



COMBINED MEDICAID 302-1 State Residency

Supersedes: FMA 302-1 (01/01/08), MA 302-1 (07/01/08)

Reference: 42 CFR 435.403; ARM 37.82.101, .402

Overview: Medicaid must be provided to otherwise eligible Montana residents. Residency is verified using self-attestation, unless questionable. Temporary residence without any intent to remain within the state does not fulfill the residency requirements except in the case of migrant workers or other persons who qualify as residents under the second definition of residency below. Residence does not depend on the reason the individual entered the state, except it may indicate whether he or she is here voluntarily or for a temporary purpose.

RESIDENCY:

Residency is established when an individual is:

1. Living in Montana voluntarily with the intention of making a home here and not for a temporary purpose, or
2. Living in Montana, and not eligible for/receiving benefits from another state and has a job commitment or is seeking employment in Montana (whether or not currently employed).

NOTE: When an applicant is receiving Medicaid in another state and subsequently moves to Montana, Montana Medicaid may be furnished for the month of move. Medicaid in the other state must be closed before Montana Medicaid can continue. If they were receiving TANF cash assistance in another state, the assistance amount is excluded in determining Medicaid eligibility.

ACA and Family Medically Needy: A child is a resident of the state in which the custodial specified caretaker relative is a resident.

ABD: A non-institutionalized minor whose eligibility is based on blindness or disability is a resident of the state in which he/she is living.

Residency is retained until abandoned. A client's temporary absence (not to exceed 90 consecutive days) from the state does not interrupt continuity of residency.

ACA and Family Medically Needy: Minor children who usually live with a custodial caretaker relative in another state, and are in Montana to visit their other parent (or other relative) during a summer

vacation or other school break are not Montana residents. They are 'temporarily absent' from their custodial parent, and could be eligible in the other state.

TEMPORARY ABSENCE FROM THE HOME/STATE:

Temporary absence occurs when an assistance unit member is away from his or her home for a period not to exceed 90 consecutive days Benefits continue for these members as long as the following conditions are met:

1. The absent member intends to return to his or her home within 90 days;
2. **ACA and Family Medically Needy:** If the child is required to live with a specified caretaker relative, the specified caretaker relative continues to exercise responsibility for the child while the child is away; and
3. **ACA and Family Medically Needy:** The specified caretaker relative plans to continue such responsibility for the child upon return to the home.

ACA and Family Medically Needy: If the absent member does not return home within 90 days, without good cause, they are removed from the assistance unit. If he or she is the only eligible child, eligibility terminates for the assistance unit. If the absent member is the child's specified caretaker relative, the child is no longer considered to be living with a specified caretaker relative. Eligibility ends if the open Medicaid program requires a child to live with a specified caretaker relative. The child may be eligible for other coverage; ex parte review must be completed.

EXCEPTION: If the absent member is away from home for medical treatment, or a child is away attending school or another educational facility (e.g., 17 or 18 year old away at college), he or she is not subject to the temporary absence policy and, if otherwise eligible, may continue to receive benefits as a part of the household.

When a required filing unit member is temporarily absent for longer than 90 days, but has good cause for not returning (such as military personnel, away for employment, etc.), that individual remains included in the filing and, if appropriate, assistance unit and their income and resources are counted in full.

SSI STATE SUPPLEMENTAL PAYMENTS:

Individuals receiving state supplemental payments are considered residents of the state in which the payment is being received. However, when the Social Security Administration (SSA) is advised of the move, Medicaid coverage can begin in a new resident state.

Example: Jim recently moved from Washington to Montana. However, Jim did not notify the SSA that he moved; because the SSA continues to mail his SSI payment to Washington State, Jim is eligible for medical assistance in Washington.

After notifying the SSA that he has moved to Montana, Jim may be eligible for Montana Medicaid coverage.

INSTITUTIONALIZED INDIVIDUALS:

Eligibility may not be denied to an individual who did not establish residency in Montana prior to entering an institution. An institutionalized individual who became incapable of indicating intent at or after age 18 is a resident of Montana if physically present in the State of Montana, except in the case where another state makes a placement. An institutionalized individual under age 18 (or an individual age 18 or older who became incapable of indicating intent before age 18) is a resident of Montana if the:

1. Parent or legal guardian was a resident of Montana at the time of placement;
2. Parent or legal guardian is currently a resident of Montana; or
3. Individual or party who files an application is a resident of Montana, if the institutionalized individual has been abandoned by his/her parent(s), does not have a legal guardian and is institutionalized in the State.

OUT-OF-STATE INSTITUTIONAL PLACEMENTS:

Any individual placed in an out-of-state institution with prior approval of Montana Medicaid continues to be a Montana resident. Any individual placed in a Montana institution by another state continues to be a resident of the placing state.

DISPUTED RESIDENCY:

When two or more states cannot resolve which state is the resident state, the state where the individual is physically located is the state of residence.

Effective Date: July 01, 2016