

2422.10.00 RESIDENTS OF INSTITUTIONS

The Medicaid eligibility of an individual who resides in an institution is governed by the type of institution, in addition to the other eligibility factors. A public institution is an institution that is the responsibility of a municipal, county, state, or federal governmental unit, or over which such a governmental unit exercises administrative control.

Individuals who are serving time for a criminal offense and incarcerated in public correctional institutions such as jails, prisons, and detention facilities including those for juveniles, are not eligible for Medicaid/Hoosier Healthwise. These individuals are defined as “inmates of public institutions”. An individual on parole, or sentenced to home detention except during those times when reporting to a prison for an overnight stay, individuals living voluntarily in a detention center, jail, or county penal facility after their case has been adjudicated and other living arrangements are being made for them (such as a transfer to a community residence) and infants who are permitted to stay in a correctional facility with their inmate mothers are examples of persons who can be eligible for Medicaid if they meet all of the other program requirements.

The following individuals are not eligible for Medicaid:

- Individuals (including juveniles) who are being held involuntarily in detention centers awaiting trial
- Inmates involuntarily residing at a wilderness camp under governmental control
- Inmates involuntarily residing in half-way houses under governmental control
- Inmates receiving care as an outpatient
- Inmates receiving care on premises of a prison, jail, detention center, or other penal setting
- Individuals involuntarily living in state or local corrections-related supervised community residential facilities (operated by a governmental entity or a private entity, i.e.: work release facilities).

If the individual does not have freedom of movement and association while residing at the facility, then the individual does not qualify for Medicaid.

Freedom of movement includes the ability for residents to use community resources (such as libraries, grocery stores, recreation, education, and so on) at will. These individuals can leave in the morning from these facilities and are just required to return by a specific time in the evenings.

The ability to move at will means the residents are able to go about the community with freedom of movement but still abide by the facilities’ house rules.

Structured movement means the residents are only allowed to leave the work release facility for work, court appearances or court ordered programs. These individuals are not able to be in the community at will and are held to a strict time schedule and are also subject to being monitored by program staff while out in the community.

Individuals may be eligible for Medicaid while residing in the types of institutions listed below, public, and private, if they are not inmates as described in the above paragraphs. (Special eligibility considerations for persons in psychiatric facilities are explained in Section 2422.10.05.)

- Nursing facilities providing skilled and/or intermediate levels of care
- Acute care hospitals
- Intermediate Care Facilities for the Mentally Handicapped/Developmentally Disabled (ICF/~~MR~~, IID or CRF/DD)
- Public institutions designed to serve no more than 16 persons and which provide services beyond food and shelter, such as social services, help with personal living activities, or training in socialization and life skills ⁱⁱ
- Public educational or vocational training institutions such as Indiana Schools for the Blind and Deaf and Silvercrest Developmental Center
- Medicaid certified state institutions, or portions thereof, under the direction of the Indiana Family and Social Services Administration, Division of Mental Health (note section 2422.10.05)
- Public residential care institutions such as county homes
- Any other type of privately owned group living arrangement such as a foster home or group home
- Former inmates with freedom of movement, (i.e.: halfway house, work release, etc.) even if there is a curfew in effect, are prohibited from certain locations and sleep in a lock down facility. These residents still have the freedom of movement during the day hours and would qualify for Medicaid.
- Home detention or electronic monitoring in a private home
- Out of State TBI facilities which are Medicaid certified (note section 2406.20.10.05).

ⁱ 42 CFR 435.1009

ⁱⁱ SSA 1905(i)