

Department of Public Health
and Human Services

Section:
RESIDENTIAL MEDICAL FACILITIES

MEDICAL ASSISTANCE

Subject:
Penal Institutions

Supersedes: MA 901-2 (09/01/98)

► **References:** 42 CFR 435.1009; ARM 37.82.101, and .1321

GENERAL RULE--Medicaid coverage is not available to inmates in public institutions. However, if an inmate is otherwise Medicaid eligible (meets all financial and non-financial criteria), the inmate may be Medicaid eligible if s/he is:

1. Admitted as an inpatient in a hospital, nursing facility, institution for mental disease, or intermediate care facility; and
2. Expected to remain in the facility for a period of 24 hours or longer.

Medicaid coverage is **not** available to pay for services provided an inmate:

1. In a governmentally controlled facility; or
2. At a clinic, physician office, prison hospital, or dispensary.

INMATE

An inmate is someone who is involuntarily confined to a public institution. This includes individuals who are awaiting criminal proceedings, penal dispositions, or other involuntary detainment determinations.

An individual who is 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 s/he is 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

A facility is considered a public institution when it is under the responsibility of a government unit or over which a governmental unit exercises administrative control. A facility is considered to be governmentally controlled when:

1. It is an actual organizational part of a governmental unit;

2. A governmental unit exercises final administrative control, including ownership and control of the physical facilities and grounds used to house inmates; or
3. A governmental unit is responsible for the facility's ongoing daily activities.

EXAMPLE: Facility staff members are government employees or when a governmental unit, board, or officer has final authority to hire and fire employees.

**INDIVIDUALS
ELIGIBLE FOR
MEDICAID**

Medicaid coverage is available to the following individuals, if eligible:

1. Infants living with an inmate in a public institution;
2. Paroled individuals;
3. Individuals on probation;
4. Individuals voluntarily living in a detention center, jail, or county penal facility while other living arrangements are being made (e.g., transfer to a community residence);
5. Individuals on home release (unless they must report to a governmentally controlled facility for overnight stays); or
6. Inmates who become inpatients of a hospital, nursing facility, institution for mental disease, or an intermediate care facility for the mentally retarded (subject to meeting Medicaid eligibility rules).

**INDIVIDUALS
NOT ELIGIBLE
FOR MEDICAID**

Medicaid coverage is **not** available to the following individuals:

1. Individuals (including juveniles) being held involuntarily in a detention center awaiting trial;
2. Inmates involuntarily residing at a wilderness camp under governmental control;
3. Inmates involuntarily residing in a halfway house under governmental control;
4. Inmates receiving care as an outpatient; or
5. Inmates receiving medical care on the premises of a prison, jail, detention center, or other penal setting.