

## 2. Institutional Status

An individual must not be a resident of a public or private institution, defined as follows:

**Public Institution:** Institution which provides shelter, custody and care, and for which a governmental unit has responsibility or exercises administrative control.

**NOTE:** Individuals who are incarcerated are considered to be a resident of an institution and, therefore, not eligible for Medicaid. Individuals on home confinement are not considered incarcerated and may receive Medicaid if otherwise eligible.

**Private Institution:** Non-governmental institution which provides shelter, custody and care, and which is required by State law to have a license to operate.

An individual is not a resident of an institution under the following circumstances:

### a. Educational or Training Institution

He is living in an institution for the purpose of securing education or training. Examples include Rehabilitation Services centers, West Virginia Schools for the Deaf and Blind, and any college or institution of education.

### b. General Medical Institution

He is a patient in any section of an institution which has been certified as a medical facility under Medicare or Medicaid standards. Examples include general medical hospitals and licensed nursing homes. **An individual residing in an institution who is incapable to state intent of residence is considered a resident in the state of which he lives.**

## 3. Out-Of-State Travel

### a. Visiting

Temporary visits out-of-state with the intent to return, do not affect the individual's state of residence.

- b. Obtaining Vocational Training or Education (AFDC Related, Qualified and Poverty-Level Children).

When the Department establishes a plan for a child to leave the State to obtain vocational training or education, he continues to be a West Virginia resident.

If the individual leaves the State to obtain vocational or educational training, and the plan was not made by the Department, he continues to be a West Virginia resident if he does not meet the residence requirement of the state in which he lives.

- c. Medical Care

If the individual temporarily leaves the State to obtain medical care or treatment, he is considered a West Virginia resident.

**NOTE:** Individuals temporarily out of the home to receive medical care or treatment within the state are West Virginia residents and remain in the AG.

**EXCEPTION:** Long-term care.

4. Students Not Living With A Parent Or Other Responsible Adult

**MAGI Group and Transitional Medicaid (TM):** The state of residence of a student is the state of residence of the parent or other adult whom claims the student.

**EXCEPTION:** If the student is not claimed on their parents or other adult's income taxes, residence is where the student lives.

**SSI-Related:** The state of residence of a student who is age 21 or older or emancipated is the state in which the individual is living with the intent to remain there permanently or for an indefinite period.

**All Others:** The state of residence of a student is the state in which he lives.

C. WV WORKS

**NOTE:** There is a restriction on the amount of time that an AG member can be out of the home and still be included in the benefit. This requirement is found in Chapter 9 since it does not necessarily involve the state of residence.