO

**Departamento de Servicios Sociales del Estado de Colorado
y el Departamento de Política y Financiamiento de la Salud
Como Prueba de Presencia legal en los Estados Unidos**

Yo, _____, juro o afirmo bajo pena de perjurio bajo las leyes del Estado de Colorado que (cheque uno):

- Soy ciudadano de los Estados Unidos, o
- Soy residente permanente de los Estados Unidos, o
- Estoy legalmente presente en los Estados Unidos conforme a la ley federal.

Yo entiendo que esta declaración jurada es un requerimiento de la ley porque he solicitado ayuda pública. Yo entiendo que las leyes del estado requieren que yo proveé prueba de que Yo estoy presente legalmente en los Estados Unidos antes de que pueda recibir esta ayuda pública. Tambien reconozco que hacer una declaración o representación falsa, ficticia o fraudulenta en esta declaracion jurada es penada bajo la ley criminal de Colorado como perjurio de segundo grado bajo el Estatuto Corregido de Colorado 18-8-503 y constituirá una ofensa criminal separada cada vez que ayuda pública sea fraudulentamente recibida.

Firma

Fecha