

IHCP *bulletin*

INDIANA HEALTH COVERAGE PROGRAMS BT201719 MARCH 14, 2017

IHCP clarifies Presumptive Eligibility for incarcerated individuals

With guidance from the Centers for Medicare & Medicaid Services (CMS), the Indiana Health Coverage Programs (IHCP) is clarifying for Hospital Presumptive Eligibility (PE) qualified providers (QPs) the PE coverage options available for incarcerated individuals. Hospitals must use the individual's current custody situation to determine what coverage options are appropriate. Hospitals should not make the determination based on the type of care requested.

What is PE for Inmates?

The PE for Inmates process allows Hospital PE QPs to determine if inmates of public institutions are eligible for temporary coverage of **authorized inpatient hospitalization services only**. Public institutions include work release facilities, county jails, and Department of Corrections (DOC) facilities. Only those individuals who are incarcerated in a public institution under agreement with the Family and Social Services Administration (FSSA) can be considered presumptively eligible through the PE for Inmates process.



Regardless of the label that may be attached to a particular custody situation, an important factor in determining whether an individual is considered “incarcerated” is his or her legal ability to exercise personal freedom at the time they are seeking care.

Types of incarceration include:

- **County jail:** An individual of any age considered an inmate if the individual is in custody and held involuntarily through operation of law enforcement authorities (even if they have not been arrested or charged with a criminal act)
- **Remanded to a DOC facility:** Persons charged with or convicted of a criminal offense or other persons held involuntarily in lawful custody through operation of law enforcement authorities
- **Work release (no freedom of movement):** Individuals living in state or local corrections-related supervised community residential facilities (operated by a governmental entity or a private entity) and if the individual does not have freedom of movement and association while residing at the facility

If an individual is incarcerated as defined in this bulletin and is presented to the hospital accompanied by law enforcement, a review of their health coverage should be conducted:

- **Active IHCP coverage:** If the individual's IHCP coverage has not been suspended, and the individual is expected to be incarcerated for more than 30 days, the QP should submit an email to IndianaInmateMedicaid@fssa.in.gov with all the inmate's information, including the DOC or county jail facility, to have a PE for Inmates application processed.

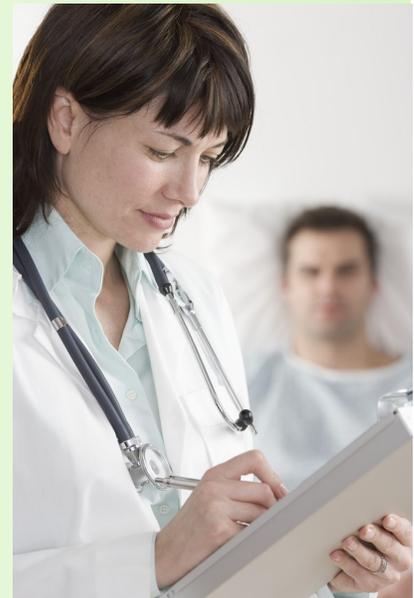
- **No health coverage:** If an individual is currently incarcerated with no current coverage, the QP should submit an application for IHCP coverage for authorized inpatient hospitalization services through the PE for Inmates process.
- **Private health insurance:** If an individual is incarcerated and has private health insurance, that insurance coverage should be billed for services rendered.

The PE for Inmates process requires that the PE application indicate “Inmate” and that the public institution should be identified. For those in work release, the jail in the county where the work release facility is located should be identified as the individual’s institution; that same county should be the one selected from the list of counties in the drop-down menu. Please note that normal Medicaid eligibility rules apply. It is possible for an inmate to be over the income limit for IHCP coverage. Income should not automatically be marked as \$0 and the family size entered as “1.” A person age 65 or older, blind or disabled (per Supplemental Security Income [SSI] standards) will be a household size of 1, but for a nondisabled individual, everyone who files taxes together with the applicant should be considered in determining income and family size for eligibility purposes.

Non-incarcerated individuals may be found presumptively eligible but not through the PE for Inmates process

Individuals in the following circumstances are not considered to be incarcerated:

- Probation
- House arrest
- Voluntary and temporary residence in a public institution – when the individual is free to leave, but is “residing in a public institution for a temporary period pending other arrangements appropriate to their needs”
- Work release facilities operating in a manner that ensures individuals living there **have freedom of movement** and association according to the following tenets:
 - Residents are not precluded from working outside the facility in employment available to individuals who are not under justice system supervision.
 - Residents can use community resources (such as libraries, grocery stores, recreation, education, and so on) at will*.
 - Residents can seek healthcare treatment in the broader community to the same or similar extent as other Medicaid enrollees in the state.



**Note: For this purpose, “at will” includes and is consistent with requirements related to operational “house rules.” For example, the facility may be closed or locked during certain hours or where residents are required to report during certain times and sign in and out.*

If an individual presents themselves to the hospital without law enforcement assistance and indicates they are in a work release facility or program, or in a situation otherwise described in this bulletin, with no current insurance coverage, the hospital should submit a PE application for the individual. The applicant should not be identified as “Inmate,” as they presumably have freedom of movement and therefore are not considered incarcerated.

Custody situations that would follow the PE for Inmate process

The following scenarios illustrate custody situations where the applicant is considered an “Inmate” for PE purposes and would follow the PE for Inmate process:

- Individual is in custody under suspicion for drunk driving after a car accident. He is injured and brought to the emergency room (ER) by a police officer prior to going to jail. (Hospital services would not be covered, however, unless the individual was admitted as an inpatient.)
- Individual spends weekends in the county jail to serve time on a sentence (weekend jail).
- Individual is on work release in a facility that restricts freedom of movement.
- Individual is in “holding” in a jail.
- Individual is arrested by an officer and taken to the hospital for medical treatment prior to going to the county jail and is admitted as an inpatient.
- Individual is incarcerated but has a medical furlough to the hospital issued by an authorized law enforcement official, such as the county court, prosecuting attorney, sheriff, corrections officer, or the jail’s medical doctor. The individual is transported to and from the hospital by the incarcerating facility but does not present accompanied by law enforcement.



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