

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
BY THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES**

In the Matter of)	
)	OAH No. 12-0950-DKC
N J)	Division No.
_____)	

DECISION

I. Introduction

N J applied for Medicaid Denali KidCare benefits (Denali KidCare). The Division of Public Assistance (Division) denied her application.¹ Ms. J requested a hearing.

Ms. J's hearing was held on January 11, 2013. Ms. J did not attend the hearing. Instead, she was represented by her stepmother H L, who testified on her behalf. Terri Gagne, Public Assistance Analyst with the Division, represented the Division and testified on its behalf.

Because Ms. J is not a resident of the State of Alaska, she is not eligible for Denali KidCare benefits. As a result, the Division's decision denying her application is AFFIRMED.

II. Facts

Ms. J is an No Name national, who has never lived in Alaska. She is not a United States citizen. She has a U.S. visitor's visa, which is valid to April 2013.²

Ms. J flew to Alaska from No Name on September 1, 2012 to visit family. She had a return plane ticket for September 29, 2012. She was pregnant at the time and experienced some medical issues while on her flight to Alaska that made it inadvisable for her to fly back to No Name until after her child was delivered. As a result, she stayed in Alaska and her son was delivered on November 16, 2012.³

Ms. J applied for Denali KidCare benefits on November 19, 2012.⁴ The Division denied her application for Denali KidCare benefits because she was not an Alaska resident. The Division also determined that she was not eligible for Medicaid benefits under the emergency medical treatment for aliens coverage category because she was not an Alaska resident.⁵

¹ Ex. 6.
² Ex. A, p. 1; Ms. L's testimony.
³ Ex. A; Ms. L's testimony.
⁴ Ex. 1.
⁵ Ex. 2.11.

III. Discussion

One of the eligibility requirements for any type of Medicaid coverage, including both Denali KidCare and emergency alien Medicaid coverage, is that the applicant must be a resident of the State of Alaska.⁶ “[A] resident of the state is an individual who is physically present in the state and living in the state voluntarily with the intent to remain in the state permanently or for an indefinite period of time.”⁷

The facts of this case show that Ms. J was not a resident of the State of Alaska. She was in Alaska for the purpose of visiting her family for a limited period of time, as evidenced by her return plane ticket. Her health concerns caused her to delay her return to No Name until after her delivery. It is therefore more likely than not that she was not in the state “with the intent to remain in the state permanently or for an indefinite period of time.” Ms. J was therefore not an Alaska resident and consequently not eligible to receive any form of Medicaid benefits from the State of Alaska.

A secondary question arises regarding whether Ms. J’s son was independently eligible for Medicaid benefits. However, the Medicaid regulations specifically provide that Medicaid eligibility for newborns is limited to children born of women “who [were] eligible for and receiving Medicaid in the month of delivery.”⁸ As shown above, Ms. J was not herself eligible for Medicaid benefits. Her newborn son was therefore also not eligible to receive Medicaid benefits.

IV. Conclusion

The Division’s decision to deny Ms. J’s application for Medicaid benefits is **AFFIRMED**.
DATED this 1st day of February, 2013.

Signed _____
Lawrence A. Pederson
Administrative Law Judge

⁶ 7 AAC 100.050(a) and 7 AAC 100.060 (a).

⁷ 7 AAC 100.060(b).

⁸ 7 AAC 100.306(a).

Adoption

The undersigned, by delegation from the Commissioner of Health and Social Services, adopts this Decision, under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 15th day of February, 2013.

By: Signed
Name: Lawrence A. Pederson
Title: Administrative Law Judge

[This document has been modified to conform to the technical standards for publication.]