

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

102.11.02 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.

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

Individuals Ineligible for Medicaid Due to Inmate Status

There are a variety of alternatives to traditional incarceration. An individual is considered an inmate of a penal institution as long a 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. In addition, inmate status continues during period of authorized or unauthorized absence from the penal facility. Inmate status is not terminated until the individual is paroled or otherwise unconditionally and permanently released.

Situations in which Medicaid is not available due inmate status:

- Inmates who are sent to work on farms on a seasonal basis;
- Inmates involuntarily residing at a wilderness or boot camp under governmental control; **NOTE:** If such a facility is privately owned and/or operated, residents may receive Medicaid, if they are otherwise eligible based on home living arrangements.
- Individuals who are on home or work release for a temporary period of time or who have to report to the facility for incarceration at night or on weekends;
- Individuals in correctional or holding facilities, who have been arrested or detained involuntarily and are awaiting trial or disposition of charges, or who are held under court order as material witnesses or juveniles;

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Individuals Ineligible for Medicaid Due to Inmate Status (Continued)

- 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.

Non-Inmate Status - Individuals Potentially Eligible for Medicaid

Admittance as an inpatient in a hospital, nursing facility, juvenile psychiatric facility or intermediate care facility interrupts inmate status. Explore Medicaid eligibility in an appropriate program for these individuals. If otherwise eligible, the individual can be approved for Medicaid.

NOTE: This does not include medical facilities on the grounds of or under the control of a penal facility.

Situations in which **Medicaid is** potentially available if all factors of eligibility are otherwise met:

- Infants living with the inmate in the public institution;
- Paroled individuals; Individuals in violation of the terms of their parole remain potentially eligible for Medicaid even though SSI or Social Security Disability benefits have been terminated due to fugitive status. These individuals can qualify or continue to qualify for Medicaid unless or until they are under the direct control of the penal system, at which time, they fall under the “inmate” policy discussed previously.
- Individuals on probation; Individuals in violation of the terms of their probation remain potentially eligible for Medicaid even though SSI or Social Security Disability benefits have been terminated due to fugitive status. These individuals can qualify or continue to qualify for Medicaid unless or until they are under the direct control of the penal system, at which time, they fall under the “inmate” policy discussed previously.

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Non-Inmate Status - Individuals Potentially Eligible for Medicaid (Continued)

- Individuals on house arrest or home release when not required to report to the 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;
- Inmates who become inpatients at a medical facility, i.e., acute care hospital, nursing facility, juvenile psychiatric facility or intermediate care facility. The individuals may be approved for the period of their inpatient care, if otherwise eligible.

Public Educational or Vocational Training Institutions

Children attending these facilities to obtain an education or vocational training may receive Medicaid if they are eligible in their home living arrangement. Schools for the deaf or blind are examples of such facilities.

Special Considerations

- The inmate cannot be considered a sole applicant until they have been separated from other household members for 30 days. When determined Medicaid-eligible as a member of the community, the inmate is eligible for full Medicaid services.
- The inmate can be considered as the sole member of the budget group for the month in which the 31st day falls. When determined eligible as an inmate and as the sole member of the budget group, the inmate is eligible only for inpatient services.
- If the inmate is receiving Social Security Retirement, Disability or Survivors benefits, and convicted of a crime and confined to the correctional institution for more than 30 continuous days, Social Security will suspend benefits.

Similarly, Social Security must suspend benefits to individuals receiving Supplemental Security Income (SSI) payments when the person is incarcerated for at least one full calendar month. These suspended payments are disregarded as income.

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End of Inmate Status

Inmate status is not terminated until the individual is paroled, 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 for pardon, restoration of citizenship rights or commutation (reduction) of sentence.

102.11.03 VERIFICATION OF INMATE STATUS

Verification sources for inmate status may include:

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