

Medi-Cal State Residency Requirements

General Rules

In order to qualify for Medi-Cal, an applicant must be a resident of the state of California.¹ Residency is established if an applicant is physically present and is living in California and:

- Intends to remain permanently or for an indefinite period; OR
- Enters the state with a job commitment or to seek employment, whether or not currently employed.

The applicant must also declare, under penalty of perjury, (on the MC 210 or the SAWS 2 Statement of Facts form) that he/she:

- Does not own or lease a **principal** residence outside of California;² and
- Is not receiving public assistance outside the state (not including unemployment insurance benefits).

Family members may establish separate residences without a break in marital or family ties.

Once established, California residence continues until residence is established in another state or country.

How do You Prove State Residency

The declaration (MC 210 or SAWS 2) must be accompanied by at least one of the following verification documents:

- A current California rent or mortgage receipt or utility bill in the applicant's name with the current address;
- A current and valid California drivers' license or I.D. card issued by the California DMV in the applicant's name with the current address;
- A current and valid California motor vehicle registration in the applicant's name with the current address;
- A document showing that the applicant is employed in this state;
- A document showing that the applicant has registered with a public or private employment service in the state;
- Evidence that the applicant has enrolled his or her children in a school in this state;
- Evidence that the applicant is receiving public assistance other than Medi-Cal in this state; OR
- Evidence that the applicant has registered to vote in this state.³

A person's declaration, together with this evidence, shall be accepted to establish state residency, **unless there is evidence to the contrary.**

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| Homeless Persons | For applicants (including homeless person) who declare, under penalty of perjury, that they do not have one of these verification documents, the county shall consider any other evidence to verify residence. However, a declaration, affidavit or other statement from the applicant or another person that the applicant is a resident is insufficient in the absence of other credible evidence. |
| Migrant Workers | See Homeless Persons. A migrant worker who claims to be a resident as someone who entered the state with a job commitment or to seek employment, whether or not currently employed, must provide credible evidence to this effect. |
| Border Crossing Cards/ Temporary Visas | Possession of a border crossing card or a temporary/short-term visa cannot be used to automatically determine that someone is not a state residency. All available evidence must be reviewed to determine whether a person meets the state residency requirements. |
| Move from County-to-County | The state cannot terminate eligibility solely for the reason of a move from one county to another within the state. The state cannot require a beneficiary to reapply or comply with redetermination where there are no other changes in circumstances that would impact eligibility. The state and old county of residence must ensure that the beneficiary's file is transferred to the new county without a break in coverage. ⁴ |
| Pregnant Women | A pregnant woman applying for presumptive eligibility need only declare that she is a resident on a <i>Statement of California Residency</i> . She must meet all other residency requirements when completing a regular Medi-Cal application. |
| Children | Children living with parents have the same residency as their parents. However, parents who do not meet residency requirements can establish state residency for their children if the parents: <ul style="list-style-type: none"> • Intend for their children to remain in the state on other than a temporary basis; AND • Have made arrangements for the children to remain in the state independent of the parents. |
| Appeals | A denial of residency determination can be appealed in the same manner as any other denial of eligibility. A determination of residency is based on a <i>preponderance of credible evidence</i> supporting the applicant's intent to remain indefinitely in the state. |

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| Authority | 42 U.S.C. § 1396a(b)(2); 42 C.F.R. § 435.403; HCFA, Letter to State Medicaid Directors RE: TANF Barriers (Dec. 4, 2000); Welf. & Inst. Code § 14007.1; 22 CCR §§ 50320-50320.2; ACWDL No. 95-67 (Nov. 9, 1995); ACWDL No. 99-45 (Sept. 16, 1999); Inpatient/Outpatient Provider Manual § 200-92. |
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1 Cal. Welf. & Inst. Code § 14007.1(a) may be out of compliance with federal rules. The state statute requires the applicant to be a resident of the state and the county. Federal rules require only that an applicant be a state resident. *See* 42 U.S.C. § 1396a(b)(2).

2 When an applicant is unable to make this declaration because he or she claims an out-of-state principle residence as exempt property under 22 CCR § 50425, that county shall consider any other evidence provided by the applicant and shall determine that an applicant is a resident only if there is a preponderance of evidence supporting a finding that the applicant is a resident of the state. 22 CCR §§ 50320.1(b); 50320.2(c).

3 A voter notification card or an abstract of voter registration can be sufficient evidence to establish residency, unless there is evidence to the contrary. However, a completed voter registration form or receipt should be submitted with additional evidence. *See* ACWDL No. 95-67 (Nov. 9 1995); 22 CCR § 50320(b).

4 *See* Letter from Timothy W. Westmoreland, Health Care Financing Administration, to State Medicaid Directors (Dec. 4, 2000) (alerting states that it is contrary to federal rules for states to terminate Medicaid eligibility of those who move from one county to another within the same state. States must ensure that case files are transferred with no termination of eligibility).