

APPLE HEALTH (MEDICAID) MANUAL REVISION

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| Revision # | 029 |
| Chapter / Section | Incarceration Overview and Program Options for the Justice Involved |
| Issued Date | 7/25/17 |
| Revision Author | Mark Westenhaver |
| Division | OMEPP |
| Phone | 360-725-1324 |
| Email | mark.westenhaver@hca.wa.gov |

Summary of Revision

Revisions were made to align with the passage of SSB6430 (Medicaid Suspension and Care Coordination for the institutionalized) during the 2016 legislative session.

Apple Health (Medicaid) Manual revision via track changes:

Incarceration Overview

DRAFT July 12, 2017

Background: Prior to July, 2017, ~~individuals incarcerated in a correctional facility were not~~^[KS(1)] ~~eligible for~~ Washington Apple Health (Medicaid) was closed when a person receiving coverage became incarcerated. Following the passage of SSB6430 Medicaid Suspension, the Health Care Authority (HCA) was directed to suspend, not terminate ~~medical benefits~~ Medicaid coverage for individuals in a correctional setting. The bill also directed HCA to accept applications from justice involved (JI) individuals in these settings during their incarceration period. While a JI individual's ~~medical benefits~~ are Medicaid is suspended, their scope of coverage is limited to inpatient hospitalizations lasting longer than 24 hours.

To be eligible for Apple Health, the JI individual must ~~meet~~ program ~~relatable~~ ~~and requirements, including~~ income-~~eligible~~. For individuals in Department of Corrections (DOC) facilities (state prisons), the facility will complete a Medicaid application. For individuals in a City/county jails, the facility may ~~also~~ allow individuals to apply depending upon ~~its~~ ~~the jails~~ available resources (staffing, etc.).

~~On a~~ daily ~~basis, HCA-~~interfaces is run between HCA and -with-DOC records, and with the state-wide Jail Booking and Reporting System (JBRS) to facilitate the ~~suspendsuspension of~~ Medicaid coverage for the incarcerated. Suspended coverage means the individual is eligible for Medicaid, but all claims payment and managed care assignment is suspended while the individual is in custody. For claims payment, suspension means only inpatient claims can be paid. Once An individual is released, full scope Medicaid coverage is reinstated. Justice involved individuals with Medicaid coverage will simultaneously show both a Medicaid and a jail suspension coverage group in ProviderOne. This means the individual is incarcerated and only has coverage for inpatient hospitalization.

DSHS continues to process applications for 1290 related individuals as well as ~~other~~^{(KS(2))} 'Classic' SSI-related cases (aged, or disabled ~~orand~~ entitled to Medicare). An individual who is not age 65 or older, or not eligible for SSI or Medicare, disabled and is relatable to a MAGI medical program should apply for Apple Health through HealthPlanFinder (HPF). There are entities or organizations with staff helping people apply doing this work throughout the state, but the level of services services to support this varies depending upon local area resources.

Applications for the Justice-Involved Individual

Applications for Medicaid generally fall into two groups: individuals currently incarcerated and applications for an inpatient hospitalization. Depending on whether the applicant is ~~aged/disabled or MAGI-related~~ MAGI or non-MAGI, the applications go to either DSHS or HealthPlanFinder (HPF). Clients who are 65 years of age or older, or receive SSI or ABD and/or Medicare recipients need to apply through DSHS. Others and MAGI or family related cases need to apply for MAGI-based coverage in HPF.

In some instances applications are processed prior to the date of release. In the past this was possible due to a signed Memorandum of Understanding (MOU) between the Medicaid agency and the facility. The MOU defines roles and responsibilities of the facility and HCA. The MOU also defines the timeline for when applications can be submitted prior to release. Now that the agency has the capability to suspend Medicaid coverage for those incarcerated in a city, county, or state correctional facility the need for MOUs is diminished. Facilities can now submit an application for Apple Health while the individual is incarcerated ~~and the eligibility systems will process the request~~. For

those who are eligible, coverage is suspended based on incarceration data received nightly. When the individual is released from custody, suspension is lifted automatically and full scope coverage is reinstated.

Medicaid Eligibility while Incarcerated - Suspension

The federal rule for Apple Health does not prohibit having an individual open/active on Apple Health while residing in a correctional facility, but it does prohibit HCA from receiving federal match while the individual is incarcerated. Under current policy, an incarcerated individual can retain their Apple Health **eligibility** indefinitely, however, their **scope of coverage** will change. When an individual is incarcerated HCA suspends full scope coverage and limits it to inpatient hospitalization only. While incarcerated the agency also suspends any payments to managed care organizations, behavioral health organizations, and any other Medicaid-related service authorizations.

Clarifying information regarding inpatient events:

Apple Health coverage for inmates of a public institution (i.e. jail or prison) that are admitted for an inpatient hospitalization or to a chemical dependency treatment facility.

Inmates of public institutions, such as a prison or jail, may be Apple Health eligible if they are categorically relatable and income/resource eligible ~~to~~for an Apple Health program. There is no need to have an inpatient event to be program relatable. Individuals can be determined Medicaid eligible at any time and the system will suspend coverage overnight if incarcerated.

Clarifying information regarding applications while the individual is in a correctional facility or public institution:

Prior to release from a public institution, individuals may apply for public assistance and/or Medicaid. The CSO needs to accept these applications.

1. **Expedited medical assistance for people with mental disorders before release from public institutions.** The enactment of House Bill 1290 in 2005 requires the department to perform expedited eligibility determinations and provide timely access to medical assistance by~~for~~ individuals with mental disorders being released from confinement. The

goal is to provide eligible people with a medical assistance identification card on the date they are released, whenever possible. MAGI-related individuals will most likely apply for Apple Health with the assistance of an IPA or corrections staff. Individuals entitled to Medicare must apply through Washington Connections or use the paper application HCA 18-005.

2. Chemical Dependency Treatment

Individuals may apply for a determination of financial eligibility to allow the institution to arrange for chemical dependency assessment and treatment placement. Accept applications from individuals whose situation is described above and determine eligibility or notify the individual of necessary verification and follow-up.

3. Program Options for Inmates

The Department of Corrections (DOC) and county and city jails have a variety of programs that may be used in placing offenders outside public institutions. The [Program options for the justice involved matrix](#) is intended to clarify how placement in a correctional program affects a person's eligibility for public assistance or Apple Health benefits.

SSI/SSDI suspended by SSA for JI Individuals

Title XVI clients (SSI)

~~The Social Security Administration stops Individuals may lose their an SSI cash benefits, if -an individual is incarcerated for more than 30 days, and reduces it to \$30 if an individual goes into a medical facility for more than 30 days. SSA suspends eligibility for the cash benefit, if the stay continues for up to 12 months. It terminates eligibility for the benefit after 12 months. and be in suspense status with SSA while incarcerated or at the state hospital for up to 12 months. After 12 months, the SSI benefit will terminate. If an individual discharges while still in suspense, Medicaid can be reinstated. SSA will need to do a 'technical review' of their living arrangement, income, and resources; but will not need to do a new disability determination is not needed. The individual will need to must go to SSA in person, however, to get their cash benefits reinstated.~~

SSI terminated prior to discharge. If SSI is terminated while the individual is at the state hospital, then SSA will require a new SSI application and a new disability determination, with the exception of concurrently entitled clients detailed below (i.e., Title XVI and Title II). SSA will accept a new application up to 90 days in advance of an individual's release date.

Title II clients (SSDI)

Individuals who are admitted to the state hospital or prison after conviction of a crime will have their Title II benefits suspended.

SSDI suspended due to IMD stay.

~~SSA considers a~~An individual continues to ~~still be have disabled~~disability status even if the diary date has passed while they were in the hospital or jail. For Medicaid purposes, ~~we can still open~~ SSI related Medicaid can be approved without a new disability decision and consider them disabled. There is no ‘technical review’ for a Title II claim as it is not considered a needs-based payment. For someone who was receiving Title II, but has not yet turned 65 or become eligible for Medicare, an application through HPF should be made first, to see if the person will income eligible for MAGI coverage.

For both SSI and SSDI clients, the individual must be discharged/released from the incarceration setting or hospital before a suspended benefit can be put back into payment status.

Medicare – When Title II closes, Medicare entitlement often continues. However the Part B benefit usually closes for non-payment of premiums.

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Program options for the justice involved

Revised July 5, 2017

The Department of Corrections and city/county correctional agencies have a variety of confinement levels that the justice involved individual may be placed in. The following table is intended to help clarify how participation in a correctional program affects a person's eligibility for Medicaid.

Is this justice involved individual eligible for Medicaid?

| Correctional Type | Medicaid Eligibility - Inpatient Coverage Only* | Medicaid Eligibility - Full Coverage |
|---|---|--------------------------------------|
| Electronic Home Monitoring/Detention (EHD) The justice involved individual resides in their | | X |

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| <p>home and is monitored electronically. The justice involved individual does not occupy a jail or prison bed while in this program.</p> | | |
| <p>Day Jail / Day Reporting The justice involved individual reports at various assigned times throughout a 24 hour period OR are placed on supervised work or community betterment programs during regular work hours. In either situation, the justice involved individual does not occupy a jail or prison bed while in the program.</p> | | X |
| <p>Pre - Trial Supervision / Probation Pre-trial supervision staff monitor the justice involved individual who is released from custody by the court pending the outcome of their trial and they do not occupy a jail or prison bed.</p> | | X |
| <p>District Court Probation District Court Probation Officers monitor the justice involved individual who is convicted of or are pending trial for misdemeanor charges. The justice involved individual does not occupy a jail or prison bed.</p> | | X |
| <p>DOC Community Supervision Community Corrections Officers monitor the justice involved individual who is convicted of felony charges. The justice involved individual does not occupy a jail or prison bed.</p> | | X |
| <p>Drug Court A court-ordered program in which the justice involved individual with drug-related charges voluntarily chooses to participate in chemical</p> | | X |

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| <p>dependency treatment. The individual may have their charges dismissed if they successfully complete the program. The individual does not occupy a jail or prison bed.</p> | | |
| <p>Work Release in City/County Facilities Justice involved individuals who are housed in a work release facility, jail, or corrections facility and are authorized to leave the facility for purposes of employment, education, court-ordered treatment or employment search. The justice involved individual does occupy a corrections bed while in this program. Most county work release programs operate under this model. For DOC work release eligibility, please refer to Supervised Community Residential Facility/Halfway House / DOC Work Release</p> | <p>X</p> | |
| <p>Work Crews / Community Betterment This program is offered to select justice involved individuals. The program includes working in the community on various public or non-profit programs. The individual does occupy a corrections bed while in this program. There may be exceptions for those not occupying a corrections bed while in this program.</p> | <p>X</p> | |
| <p>Supervised Community Residential Facility/Halfway House / DOC Work Release **see note below The justice involved individual is housed in state or local corrections-related supervised community residential facility which allows for ‘<i>freedom of movement</i>’ to: 1) work outside the facility in employment opportunities available to individuals who are not under justice system supervision, 2) use community resources at will (libraries, grocery stores, recreation, etc.) and 3) seek health care treatment in the broader community to the same or</p> | | <p>X</p> |

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| <p>similar extent as other Medicaid enrollees. The residential facility may be public or privately operated. These facilities may have “house rules” where for example residents may be required to report during certain times and sign in and out. Similarly, they may be restricted from travelling to or frequenting locations associated with criminal activity. The majority of state operated (DOC) work release programs use this model. Please refer to the list of approved work release facilities.</p> | | |
| <p>Residential Re-Entry Centers (RCC) – Federal Corrections Facility A justice involved individual housed in a RCC does not have freedom of movement and is only authorized to leave the RCC through sign-out procedures for approved activities, such as seeking employment, working, counseling, visiting, or recreational purposes. During the approved activity, the inmate's location and movements are constantly monitored and RCC staff may visit or call them at any time.</p> | <div data-bbox="992 751 1401 909" style="border: 1px solid black; padding: 5px; color: red; text-align: center;"> <p>No coverage - these are federal facilities and the cost of medical care is the responsibility of the Federal Government.</p> </div> | |
| <p>Voluntary and Temporary Residence in a Public Institution This includes justice involved individuals who are residing in a public institution or detention center for a temporary period of time voluntarily after their case has been adjudicated and arrangements are being made for their transfer to a community residence. The justice involved individual must be free to leave and is voluntarily residing there pending other appropriate arrangements based on their needs.</p> | | X |
| <p>Residents in a Mental Health Facility or IMD Individuals (justice involved and general public) who are between the ages of 22 and 64 and are a</p> | X | |

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| patient of an Institution for Mental Diseases (IMD) where there are over sixteen beds (e.g. Western State) for more than 15 days in a given month. | | |
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*Inpatient hospital events; must be admitted for 24 hours or more

**List of DOC work release facilities that are approved living situations are:

Ahtanum View – Yakima County

Bellingham – Whatcom County

Bishop House – King County

Brownstone – Spokane County

Clark County – Clark County

Eleanor Chase House – Spokane County

Helen B Ratcliff – King County

Longview – Cowlitz County

Olympia – Thurston County

Peninsula – Kitsap County

Progress House – Pierce County

Reynolds – King County

Tri-Cities – Benton County

Only DOC Facilities that are unapproved are: Lincoln and Rap Houses in Pierce County.

[**List of City/County Jail work release facilities that are approved living situations are:](#)

~~NOTE: Seattle/King County also operates a work release program that qualifies as a program with ‘freedom of movement’ and thus participants can be eligible for Apple Health the same as the above DOC WR participants.~~

[Seattle/King County](#)

[Thurston – Thurston County](#)

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