

**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](#). This includes individuals without a fixed address (homeless/transient).

The Agency may not deny Medicaid eligibility because an individual has not resided in the state for a specified period.

The Agency may not deny Medicaid eligibility to an individual in an institution, who satisfies the residency rules, on the grounds that the individual did not establish residency in the state before entering the institution.

The Agency may not deny or terminate a resident's Medicaid eligibility because of a temporary absence from the state if the person intends to return when the purpose of the absence has been accomplished, unless another state determined that the person is a resident there for purposes of Medicaid.

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. For purpose of state placement, the term also includes foster care homes which are licensed and providing food, shelter, and supportive services to one or more persons unrelated to the proprietor, Refer to [I-900 Institutionalized](#) 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:

**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, which arranges for an individual applicant/beneficiary 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 and information about the availability of health care services and facilities in another state.
- Assisting an applicant/beneficiary in locating an institution in another state provided they are capable of stating intent and are independently deciding to move.

When a competent individual leaves the facility in which the individual is placed by a State, that individual's State of residency for Medicaid purposes is the State where the individual is physically located.

**\*\*I-1910.1 Individuals under Age 21**

**Individuals under Age 21 Receiving Federal Payments for Foster Care, Federal Payments for Adoption Assistance, or a State Supplementary Payment (SSP)**

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 child lives.

For individuals of any age who receive an SSP, the state of residence is the state paying the SSP.

**Non-Institutionalized Individuals under Age 21 - Emancipated or Married**

For any non-institutionalized individual under age 21 who is capable of indicating intent and who is emancipated from their parents or who is married, the state of residence is the state where the individual is living and:

- Intends to reside, including without a fixed address; or
- Has entered the state with a job commitment or seeking employment (whether or not employed).

**Non-Institutionalized Individuals under Age 21 - Other**

For any non-institutionalized individual under the age of 21, **who is NOT:**

- Emancipated or Married,
- Eligible for Medicaid based on receipt of assistance under Title IV-E, or
- Receiving a SSP payment,

The state of residence is:

- Where the individual resides, including without a fixed address,  
\*\*or
- The state of residency of the parent or caretaker, with whom the individual resides.

**Institutionalized Individuals under Age 21 - Not Married or Emancipated**

For any institutionalized individual, including foster care homes, who is neither married nor emancipated, the state of residence is:

- The state of residence of the parent or legal guardian (if parental rights have been terminated) at the time of placement; or
- The current state of residence of the parent or the legal guardian (if parental rights have been terminated) 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.

### **Institutionalized Individuals under Age 21 – Married or Emancipated and Capable of Indicating Intent**

For any institutionalized individual under age 21 – Married or Emancipated and capable of stating intent who was not placed in the institution by another state, the state of residence is the state where the individual is living with the intention to reside\*\*.

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

Out of state students with parents that reside in another state, are considered residents for the purposes of Medicaid.

**Note:**

Please refer to budgeting process for Medicaid program reviewing to determine the proper assistance and income units.

### **I-1910.3 Individuals Age 21 and Over**

#### **Individuals Receiving Federal Payments for Foster Care, Federal Payments for Adoption Assistance, or a State Supplementary Payment (SSP)**

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 child lives.

For individuals of any age who receive a SSP, the state of residence is the state paying the SSP.

#### **Non-Institutionalized Individual Age 21 and Over Capable of Stating Intent**

For a non-institutionalized individual capable of stating intent, the state of residence is the state where the individual is living, and:

- Intends to reside, including without a fixed address; or

- Has entered the state with a job commitment or is seeking employment (whether or not currently employed).

### **Non-Institutionalized Individual over Age 21 Incapable of Stating Intent**

For non-institutionalized individuals age 21 and over who are not capable of stating intent, the state of residency is the state in which they live \*\*.

### **Institutionalized Individual over Age 21 Incapable of Stating Intent before Age 21**

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.

### **Institutionalized Individual Incapable of Stating Intent at or After Age 21**

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.

### **Institutionalized Individual over Age 21 Capable of Stating Intent**

For any other institutionalized individual capable of stating intent, the state of residence is the state where the individual is living and intends to reside, except where another state makes placement.

#### **I-1911 CHANGE IN RESIDENCY**

A Medicaid beneficiary 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.

When a Medicaid beneficiary 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 beneficiary moved.

When the Social Security Administration changes state residence for an SSI beneficiary, 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 when the former state is unable to terminate eligibility because of administrative technicalities.

In cases of disputed residency where two or more states cannot resolve which state is the state of residence, the state where the Individual is physically located is the state of residence.

#### **I-1912 TEMPORARY VISITS OUT OF STATE**

Beneficiaries do not lose their residence status because of temporary absences from Louisiana including attending school in another state if there is intent to return when the purpose of absence has been accomplished. The beneficiary will continue to receive Medicaid benefits while visiting out of state. When residency is established in another state, the beneficiary is no longer eligible for Medicaid in Louisiana.

Emergency LTC services received in an out-of-state facility by a Louisiana Medicaid beneficiary 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:**

A beneficiary may not be able to use the Louisiana Medicaid card while he is temporarily out of state.

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## **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. Beneficiaries 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 not signed an ICAMA with the state of Louisiana:

New York  
Wyoming

## I-1915 INQUIRIES CONCERNING RESIDENCE

Refer all inquiries received from other states concerning applicants or beneficiaries for whom Louisiana residence is indicated, via e-mail to [OOS@la.gov](mailto:OOS@la.gov) or to the analyst whom the case is assigned.

## I-1920 VERIFICATION

### Non-Institutionalized Individual

Accept the applicant/beneficiary'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

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.

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, except where another state makes placement.



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

\*\*Accept the applicant/beneficiary's declaration of state of residency unless questionable.

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## **I-1930      DOCUMENTATION**

Document declarations made by all sources and file copies of all documents in the case record.