

August 24, 2010

DIRECTIVE:	JOB CORPS PROGRAM INSTRUCTION NO. 10-10
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TO: ALL JOB CORPS NATIONAL OFFICE STAFF
ALL JOB CORPS REGIONAL OFFICE STAFF
ALL REGIONAL OASAM CONTRACTING OFFICERS
ALL JOB CORPS CENTER DIRECTORS
ALL JOB CORPS CENTER OPERATORS
ALL OUTREACH, ADMISSIONS, AND CTS CONTRACTORS

FROM: EDNA PRIMROSE
National Director
Office of Job Corps

SUBJECT: Job Corps Enrollees' Medicaid Eligibility

1. Purpose. To provide guidance to centers and outreach and admissions contractors regarding preserving Job Corps enrollees' access to Medicaid services.

2. Background. Medicaid is a state-administered Federal program in which states may establish their own guidelines regarding eligibility and terms for services. However, all states must follow certain Federal rules regarding state residency requirements. According to Section 435.403 of Title 42 of the Code of Federal Regulations:

- a. For non-institutionalized individuals under the age of 18, the state of residence is the state where the youth is living on a not temporary basis or where the youth's caretaker is a resident.
- b. For non-institutionalized individuals ages 18 and over, the state of residence is the state where the individual is living with the intention to remain permanently or for an indefinite period, or with the intention of securing employment.

The federal regulations also place limitations on the abilities of states to restrict Medicaid eligibility:

- a. A state may not deny Medicaid eligibility because an individual has not resided in the state for a specified period.
- b. A state may not deny or terminate a resident's Medicaid eligibility because of that person's temporary absence from the state if the person intends to return when the purpose of the absence has been accomplished, unless another state has determined that the person is a resident there for purposes of Medicaid.

However, states may require written or verbal notification of a resident's temporary absence.

- c. A state may have a written agreement with another state setting forth rules and procedures resolving cases of disputed residency. These agreements must not include criteria that result in loss of residency in both states or that are prohibited by paragraph (a) or (b). The agreements must also contain a procedure for providing Medicaid to individuals pending resolution of the case.

In addition, Section 431.52 of Title 42 of the Code of Federal Regulations includes provisions to ensure out-of-state residents can continue to receive Medicaid services without returning to their state of residence. These provisions require that:

- a. A state must pay for services provided in another state if the services are provided to a recipient who is a resident of the state and medical services are needed because of a medical emergency or because the recipient's health would be endangered if he/she were required to travel to his/her state of residence; and
- b. Each state must establish procedures to facilitate the provision of medical services to individuals who are present in the state and are eligible for Medicaid under another state's plan.

3. Action.

- a. Outreach and Admissions agencies should ensure that all enrollees receiving Medicaid benefits provide written and/or verbal notification to their local Medicaid Office of their temporary absence while enrolled in the Job Corps program. Job Corps enrollees currently receiving Medicaid benefits should remain enrolled in Medicaid for the duration of their enrollment in the Job Corps program.
- b. Outreach and Admissions agencies should ensure that all Medicaid-eligible enrollees be encouraged to enroll in Medicaid prior to enrollment.
- c. Center Directors should take appropriate steps to ensure that enrollees currently receiving Medicaid have provided notification to their local Medicaid Office of their temporary absence from their home state while enrolled in the Job Corps program. Job Corps enrollees should not be enrolled in the Medicaid program of the state where the Job Corps center is located if the enrollees are receiving Medicaid benefits from their home state.
- d. Center Directors should ensure that those students who are Medicaid-eligible, but not enrolled in Medicaid in their home state, are enrolled in Medicaid in the state in which the Job Corps center is located.

- e The National Office is in the process of reviewing the Policy and Requirements Handbook to determine the appropriate revisions to promote the preservation of Job Corps enrollees' access to Medicaid services. Additional guidance and training will be provided to Outreach and Admissions and center staff.

Addressees are to ensure this Information Notice is distributed to all appropriate staff.

- 4. Expiration Date. Until superseded.
- 5. Inquiries. Inquiries should be directed to Carol Abnathy, at abnathy.carol@dol.gov, or (202) 693-3283.

Attachments

Code of Federal Regulations – Title 42, Chapter IV, Subchapter C, Part 435, Section 403

Code of Federal Regulations – Title 45, Subtitle B, Chapter II, Part