

Health Care Finance and Administration	Section: Non-Financial Eligibility Requirements
Policy Manual Number: 100.005	Subject: ABD State Residence

ABD STATE RESIDENCE

Legal Authority: 42 CFR 435.403; TCA 71-5-120

1. Policy Statement

An individual must be a Tennessee resident to be eligible for TennCare Medicaid. An individual is considered a Tennessee resident if the individual attests to living in Tennessee, intends to reside in Tennessee and there is no information to indicate otherwise. Individuals will not be required to reside in Tennessee for a specific amount of time to claim residency. Individuals considered temporarily absent from Tennessee may retain their Tennessee residency under certain circumstances.

2. Residency

a. Individuals under age 21 who are not emancipated or married

For non-institutionalized individuals under age 21 who are not emancipated or married, and not receiving Title IV-E payments, the state of residence is:

- The state in which the individual is living, with or without a fixed address; or
- The state in which the parent or caretaker resides.

For institutionalized individuals under age 21, who are not emancipated or married, and not receiving Title IV-E payments, the state of residence is:

- The state in which the parent or legal guardian lives at the time of placement in an institution; or
- The state in which the parent or legal guardian who files the application is currently living if the individual is institutionalized in that state; or
- The state in which the party who files the application lives, if the institutionalized individual has been abandoned by his or her parents and does not have a legal guardian.

b. Individuals age 21 and over, or under age 21 and emancipated or married

For non-institutionalized individuals age 21 and over, or under age 21 who are emancipated or married, and capable of indicating intent, the state of residence is:

- The state in which they are living and intend to reside with or without a fixed address; or
- Where the individual lives and entered with a job commitment or seeking employment, whether or not they are currently employed.

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c. Institutionalized individuals age 21 and over

For institutionalized individuals age 21 and over who are capable of indicating intent and not receiving State Supplementary Payments (SSP), the state of residence is the state where the individual is living and intends to reside.

d. For institutionalized individuals age 21 and over that became incapable of indicating intent before the age of 21

For institutionalized individuals age 21 and over that became incapable of indicating intent before the age of 21, not receiving Title IV-E or SSP the state of residence is:

- That of the applying parent when the parents live in different states, or that of the applying legal guardian;
- The state in which the parent or legal guardian lives at the time of placement in an institution;
- The state in which the parent or legal guardian who files the application is currently living if the individual is institutionalized in that state;
- The state in which the party who files the application lives, if the institutionalized individual has been abandoned by his or her parents and does not have a legal guardian.

e. Institutionalized individuals age 21 and over that became incapable of indicating intent after the age of 21

For institutionalized individuals age 21 and over who became incapable of indicating intent after the age of 21, not receiving SSP, the state of residence is:

- The state where the individual is physically present, except where another state makes a placement.

f. Individuals over age 21 who are not capable of stating intent

For non-institutionalized individuals over 21 and not capable of stating intent, the state of residence is the state in which they live.

g. Out of State Institution

An individual placed out of state is considered a resident of the state that:

- Placed an individual in an out of state institution; or
- Arranged for placement of an individual in an out of state institution.

This is true even when the reason for initiating placement is due to a lack of resources.

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Action beyond providing basic information to individuals about Medicaid in another state is considered making or arranging placement, but the following is not:

- Providing basic information about other states Medicaid programs, healthcare services and facilities; or
- Helping individuals locate a facility when he or she is capable of indicating intent and independently decides to move.

If a competent individual leaves a state placement the individual's state of residence is where the individual is physically located.

d. Individuals receiving federal payments for foster care, federal payments for adoption assistance or SSP

An individual of any age receiving federal payments for foster care or adoption assistance under Title IV-E of the Social Security Act is a resident of the state in which the child lives. An individual of any age receiving a SSP is a resident of the state paying the SSP.

3. Incapable of Indicating Intent

An individual is considered incapable of indicating intent when tests, determined acceptable by the Department of Intellectual and Developmental Disabilities (DIDD), indicate an individual has an I.Q of 49 or less or a mental age of 7 or less. An individual is also considered incapable of indicating intent if found legally incompetent. Medical documentation from a physician, psychologist or other person licensed by the State in the field of intellectual disability may also be used if the documentation indicates that the individual is incapable of indicating intent.

4. Student

Individuals attending school out of state, but considered to be dependents of a Tennessee resident are temporarily absent while attending school. Individuals attending school in Tennessee, but considered to be dependents of a non-Tennessee resident will not be considered a resident of Tennessee.

A temporary absence from Tennessee does not preclude continued eligibility if the individual indicates his or her intent to return to Tennessee once the purpose for the visit is accomplished when:

- The absence is for a specific purpose such as a temporary work assignment, visit, hospitalization, participation in an educational or rehabilitation program not available in Tennessee; or
- The absence is for children in treatment centers.

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If an individual indicates that they are temporarily out of state, he or she must provide an anticipated date of return. The individual's temporary absence status will be assessed within 10 days of the individual's anticipated date of return.

If at any time during the absence, the individual is determined no longer eligible for TennCare Medicaid benefits for any reason, the case must be closed. Application or receipt of Medicaid or Advanced Premium Tax Credits (APTCs) in another state indicates intent to reside elsewhere and results in the loss of Tennessee residency. If a redetermination is required during the period of absence, follow renewal procedures and secure assistance from the other state as necessary.

5. Disputed Residency

An individual's physical location determines the state of residence if two or more states are unable to resolve what state is the state of residence.

6. Verification

An individual is considered a Tennessee resident if the individual attests to living in Tennessee, and intends to reside in the state. HCFA will conduct post-eligibility verification of state residency to ensure program integrity using national and state electronic verification sources. If an individual's state of residence is questionable, he or she will have 10 days to provide documentary evidence supporting his or her claim. Evidence of residency includes:

- A statement of intent to reside in Tennessee; and
- A current Tennessee rent or mortgage receipt or utility bill in the adult applicant's name; or
- A current Tennessee motor vehicle driver's license or identification card issued by the Tennessee Department of Safety in the adult applicant's name; or
- A current Tennessee motor vehicle registration in the adult applicant's name; or
- A document showing that the adult applicant is employed in Tennessee; or
- A document showing that the adult applicant has registered with a public or private employment service in Tennessee; or
- Evidence that the adult applicant has enrolled the applicant's children in a school in Tennessee;
- Evidence that the adult applicant is receiving public assistance in Tennessee; or
- Evidence of registration to vote in Tennessee; or
- Other evidence deemed sufficient by HCFA as proof of residency in Tennessee.