

I-1900 RESIDENCE**I-1910 REQUIREMENT**

The agency must provide Medicaid to eligible residents of Louisiana including residents who are absent from the state. Refer to N-400, Out of State Medical Care.

For purposes of this section, institution means a facility that is organized to provide medical care, including nursing and convalescent care and is licensed and authorized under state law to provide such care. Refer to I-900 for policy relative to incarcerated individuals.

An individual is considered incapable of stating intent if:

- determined to have an I.Q. of 49 or less or a mental age of 7 or less, based on tests acceptable to the Office for Citizens with Developmental Disabilities (OCDD). ;
- judged legally incompetent, or
- found incapable of stating intent based on medical documentation obtained from a physician, psychologist, or other professional licensed by the state in the field of developmental disability/mental health.

Determine state of residence using the following criteria or conditions:

1) Placement by a state in an out-of-state institution:

- Any agency of a state, including an entity recognized under state law as being under contract with the state for such purposes, that arranges for an individual applicant/enrollee to be placed in an institution located in another state, is recognized as acting on behalf of the state. The state arranging or actually making the placement for the individual, is considered the state of residence irrespective of the individual's intent or ability to state intent. If another state places an individual in a Louisiana institution, that state is the individual's state of residence.
- Any action beyond providing information to the individual and their family constitutes arranging or making a state placement.

The following actions do not constitute state placement:

- Providing basic information about another state's Medicaid program.
 - Assisting an applicant/enrollee in locating an institution in another state, provided they are capable of stating intent and are independently deciding to move.
- 2) For individuals of any age who receive a state supplementary payment (SSP), the state of residence is the state paying the SSP.
 - 3) For persons of any age who receive Federal payments for foster care and adoption assistance under Title IV-E of the Social Security Act, the state of residence is the state where the person lives.

I-1910.1 Individuals Under Age 21

- 1) For any competent individual who is capable of stating intent and is emancipated from their parents or is married, the state of residence is the state where they are living with the intent to reside.
- 2) For any non-institutionalized individual whose Medicaid eligibility is based on blindness or disability, the state of residence is the state in which they live.
- 3) For any non-institutionalized individual, the state of residence is:
 - Where the individual lives, other than on a temporary basis, or
 - Where the caregiver is a resident.
- 4) For any institutionalized individual who is neither married nor emancipated, the state of residence is:
 - The state of residence of the parent or legal guardian at the time of placement;
 - The current state of residence of the parent or legal guardian who files the application; or
 - The state of residence of the person who files an application on behalf of someone who has been abandoned by his or her parent(s), does not have a legal guardian and is institutionalized in that state.

I-1910.2 Out-of-State Students Attending a Louisiana University

Out of state students, under the age of 19, with parents that reside in another state, are considered residents for the purposes of Medicaid. If the student is claimed on their parents' federal income tax return, the parents' income is included in the budget calculation.

Exception:

Parents' income is excluded for emancipated students, not claimed on a federal income tax return by a parent.

I-1910.3 Individuals Age 21 and Over

1) For any non-institutionalized individual, the state of residence is the state where the individual is:

- Living, if competent and capable of stating intent to reside
- Living, if incapable of stating intent; or

Living and entered with a job commitment or is seeking employment (whether or not currently employed).

Note:

Homeless families are considered to meet the residence requirement if the above factors are met.

2) For any institutionalized individual who became incapable of stating intent before age 21, the state of residence is:

- That of the parent applying for Medicaid on the individual's behalf, if the parents reside in separate states **(if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used);**
- The state of residence of the parent or legal guardian at the time of placement **(if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used);**
- The current state of residence of the parent or legal guardian who files the application if the individual is institutionalized in that state **(if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used); or**

- The state of residence of the individual who files an application on behalf of someone who has been abandoned by his or her parents, does not have a legal guardian and is institutionalized in that state.
- 3) For any institutionalized individual who became incapable of stating intent at or after age 21, the state of residence is the state where the individual is physically present, except where another state makes placement.
 - 4) For any other institutionalized individual capable of stating intent, the state of residence is the state where the individual is living with the intention to reside.

I-1911 CHANGE IN RESIDENCY

A person cannot receive Medicaid coverage as a member of more than one household or in more than one parish or state. For applicants who were recently covered by Medicaid, verify the effective date of closure or removal from the certification prior to determining current eligibility.

A Medicaid enrollee who moves from another state to Louisiana with intent to reside, may be certified for Louisiana Medicaid before the effective month of closure in the former state when the former state is unable to terminate eligibility because of administrative technicalities if:

- the former state indicates that it will not pay services incurred in Louisiana, and
- the enrollee provides a written statement to both states that requests to have Medicaid terminated in the former state effective the month of the move, and
- the former state notifies Louisiana that it will discontinue issuance of Medicaid cards and whether it will be able to intercept cards issued prior to the actual closure.

When a Medicaid enrollee moves to another state with intent to reside, send the appropriate notice and close the case as soon as systems limitations allow. If the other state inquires about **Louisiana's** payment of out of state claims, ** including out-of-state Long Term Care (LTC) services, advise the other state that Louisiana will not pay any out of state claims after the date the enrollee moved.

When the Social Security Administration changes state residence for an SSI enrollee, the change is effective the month following the month the change occurred. This date is shown on SDX information as the "Residence Begin Date". If the individual requests Medicaid in Louisiana for the month prior to the Residence Begin Date, he may be certified for Louisiana Medicaid if the three conditions listed above are met.

I-1912 TEMPORARY VISITS OUT OF STATE

Enrollees do not lose their residence status because of temporary absences from Louisiana with the intent to return. The enrollee will continue to receive Medicaid benefits while visiting out of state. When residency is established in another state, the enrollee is no longer eligible for Medicaid in Louisiana.

Emergency LTC services received in an out-of-state facility by a Louisiana Medicaid enrollee temporarily absent from the state with intent to return, may be paid only if the admission is approved by the Office of the Secretary, Health Standards Section.

Note:

An enrollee may not be able to use the Louisiana **Medicaid card while he is temporarily out of state.

I-1913 INTERSTATE RESIDENCY AGREEMENTS

Louisiana terminated its interstate residency agreements with the states listed below, effective September 1, 1997. At that time, any resident receiving Medicaid under the terms of the agreement continued to be considered a resident of Louisiana for purposes of Medicaid eligibility provided there was no break in the institutional status.

Alabama	Maryland
Arkansas	Minnesota
California	New Mexico
Florida	Ohio
Georgia	Tennessee
Iowa	Texas
Kansas	Wisconsin
Kentucky	

Louisiana terminated its interstate residency agreement with Mississippi effective November 1, 1993. Enrollees who became eligible under the provisions of the interstate agreement with Mississippi through October 31, 1993 shall continue to meet Louisiana state residency requirements unless and until they move out of Louisiana with intent to reside in another state.

I-1914 INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE (ICAMA)

When a state signs the Interstate Compact on Adoption and Medical Assistance, it agrees to assume Medicaid responsibility for children who are:

- covered by an Adoption Subsidy Agreement,
- adopted by someone residing in another state, and
- otherwise Medicaid eligible in the original state of residence.

These cases are handled by the Department of Children and Family Services (DCFS), Child Welfare Division. If the agency representative receives an application or request for assistance for a child adopted from an ICAMA state, refer the applicant to DCFS Child Welfare Division.

The following states have signed an ICAMA with the state of Louisiana:

Arkansas	Missouri
Colorado	Nebraska
Delaware	Nevada
Georgia	New Hampshire
Hawaii	New Mexico
Kansas	Oklahoma
Kentucky	Rhode Island
Utah	Maine
West Virginia	Massachusetts
Wisconsin	Minnesota

I-1915 INQUIRIES CONCERNING RESIDENCE

Refer all inquiries received from other states concerning applicants or enrollees for whom Louisiana residence is indicated, via e-mail, OOS@la.gov analyst to whom the case is assigned

I-1920 VERIFICATION**Non-Institutionalized Individual**

Accept the applicant/enrollee's declaration of state of residency during the interview. Verify state of residency **only when questionable**.

Physical residence shall be verified **if questionable** at application or when a change of address is reported. Rent, mortgage, or utility receipts are acceptable forms of verification of physical residency. Collateral contacts with the landlord, neighbors, or relatives or scheduled home visits are secondary sources of verification.

Institutionalized Individual

Verify physical residence in the LTC facility by BHSF Form 148.

If the applicant/enrollee has lived in Louisiana for an extended period of time, accept the applicant/enrollee's declaration of state of residency unless questionable.

If the applicant/enrollee entered Louisiana from another state to receive needed medical or supportive care, evaluate the permanency of the relocation. **The applicant/enrollee must intend to reside in Louisiana upon discharge.**

The following questions may be asked to help determine if applicants meet Louisiana residency requirements:

- If applicant is under 21:
- Is applicant married or emancipated? (If yes, verify)
- If not married or emancipated, what is the state of residence of the parent or legal guardian? (Document address and relationship)

The following questions shall be asked of any applicant whose residency is questionable:

- Has applicant previously been a resident of Louisiana?
- Where does applicant's immediate family reside (spouse, children, siblings, etc.)?

- Why did the applicant choose to enter a nursing facility in Louisiana?
- Does the applicant know what state they are in?
- Is the applicant capable of stating intent to reside in Louisiana? If so, secure the statement in writing. If not, at what age was the applicant first unable to state intent? (Date of accident, at birth, due to recent illness, etc.)
- Does the applicant's family know what state they are in?
- Is the applicant on a waiting list for a nursing facility bed in another state?
- Who arranged for, or assisted with, placing the applicant in the nursing facility?
- Did the applicant come to a Louisiana nursing facility from a hospital, other nursing facility or directly from their home in another state?
- If applicant came from a nursing facility:
 - Were they private pay, Medicaid or VA contract?
 - Was applicant SSI eligible in another state?
 - Where were they living before being admitted to the nursing facility?
- Does the applicant own his/her home? If so, where is the home located? If not, did applicant ever own their home? If yes, explain if home was disposed of within the past five years.
- Does applicant own any real property in another state?

Did the applicant enter a Louisiana nursing facility because a nursing facility bed was not available or types of services needed were not available in the previous state of residence?

- If applicant discharged from nursing facility, where would the applicant live? With whom would the applicant live and how would their needs be met?
- If a vacancy becomes available in the state of previous

residence, would the applicant return to that state?

Individual with a Community Spouse

Ask the following questions in addition to the previous questions if the applicant has a community spouse:

- What is the community spouse's state of residence?
- Does the spouse visit? If yes, how often?
- Is the spouse actively involved in the applicant's plan of care? How does the spouse assist in his care? (Accompanies to medical appointments, keeps bills paid up to date, etc.)
- Are any other family members involved in the applicant's day-to-day care?
- Does the applicant's income go directly to the nursing facility or does it go to the spouse?
- If the institutionalized spouse is discharged, what plans does the community spouse have for the applicant's care?
- If applicant is incapable of stating intent ask the spouse where the applicant/enrollee will live when discharged?

I-1930 DOCUMENTATION

Document declarations made by the applicant/enrollee, in the Case Activity Log (CAL).

File all documents in the Electronic Case Record (ECR).