

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES  
BISMARCK, NORTH DAKOTA  
September 30, 2015**

**IM 5260**

**TO:** County Social Service Directors  
Economic Assistance Policy Regional Representatives  
Economic Assistance Policy Quality Control Reviewers

**FROM:** Carol Cartledge, Director  
Economic Assistance Policy Division

**SUBJECT:** Coverage for Inmates who are Inpatients in a Hospital Setting

**PROGRAMS:** ACA and Non-ACA Medicaid

**EFFECTIVE:** October 1, 2015

**ATTACHMENTS:** Attachment #1 Vision Processing - Coverage for Inmates who are Inpatients in a Hospital Setting

**RETENTION:** Until Manualized

**SECTIONS AFFECTED:** Public Institutions and Institutions for Mental Disease (IMD) 510-03-35-95  
Public Institutions and IMDs 510-05-35-95

As a general rule, an individual becomes ineligible for Medicaid coverage when he or she is incarcerated and is an inmate with the Department of Corrections and Rehabilitation (DOCR) or with a county jail. Upon implementation of ND Health Enterprise MMIS, 2011 Senate Bill 2024 requires the Department to expand Medicaid coverage to include Medicaid-covered services provided to an inmate who is admitted as an inpatient in a hospital setting. The inmate must meet all other Medicaid factors of eligibility. This provision is effective with the benefit month of October 1, 2015.

A new section will be added to the ACA and Non-ACA Medicaid Manual Chapters 510-03 and 510-05 and will include the policy as follows:

## **Definitions - Coverage for Inmates who are Inpatients in a Hospital Setting**

For purposes of the Inpatient Coverage for Inmates in Public Institutions sections:

1. Inpatient: A patient who has been admitted to a medical institution as an 'inpatient' on recommendation of a physician or dentist and:
  - a. Receives room, board and professional services in the institution for a 24 hour period or longer, or
  - b. Is expected by the institution to receive room, board and professional services in the institution for a 24 hour period or longer even though it later develops that the patient dies, is discharged or is transferred to another facility and does not actually stay in the institution for 24 hours.

**NOTE:** An individual may be placed in a hospital under an 'observation' status, which is an 'outpatient' category. These individuals are not considered receiving inpatient medical care and not eligible for Medicaid under this provision.

2. Medical institution means an institution that:
  - a. Is organized to provide medical care, including nursing and convalescent care;
  - b. 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;
  - c. Is authorized under State law to provide medical care; and
  - d. Is staffed by professional personnel who are responsible to the institution for professional medical and nursing services.  
The services must include adequate and continual medical care and supervision by a physician; registered nurse or licensed practical nurse supervision and services and nurses' aid services, sufficient to meet nursing care needs; and a physician's guidance on the professional aspects of operating the institution.
3. Department of Corrections and Rehabilitation includes the ND State Penitentiary and Missouri River Correctional Center in Bismarck, Dakota Women's Correctional and Rehabilitation Center in New England, James River Correctional Center in Jamestown, and the North Dakota Youth Correctional Center in Mandan.
4. County Jail means a place of confinement for persons held in lawful custody under the jurisdiction of a local government. A listing of county jails in North Dakota can be found at:  
<http://www.nd.gov/docr/county/jails.html>

## **Application Requirements**

Application requirements defined at 510-03-25 and 510-05-25 apply to individuals applying for coverage under this provision.

## **Individuals Covered - Coverage for Inmates who are Inpatients in a Hospital Setting**

Individuals who are not eligible for Medicaid because they are incarcerated and are inmates with the Department of Corrections and Rehabilitation (DOCR) or with a county jail are eligible for payment of their Medicaid-covered services received while an inpatient in a hospital setting, provided the individual applies for and meets all other eligibility requirements for Medicaid.

1. Individuals who are not aged or disabled will have their eligibility determined based on ACA Medicaid policy defined in Manual Chapter 510-03.
2. Individuals who are aged or disabled will have their eligibility determined based on Non-ACA Medicaid Policy defined in Manual Chapter 510-05.

**Note#1:** Individuals who become incarcerated will have their Social Security and SSI benefits terminated by the Social Security Administration. However, these individuals continue to be considered disabled for Medicaid purposes.

**Note #2:** Individuals who are under age 65, disabled, and do not have Medicare coverage, who fail the asset limits, can have their eligibility determined under ACA Medicaid.

Eligibility begins on the date the inmate is admitted as an inpatient in a medical institution and ends the day they are discharged from the medical institution. Any services received before the inmate is admitted or after the inmate is discharged from the medical institution will not be covered by Medicaid.

Individuals who are:

- greater than age 21 but less than age 65 will be assigned a COE of M072.
- pregnant, under age 21 or aged or disabled will be assigned a COE of M073.

Regardless of the COE assigned, individuals eligible under this provision:

- Will have their inpatient care provided in a hospital setting paid through the Traditional Medicaid Fee for Service benefit plan.
- Will receive notification of their Medicaid ID Number from ND Health Enterprise MMIS;
- Will not be issued a Medicaid ID Card;
- Will not be subject to the inpatient hospital co-payment..

## **Assets - Coverage for Inmates who are Inpatients in a Hospital Setting**

There is no asset test for applicants and recipients whose eligibility is determined under ACA Medicaid. Individuals who are disabled or aged and eligible under Non ACA Medicaid, are subject to the Asset requirements as described in section 510-05-80 of the Non ACA Medicaid manual.

## **Income Considerations - Coverage for Inmates who are Inpatients in a Hospital Setting**

Income calculations for those eligible under ACA Medicaid are defined at 510-03-85. For those eligible under Non-ACA Medicaid the income considerations are defined at 510-05-85.

## **Income Levels - Coverage for Inmates who are Inpatients in a Hospital Setting**

Income levels for those eligible under ACA Medicaid are defined at 510-03-85-40. For those eligible under Non-ACA Medicaid the income levels are defined at 510-05-85-40

## **Budgeting**

Budgeting provisions for those eligible under ACA Medicaid are defined at 510-03-90. For those eligible under Non-ACA Medicaid the budgeting provisions are defined at 510-05-90.

## **System Processing**

The Vision system has been enhanced to process eligibility for these inmates for both ACA and Non-ACA Medicaid. Inmates eligible for this provision will **NOT** be processed in the Mini-App.

A short Computer-based Training (CBT) module titled 'Medicaid Coverage for Inmates Who are Inpatients in a Hospital Setting' has been developed to assist with the training of Eligibility Workers on this provision.

- To access the course, login to PeopleSoft at:  
<https://www.cnd.nd.gov/psp/strp/?cmd=login&languageCd=ENG&>
  - Click on "**my Training**".
  - Click on "**Search Catalog**".
  - Search the Catalog for the title of the course in which you'd like to enroll. For example: 'ACA' course. Once you find the course you want, click [Enroll](#) .
  - Click  . This places the course onto your 'My Learning' list.
  - Click [Launch](#) .

If you come back to the course at a later time, it will be listed in your "My Learning" and you will NOT need to search the catalog or enroll in it again.

For help logging into the system or accessing the course, contact Brenda Heilman at 701-776-5361.

If you have any questions, please contact your Regional Representative.