



Iowa Department of Human Services

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

Charles M. Palmer
Director

Medicaid and Inmates

Summary

Medicaid is not available to individuals considered to be inmates of public, non-medical institution. Persons who are on:

- probation or paroled are not considered inmates.
- work release are considered to be inmates.

In order to get Medicaid, the person must:

- Meet all other eligibility requirements for Medicaid eligibility such as:
 1. Income and resource limits
 2. Have a basis of eligibility such as being aged (65 or older), blind, determined disabled based on the criteria used for Supplemental Security Income (SSI).
 3. Citizenship and Identity
 4. Have a medical necessity for the service that is provided (i.e., If in a nursing facility, require the level of care provided by the facility)

Status	Eligible for Medicaid Inpatient Hospital Services	Eligible for Medicaid Nursing Facility Services (provided at a facility that is not owned, operated, by or under contract with a state or local government)	Eligible for Medicaid Forensic Services
DOC Inmate	Y	N	N
Person who is on probation or paroled	Y	Y	Y if < 22 years or >65 years old N if age 22-64 ¹
Person on work release	Y	N	N
Person in MHI (Institution for Mental Diseases – IMD)	Y	Y	Y if < 22 years or >65 years old N if age 22-64 ¹

1. Federal rules prohibit claiming federal Medicaid funds for persons 22 – 64 years of age in facilities that provide services primarily to persons with a mental illness (Institutes of Mental Disease or IMDs).

Background

A key factor for using Medicaid funds to pay for a person's care is whether or not the person meets the federal definition of being an inmate of a public, non-medical institution.

What qualifies as a public institution?

- Federal Medicaid regulations prohibit the use of federal Medicaid funds for people who are inmates of a public, non-medical institution.
- "Inmates" are people living in a public, non-medical institution.
- A "public institution" is one that:
 - is the responsibility of a government unit or over which a governmental unit exercises administrative control. It includes, but is not limited to, publicly operated penal institutions, jails, work release centers, or wholly tax-supported care facilities, such as some county residential care facilities.
 - Department of Corrections (DOC) prisons and county jails are public institutions.

What qualifies as a medical institution?

- A "medical institution" is one that:
 - provides medical care, has the necessary professional personnel, equipment, and facilities to manage the medical, nursing, and other health needs of patients on a continuing basis in accordance with accepted standards, is authorized under State law to provide medical care; and is staffed by professional personnel who are responsible to the institution for professional medical and nursing services.

The Centers for Medicaid and Medicare (CMS) has clarified when a person is not considered an inmate of a public, non-medical institution and may therefore be eligible for the Medicaid program if they meet all other eligibility requirements. CMS does not consider the following to be inmates of a public, non-medical institution:

- An inmate who is admitted as an inpatient of a medical institution (such as a hospital) that is **not** owned, operated, or on the grounds of a penal institution. While an inpatient, that person is no longer considered to be an inmate of a public institution, and can be eligible for Medicaid if the person meets all other eligibility requirements.
- A person who is on probation or parole is also not considered to be an inmate of a public institution, and can be eligible for Medicaid if they meet all other eligibility requirements for the program.
- However, a person who is on work-release is still considered by CMS to be an inmate of a public institution, and is therefore not eligible for Medicaid.

When discussing who would be eligible for Medicaid in facilities other than public, non-medical institutions, please refer to the following chart:

Medical Facility Type	Geriatric (aged 65 and over)
Hospital <ul style="list-style-type: none"> • Admitted as In-patient • Not on the grounds of a penal institution. • Not owned or operated, or under contract w/ the DOC • Does not have to be paroled 	Yes
Nursing Facility (NF), Skilled Nursing Facility (SNF), or Intermediate Care Facility/Mentally Retarded (ICF/MR) <ul style="list-style-type: none"> • If paroled or on probation • Not on the grounds of a penal institution. • Not owned or operated, or under contract w/ the DOC • Must meet Medicaid NF Level of Care requirements 	Yes
Mental Health Institution (MHI) <ul style="list-style-type: none"> • If paroled or on probation • Not on the grounds of a penal institution. • Not owned or operated, or under contract w/ the DOC • Must meet Medicaid medical necessity requirements for inpatient psychiatric care 	Yes
Residential Care Facility (RCF) <ul style="list-style-type: none"> • If paroled or on probation • Not on the grounds of a penal institution. • Not owned or operated, or under contract w/ the DOC • Medicaid does not cover room and board costs for RCF. Medicaid will cover non-RCF services such as home and community based waiver, or other health care services 	No

If an inmate has not been released on probation or parole, they are still considered to be an inmate of a public non-medical institution. Medicaid is not available to individuals considered to be inmates of public, non-medical institution.

In addition, the person must:

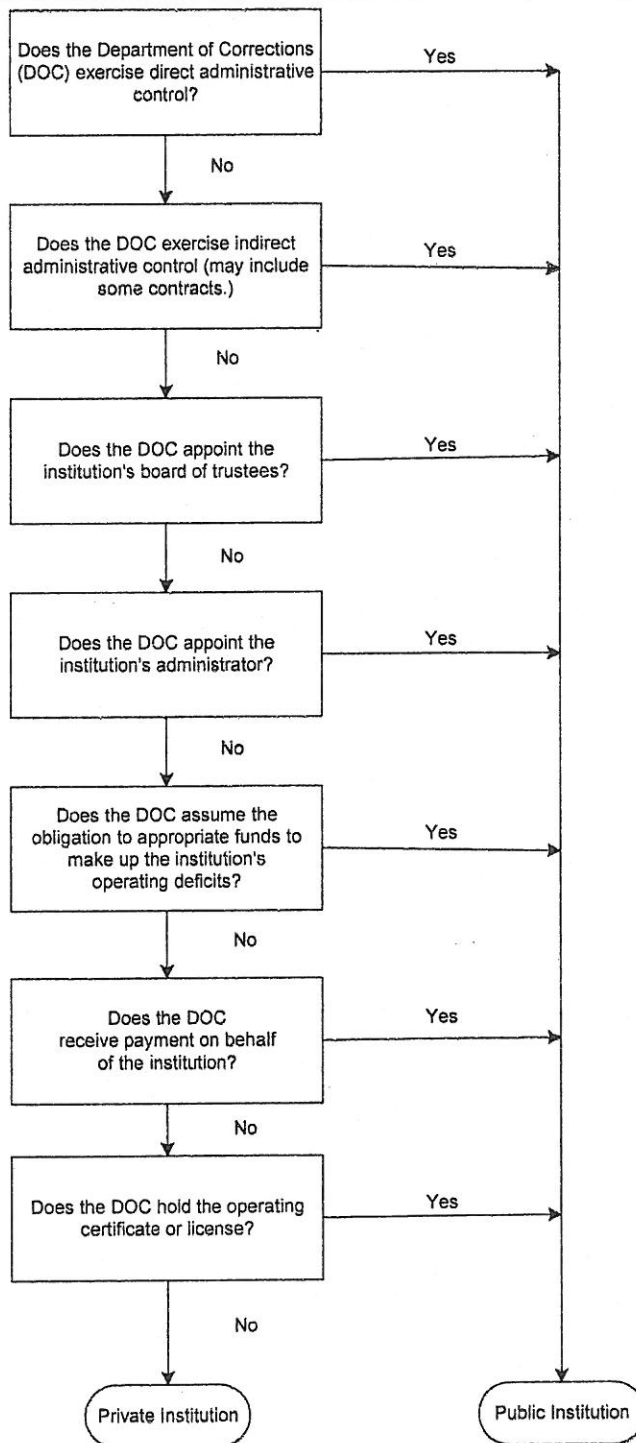
- Be determined to require the level of care provided by the facility, and
- Meet all other eligibility requirements for Medicaid eligibility such as:
 5. Income and resource limits
 6. Have a basis of eligibility such as being aged (65 or older), blind, determined disabled based on the criteria used for Supplemental Security Income (SSI).
 7. Citizenship and Identity
 8. Have lived in an institution for 30 consecutive days if they qualify under the special income coverage group (called the 300% group, where the individual's gross monthly income does not exceed 300% of the federal poverty level).

If the intent of the facility is to provide long-term care services, the facility would need to meet the licensure requirements and become a Medicaid provider. In addition, to qualify for Medicaid in a long-term care setting, the person would need to meet nursing facility level of care.

DOC- Public Institution

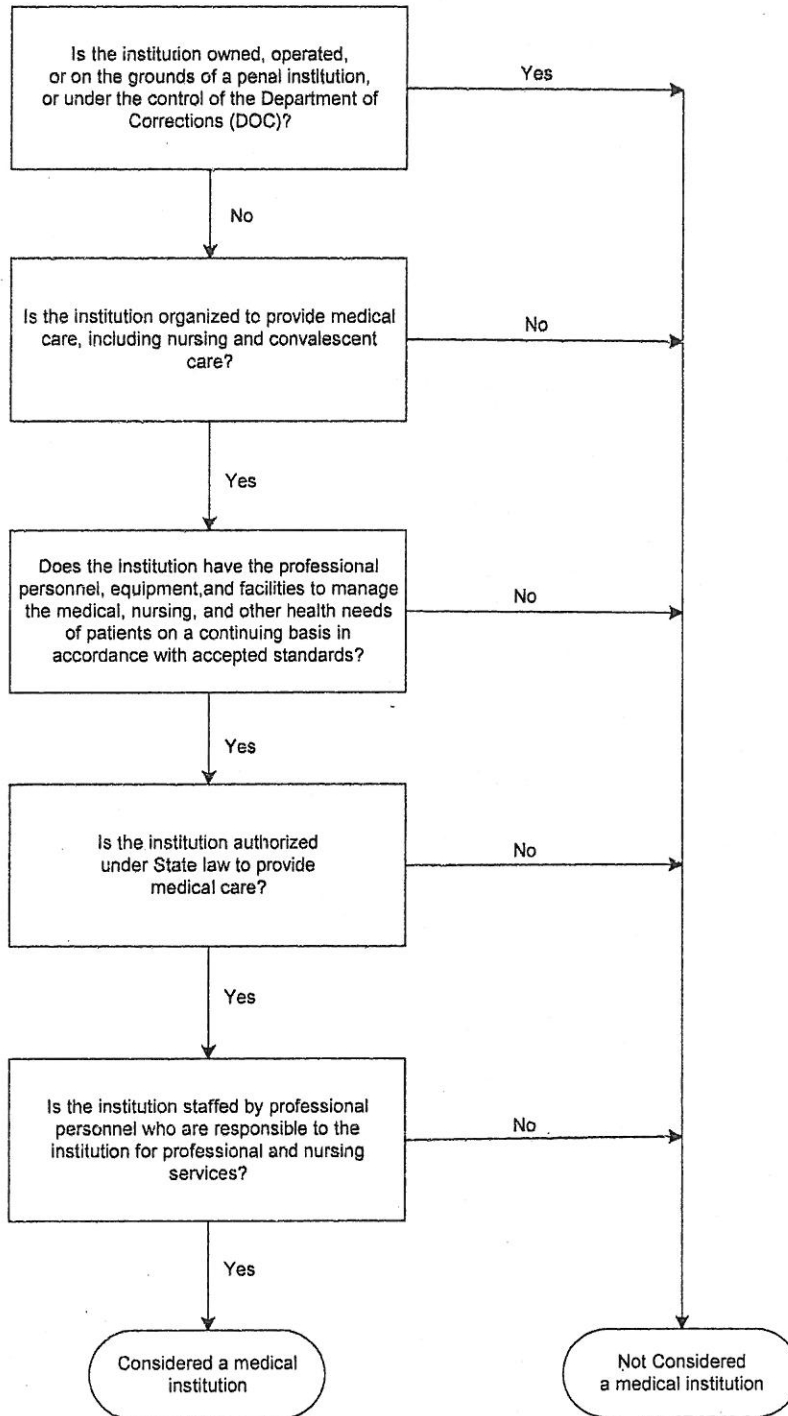
A Public Institution is a Facility that is the responsibility of a governmental unit, or over which a governmental unit exercises administrative control. Includes but not limited to: Public Institution, Department of Corrections, and work-release.

Use this chart to determine whether an institution is considered public or private.



Medical Institution

Use this chart to determine whether an institution is considered a medical institution.
Includes U of IHC, Broadlawn, and community hospitals.



Public Institution

A Public Institution is a Facility that is the responsibility of a governmental unit, or over which a governmental unit exercises administrative control. Includes jails, federal and state prisons, and work release.

Use this chart to determine whether an institution is considered public or private.

