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Title 22@ Social Security

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Division 3@ Health Care Services

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Subdivision 1@ California Medical Assistance Program

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Chapter 2@ Determination of Medi-Cal Eligibility and Share of Cost

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Article 7@ ALIENAGE, CITIZENSHIP AND RESIDENCE

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Section 50320.2@ California Residency -County Verification

50320.2 California Residency -County Verification

(a)

The county may request clarification of the applicant's residency if it determines that any information provided as part of his or her Medi-Cal application is inconsistent with the statement on the MC 210 Statement of Facts (Medi-Cal), or on the SAWS 2 Statement of Facts that the applicant is a resident of California.

(b)

A declaration, affidavit, or other statement from the applicant, or any other person that the applicant is a resident of California is unacceptable as verification of residency in the absence of other credible evidence that supports a finding that the applicant is a resident of California pursuant to Section 50320(b).

(c)

When an applicant claims an out-of-state principal residence as exempt property under Section 50425, the county shall determine that such an applicant is a resident of California only if a preponderance of the credible evidence provided under Section 50320.1 supports a finding that the applicant is a resident of California pursuant to Section 50320(b).

(d)

A migrant worker who claims to be a resident of California pursuant to Section 50320(b)(2) shall provide evidence that he or she entered the state with a job commitment or evidence that he or she entered the state to seek employment,

whether or not currently employed. The county shall determine that such an applicant is a resident of California only if a preponderance of the credible evidence supports a finding that the applicant is a resident of California pursuant to Section 50320(b)(2).

(e)

The county may determine that the claim on the MC 210 Statement of Facts (Medi-Cal), or on the SAWS 2 Statement of Facts is supported, and that the applicant is a resident of California if a preponderance of the credible evidence produced by the applicant supports a finding that the applicant is a resident of California. If a preponderance of the credible evidence produced by the applicant does not support the finding that the applicant is a resident of California, the applicant shall be determined not to be a resident of California, shall be denied eligibility for Medi-Cal benefits, and shall be afforded all notification and fair hearing rights provided to any person denied eligibility for Medi-Cal.

(f)

A denial of a determination of residency may be appealed in the same manner as any other denial of eligibility. The Administrative Law Judge shall receive any proof of residency offered by the applicant and may inquire into any facts relevant to the question of residency. A determination of residency shall not be granted unless a preponderance of the credible evidence supports either the applicant's intent to remain indefinitely in this state, or any other basis provided by the laws governing the Medi-Cal program for establishing residency for Medi-Cal eligibility.