
Medicaid Eligibility for Inmates of Jails and Prisons

UPDATED
September 2014



Division of Medical Assistance Programs

Federal law and inmate eligibility

- In general, federal law does not allow federal Medicaid funds to be spent on medical care for inmates of public correctional institutions, even if they are Medicaid-eligible.
- This applies irrespective of adjudication status.
- This federal spending is called federal financial participation (FFP), and the funds to the state are called the Federal Medical Assistance Percentage (FMAP).
- However, Medicaid eligibility may be suspended for inmates; and FFP may be used to pay for care received while the incarcerated individual is an *inpatient in a medical institution*, outside the correctional facility.

Inpatient – Definition (42 CFR § 435.1009)

- Inpatient - a patient who has been admitted to a medical institution as an inpatient on recommendation of a physician or dentist and who —
 - 1) Receives room, board and professional services in the institution for a 24 hour period or longer, or
 - 2) 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.

Medical institution – Definition (42 CFR § 435.1009)

- Medical institution - 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.

State implementation of the federal inpatient exception

- Oregon has traditionally terminated (not suspended) Medicaid eligibility for inmates and, therefore, claimed no FFP for inmate inpatient stays.
- Using FFP can create savings to correctional budgets for inpatient care of Medicaid-eligible inmates. To be eligible for FFP:
 - The inmate must qualify for Medicaid eligibility, and
 - The services provided must be included in the State's approved Medicaid State Plan or Demonstration Waiver.
- Two recent state laws allow Oregon to start using this exception.

State Law and Inmate Eligibility

HB 3536 (2011)

- Allows DHS/OHA to suspend, instead of terminate, the Medicaid eligibility of a person:
 - Who becomes an inmate of a local correctional facility, and
 - Who is expected to remain in the local correctional facility for no more than 12 months.
- Eligibility is reinstated when the person is no longer an inmate.

HB 2087 (2013)

- Allows state and local correctional facilities to sign and submit a Medicaid application on behalf of an inmate (during incarceration).
- Facilities may obtain information necessary to determine eligibility, including Social Security number or other information not otherwise subject to disclosure under ORS 411.320 or 413.175.
- The information may be used only for the purpose of applying for medical assistance and may not be re-disclosed without the person's authorization.



Guide to Oregon Medicaid Eligibility Determinations for
Inmates under Age 65

NUTS AND BOLTS

Who can use this process?

- County jails may use this process to verify or help determine potential eligibility for Medicaid for inmates under age 65.

Who may be eligible under this process?

- Oregon inmates under age 65 who:
 - Have inpatient hospitalizations during their incarceration, or
 - Will soon be released from incarceration.

How long does eligibility last?

- Medicaid eligibility is effective for 12 months unless there is a change in the individual's circumstances (e.g., new income). In that case, OHA will need to re-determine eligibility based on a new application.
- Retroactive eligibility is possible under certain limited circumstances (up to 90 days prior to the eligibility determination date), providing the individual would have been Medicaid-eligible and the services covered under the Oregon Health Plan at the time.

County jail responsibilities

1. Identify inmates who are scheduled for inpatient hospitalization or release.
2. Review their Medicaid eligibility using the Provider Web Portal at <https://www.or-medicaid.gov>.
1. Notify OHA of eligible or potentially eligible inmates at hospitalization or release.
2. For inmates who need to return to jail after hospitalization, also notify OHA of the return to jail.

Step 1 – Identify inmates no later than:

- 5 calendar days prior to release
- Within 5 calendar of an unscheduled hospitalization
- 20 calendar days prior to a scheduled hospitalization

You will need access to the DMAP Provider Eligibility Portal

DMAP Provider Eligibility Portal

Go to: https://aix-xweb1p.state.or.us/es_xweb/FORMS/?-db=FormTbl.fp5&-lay=Main&-format=Findforms_FMP.htm&-findany

Download Forms:

3970 - EDMS Cover Sheet and

3113 - Provider Enrollment Request for Non-payable Individual Providers (Short Form)

Required fields on Provider Enrollment Form 3970

Form 3970 EDMS Coversheet

- From
- Date
- Phone number
- No of pages
- Check the Provider Enrollment (PE) – 503-378-3074 box

Required fields on Provider Enrollment Form 3113

Form 3113 Provider Enrollment Short Form

- Number 1 – Name of the jail
- Number 2 – list the FEIN that belongs to the county
- Number 13 – list the service location & phone number of the jail
- Number 17 – Provider needs: check the box Provider Web Portal or Automated Voice Response access
- Number 18 – list the date that you want this enrollment to start

Step 2 – Review the inmate’s eligibility

- You will need to enter the inmate’s last name, first name, date of birth, and your date of inquiry (e.g., today’s date) in the Provider Web Portal (PWP) eligibility verification panel at <https://www.or-medicaid.gov>.
 - For more information on the web portal:
<http://www.oregon.gov/oha/healthplan/pages/webportal.aspx>
- Check the “Benefit Plan” section for the following:
 - Benefit plan: **BMH** is OHP Plus (Medicaid).
 - Effective date: This is the date you checked eligibility.
 - End date: If this date is *prior to* the Effective Date, the person stopped being eligible on the End Date. If the date is *the same as* the Effective Date, the person was eligible on the Effective Date.
- If there is a recent record of the person in PWP, notify OHA.
- If there is no record of the person in PWP, consider the person **potentially eligible** and submit application material to OHA.

Step 3 – Notify OHA of eligible or potentially eligible inmates

Eligibility status	What to send	Where to send
Eligible*	Cover sheet	Scan application and cover sheet and submit via: Corrections.5503@state.or.us *
Potentially eligible**	Cover sheet and application material	

***If a Jail does not have a secure email system, send a message to Corrections.5503@state.or.us asking that a secure email be sent to you. Reply to that email, attaching the documents that will remain secure.**

Eligible = Currently or recently eligible (past 12 months). If an inmate does not have a change in circumstances, eligibility remains suspended and if the individual is re-hospitalized during the 12-month certification period, a new application will not be required.

*****If there is no record of the person in PWP, consider the person potentially eligible and submit application material to OHA.***

Step 3 – Required application material for potentially eligible inmates

When to send	<ul style="list-style-type: none">• Within 5 calendar days of release• Within 5 calendar days of unscheduled hospitalization• Up to 20 calendar days prior to a scheduled hospitalization
What to send	<ul style="list-style-type: none">• Cover sheet (DMAP 7100)• Completed OHA 7210 – <i>For inmates scheduled for release, include the inmate's address upon release.</i>• Proof of income, if available• Proof of any other health insurance, if available• Completed MSC 2099, if required

Step 3 – Required application material for potentially eligible inmates – cont.’

Where to send hospitalization applications

Email - Scan application and cover sheet and submit via:

Corrections.5503@state.or.us

Where to send pre-release applications

Fax - OHP Customer Service - 503-373-7493, or **Use the Cover Oregon web portal -**

<https://www.coveroregon.com/>

Where to turn for assistance with applications

- To locate a community application assistance partner near you, please click on <https://www.coveroregon.com/cpa> and use the section at the bottom of the page to search for enrollment assisters by zip code.

Step 4 – Report hospital discharges

When to send	What to send	Where to send
Within 5 calendar days of discharge	Cover sheet (DMAP 7100)	Email - Scan application and cover sheet and submit via: Corrections.5503@state.or.us

OHA AND HOSPITAL RESPONSIBILITIES

OHA responsibilities

- Determine or reinstate eligibility.
- Notify applicant of approval or denial.
- Suspend eligibility post-hospitalization.
- Ensure eligibility status is properly entered in MMIS.
- Ensure inmates are not enrolled in an MCO or CCO.

Hospital responsibilities (for inmate inpatient coverage only)

- Confirm Medicaid eligibility using the Provider Web Portal (within 7 days from the date of application).
- Bill DMAP on a fee-for-service basis.
- If an inmate is released from the hospital prior to a full 24 hours as an inpatient, the hospital may still bill DMAP as long the inmate was originally admitted with the expectation of a 24-hour minimum stay.
- Hospitals may bill DMAP even if the inmate was released from incarceration at the same time as he/she was released from the hospital.
- Do not bill an MCO/CCO. MCO/CCOs are not responsible for inmate health care, and all individuals should be disenrolled from MCO/CCOs during incarceration.

Contacts

- For cover sheet/application processing status: OHP Customer Service
 - Carol Darensburg: 503-378-4149 or Carol.DARENSBURG@state.or.us
- For OHP eligibility and enrollment questions:
 - Vonda Daniels, OHA/DMAP: 541-690-6139 or vonda.daniels@state.or.us
- For application assistance questions:
 - Antonio Torres, OHA/OCCS: 503-602-7108 or antonio.torres@state.or.us
 - Oliver Vera, OHA/OCCS: 503-945-5779 or Oliver.VERA@state.or.us
- For Provider Portal questions:
 - Rudy Trevino, OHA/DMAP Provider Services, 503-945-6693 or Rudy.TREVINO@state.or.us
- For implementation questions:
 - Janna Starr, OHA/DMAP: 503-947-1193 or janna.starr@state.or.us
 - Cherryl Ramirez, Association of Oregon Community Mental Health Programs: 503-399-7201 cramirez@aocweb.org
- Web - Forms, guides, FAQs:
 - www.oregon.gov/OHA/healthplan/Pages/inmate-project.aspx

Guide to Oregon Medicaid Eligibility Determinations for Inmates Ages 65+ -

NUTS and BOLTS



Inmate Hospitalization Process

Who processes the applications for inmates age 65+ with hospitalizations?

- Aging and People with Disabilities (APD) will process these applications for inmates aged 65 and over; and Division of Medical Assistance Programs (DMAP) will process them for inmates under age 65.
- Required information will either be scanned & emailed to DOC.5517@state.or.us, or mailed to:
 - APD Medicaid Unit, Inmate Hospitalization
 - Attn: Chris Angel & Lauren Mitchell*
 - 500 Summer St NE, 1st floor, E12
 - Salem, OR 97301

Required information

- DOC Hospitalization cover sheet, to include:
 - Jail contact name
 - Jail contact phone#, fax# and email address
 - Jail address
 - Inmate name
 - Inmate SID#
 - Hospital name
 - Date inmate admitted to hospital
 - Date inmate discharged from hospital
 - Mother's maiden name (if inmate is born in OR)
 - Inmate's maiden name (in inmate is married female)

Required information – cont.’

- Completed and signed 539A
- Completed and signed 2099, Release for Jail and SSA records
- Signed 539R
- Copy of inmate birth certificate (if inmate born in OR, facility may provide only mother’s maiden name)
- Copy of inmate ID
- Copy of inmate account showing current balance
- Verification of any resources inmate may have (bank accounts, vehicles, etc.)
- Copy of Social Security Card or application for replacement card; or copy of SSN verification via IRS

What will APD do?

- Application packet will be screened by APD and accepted or denied.
- APD will notify Jail of Medicaid approval or denial.
- If accepted, application will be processed and,
- If inmate is Medicaid eligible, case will be opened.

What are the jails' responsibilities?

- Notify APD within 4 days of the inmate's discharge from the hospital, so APD can suspend benefits. Inmate is only eligible for Medicaid reimbursement for date(s) s/he is admitted to hospital.
- If inmate is re-hospitalized within a 12-month period, contact APD Central Office [Chris Angel (chris.s.angel@state.or.us) or Lauren Mitchell (lauren.e.mitchell@state.or.us)]. A new application is not required for a re-hospitalization within 12 months.
- If an inmate will be released from jail via the hospital, the jail will need to follow the agreed upon "Inmate Pre-Release Process," keeping to the specific time frames found in that procedure, which includes instructions for releasing medically fragile inmates, or those inmates who will likely require APD paid services.

Inmate Pre-Release Process

To which inmates age 65+ does the pre-release process apply?

- **Group 1: Medical determination already made**
 - Inmate has been hospitalized within a year of date of release, and has been determined medically eligible. “Suspended case” exists in MMIS.
- **Group 2: No medical determination made**
 - Inmate has not been hospitalized within a year of date of release, and there is no medical determination/case in MMIS.

Group 1 Process

- Jail will notify both OHA and APD of the upcoming release via emails to DOC.5517@dhsoha.state.or.us and vonda.daniels@dhsoha.state.or.us.
- At the same time, jail will submit required documentation (listed below) to APD via email to DOC.5517@dhsoha.state.or.us, or fax to 503-947-5357, or mail to:
APD Medicaid Unit, DOC Pre-Release
Attn: Lauren Mitchell or Chris Angel
500 Summer St NE, 1st floor, E12
Salem, OR 97301

Documentation for Group 1 Process must include:

- Cover page with:
 - Jail contact name
 - Jail contact phone#, fax# and email address
 - Jail address
 - Inmate Name
 - Inmate SID#
 - Inmate's current facility (e.g., OSP)
 - Projected release date

Documentation for Group 1 Process must include – cont.:

- Completed and signed 539A (APD Application Form)
- Completed and signed 539R (Rights and Responsibilities)
- Completed and signed 2099 (Authorization for Use and Disclosure of Information)
- Completed Service Eligibility Assessment Request
- Completed Activities of Daily Living Checklist
- Inmate's medical records, upon request

When does APD need the information?

- APD should receive this information 60 to 30 days prior to release of inmate.
- If information is received less than 30 days prior to release, service eligibility may not be determined by release date.

What will APD do?

- Documentation will be screened and accepted or denied.
- APD will notify jail of service eligibility assessment request approval or denial.
- If accepted, the request will be processed and,
- If inmate is service-eligible, the OHA “**suspended**” **CM case** will be transferred to APD Branch 5517 for the service eligibility assessment.

NOTE: Until coding is created that will allow APD and OHA to have separate medical and service cases, APD will be responsible for the case from the date of case transfer, onward.

Group 2 Process

- Jail will notify both APD and OHA of the upcoming release via emails to DOC.5517@dhsoha.state.or.us and vonda.daniels@dhsoha.state.or.us.
- Jail will fax, email or mail a paper application (7210) to Branch 5503, as per agreed-upon process with OHA, at least 30 days prior to the inmate's projected release date (preferably 60 to 45 days prior to the release date). Vonda will work with Branch 5503 to expedite the processing of the application. OHA will create a **pending CM case** at least 21 days prior to the inmate's projected release date and then notify APD via email to DOC.5517@dhsoha.state.or.us.

Group 2 Process cont.

- At the same time, jail will submit required documentation (listed below) to APD via email to DOC.5517@dhsoha.state.or.us, or fax to 503-947-5357, or mail to:

APD Medicaid Unit, DOC Pre-Release

Attn: Lauren Mitchell or Chris Angel

500 Summer St NE, 1st floor, E12

Salem, OR 97301

Documentation for Group 2 Process to APD must include:

- Cover page with:
 - Jail contact name
 - Jail contact phone#, fax# and email address
 - Jail address
 - Inmate Name
 - Inmate SID#
 - Inmate's current facility (e.g., OSP)
 - Projected release date

Documentation for Group 2 Process to APD must include – cont.:

- Completed and signed 539A (APD Application Form)
- Completed and signed 539R (Rights and Responsibilities)
- Completed and signed 2099 (Authorization for Use and Disclosure of Information)
- Completed Service Eligibility Assessment Request
- Completed Activities of Daily Living Checklist
- Inmate's medical records, upon request

When does APD need the information?

- APD should receive this information 60 to 30 days prior to release of inmate.
- If information is received less than 30 days prior to release, service eligibility may not be determined by release date.

What will APD do?

- Documentation will be screened and accepted or denied.
- APD will notify jail of service eligibility assessment request approval or denial.
- If accepted, the request will be processed and,
- If inmate is service-eligible, APD will transfer the OHA “pending” CM case to APD for the service eligibility assessment.

NOTE: Until coding is created that will allow APD and OHA to have separate medical and service cases, APD will be responsible for the case from the date of case transfer, onward.

For All Inmates – Groups 1 and 2

Communications

- All jail communications with APD will be through the APD Central Office
- [DOC.5517@dhsoha.state.or.us, lauren.e.mitchell@dhsoha.state.or.us or chris.s.angel@dhsoha.state.or.us].
- If/when necessary, the local APD/AAA staff will contact the appointed person at the jail for specific case planning.

Jail will:

- Obtain a potential placement (address) [most will likely require placement in a facility that handles clients with a Level of Care need of 2 or 3]
- Notify potential placement of all inmate's health issues
- Notify potential placement of all inmate's crimes
- Notify APD of the potential placement within 30 days of the projected release date
- Arrange for transportation of inmate to potential placement
- Notify APD immediately upon change or rescission of inmate's Projected Release Date

APD/AAA will:

- Arrange for a Service Eligibility Assessment to occur within 30 days of inmate's projected release date, whenever possible, for inmates with a potential placement plan (i.e., not Homeless or releasing to local Mission)
- Transfer case to local APD office where inmate will be released
- Work with the local DOC RN/office to arrange for assessment date and any special needs (e.g., RN delegation) prior to inmate's release
- Open services, when appropriate

NOTE: Neither Jail nor APD/AAA can guarantee service eligibility prior to the inmate's assessment.

Contacts

- Lauren Mitchell: 503-945-6479 or Lauren.E.MITCHELL@state.or.us

- Chris Angel: 503 945-7034 or Chris.S.ANGEL@state.or.us