

**OTHER ELIGIBILITY REQUIREMENTS
STATE RESIDENCE AND RESPONSIBILITY FOR ASSISTANCE**

DISTRICT OF FISCAL RESPONSIBILITY (DFR)

Policy: Generally, each local social services district is responsible for furnishing Medicaid to otherwise eligible A/Rs who are residents of New York State (NYS) and who reside within the district.

References:

SSL Sect.	62.5 365.5
Dept. Reg.	311.3 311.4 360-3.5 360-3.6
ADMs	08 OHIP/ADM-5 08 OHIP/ADM-3 OMM/ADM 97-1 94 ADM-20 90 ADM-9 86 ADM-40 80 ADM-4
LCM	08 OHIP/LCM-1
INFs	06 INF-34 06 INF-22 90 INF-45
GISs	02 MA/010 02 MA/006 02 MA/001 00 MA/018 97 MA/028

Interpretation: Where Found Rule

When a person enters New York State with the intent to remain permanently or indefinitely and has a need for medical care, before a living arrangement is established, the local district where the person is found is responsible for providing Medicaid, if the A/R is otherwise eligible.

OTHER ELIGIBILITY REQUIREMENTS**STATE RESIDENCE AND RESPONSIBILITY FOR ASSISTANCE****DISTRICT OF FISCAL RESPONSIBILITY (DFR)**

When a person has not abandoned his/her residence in another state, but is unable to return to the home state due to illness, eligibility for benefits from the home state is explored. If the home state does not agree that the individual is a resident of that state for Medicaid purposes, the local district where s/he is found at the time that the person can no longer return to his/her home state is the district responsible for providing Medicaid, regardless of where the applicant is found at the time of application. If the A/R subsequently is moved to a medical facility in another district, the first district remains responsible.

OTHER ELIGIBILITY REQUIREMENTS**DISTRICT OF FISCAL RESPONSIBILITY (DFR)**

For example: While visiting his sister in Essex County from another state, Mr. Smith becomes ill and cannot return to his home state. He is hospitalized in Clinton County. While in Clinton County, Mr. Smith's sister applies on his behalf for Medicaid in Essex County. If the home state does not agree that the individual is a resident of that state for Medicaid purposes, Mr. Smith is authorized for Medicaid by Essex County. Subsequently Mr. Smith is moved to a nursing facility in Franklin County. Essex County remains fiscally responsible for Mr. Smith's Medicaid.

When a person applies for Medicaid while in a district other than his/her local district of residence, the local district in which the person is found contacts the local district of residence before assuming that district will accept and process an application. The district where the A/R is found assists in processing the application as a courtesy. This acknowledgment of fiscal responsibility is confirmed and noted in the record, prior to forwarding the courtesy application. Without such an agreement, the district in which the applicant is found accepts and processes the application. If otherwise eligible, Medicaid is authorized by the district where the applicant is found. The district may then request a fair hearing to determine the district of responsibility.

All individuals who have been determined eligible for SSI cash payments by the Social Security Administration, or who are in receipt of such payments (federal benefits and/or State Supplements) are the district of fiscal responsibility of the "where found" district. The only exceptions that apply to SSI cash recipients and eligible's include:

- Children in receipt of, or eligible for, SSI cash assistance who are in the care and custody of the Commissioner of the Local Department of Social Services remain the fiscal responsibility of the Commissioner who has custody of the child.
- Medicaid SSI eligible's and recipients who are the responsibility of the Office of Mental Health (District 97/OMH) or the Office of Mental Retardation and Developmental Disabilities (District 98/OMRDD), who move to another district may remain the responsibility of OMH or OMRDD depending on the living arrangement of the individual. OMH and OMRDD will retain responsibility for

OTHER ELIGIBILITY REQUIREMENTS

DISTRICT OF FISCAL RESPONSIBILITY (DFR)

determining whether the Medicaid SSI recipient gains residence in another district following a move or remains the responsibility of the State. OMH or OMRDD will transfer a Medicaid SSI case to the new district when appropriate.

- Medicaid-only recipients who move to an adult care facility in another district are the fiscal responsibility of the former district. However, if the individual becomes eligible for SSI, the SSI recipient gains residence in the new district and a Medicaid case must be opened in the new district following the closing of the Medicaid case in the former district.
- SSI recipients who enter a medical facility in another district and remain eligible for SSI but for whom no SSI payment is being made (SDX Payment Status Code E01 "Eligible but no Payment") gain residence in the new district.
- SSI cash recipients who move to a medical facility in another district prior to October 20, 2008 are the fiscal responsibility of the former district. . Should the individual subsequently move and remain in receipt of SSI the district of fiscal responsibility becomes the where found district.

EXCEPTIONS TO THE "WHERE FOUND" RULE (other than SSI cash recipients/eligible's)

NOTE: Unless one of the following exceptions applies, the "where found" district is fiscally responsible for the A/R. The burden of proof is on the "where found" district to establish that an exception applies.

Temporary Absence from Legal Residence

The local social services district where a person has his or her legal residence continues to be responsible for providing Medicaid when the person is temporarily absent from the district. A person's legal residence, or domicile, is the principal and permanent home to which the person, wherever temporarily located, always intends to return. Districts rely on a person's expression of intent in determining the district of legal residence, unless the person's actions are inconsistent with the expressed intent. When a person capable of indicating intent leaves his/her district of legal residence, the person will be considered to be temporarily absent from such district if: