

**1348 Inmates of Public Institutions**

**01-01-11**

An inmate of a public institution is not eligible for a Medicaid payment.

**Exception:** An inmate in the custody of the Arkansas Department of Corrections or the Department of Community Corrections who has been admitted and received treatment at an inpatient facility may be eligible for a Medicaid payment provided all eligibility requirements are met. Income, resource and categorical eligibility will be determined in accordance with MS 3310, MS 12000 and MS 16000.

Public institution means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

**“Public Institutions” include:**

1. Institutions for the mental diseases which are hospitals, nursing facilities, or other institutions of more than 16 beds that are primarily engaged in providing diagnosis, treatment or care of persons with mental diseases.
2. Institutions for tuberculosis, which are primarily engaged in providing diagnosis, treatment, or care of persons with tuberculosis.
3. Correctional or holding facilities for individuals, who are prisoners, arrested or detained pending disposition of charges, or are being held under court order as material witnesses or juveniles. Correctional facilities include prisons, jails, juvenile detention centers and other facilities operated primarily for the detention of children who are determined to be delinquent. Wilderness camps and boot camps are considered public institutions if a governmental unit has any degree of administrative control.

If an individual in a public institution must be temporarily transferred to a medical treatment or evaluation facility, or if he/she is given temporary furlough, the individual is still considered to be under custody of the penal system and is not eligible for a Medicaid payment (**See above Exception**).

An individual will be considered in a public institution until the indictment against the individual is dismissed or until he/she is released from custody either as “not guilty” or for some other reason (bail, parole, pardon, suspended sentence, home release program, probation, etc.).

**“Public institutions” do not include:**

1. Inpatient psychiatric facilities for individuals under age 21 (22 if an inpatient on the 21<sup>st</sup> birthday) and over age 65.

2. Medical Institutions which are organized to provide medical, nursing and convalescent care, which have the professional staff, equipment and facilities to manage the medical, nursing and other health needs of patients in accordance with accepted standards, and which are authorized under State law to provide medical care. Medical institutions include hospitals and nursing facilities.
3. Intermediate care facilities for the mentally retarded which meet the standards under 42 CFR 483.440(a) for providing active treatment for persons with mental retardation or for persons with related conditions.
4. Child-care institutions which are private, non private or public that accommodate no more than twenty-five children and are licensed by the State or approved by the State agency responsible for licensing or approval of such institutions.
5. Therapeutic Group Homes, Residential Treatment facilities, Emergency Shelters and Therapeutic Foster Homes which meet facility and staffing requirements of the Minimum Licensing Standards for Child Welfare Agencies published by the Child Welfare Agency Review Board.
6. Publically operated community residences that serve no more than 16 residents are facilities that provide some services beyond food and shelter such as social services, help with personal living activities, or training in socialization and life skills. They cannot be on the grounds of or immediately adjacent to any large institution or multiple purpose complexes such as educational or vocational training institutions, correctional or holding facilities, or hospitals, nursing facilities or intermediate care facilities for the mentally retarded.