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.

OUT-OF-STATE PLACEMENTS **(Continued)**

If an individual moves to Mississippi, he would apply for benefits here and meet all eligibility requirements. If he is transferred directly from one medical facility to another, the time spent in the out-of-state facility can be used to meet the 30 consecutive day requirement.

102.03.10 RESIDENCY ISSUES

Termination of Benefits in the Former State of Residence

An individual coming to MS from another state may be considered a resident of MS in the month of the move, provided the individual intends to reside in MS. However, individuals are not entitled to duplication of Medicaid services from both the former state and Mississippi. When a Medicaid recipient moves from one state to another, the former state initiates the change effective the first month in which it can administratively terminate the case in accordance with timely and adequate notice regulations.

Request for MS Medicaid Prior to Termination in Former State

There will be occasions when a recipient requests that eligibility in Mississippi begin prior to the effective date of closure in the former state. Neither state can deny coverage because of administrative requirements or time constraints needed to take action to terminate benefits in the former state.

However, when an individual is no longer a resident of a state, that state is not required to pay for any services incurred in Mississippi. If the former state will pay out of state claims, Mississippi cannot approve eligibility until the former state has terminated services. If the former state will not pay out of state claims, duplication of services is not an issue and Medicaid eligibility in Mississippi can potentially begin with the month of the move.