

Issue 86: INSIDER'S EDGE: Residency—Home is Where the Heart Is?

Happy Friday, Insiders! After weeks of looking at the income rules around qualifying for MAGI Medicaid, today we're changing course to look at another important eligibility requirement: residency.



Residency is where the heart is??

The Basics

To be eligible for Medicaid, a consumer must be a resident of Maryland. This requirement is governed by COMAR 10.09.24.05-3, see <http://www.dsd.state.md.us/comar/getfile.aspx?file=10.09.24.05-3.htm>. The key to establishing residency is (1) residing in Maryland and (2) the intent to remain in Maryland permanently or for an indefinite period.

Straight forward enough, right? Not so fast, Insiders! Things can get a little tricky for some applicants. Below, we'll look at one population that puts this rule to the test—students attending school across state lines.

Scenario One: Marylanders Attending School in Another State



The Scenario: Malika lives with her family in Baltimore City. She is 17 years old and graduated from high school last May. She's enrolled in Medicaid. She's super excited to be attending college at Penn State this fall. Can she continue to be enrolled in Maryland Medicaid even though she'll be living in State College, PA, during the school year?

Yes. So long as Malika indicates an intent to remain a resident of Maryland, she can continue to qualify for Maryland Medicaid. Note, she also can't apply for and begin receiving benefits through another state's Medicaid program.

So what types of actions show an intent to be a resident of Pennsylvania rather than Maryland? Getting a driver's license in the state where Malika's college is located or registering to vote there are two examples of actions that would indicate Malika intends to be resident of Pennsylvania and not

Maryland. Qualifying for Medicaid in Pennsylvania will also preclude Malika from continuing her enrollment in Maryland's Medicaid program.

A Little Legalese

For our readers who want to delve into the details a little further, check out this excerpt from [COMAR 10.09.24.05-3](#) addressing retaining residency:

F. Retaining Residency.

(1) Residency is retained until abandoned.

(2) Temporary absence from a state, with the intent to return to the state when the purpose of the absence is accomplished, does not interrupt continuity of residency, unless another state's Medical Assistance program determines that the individual is a resident of the other state.

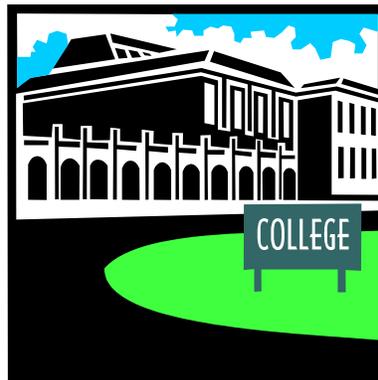
(3) An individual who is routinely absent from a state for a protracted period of time retains residency in that state if the individual:

(a) Declares the intent to remain a resident of the state;

(b) Has an established residential address in the state; and

(c) Is not certified for Medical Assistance or receiving public assistance in another state.

Scenario Two: Consumer from Another State Attending School in Maryland



The Scenario: Tom is 19 years old and he graduated from high school in Pittsburgh, PA, last May. He's enrolled in Medicaid in Pennsylvania. He's super excited to be attending college at University of Maryland this fall. He doesn't have much time to go home to Pittsburgh, so getting medical care there is hard. Can Tom enroll in Maryland Medicaid even though his family still lives in Pennsylvania?

To qualify for Maryland Medicaid, Tom must be a resident of Maryland. To be considered a resident, he must (1) reside in Maryland and (2) declare his intent to remain in Maryland permanently or for an indefinite period. Tom also needs to give up his Medicaid coverage in Pennsylvania. Remember, Tom

won't be eligible for Maryland Medicaid if he is certified for Medical Assistance or receiving public assistance in another state.

So what steps should Tom take? Tom can demonstrate his intent to reside in Maryland permanently or indefinitely by changing his driver's license to Maryland, permanently changing his address to his new address at school, registering to vote here, and filing taxes in Maryland rather than Pennsylvania. Tom also needs to contact the Pennsylvania Department of Public Welfare and disenroll from Medicaid in that state.

One last point, while many Marylanders may argue that Tom's ability to become a resident here should also be contingent on him giving up his allegiance to the Steelers, this isn't the case!

See you next week, Insiders! Can't wait til next Friday? Send your questions my way, dhmh.medicaidmarge@maryland.gov.