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Baltimore MD 21201

FIA ACTION TRANSMITTAL

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Effective Date: Immediately

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**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF
MDH HEALTHCHOICE ENROLLMENT UNIT STAFF
ELIGIBILITY DETERMINATION DIVISION STAFF
LOCAL HEALTH DEPARTMENT ELIGIBILITY STAFF**

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**RE: MEDICAL ASSISTANCE ELIGIBILITY PROCEDURES FOR
INCARCERATED INDIVIDUALS**

PROGRAM AFFECTED: MEDICAL ASSISTANCE

ORIGINATING OFFICES: OFFICE OF ELIGIBILITY SERVICES

SUMMARY

This Action Transmittal (AT) revises AT 13-06 and provides procedures to allow incarcerated individuals who had active Medical Assistance (MA) coverage prior to incarceration to remain active in the Clients' Automated Resources and Eligibility System (CARES) and the Maryland Health Connection (MHC) and maintain their certification period.

In the past, when the Local Department of Social Services (LDSS) became aware or were notified that an active recipient of Medical Assistance was incarcerated, the LDSS closed the recipient's Medical Assistance. A new application for MA was required upon release from incarceration. In 2012, Maryland established new procedures to maximize federal financial benefit to the State by allowing eligible inmates access to inpatient hospitalization services through MA on a fee-for-service basis.

This AT provides procedures allowing an incarcerated individual to receive inpatient hospital services covered by MA during any certification period in which he or she was incarcerated. An individual who does not have active MA coverage may be tested for MA eligibility to receive inpatient hospital services while incarcerated. The Department of Public Safety and Correctional Services (DPSCS) will submit an application through

the Maryland Health Connection (MHC) or to the LDSS on behalf of a hospitalized inmate who does not have MA. The Local Health Departments (LHDs) have established working procedures with the Local Detention Facilities in their jurisdictions to provide application assistance to pre-release individuals for continuity of care upon their release. This effort is focused on the MAGI population.

An individual is considered incarcerated when serving time for a criminal offense or confined involuntarily in State or Federal prisons, jails, detention facilities, or other penal facilities. The inpatient exception for incarcerated individuals includes admission to a hospital, nursing facility, juvenile psychiatric facility, or intermediate care facility. See COMAR 10.09.24.05-5A(2)(f).

Existing Policy Continuing in Effect

In 1993, the Secretaries of the Department of Human Services (DHS) and the DPSCS signed an agreement to assist incarcerated individuals who are terminally or chronically ill, in filling out applications for FIA benefits and programs for pre-release. This process initiated through interaction between LDSS staff and DPSCS liaison prior to the inmates' release from incarceration remains unchanged. Refer to AT 05-33 Revised and IM 13-07 Updated Prerelease Contact Lists.

Continue to follow existing policies and procedures when notified that an individual who is active for Family Investment programs **other than MA** has been incarcerated.

ACTION REQUIRED:

Local Department of Social Services Responsibilities

- A. When the LDSS receives notification that an active MA recipient has been incarcerated, the case manager:
 - Narrates in CARES or Adds Case Comments in MHC to the existing information for the active MA case;
 - Follows existing policies and procedures for other applicable Family Investment programs, including updating the individual's address; and,
 - Leaves the incarcerated individual as an active member in CARES on the MA case for the remainder of the certification period. In MHC, the case may auto-renew.
- B. When the LDSS receives verification that the recipient has been released from incarceration during an active certification period of Medical Assistance, the case manager:
 - Narrates in CARES or Adds Case Comments in MHC to the existing information for the active MA case;
 - Follows existing policies and procedures for other applicable Family Investment programs;
 - Leaves the released individual as an active member on the MA case for the

remainder of the active certification period/subject to auto renewal; and

- Notifies the MDH HealthChoice Enrollment Unit of the release through a dedicated email account at mdh.hcenrollment@maryland.gov. Insert the word **"Incarceration"** in the Subject line.

C. When DPSCS sends an application to the LDSS on behalf of an incarcerated non-MAGI individual who does not have an active MA certification period and who has been hospitalized or is eligible for pre-release, the case manager:

- Follows existing pre-release procedures in CARES for non-MAGI individuals transitioning to re-entry;
- Narrates the information and pends the MA case on CARES;
- Follows existing policies and procedures for other applicable Family Investment programs;
- Determines MA eligibility appropriately in the correct coverage group following established policies and procedures;
- Leaves the incarcerated individual as an active MA recipient for the established certification period; and,
- Notifies DPSCS of the eligibility decision.

D. When DPSCS notifies the LDSS that an incarcerated MAGI individual who does not have an active MA certification period is receiving inpatient hospital services and is not eligible for pre-release, the case manager:

- Refers the DPSCS representative (or the DPSCS co-pay case manager as appropriate) to the MHC website (www.marylandhealthconnection.gov) to complete the online application process;
- Adds Case Comments in MHC to indicate that the individual is incarcerated and requires inpatient services once notified by the DPSCS representative that the online application process is completed; and,
- Leaves the incarcerated individual as an active MA recipient subject to auto-renewal.

E. An individual who contests an MHC denial for APTC based on inaccurate incarcerated status can contact MHBE Consolidated Service Center at 1-855-642-8572 (TTY: 1-855-642-8573). When MHC notifies the local department that a previously incarcerated individual has received a false incarceration determination from MHC, the case manager:

- Directs the previously incarcerated individual to appear in person with a photo identification and provide one of the following documents:
 - a. Official release papers from the institution,

- b. Document(s) showing active employment or evidence that they live in the community, such as pay stubs or a lease/utility bill from the last 60 days, or
 - c. A signed affidavit (PDF) attesting either to not being incarcerated or to being in a public institution for a temporary period pending other arrangements appropriate to his or her needs.
- The LDSS, LHD or local Connector Entity
 - a. Uploads the documents to MHC, or
 - b. Mails the documents, with a cover sheet, to the following address:

Maryland Health Connection
P.O. Box 2160
Manchester, CT 06045

Important Reminder:

The Medical Assistance eligibility certification period is established based upon the consideration period, not the period of inpatient hospitalization.

MDH Eligibility Determination Unit (EDD) Responsibilities

- A. When EDD receives notification that an active MA recipient has been incarcerated, the case manager:
 - Narrates in CARES or Adds Case Comments in MHC to the existing information for the active MA case;
 - Updates Screen 8 on MMIS as appropriate for Waiver recipients; and
 - Leaves the incarcerated individual as an active member in CARES on the MA case for the remainder of the certification period. In MHC, the case may auto-renew.
- B. When EDD receives verification that the recipient has been released from incarceration during an active certification period of Medical Assistance, the case manager:
 - Narrates in CARES or Adds Case Comments in MHC to the existing information for the active MA case;
 - Updates Screen 8 on MMIS as appropriate for Waiver recipients;
 - Leaves the released individual as an active member on the MA case for the remainder of the active certification period/subject to auto renewal; and
 - Notifies the MDH HealthChoice Enrollment Unit of the release through a dedicated email account at mdh.hcenrollment@maryland.gov. Insert **Incarceration** in the Subject line.

MDH HealthChoice Enrollment Unit Responsibilities

When MDH receives a report from DPSCS of incarcerated individuals, MDH will change an active Medical Assistance case to fee-for-service pay status on MMIS based on the DPSCS match. The MMIS Dis-enroll Reason (**Disenrol Rsn**) field on Screen 9 will be changed to reflect **B4** and the Dis-enroll Source (**Disenrol Src**) field will be changed to reflect **I**. (An inmate in CARES will stay active for the remainder of the certification period, while an MHC case will auto renew.)

Please note: MDH does not receive an automated notification when the recipient is released. The MDH HealthChoice Enrollment Unit is notified by the recipient, a case manager, an MCO, or other departments within MDH that the recipient has been released and would like to be enrolled in an MCO. If the recipient has been released within 120 days of being disenrolled from the MCO, the recipient will be reenrolled back into the previous MCO ten (10) days in the future. Otherwise, the recipient will receive an MCT span on Screen 9 to choose an MCO and will receive a notice to enroll into an MCO if the recipient resides in a MAGI coverage group or will receive an enrollment packet in the mail if the recipient resides in a non-MAGI coverage group. The B4/I disenrollment codes will remain on the previous enrollment span to indicate why the recipient was previously disenrolled.

Department of Public Safety and Correctional Services Responsibilities

When inmates are hospitalized, DPSCS checks the Recipient Eligibility Verification System for current MA eligibility. If an individual does not have active MA, but DPSCS determines him or her to be potentially eligible, DPSCS and its subcontractors:

- Assist the hospitalized inmate with completing the application for MA through the MAGI or non-MAGI process; and
- Supply the following minimum information for application:
 - ✓ Name and phone number of the DPSCS Inmate Liaison assigned to the case,
 - ✓ Address of the DPSCS office,
 - ✓ Verification of Social Security number,
 - ✓ Verification of income, if applicable,
 - ✓ Verification of resources such as bank accounts, life insurance, etc., if applicable, and
 - ✓ Verification that applications for all potential benefits have been made.

Family Investment Administration Responsibilities

FIA provides DPSCS with DHS/FIA applications, online application portal link, and forms

necessary to establish eligibility for FIA programs.

Redeterminations

If the individual is non-MAGI and is still incarcerated when the MA certification period ends, an MA redetermination may not be completed unless the individual is still receiving inpatient care. Upon release from incarceration, the individual will need to file a new application in accordance with the established pre-release agreement with DPSCS. MAGI inmates, who may be auto renewed regardless of current hospitalization, will need to report a change in order to update their residential address and be re-enrolled with an MCO.

When an incarcerated individual is released and has active Medical Assistance eligibility, the recipient will remain in fee-for-service until the MDH HealthChoice Enrollment Unit is notified that the recipient has been released and the release is verified. The LHD will assist, on-site, with the completion of applications for pre-release individuals to ensure eligibility and enrollment in Health Choice before the individual is released into the community in need of follow-up care and prescriptions. In CARES, the MA redetermination will be handled during the established redetermination cycle. In the MHC, the renewal will occur according to the established redetermination cycle.

INQUIRIES: Please direct Medicaid policy questions to MDH Division of Eligibility Policy at 410-767-1463 or 1-800-492-5231 (select option 2 and request extension 1463).

cc: MDH Management Staff
DHS Help Desk
FIA Management Staff
Constituent Services