

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

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102.03.07 DETERMINATION OF RESIDENCY (AGE 21 AND OLDER)

Use the instructions in this section to determine residency for individuals age 21 and older.

Not in an Institution

The state of residence is where the individual is living with the intent to remain there permanently or for an indefinite period, or the state where the individual is living because the individual had a job commitment or is seeking employment, either currently employed or not. If the individual is incapable of stating intent, the state of residence is where the individual is living.

In an Institution and Became Incapable of Stating Intent before Age 21

The state of residence is:

- The state of residence of the parent who is applying for Medicaid on the individual's behalf. If a legal guardian has been appointed and parental rights have been terminated, the state of residence of the legal guardian is used instead of the parent.
- The state of residence of the parent at the time of placement. If a legal guardian has been appointed and parental rights have been terminated, the state of residence of the guardian is used instead of the parents.
- The current state of residence of the parent or legal guardian who files the application, if the individual is residing in an institution in that state. If a legal guardian has been appointed and parental rights have been terminated, the state of residence of the guardian is used instead of the parents.
- The state of residence of the individual or party that files an application if the individual:
 - (1) has been abandoned by his parent(s),
 - (2) does not have a legal guardian and
 - (3) is residing in an institution in that state.

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In an Institution and Became Incapable of Stating Intent at or After 21

The state of residence is where the individual is physically present, except in instances where another state made the placement.

Any Other Individual in an Institution

The state of residence is where the individual is living permanently or for an indefinite period of time.

NOTE: When a competent individual leaves the facility in which he was placed, his residence becomes the state where he is physically located.

102.03.08 STATE PLACEMENT IN AN OUT-OF-STATE INSTITUTION

If a state agency arranges for an individual to be placed in an institution in another state, the state arranging or making the placement is the individual's state of residence. For purposes of state placement, the term "institution" also includes licensed foster care homes that provide food, shelter, and supportive services for one or more individuals unrelated to the proprietor.

The following actions are not considered state placement:

- Providing basic information to individuals about another state's Medicaid program and information about healthcare services and facilities in another state or
- Providing information regarding institutions in another state if the individual is capable of indicating intent and decides to move.

102.03.09 OUT-OF-STATE PLACEMENTS

There are two circumstances under which Mississippi will pay for placement in an out-of-state nursing facility.

(1) If the agency has a part in the placement or otherwise approves or authorizes an out-of-state placement, regional offices will be notified on an individual case basis.

(2) When a MS resident moves to a nursing facility in another state, only the partial month of the move can be paid if the facility enrolls as a MS provider. The individual is considered a resident of the new state effective with the first full month of residence and has to qualify for Medicaid eligibility and vendor payment in the new state.