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DIRECTOR

State of California—Health and Human Services Agency
Department of Health Care Services



EDMUND G. BROWN JR.
GOVERNOR

July 9, 2015

TO: ALL COUNTY WELFARE DIRECTORS Letter No.15-23
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MENTAL HEALTH DIRECTORS

SUBJECT: RESIDENCY FOR OUT-OF-STATE STUDENTS

The purpose of this All County Welfare Directors Letter (ACWDL) is to clarify the California residency of:

- Individuals who are attending school in California, and plan to return to their residence in another state, and;
- Individuals who have Medi-Cal coverage in California but attend school in another state.

In general, this letter clarifies that an individual residing in California for purposes of attending school can meet residency requirements for Medi-Cal eligibility purposes even if they plan to return to their prior state between school years. Similarly, Medi-Cal beneficiaries can remain Medi-Cal eligible if they leave California temporarily to attend school in another state. In both cases, all California residency requirements apply. "Temporary" absence from the state does not have a specific time-frame requirement, but a 60-day absence can lead to a presumption that a beneficiary is no longer a California resident. Therefore, an individual who leaves the state temporarily to attend school should inform their county human services agency of his or her intent to maintain California residence during a temporary absence from the state. This letter does not supersede the suspension of paper verification of state residency as provided in Medi-Cal Eligibility Division Information Letter No. 14-44. This letter is clarifying the eligibility of individuals attending school in California or in another state when state residency for Medi-Cal eligibility purposes is in question.

To be eligible for Medi-Cal in California, an individual must reside in California and meet all other eligibility requirements. For most individuals, California residency is

established if he or she is living in California and intends to reside in the state, or entered the state with a job commitment or to seek employment, whether or not currently employed. Additional information on California residency requirements can be found in Welfare and Institutions Code Sections 14007-14007.15 and California Code of Regulations, Title 22, Sections 50320- 50338.

Individuals Who Come to California to Attend School

If an individual comes to California from another state or country to attend school, he/she has the option to apply for Medi-Cal while residing in California. To meet the California residency requirement for Medi-Cal eligibility purposes, the beneficiary must be a resident of California, , and cannot be commuting into California to attend school. If the individual was on Medicaid in his or her prior state of residence, and is otherwise Medi-Cal eligible, Medicaid must be discontinued in his or her previous state as soon as administratively possible. In general, an individual may not receive Medicaid coverage in more than one state at the same time. But an eligible individual can be receiving Medicaid in two states during a transition from Medicaid coverage in one state to coverage in a new state provided there is confirmation that the former state is ending eligibility as soon as administratively possible. All other Medi-Cal eligibility rules and requirements will apply. Therefore, if a student is being claimed as a tax dependent, they must provide the applicable tax household and income information when they apply for Medi-Cal.

California Residents Attending School in Another State

If a Medi-Cal beneficiary leaves California temporarily to attend school out-of-state, and informs the county that he/she plans to return to California, his/her Medi-Cal eligibility may continue (if otherwise eligible). In this case, the address in the Medi-Cal Eligibility Data System should remain as the California address to which the beneficiary plans to return.

The beneficiary may choose to discontinue Medi-Cal in California and apply for Medicaid in the state in which he/she is attending school. If a current Medi-Cal beneficiary wants Medicaid in another state, Medi-Cal must be discontinued as soon as administratively possible and with proper notice to minimize the amount of time an individual is on Medicaid in more than one state. The individual must follow Medicaid application rules for the other state they reside in if they would like to apply for coverage in the other state. If a student who is part of a family case moves to another state temporarily and ends his or her Medi-Cal eligibility, non-receipt of Medi-Cal has no impact on the family case household size as long as the student is still being claimed as a tax dependent by his or her parent(s).

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If the student who temporarily moves out of state is the only child on the case, his or her parent(s) still retain their parent/caretaker linkage as long as the student meets the requirements to be considered a dependent child. This would mean (1) the age requirements as detailed in ACWDL 14-28, (2) the parents still remain the primary caregivers for the child (meaning that they remain financially responsible), and, (3) that the child is still “residing with” the parents. (A child is considered to be “residing with” their parents while the child is temporarily absent.) This would also mean that the child would not be eligible for Medicaid coverage in the other state but would maintain Medi-Cal eligibility for emergency coverage while the child is temporarily absent from California.

If a Medi-Cal beneficiary needs Medi-Cal coverage while he/she is temporarily absent from the state, Medi-Cal will only cover emergency services. This includes emergency services provided in the United States, and emergency services requiring hospitalization only in Canada and Mexico. When emergency services are received out-of-state by a Medi-Cal eligible individual, the provider must agree to accept Medi-Cal and must meet the requirements for becoming a Medi-Cal provider. Out-of-state providers can visit <http://files.medi-cal.ca.gov/pubsdoco/contact/services.asp> for more information about out-of-state Medi-Cal coverage. Out-of-state providers or beneficiaries who need Medi-Cal coverage for emergencies outside of California can contact the contact the Out-of-State Field Office in San Francisco at (415) 904-9608.

If you have any questions, or if we can provide further information, please contact Ms. Amar Singh at (916) 322-9595 by phone or by email at Amar.Singh@dhcs.ca.gov.

Original Signed By:

Alice Mak, Acting Chief
Medi-Cal Eligibility Division