

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

1. Following the first thirty days of commitment, the department shall suspend, but not terminate, the eligibility of 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, during the entire period of the individual's commitment to the public institution.

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. The monthly report to the department shall include the date of commitment or the date of discharge, as applicable, of each individual committed to or discharged from the public institution during the reporting period. The monthly report shall be made through the reporting system created by the department for public, nonmedical institutions to report inmate populations. Any medical assistance expenditures, including but not limited to monthly managed care capitation payments, provided on behalf of an individual who is an inmate of a public institution but is not reported to the department in accordance with [this subsection](#), shall be the financial responsibility of the respective 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. The department may adopt rules pursuant to [chapter 17A](#) to implement [this section](#).

[2011 Acts, ch 98, §13, 15](#); [2012 Acts, ch 1038, §1](#); [2018 Acts, ch 1165, §127](#); [2019 Acts, ch 81, §1](#)