

## I-900 INSTITUTIONALIZED

### I-910 REQUIREMENTS

Residence in an institution can affect a Medicaid applicant's or beneficiary's payment of services.

An individual who is a resident of a public institution is generally ineligible for Medicaid payment of services.

An individual is not eligible for Medicaid payment of services when:

- The individual is an inmate and the facility in which the individual is residing is a public institution (see I-920), or
- The individual is age 22 to 64 and a patient in an institution for mental diseases (IMD). Individuals under 22 and over 64 are not affected when admitted to an IMD.

#### **Exception:**

An individual who falls in one of the above groups may be eligible for Medicaid payment of services only while an inpatient in a medical facility (hospital, nursing facility, juvenile psychiatric facility or intermediate care facility). When determining eligibility for these individuals, consider all groups of coverage including children, pregnant women and the elderly, blind or disabled. Individuals must meet all eligibility factors of the program for which they are being considered.

#### **Note:**

Effective July 1, 2010, do not close or reject individuals age 22 to 64 when admitted to an institution for mental diseases (IMD) (assuming the person continues to meet all applicable eligibility requirements). The IMD is not allowed to bill Medicaid for their services. The individual remains on the Medicaid file and will have Medicaid upon their release.

### I-920 INSTITUTIONS

An institution is an establishment that provides food, shelter, and treatment or service(s) to four or more persons unrelated to the proprietor.

A public institution is an institution which is the responsibility of a government unit or over which a governmental unit exercises administrative

control including:

- A penal institution or correctional facility is a facility under the control and jurisdiction of the governmental agency in charge of the penal system, or a facility in which convicted criminals can be incarcerated, such as a hospital for the criminally insane. This includes State prisons which operate their own hospitals; State mental hospitals; and privately owned prisons under contract to a correctional facility.
- An institution for mental diseases (IMD) is a hospital, nursing facility or other institution of more than 16 beds which is primarily engaged in providing diagnosis and treatment or care, including medical attention, nursing care and related services to persons with mental diseases.

**Note:**

A VA nursing facility falls under the definition of a public institution.

A medical institution is an institution that:

- is organized to provide medical care, including nursing and convalescent 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 provide professional medical and nursing services.

A medical institution is not considered a public institution.

## **I-930 INMATE STATUS**

An individual is an inmate if serving time for a criminal offense or is confined involuntarily in a State or Federal prison, jail, detention facility or other penal facility.

An individual who voluntarily resides in a public institution is not considered

an inmate. Likewise, an individual who voluntarily resides in a public education or vocational training institution for purposes of securing education or vocational training or is voluntarily residing in a public institution for a temporary period while other living arrangements appropriate to meet his needs are being made is not considered an inmate.

There is no difference between juveniles and adults when applying this policy.

There are a variety of alternatives to traditional incarceration. An individual is considered an "inmate of a penal institution" as long as penal authorities remain responsible for providing (or arranging for provision of) food and shelter to the individual. An individual is considered an "inmate" regardless of use of an alternative method of incarceration. Inmate status continues during periods of authorized absence from the penal facility. Inmate status is not terminated until the individual is paroled or otherwise unconditionally and permanently released.

**Examples of individuals still considered an inmate:**

- Inmates who are sent to work on farms on a seasonal basis;
- Inmates involuntarily residing at a wilderness or boot camp program under governmental control;
- Individuals who are on home or work release for a temporary period, or who have to report to the facility for incarceration at night or on weekends.
- Individuals who are being held involuntarily in detention centers awaiting trial.
- Inmates involuntarily residing in half-way houses under governmental control.
- Inmates receiving care on the premises of a prison, jail, detention center or other penal setting.
- Inmates receiving outpatient care.
- Escaped prisoners.

**Examples of individuals not considered inmates:**

- Infants living with the inmate in the public institution.
- Individuals on home release when not required to report to a public institution for overnight stay.
- Individuals voluntarily living in a detention center, jail or penal facility after their case has been adjudicated and other living arrangements are being made.

#### **I-940 END OF INMATE STATUS**

Inmate status is not terminated until the individual is paroled or otherwise unconditionally and permanently released. Inmate status ends when the individual is no longer residing in a penal institution and is released from the penal system due to:

- End of sentence
- Pardon
- Probation or parole
- Unconditional release

Parole is the conditional release of an offender from prison before he or she has served the full sentence of the court, thereby allowing the offender to serve a portion of the sentence in the community under supervision.

Parole differs from probation in that most probationers have never been in prison for a felony conviction. The sentencing judge in such cases orders probation instead of a prison term.

Parole is distinguishable from the pardon process in that any convicted felon, including those that are not eligible for parole, may apply to the Board of Pardons, for pardon, restoration of citizenship rights or commutation (reduction) of sentence.

#### **I-950 VERIFICATION**

Verify inmate status at application, renewal and upon any change in the individual's placement or in authoritative responsibility by the legal/penal system.

Verification sources include:

- State Department of Corrections records clerk;
- Local prison/mental health authorities;
- Court documents;
- A clerk from the court which sentenced the individual;
- A representative from the prosecutor's or State's Attorney's office;
- Discharge arrangements and agreements between the individual and penal/judicial authority.

## **I-960 DOCUMENTATION**

Document the case record and file copies of all verification obtained.

**Note:**

Use SSA Form 160 to notify SSA if an SSI recipient is in a public (including penal) institution or IMD or if the individual is considered an "inmate of a penal institution" because the penal authorities remain responsible for providing (or arranging for provision of) food and shelter to the individual.