**Practice Question**

**Temporary Absence**

**MEDICAID TEMPORARY ABSENCE**

Which state is responsible for the provision of Medicaid while a Medicaid eligible child is temporarily out of their state of residence?

During a temporary absence, the responsibility for the provision of Medicaid does NOT transfer between states. The responsibility for providing Medicaid remains with the state in which the child lives/the state in which the child’s parents reside.

Medicaid law specifically addresses temporary absences, mandating that states provide in their state plan for coverage of residents absent from the state.

This means that when an absence from a state is considered temporary, the obligation to provide Medicaid remains with the state that had the obligation prior to the child’s temporary absence.

This is true for both the title IV-E and state-funded adoption assistance populations as well as for title IV-E foster care and GAP eligible children.

Therefore, the child’s original state of residence remains the state of residence for Medicaid purposes and that state is responsible for any allowable Medicaid services provided during the temporary absence.

*Cite:
Section 1902 (A)(16) of the Social Security Act
“[P]rovide for inclusion... with respect to the furnishing of medical assistance under the plan to individuals who are residents of the state but are absent therefrom.”

**How is Temporary Defined?**

This answer leaves states wondering, “How long must an absence be before it’s no longer considered temporary?” There is no federal guidance on the number of days that constitute a temporary stay; it is a matter of judgment.

In general, a child’s summer vacation would be considered a temporary absence, as would a ten–day absence to receive medical care in another state. The resident state’s Medicaid office should be contacted to advise them of the temporary absence. This notification allows them to coordinate with the state where the child is temporarily staying so that any Medicaid expenses incurred during the child’s stay can be paid.

If states cannot agree on which state is responsible for providing Medicaid during a stay, federal regulations stipulate that the state where the child is physically present when the service was received is the state responsible for providing Medicaid services.

*Cites:
42 U.S.C. 1396a(a) (16) and 42 C.F.R. 435.403(j)(3).
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**What to remember about temporary absences**

If an adoption assistance recipient (state-funded/title IV-E or title IV-E foster care or GAP or recipient) needs Medicaid during a temporary absence from their state of residence, the resident state remains responsible for providing it, NOT the state in which they are temporarily physically present.

Remember: Temporary absence = resident state responsibility for Medicaid

**Examples of temporary absences:**

- A two and a half month summer vacation spent with a relative
- Visits to a family's second/vacation home
- A two week SAT course
- Scheduled medical treatment (e.g., chemotherapy) lasting a set period (a week, a month) over a six month period
- Weekends with a noncustodial parent
- Winter break spent with family friends

**AAICAMA receives many questions from states and families about circumstances that affect a child’s assistance agreement and/or eligibility for and receipt of Medicaid. The goal of this publication is provide ICAMA Professionals with a library of responses to these questions and cites to the law or policy on which the responses rely.**

**AAICAMA encourages you share this publication with all interested persons. We invite suggestions, comments and advice.**