



CMA 302-3

Incarcerated Individuals

Supersedes: N/A

Reference: 42 CFR 435.907, .1010; 42 CFR 433.112; P.L. 117-328

Overview: Facilitating enrollment in Medicaid, for individuals not already Medicaid eligible, while individuals are incarcerated supports access to services following incarceration and has the potential to help individuals with disabilities obtain critical community services to avoid crises and unnecessary institutionalization.

Individuals eligible for Medicaid at the time of incarceration should not have their Medicaid terminated but will be suspended during the time of their incarceration. They are eligible for inpatient hospital services only.

An incarcerated individual, regardless of age, is an individual held involuntarily by law enforcement authorities in a carceral setting.

This policy applies to eligible individuals held in carceral facilities to include:

- State or Federal Prisons
- Local jails
- Tribal jails and prisons
- Detention facilities
- Other penal settings

It will be necessary to get more information about the client's status in some of these settings.

HMK Plus/HMK Eligibility

For those under age 19 the filing unit must include

- natural, adoptive and stepparents and
- siblings under age 19

Exception: if the child is in CFSD or court control, they will need to be processed on their own case.

Due to different carceral settings for children, an email should be sent to the Special Programs Unit for a possible suspension to be entered. hhsdocma@mt.gov

- If they apply while incarcerated, they can be eligible for HMK Plus, but a suspension span is entered.
- If they apply while incarcerated, they **cannot** be determined newly eligible for HMK, unless they are 30 days from release. (This is because incarceration is a criterion of eligibility.)

If the client is on HMK Plus or HMK when they become incarcerated, they are not closed unless there is another reason for closure. Children will remain in their continuous eligibility span.

When a release date is received, the client is eligible for certain services, including early and periodic screening, diagnostic and treatment (EPSDT). Coverage must continue for a minimum of 30 days post release.

Incarcerated individuals in pre-adjudication do have a suspension span entered.

Note: If an application is received and a parent or guardian is not available to sign and submit the application on behalf of a minor child who is incarcerated, an adult acting responsibly may apply on behalf the minor and can sign and submit the application. This could include an adult who is not the minor's parent or legal guardian but who is assisting or taking care of the minor. If the incarcerated individual is under 19, the parents 'or guardians' information is required before a determination of eligibility can be made.

Renewals

Individuals who are incarcerated will not close unless closing for a reason other than incarceration. If the individual is aged 19 or over and not in a CE period, the state must redetermine eligibility prior to release unless the last redetermination occurred after individual was incarcerated and within 12 months of the date of release.

- **Eligible Juveniles**

If the child remains incarcerated after their Continuous Eligibility (CE) period ends and the state has not completed a redetermination within the past 12 months, the state is required to complete a redetermination of eligibility prior to the child's release.

If the child is in a CE period when they are released, a renewal is not required until their CE period ends.

**See Business Processes: Incarceration and Medicaid Processing,
Prisoner Match**

Effective Date: 01/01/2025