

**249A.38 Inmates of public institutions — suspension or termination of medical assistance.**

1. The following conditions shall apply to an individual who is an inmate of a public institution as defined in [42 C.F.R. §435.1010](#), who is enrolled in the medical assistance program at the time of commitment to the public institution, and who remains eligible for medical assistance as an individual except for the individual's institutional status:

*a.* The department shall suspend the individual's eligibility for up to the initial twelve months of the period of commitment. The department shall delay the suspension of eligibility for a period of up to the first thirty days of commitment if such delay is approved by the centers for Medicare and Medicaid services of the United States department of health and human services. If such delay is not approved, the department shall suspend eligibility during the entirety of the initial twelve months of the period of commitment. Claims submitted on behalf of the individual under the medical assistance program for covered services provided during the delay period shall only be reimbursed if federal financial participation is applicable to such claims.

*b.* The department shall terminate an individual's eligibility following a twelve-month period of suspension of the individual's eligibility under paragraph "*a*".

2. *a.* A public institution shall provide the department and the social security administration with a monthly report of the individuals who are committed to the public institution and of the individuals who are discharged from the public institution.

*b.* The department shall provide a public institution with the forms necessary to be used by the individual in expediting restoration of the individual's medical assistance benefits upon discharge from the public institution.

3. [This section](#) applies to individuals as specified in [subsection 1](#) on or after January 1, 2012.

4. The department may adopt rules pursuant to [chapter 17A](#) to implement this section. [2011 Acts, ch 98, §13, 15; 2012 Acts, ch 1038, §1](#)