Department of Human Resources 311 West Saratoga Street Baltimore MD 21201	**FIA ACTION TRANSMITTAL**
Control Number: 13-06	**Effective Date: Upon Receipt** **Issuance Date: December 7, 2012**

TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF

FROM: ROSEMARY MALONE, EXECUTIVE DIRECTOR, FIA
DEBBIE RUPPERT, EXECUTIVE DIRECTOR, DHMH/OES

RE: MEDICAL ASSISTANCE ELIGIBILITY PROCEDURES FOR INCARCERATED INDIVIDUALS

PROGRAM AFFECTED: MEDICAL ASSISTANCE

ORIGINATING OFFICES: OFFICE OF PROGRAMS

SUMMARY

This Action Transmittal (AT) provides procedures to allow incarcerated individuals who had active Medical Assistance (MA) coverage prior to incarceration to remain active in CARES and maintain their certification period.

In the past, when the Local Department of Social Services (LDSS) became aware of or was notified that an active recipient of Medical Assistance was incarcerated, the LDSS closed the recipient's MA. A new application for Medical Assistance was required upon release from incarceration. Maryland is currently establishing new procedures to maximize MA benefits to the State, by ensuring eligible inmates obtain inpatient hospitalization services through MA.

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

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 10.09.24.05-5B(3)(f).

Existing Policy Continuing in Effect

In 1993, the Secretaries of DHR 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 staff prior to the inmates' release from incarceration remains unchanged. Refer to AT 05-33 Revised and IM 12-03 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 staff responsibilities

A. When the local department receives notification that an active MA recipient has been incarcerated, the case manager:

- Narrates the information in the active MA case,
- Follows existing policies and procedures for other applicable Family Investment programs,
- Leaves the incarcerated individual as an active member on the MA case for the remainder of the certification period.

DHMH receives a daily report from DPSCS of incarcerated individuals. DHMH will automatically change the Medical Assistance case to fee-for-service pay status on MMIS for the remainder of the certification period. The MMIS Dis-enroll Reason (Disenrol Rsn) field on Screen 9 will reflect B4 and the Dis-enroll Source (Disenrol Src) field will reflect I.

B. When the local department receives verification that the recipient has been released from incarceration during an active certification period of Medical Assistance, the case manager:

- Narrates the information in 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.

When DHMH receives notification that the incarcerated individual is released, DHMH will automatically change the Medical Assistance case back to MCO pay status on MMIS for the remainder of the certification period.

C. When the local department receives an application from DPSCS that an incarcerated individual who does not have an active MA certification period has been hospitalized, the case manager:

- Narrates the information and pends the MA case on CARES,
- Follows existing policies and procedures for other applicable Family Investment programs,
- Completes a referral to the State Review Team (SRT) if applicable. Check "**Pre-release**" on the SRT form for expedited SRT processing,
- 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,
- Notifies DPSCS of the eligibility decision.

Case Manager Reminders:

1. The eligibility certification period is established based upon the period of consideration, not the period of inpatient hospitalization.
2. Families and Children's regulations apply if an inmate is under 21. Aged regulations apply if an inmate is 65 or older. A referral to SRT is not needed if the age of an inmate is under 21 or 65 or older.
3. Other than narration, no action is required by the case manager when the inmate is released from the hospital.

State Review Team responsibilities

When the State Review Team (SRT) receives an SRT referral packet for expedited processing for an incarcerated individual who does not have an active MA certification period, SRT staff will:

- Narrate the receipt of the referral packet on CARES,
- Make an independent disability determination within 60 days,

  Note: The incarcerated individual is ineligible to apply for SSA benefits until he or she has documentation of release.

- Notify the local department of the disability decision.

Department of Public Safety and Correctional Services staff 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 contractors:

- Conduct a face-to-face interview for MA with the hospitalized inmate,
- Assist the hospitalized inmate with completing the application for MA,

- 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,
  - ✓ DHR/FIA 700, DHR/FIA 827, DHR/FIA 3368, and OES 06 (if applicable) if a referral to the State Review Team (SRT) is required,
  - ✓ A copy of all medical records that covers the period of 12 months prior to the date of application if a referral to the State Review Team (SRT) is required,
  - ✓ Verification that application for all potential benefits has been made.
- Obtain the incarcerated individual's signature on the application,
- Submit an application and case summary information to the local department for the incarcerated individual,
- As appropriate, contact SSA and obtain verification of the status of SSDI/SSI applications if needed.

Family Investment Administration responsibilities

FIA provides DPSCS with DHR/FIA applications and forms necessary to establish eligibility for FIA programs.

Redeterminations

If the individual is still incarcerated when the MA certification period ends, a MA redetermination may not be completed unless the individual is still receiving inpatient care. The individual will need to file a new application in accordance with the established pre-release agreement with DPSCS upon release from incarceration.

When an incarcerated individual is released and has active Medical Assistance eligibility, no action is required by the local department. DHMH will automatically change the Medical Assistance case back to MCO pay status on MMIS for the remainder of the certification period. The MA redetermination will be handled during the established redet cycle.

Follow existing policies and procedures for other applicable Family Investment programs.

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

DHMH Management Staff	DHR Help Desk
FIA Management Staff	Constituent Services