

2. Institutional Status

Medicaid funds may not be used for medical services provided in 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.

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

Medicaid funds may be used for 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.

Incarcerated Individuals

An individual is an inmate of a public institution, or incarcerated, when serving time for a criminal offense or confined involuntarily in State or Federal prisons, jails, detention facilities, or other penal facilities.

Common Eligibility Requirements

An individual is not considered incarcerated when they are:

- on probation, parole, or home confinement;
- voluntarily residing in a public educational or vocational training institution for purposing of securing an education; or
- voluntarily residing in a public institution while other living arrangements appropriate to the individuals needs are being made,

Incarcerated individuals who meet all other eligibility criteria may be eligible for Medicaid; however, payment is limited to Medicaid covered services when admitted as an inpatient in a medical institution for at least 24 hours, such as a hospital, nursing facility, juvenile psychiatric facility, or intermediate care facility. Medicaid does not cover any other service while the individual is incarcerated.

Incarcerated individuals must have their living arrangement coded correctly in the data system. Information from the eRAPIDS data system will notify the MMIS data system of the Medicaid recipients' incarcerated status.

State Psychiatric Hospitals

West Virginia has two State psychiatric hospitals - Mildred Mitchell Bateman Hospital and William R. Sharpe, Jr. Hospital. Individuals residing in these State psychiatric hospitals may receive Medicaid, if otherwise eligible.

Individuals residing in a state facility identified as a forensic patient may be eligible for Medicaid; however, payment is limited to Medicaid covered services when admitted as an inpatient in a medical institution for at least 24 hours, such as a hospital, nursing facility, or intermediate care facility.

Forensic patients must have their living arrangements coded as incarcerated in the data system. Information from eRAPIDS data system will notify the MMIS data system of the Medicaid recipients' incarcerated status. All other residents of a state hospital must have their living arrangement coded as hospitalized. These individuals may receive Medicaid coverage when services are provided in the community, if otherwise eligible.

An eligibility worker is out-stationed in each of these state psychiatric hospitals. If a family member or authorized representative makes an application at the local office, the application must be forwarded to the out-stationed worker to verify the patient's status. Normal application and eligibility procedures for these applicants apply.

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 in which he lives.

EXCEPTION: A full-time student in West Virginia ages 18 to 22 is not considered a West Virginia resident if all of the following criteria are met:

- Neither parent lives in West Virginia.
- The student is claimed as a tax dependent by someone in another state;
and
- The student is applying on their own behalf

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 reside.