

Health Care Finance and Administration	Section: General Administrative Procedures and Compliance
Policy Manual Number: 200.112	Subject: Eligibility of Inmates of Public Institutions

FOR ADDITIONAL INFORMATION PLEASE REFER TO: TennCare Policy Manual, Policy No: EED 06-001

Eligibility of Inmates of Public Institutions

Legal Authority: SSA § 1905(a)(29), see 42 USC § 1396d(a)(29)(A); 42 CFR 435.1010; 42 CFR 435.1009(a)(1); Tenn. Code Ann. § 71-5-106(r)

1. Policy Statement

An individual's status as an inmate of a public institution does not prevent eligibility for TennCare Medicaid or TennCare Standard. Federal Financial Participation (FFP) is not available for payment of benefits provided to inmates of public institutions eligible for TennCare with the exception of inmates who are patients in a medical institution for more than 24 hours. Applicants/enrollees involuntarily confined in a public institution are placed in a temporary suspended status to prevent inappropriate payments.

2. Definitions

Inmate: An individual involuntarily confined in a local, state, or federal prison, jail, youth development center (YDC), or other penal or correctional facility, including a furlough from such facility. An individual is not considered an inmate in a public institution if he is in a:

- Public educational or vocational training institution for the primary purpose of receiving education or vocational training; or
- Public institution for a temporary period pending other arrangements appropriate to his needs.

Patient: An individual receiving professional services directed by a licensed practitioner of the healing arts for maintenance, improvement, or protection of health, or lessening of illness, disability, or pain.

Public Institution: A public institution is one that provides shelter, food and treatment or services and is the responsibility of or controlled by a governmental unit. A public institution includes any private facility that is under direct contract with a governmental entity to provide correctional services, or that acts as an institution for incarceration on behalf of the state's criminal justice system. A public institution does not include:

- A medical institution;
- An intermediate care facility; or
- A child-care institution for children receiving foster care payments under IV-E or AFDC foster care under title IV-A.

Health Care Finance and Administration	Section: General Administrative Procedures and Compliance
Policy Manual Number: 200.112	Subject: Eligibility of Inmates of Public Institutions

Medical Institution: An institution that:

- Is authorized under State law to provide medical care;
- Is organized to provide nursing and convalescent care;
- Has the necessary professional personnel, equipment, and facilities to manage the medical, nursing, and other health needs of patients continuously and according to accepted standards; and
- Is staffed by professional personnel responsible to the institution for professional medical and nursing services. Services must include:
 - Adequate and ongoing medical care and supervision by a physician;
 - Registered nurse or licensed practical nurse supervision and services and nurses' aid services; and
 - A physician's guidance on the professional aspects of operating the institution.

Examples of medical institutions include: hospitals, convalescent or progressive care centers, Long-Term Care Facilities (LTCFs), providing both skilled and intermediate care, and juvenile psychiatric facilities. Medical institutions eligible for FFP are those that are generally available to the public, organized primarily for the provision of medical care, and do not operate primarily or exclusively to serve inmates.

3. Inmates of Public Institution Status Verification

HCFA receives incarceration information through electronic interfaces with the Tennessee Department of Corrections (TDOC) for prisons and from a contractor who works with county jails. Individuals reported as incarcerated are placed in suspended enrollment status and notice of such status is sent to the individual's mailing address and the correctional facility.

HCFA removes an individual's suspended status for individuals no longer considered inmates of public institutions based on TDOC reports and the contractor's reports once the inmate status on the report is verified. HCFA will also manually remove an enrollee's suspended status upon notification by the enrollee and once that notification has been verified. The move from suspended status will be prospective from the point of notification to the state.

4. Eligibility Requirements

An individual's inmate status does not prevent Medicaid eligibility or enrollment, but an individual's inmate status does impact payment of Medicaid services and MCO assignment. Inmates of public institutions must meet non-financial requirements to receive eligibility in a Medicaid category. For example, an individual must continue to meet the requirements as a caretaker relative to be considered for eligibility in the Caretaker Relative category.

Inmates of public institutions must also meet financial requirements for the individual to receive eligibility in a Medicaid category. Tax filer rules should be used for tax filers and tax dependents

Health Care Finance and Administration	Section: General Administrative Procedures and Compliance
Policy Manual Number: 200.112	Subject: Eligibility of Inmates of Public Institutions

when making a Modified Adjusted Gross Income (MAGI) eligibility determination, unless there is evidence to the contrary.

5. Suspended Status

The need for suspended status can be determined by asking the following two questions:

- Is the individual considered an inmate? Refer to the inmate definition above.
- Is the individual involuntarily confined in a public institution? Refer to the public institution definition above.

When the answer to both questions is yes, the individual should be placed in suspended enrollment status. If the answer to either of these questions is no, the individual is not an inmate living in a public institution, is eligible for FFP and should not be placed in suspended status.

Eligibility of an applicant/enrollee in a jail is placed in suspended status when he has been in the jail for more than 90 days. There is no 90 day wait for an individual in state or federal prison. When an individual is placed in a suspended status, the individual's MCO will temporarily be changed to TennCare Select. An individual is removed from suspended status when he remains Medicaid eligible and is no longer considered an inmate living in a public institution. When an individual's suspended status is removed, the individual's MCO will revert back to an at-risk MCO.

Note: Department for Children's Services (DCS) and Programs for All-Inclusive Care for the Elderly (PACE) enrollees are currently not placed in suspended status and maintain Medicaid eligibility.

Examples of individuals not considered inmates in a public institution include:

- Infants living with the inmate in a public institution;
- Paroled individuals;
- Individuals on probation;
- Individuals on home release except when reporting to a public institution for overnight stay;
- Individuals living voluntarily in a detention center, jail or county penal facility after adjudication while determining other living arrangements;
- Individuals released to the community pending trial, including those under pre-trial supervision; and
- Individuals residing in state or local, publicly or privately owned, supervised community residential facilities (e.g., halfway houses). Individuals must be able to work outside of the facility, be able to use community resources, and be able to seek health care treatment in the broader community.

Examples of individuals considered inmates in a public institution include:

Health Care Finance and Administration	Section: General Administrative Procedures and Compliance
Policy Manual Number: 200.112	Subject: Eligibility of Inmates of Public Institutions

- Inmates involuntarily residing at a wilderness camp under governmental control;
- Inmates receiving outpatient care, while living in a public institution; and
- Inmates residing in Federal Residential Reentry Centers (RRCs).

6. Reinstatement

Once it has been verified with TDOC or the local jail that an individual no longer meets the requirements to be considered an inmate involuntarily confined in a public institution, the individual is removed from suspended status. The individual is no longer in a suspended status effective the day after such verification.

Document Title	Eligibility of Inmates of Public Institutions				
First Published	2.29.2016				
Revision History					
Revision Date	Section	Section Title	Page Number(s)	Reason for Revision	Reviser
5.2.2016	For Additional Information Please Refer To:		1	TennCare Policy Manual, Policy No: EED 06-001, published	AK
10.3.2016	2.	Definitions	1-2	Policy Clarification	AJ
10.3.2016	5.	Suspended Status	4	Policy Change	AJ