

## **Title 23: Division of Medicaid**

### **Part 102: Non-Financial Requirements**

#### **Chapter 9: Residents of an Institution**

##### *Rule 9.5: Inmates Potentially Eligible for Medicaid*

- A. If an inmate is otherwise eligible, the individual can be approved for covered services received during an inpatient stay for twenty-four (24) hours or longer in a hospital, nursing facility, juvenile psychiatric facility or intermediate care facility. This does not apply to medical facilities on the grounds of or under the control of a penal facility or for services received in an emergency room, urgent care center, clinic or other outpatient setting.
- B. It is not possible for an individual to qualify as a parent or caretaker relative while in inmate status since there is no direct primary responsibility for a child under age eighteen (18) while the individual is incarcerated and separated from the child or children.
- C. Inmates must meet all non-financial and financial eligibility factors of the program for which they are being considered.
- D. If an inmate is otherwise eligible but does not meet citizenship requirements, the inmate is eligible for emergency inpatient services only.

Source: 42 C.F.R. §§ 435.1009, 435.1010.

History: Revised eff. 08/01/2026. Revised eff. 08/01/2020.

##### *Rule 9.8: Inmate Application Process*

- A. Inmates residing in a prison, detention center, local jail or institution for mental diseases (IMD) may file an application for Medicaid while residing in the public institution. Applications are accepted and processed for eligibility if covered inpatient hospital services have been received. If the applicant has not received inpatient services at the time of application but the applicant is otherwise eligible, eligibility is suspended until such time as the individual is released from the public institution. During the periods of suspension, annual reviews will be conducted. Inmates whose release is imminent may file an application or have their suspended eligibility reviewed for Medicaid coverage in all available coverage groups in order to have Medicaid eligibility upon release. The Central Office of the Division of Medicaid coordinates pre-release applications with the specific public institution.
- B. Inmates who have had their eligibility suspended while in a public institution or IMD have eligibility reviews conducted annually.

Source: 42 U.S.C. § 1396.

History: Revised eff. 08/01/2026. Revised eff. 08/01/2020.

## Title 23: Division of Medicaid

### Part 102: Non-Financial Requirements

#### Chapter 9: Residents of an Institution

##### *Rule 9.5: Inmates Potentially Eligible for Medicaid*

~~A. Admittance as an inpatient in to a hospital, nursing facility, juvenile psychiatric facility or intermediate care facility for twenty four (24) hours or longer is categorized as inpatient care which interrupts inmate status.~~

~~BA.~~ If an inmate is otherwise eligible and inmate qualifies in an allowed group, the individual can be approved for covered services received as during an inpatient stay for twenty-four (24) hours or longer in a hospital, nursing facility, juvenile psychiatric facility or intermediate care facility care. This does not ~~include~~ apply to medical facilities on the grounds of or under the control of a penal facility or for services received in an emergency room, urgent care center, clinic or other outpatient setting.

~~C. When determining inmate eligibility, Medicaid coverage is limited to those eligible in the following allowed groups:~~

~~— 1. Children under age nineteen (19).~~

~~2. Pregnant women. Infants born to Medicaid eligible inmates are deemed fully Medicaid eligible for the first year, even during the time the infant lives with the inmate in the public institution.~~

~~— 3. Disabled individuals.~~

~~— 4. Aged individuals with no previous Medicare entitlement.~~

~~DB.~~ It is not possible for an individual to qualify as a parent or caretaker relative while in inmate status since there is no direct primary responsibility for a child under age eighteen (18) while the individual is incarcerated and separated from the child or children.

~~EC.~~ Inmates must meet all non-financial and financial eligibility factors of the program for which they are being considered.

~~FD.~~ If an inmate is otherwise eligible but does not meet citizenship requirements, ~~but qualifies for Emergency Services in an allowed group;~~ the inmate is eligible for emergency inpatient services only.

Source: 42 C.F.R. §§ ~~435.1008-1009~~ through 435.1010.

History: Revised eff. 08/01/2026. Revised eff. 08/01/2020.

*Rule 9.8: Inmate Application Process*

- A. Inmates residing in a prison, detention center, local jail or institution for mental diseases (IMD) may file an application for Medicaid while residing in the public institution. Applications are accepted and processed for eligibility if covered inpatient hospital services have been received. If the applicant has not received inpatient services at the time of application but the applicant is otherwise eligible ~~in an allowed covered group (see Rule 9:5 (C))~~, eligibility is suspended until such time as the individual is released from the public institution. During the periods of suspension, annual reviews will be conducted. Inmates whose release is imminent may file an application or have their suspended eligibility reviewed for Medicaid coverage in all available coverage groups in order to have Medicaid eligibility upon release. The Central Office of the Division of Medicaid coordinates pre-release applications with the specific public institution.
- B. Inmates who have had their eligibility suspended while in a public institution or IMD have eligibility reviews conducted annually.

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