

1 10A NCAC 23E .0103 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 23E .0103 RESIDENCE**

4 (a) The requirements stated in 42 CFR 435.403 shall apply to determine residence in the State ~~state~~ except for
5 provisions in Paragraph (b) of this Rule.

6 (b) Residents of the state of Georgia who enter a long term care facility in N.C. within 40 miles of the resident state's
7 border shall retain residence in the prior state. Residents of N.C. who enter a long term care facility in Georgia within
8 40 miles of the N.C. border retain N.C. residency.

9 (c) An individual visiting ~~in the state~~ without intent to reside ~~remain in the State~~ shall be ineligible for Medicaid.

10 (d) An individual who moves to another state and intends to reside ~~remain living~~ in that state shall not be eligible for
11 N.C. Medicaid.

12 (e) County residence:

13 (1) Any client who moves from one county to another North Carolina county shall continue to receive
14 assistance so long as eligibility continues. ~~if eligible~~.

15 (2) An individual ~~ordinarily~~ has residence in the county in which he or she resides. However, if he or
16 she is in a hospital, mental institution, intermediate care facility, skilled nursing home, boarding
17 home, confinement ~~center, center~~ or similar facility, the county in which the facility is located shall
18 not be his or her legal residence. Except for (e)(3) in this Rule, the county of legal residence shall
19 be the county where ~~in which~~ the individual lived in a private living arrangement prior to entering
20 a facility.

21 (3) If an individual who became disabled prior to age 18 has remained in a facility, he or she remains a
22 resident of the county and state where ~~in which~~ his or her parent(s) had residence immediately prior
23 to his or her reaching age 18. If, as an adult, he or she is applying for assistance and it is not possible
24 for the individual to trace his or her county of residence as a minor, he or she shall establish residence
25 based on where he or she intends ~~his intent~~ to reside. ~~remain~~ regardless of his or her parent's current
26 legal residence.

27 (f) ~~The client's statement shall be accepted as verification unless there is reason to doubt it. If there is doubt, evaluation~~
28 ~~of the statement shall be substantiated for:~~

29 (1) ~~Temporary absence by determination of the reason for absence, expected duration of the absence,~~
30 ~~and continued maintenance of home in county of residence;~~

31 (2) ~~Entering the state for employment purposes by verified employment, contacts with prospective~~
32 ~~employers, health department records, Employment Security Commission or Rural Manpower~~
33 ~~office registration, home in another state with lease or other legal agreement for rental or purchase,~~
34 ~~or documents proving separation from dependents in another state;~~

35 (3) ~~Intent to remain by documents proving disposition of home in prior state, auto registration and~~
36 ~~drivers license changed to N.C. within 30 days, change in address with former post office or other~~
37 ~~sources from which income is received and change in voter registration, tax listing;~~

1 ~~(4) — Incapability of stating intent by verification of representative payee for benefit payments, receipt of~~
2 ~~benefits on basis of mental illness or retardation, care is provided in a mental retardation facility or~~
3 ~~power of attorney or guardian has been appointed for him.~~

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5 *History Note: Authority G.S. 108A-54; 108A-54.1B; 108A-55.3; ~~G.S. 150B-14(e)~~; 42 C.F.R. 435.403;*
6 *Eff. September 1, 1984;*
7 *Amended Eff. August 1, 1990;*
8 *Transferred from 10A NCAC 21B .0303 Eff. May 1, 2012; ~~2012~~.*
9 *Readopted Eff. May 1, 2019.*

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