



## COMBINED MEDICAID 801-1 Penal Institutions

**Supersedes:** MA 901-2 (07/01/16); FMA 1203-1 (07/01/16)

**Reference:** 42 CFR 435.1009; ARM 37.82.101, and .1321; 905(a)(29)(A)

**Overview:** Inmates in public institutions are **not** eligible for outpatient Medicaid services. An otherwise eligible (meets all financial and nonfinancial criteria) inmate may be eligible if they are:

1. Admitted to a hospital, nursing facility, IMD, ICF or juvenile psychiatric facility; and
2. Expected to stay in the facility for at least 24 hours.

Medicaid cannot pay for outpatient services an inmate receives:

1. In a governmentally controlled facility; or
2. At a local hospital, emergency room, urgent care, physician's office, prison hospital or dispensary or a Federally Qualified Health Center/Rural Health Clinic.

### **INMATE:**

An inmate is someone who is in custody and held involuntarily by law enforcement authorities in a public institution (other than a childcare institution, publicly operated community residence that serves no more than 16 residents, or a public educational or vocational training institution for purposes of securing education or vocational training).

Correctional institutions include facilities operated by, or under contract with, the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe for the confinement or rehabilitation of individuals charged with/convicted of a criminal offense or other persons held involuntarily in lawful custody through operation of law enforcement authorities. Correctional institutions include state or federal prisons, local jails, detention facilities, or other penal settings (e.g., boot camps, wilderness camps). While correctional institutions may provide medical and related services, they are organized for the primary purpose of involuntary confinement.

Individuals voluntarily residing in a public institution, pending other arrangements, may be eligible for Medicaid.

When an individual has been arrested, taken into custody, and then transported directly to a medical facility, that individual has not obtained 'inmate' status in a public institution. Therefore, if they are otherwise eligible, Medicaid may pay for medical services provided even when the services are not provided on an inpatient basis. **NOTE:** Individuals who are committed to Montana State Hospital are **not considered inmates**.

### **PUBLIC INSTITUTION:**

An institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control, this includes correctional institutions. A public institution does not include:

- childcare institutions, or
- publicly operated community residences.

#### **ELIGIBLE INDIVIDUALS:**

If eligible, Medicaid is available for the following:

1. Infants living in a public institution with an inmate;
2. Parolees;
3. Individuals on probation;
4. Individuals voluntarily living in a detention center, jail or county penal facility awaiting other living arrangements (such as transfer to a community residence);
5. Inmates admitted as inpatients of a hospital, nursing facility, IMD, ICFMR (if they meet Medicaid eligibility requirements); and
6. Inmates involuntarily residing in a halfway house under government control. To qualify, the halfway house must allow residents to:
  - a. work outside the facility in jobs available to the general public;
  - b. use community resources (libraries, grocery stores, recreation, education, etc.) at will; and
  - c. seek healthcare in the community the same as any other Montana Medicaid recipient.

#### **INELIGIBLE INDIVIDUALS:**

The following individuals **are not eligible** to receive Medicaid coverage:

1. Individuals, including juveniles, held involuntarily in a detention center while awaiting trial;
2. Inmates involuntarily residing at a government-controlled wilderness camp;
3. Inmates receiving outpatient care; and
4. Inmates receiving onsite medical care at a prison, jail, detention center or other penal setting.

A suspension will be entered until the individual is released or they are admitted to a hospital, nursing facility, IMD, ICF or juvenile psychiatric facility; and are expected to stay in the facility for at least 24 hours.

**Effective Date:** January 01, 2023