

CS17 - Non-Financial – Residency

Statute: 2102(b)(1)(A)

Regulations: 42 CFR 457.320(d)

INTRODUCTION

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

Screen 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 published on March 23, 2012 (77 FR 17206), implementing several provisions of the ACA, 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; and
- 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 (that of 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 adult residency rules to children, capable of indicating intent, who are emancipated or, married.

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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 External Link: [Interstate Coordination Model Process](#).

TECHNICAL GUIDANCE

PREREQUISITES:

None

This screen is broken down into the following sections:

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

Assurance

Screen 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.

Review Criteria

The state must check the assurance box or this state plan page cannot be approved.

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.

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Residency for Pregnant Women

This section applies only to states which also cover targeted low-income pregnant women under section 2112 of the SSA. States which do not cover targeted low-income pregnant women may ignore this section. Use of this state plan page does not imply coverage of, or commit a state to 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 also covers pregnant women.

This section begins with a Yes/No question for the state to indicate whether the state has in place one or more interstate agreements related to residency.

Review Criteria

The state must select either yes or no or this state plan page cannot be approved.

If the response is yes, the state:

- Selects the states, from the list provided, with which it has interstate agreements; and
- Selects the categories of individuals which are included in the interstate agreements from the list provided. If a category of individuals included in the interstate agreement is not on the list, the state selects the box for “Other type of individual” and enters a name and description of the other type of individual. If there is more than one other type of individual the state checks the box next to the last entry of “Name of Type” and repeats the process until they are all entered.

Review Criteria

The state must select one or more of the states listed and also select one or more of the categories of individuals included in interstate agreements or this state plan page cannot be approved. If the state selects “Other type of individual”, the state must also enter a name and description of the type of individual or this state plan page cannot be approved. The description entered by the state 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.

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This is followed by another Yes/No question asking if the state has a policy related to individuals who are in the state only for educational purposes.

Review Criteria

The state must select either yes or no or this state plan page cannot be approved.

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 differences here.

Review Criteria

The state must enter a description or this state plan page cannot be approved. 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.