

Template CS17 - Non-Financial – Residency

Statute:

Regulations: 42 CFR 457.320(d)

INTRODUCTION:

To be completed by States with separate child health assistance programs.

Template CS17 highlights specific requirements as to what constitutes residency, along with soliciting information from States regarding their policies for individuals who are temporarily out of the State or temporarily living in the State.

BACKGROUND:

The definition of who is considered a resident of the State takes into consideration certain conditions that must be met and criteria to be used to determine the residency of individuals who are not able of indicating intent; are institutionalized or may be absent from the State.

Regulatory changes in final rule 77 FR 17206 published on March 23, 2012, implementing several provisions of the Patient Protection and Affordable Care Act of 2010, sought to simplify and clarify residency rules and to align those rules with those that will apply under other insurance affordability programs.

CHIP residency regulations were revised to align with the Medicaid residency rules, including:

42 CFR 435.403(i) - Residency for a non-institutionalized child who is not a ward of the State;

42 CFR 435.403(h) - Residency for targeted low-income pregnant woman

42 CFR 435.403(m) – Handling of cases of disputed residency.

For non-institutionalized adults, simplification and clarification included removal of the term ‘permanently or for an indefinite period’ from the residency definition; replacement of the term ‘intention to remain’ with ‘intends to reside, including without a fixed address’ and the addition of ‘inclusion of individuals who have entered the State with a job commitment or are seeking employment (whether or not currently employed)’ in re-designated § 435.403(h).

For children, simplification and clarification included consolidation of two previously existing definitions of residency (disabled children with nondisabled, non-institutionalized, non-IV–E foster care/adoption assistance children) in re-designated § 435.403(i)(2) and the application of the adult residency rules to children, capable if indicating intent, who are emancipated or, married.

To address concerns of retention and gaps in coverage of children who, because of migration of families, emergency evacuations, natural or other disasters, public health emergencies, educational needs, or otherwise, frequently change their State of residency or otherwise are

temporarily located outside of their State of residency, CMS has proposed a model process for interstate coordination in accordance with section 213 of the Children's Health Insurance Program Reauthorization Act (CHIPRA). The model process may be found at http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Childrens-Health-Insurance-Program-CHIP/Downloads/CHIPRA_InterstateCoordination.pdf.

TECHNICAL GUIDANCE:

This template is broken down into the following sections:

- Assurance
- Residency for Children
- Residency for Pregnant Women, if applicable
- Interstate Agreement

Assurance

Template CS17 begins with the State providing assurance that it meets the requirement of providing CHIP to otherwise eligible residents of the State.

The State provides this affirmative assurance by checking the box next to the assurance statement. If the State does not check this box, the system will not accept this template for review and approval.

Residency for Children

This section includes a list of conditions under which children are considered to be residents of the State. Since these are required of all States with separate CHIP programs, they are pre-checked and do not require any entry by the State.

Residency for Pregnant Women

This displays only for States which also cover targeted low-income pregnant women.

This section includes a list of conditions under which pregnant women are considered to be residents of the State. Since these are required of all States with separate CHIP programs, they are pre-checked and do not require any entry by the State.

Interstate Agreement

This section applies to both children and pregnant women, if the State covers pregnant women.

This section begins with a Y/N question for the State to indicate whether requirements also include criteria specified in an interstate agreement.

If the response is yes, the State must:

- Select the States with which it has interstate agreements from a drop down list; and
- Check the categories of individuals which are included in the interstate agreements from the provided list. If a category of individuals included in the interstate agreement is not

on the list, the State should check the box for ‘other type of individual’ and enter a name and description for the other type of individual.

This is followed by another Y/N question asking if the State has a policy related to individuals who are in the State only for educational purposes.

If the response is yes, the State must provide a description of the policy. Examples of what may be included in the policy include:

- That these individuals are considered as being in the State temporarily and therefore are not considered to be residents of the State; or
- That they are considered to be residents if they are in the State for a specified length of time (e.g. not less than 90 days).

If the policy varies depending on the State with which there is an interstate agreement, the State should note the difference here.

Review Criteria

The description should be sufficiently clear, detailed and complete to permit the reviewer to determine that the State’s election meets applicable federal statutory, regulatory and policy requirements.