

DEPARTMENT OF HEALTH SERVICES

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July 9, 1996

Medi-Cal Eligibility Branch Information Letter No.: I-96-21

TO: All County Welfare Directors
All County Administrative Officers
All County Medi-Cal Program Specialists/Liaisons

RESIDENCY INVESTIGATION OF APPLICANTS WITH VALID BORDER CROSSING CARDS OR NONIMMIGRANT VISAS

Ref: All County Welfare Directors Letter 96-27

This All County Welfare Directors Letter (ACWDL) provides further clarification regarding the Department's policy for determining the residency of persons with Border Crossing Cards and nonimmigrant visas.

In previous ACWDLs (most recently ACWDL 96-27), the Department has made it clear that possession of a valid Border Crossing Card or B-1/B-2 visa is strong evidence that the bearer is not a resident of California, and that an applicant may overcome such strong evidence only in exceptional cases. Counties have also been instructed to request an investigation of an applicant's residency when the county Eligibility Worker is unable to determine whether the applicant is or is not a resident of California based on a review of the available information.

Determination of residency is particularly difficult when evidence of California residency is contradicted by possession of a Border Crossing Card or a nonimmigrant visa (regardless of its duration). Therefore, **effective immediately, counties are required to refer applicants who possess a valid Border Crossing Card or a valid nonimmigrant visa for a State Medi-Cal investigation if the applicant appears to meet all eligibility requirements including California residency.** This means that in those exceptional cases in which, based on the county's review of the facts, a person with a valid Border Crossing Card or nonimmigrant visa has potentially overcome the strong evidence of nonresidence that those documents usually represent, a State Medi-Cal investigation of residency is required before the county can make a final determination of residency. Counties are not required to refer an applicant with these documents for investigation if the applicant is ineligible for Medi-Cal for any reason (including, but not limited to, a county determination that the applicant is not a resident of California).

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The clarification provided in this letter does not change established policies for timely completion of the eligibility determination, or the conditions under which counties may choose to request an investigation of an applicant's Medi-Cal eligibility. As always, counties must review and act on the findings of any eligibility investigation in accordance with established Medi-Cal Eligibility Branch policies and procedures.

The Medi-Cal Eligibility Branch (MEB) will be evaluating county compliance with these new residency determination directives through future focused reviews by the Program Review Section in MEB.

If you have any questions about the information in this letter, please contact John Zapata of my staff at (916) 657-0725.

Sincerely,

Original signed by

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch